COMMISSION DECISION

of 25 January 1980

establishing that, since 1 November 1977, the conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described as 'Farrand-Spectrofluorometer MK 1' have not been fulfilled

(80/205/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 25 July 1979, the Government of the Federal Republic of Germany requested the Commission to invoke the procedure at present laid down in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Farrand-Spectrofluorometer MK 1' to be used, in particular, in the framework of the following research :

— structural analyses of proteins and protein — lipide interaction,

— measurement of fluorescence spectra and fluorescence dying-out time of organic molecules at variable temperatures approaching absolute zero,

— measurement of the total content of algai pigments in living algai,

— selective measurement of individual pigments on the basis of the emission spectra,

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 10 January 1980 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination showed that the apparatus in question is a fluorescence spectrometer ; whereas its objective technical characteristics such as the sensibility, the stability, the reproducibility and the use to which it is put make it specially suited to scientific research ; whereas apparatus of the same kind are principally used for the realization of 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 November 1977, to the apparatus 'JY 3 CI' manufactured by the firm Jobin Yvon, 16-18, rue du Canal, F-91160 Longjumeau ;

Whereas the spectrometer in question was the subject of three orders, made respectively on 18 May 1976, 20 April and 20 September 1977 ; whereas it was not possible at that time for Community manufacturers to supply a spectrometer 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 November 1977,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Farrand-Spectrofluorometer MK 1' 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 are not fulfilled. Apparatus ordered prior to 1 November 1977 may,

(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.

however, be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 January 1980.

For the Commission

Étienne DAVIGNON

Member of the Commission