COMMISSION DECISION

of 18 February 1980

establishing that since 1 July 1978 the conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described as 'Varian-Nuclear Magnetic Resonance Spectrometer, model XL 100', have not been fulfilled

(80/292/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 Government of Italy 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 'Varian-Nuclear Magnetic Resonance Spectrometer, model XL 100', intended to be used on research in the fields of organic chemistry, the chemistry of compounds with biological or pharmaceutical activities, macro-molecular chemistry, catalysis and the chemistry of coordination compounds, and in particular for the analysis of aliphatic polymers and corresponding compounds with a low molecular weight as well as for the identification of stereo-isomers, 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 spectrometer ; whereas its objective technical characteristics such as the very high resolution power, 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 considereed 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 July 1978, to the 'WP 100' apparatus manufactured by the firm Bruker Spectrospin, 34, rue de l'Industrie, F-67160 Wissembourg ;

Whereas the abovementioned spectrometer was ordered on 19 April 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 July 1978,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Varian-Nuclear Magnetic Resonance Spectrometer, model XL 100', 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 July 1978 may, however, be imported free of Common Customs Tariff duties.

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.