COMMISSION DECISION

of 31 October 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Kevex micro-X analytical spectrometer, model 7000/45'

(79/980/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials (1),

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75 (2), and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 26 March 1979, the Government of the Federal Republic of Germany requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether or not the apparatus described as 'Kevex micro-X analytical spectrometer, model 7000/45', used for research in the field of criminal investigation and forensic science, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community ;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States met on 18 June 1979 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination showed that the apparatus in question is an energy-dispersive X-ray spectrometer ; whereas in view of its objective technical characteristics such as the stability, sensitivity and accuracy, and the use to which it is put, this apparatus is specially suited to pure scientific research ; whereas it must therefore be considered to be a scientific apparatus ;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community ; whereas this applies, in particular, to the 'EDX-290', manufactured by Link Systems Ltd, Halifax Road, High Wycombe, Buckinghamshire, United Kingdom,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Kevex micro-X analytical spectrometer, model 7000/45' is considered to be a scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of Council Regulation (EEC) No 1798/75 of 10 July 1975 for admission free of Common Customs Tariff duties of the scientific apparatus described in paragraph 1 are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 October 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

(1) OJ No L 184, 15. 7. 1975, p. 1.
(2) OJ No L 316, 6. 12. 1975, p. 17.