COMMISSION DECISION

of 13 February 1980

establishing that the conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described as 'Perkin-Elmer atomic absorption spectrophotometer, model 5000' are not fulfilled

(80/267/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 10 August 1979, the Italian Government 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 'Perkin-Elmer atomic absorption spectrophotometer, model 5000', to be used in research and in particular for the determination of polluting metals and toxic products in even trace amounts, 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 5 February 1980 within the Committee on Duty-Free Arrangements to examine this particular case;

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

Whereas its objective technical characteristics such as the very high sensibility of the spectrum and the use to which it is put make it specially suited to scientific research; whereas indeed, 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, 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 apparatus 'SP 2900' manufactured by Pye Unicam Ltd, York Street, Cambridge, England,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Perkin-Elmer atomic absorption spectrophotometer, model 5000' 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.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 February 1980.

For the Commission

Wilhelm HAFERKAMP

Vice-President

(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.