COMMISSION DECISION

of 18 February 1980

establishing that the conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described as 'Quanta-Ray, DCR Laboratory Laser System' are not fulfilled

(80/291/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 13 August 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 'Quanta-Ray, DCR Laboratory Laser System' intended to be used for research work in the field of multiphoton spectroscopy of organic molecules and, especially, by virtue of its high light intensity, for exciting and examining molecules by non-linear quantum processes, 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 laser attached to a resonator ; whereas its objective technical characteristics such as high light intensity and photon-beam quality, 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, to the 'Laser YAG YG 481 C' apparatus manufactured by the firm Quantel, 17, avenue de l'Atlantique, F-91402 Orsay and, as from 1 December 1978, the 'DLPY 3' apparatus manufactured by the firm JK Lasers Ltd, Somers Road, UK-Rugby, Warwickshire,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Quanta-Ray, DCR Laboratory Laser System' 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, 18 February 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.