COMMISSION DECISION

of 29 October 1980

finding that since 1 January 1979 the conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described as 'Varian UV/Vis spectrophotometer, model Cary 118 C' have not been fulfilled

(80/1062/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), as amended by Regulation (EEC) No 1027/79 (2),

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 (3), and in particular Article 7 thereof,

Whereas, by letter dated 23 April 1980, the Government of Italy has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Varian UV/Vis spectrophotometer, model Cary 118 C', to be used for research into the conformation properties of proteins in solution and in particular for observing the spectral differences in chromophores under dynamic or static conditions, 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 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 9 October 1980 within the framework of the Committee on Duty-Free Arrangements to examine the matter ;

Whereas this examination showed that the apparatus in question is a spectrophotometer ;

Whereas its objective technical characteristics such as the great photometrical precision in the visible and the ultra-violet area and the use to which it is put make it specially suited to scientific research ; whereas, moreover, apparatus of the same kind are principally used for scientific activities ; whereas it must therefore be considered to be a scientific apparatus ;

Whereas, 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, since 1 January 1979, in the case of the apparatus 'SP8-250' manufactured by Pye Unicam Ltd, York Street, UK-Cambridge CB1 2PX ;

Whereas 'Varian UV/Vis spectrophotometer, model Cary 118 C' was ordered on 26 July 1977 ; whereas it was not possible at that time for Community manufacturers to supply an apparatus of equivalent scientific value to that for which duty-free admission is requested ; whereas relief from import duty is therefore justified in respect of the apparatus in question ; whereas the granting of such relief must, however, be limited to cases where the order for the apparatus was placed prior to 1 January 1979,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Varian UV/Vis spectrophotometer, model Cary 118 C' is considered to be a scientific apparatus.

2. The conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described in paragraph 1 have ceased to be fulfilled since 1 January 1979. Apparatus ordered prior to that date may, however, be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 October 1980.

For the Commission

Étienne DAVIGNON

Member of the Commission

(1) OJ No L 184, 15. 7. 1975, p. 1.
(2) OJ No L 134, 31. 5. 1979, p. 1.
(3) OJ No L 318, 13. 12. 1979, p. 32.