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 'Canberra-Multichannel Analyzer, model 3100', are not fulfilled

(80/293/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 the Decision of 28 February 1978 (4), the Commission excluded from admission free of Common Customs Tariff duties the scientific apparatus described as 'Scorpio System 3000 multi-unibus disk-based multichannel analyzing computer system' because apparatus of scientific value equivalent to the said apparatus and capable of being used for the same purposes were manufactured in the Community;

Whereas, by the Decision of 13 July 1979 (5), the Commission refused to accept the scientific character of the apparatus described as 'Canberra-Scorpio 2000 MCA System' and abolished the abovementioned Decision of 28 February 1978 because, taking into account the technical developments for this category of apparatus, the apparatus in question could no longer be regarded as a scientific apparatus;

Whereas, by letter dated 15 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 'Canberra-Multichannel Analyzer, model 3100', intended for use particularly in the following research work:

— measurement of gamma spectra,

— pulse-height spectra analysis of germanium detectors,

should be considered to be a scientific apparatus, having regard to the abovementioned Decision of 13 July 1979, and, if the reply is in the affirmative, to check whether, in accordance with the information based on the abovementioned Decision of 28 February 1978, apparatus of scientific value equivalent to that of the apparatus described as 'Canberra-Multichannel Analyzer, model 3100', are currently being manufactured in the Community, as there are differences between the abovementioned apparatus and apparatus manufactured in the Community, in particular as regards precision, resolution power and screen size;

Whereas, in accordance with the provisions of Article 7 (5) Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 4 December 1979 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination showed that the apparatus manufactured in the Community can give an output similar to that expected from the apparatus described as 'Canberra-Multichannel Analyzer, model 3100', in particular as regards precision, resolution power and screen size; whereas this applies, in particular, to the 'Modular 8000' apparatus since 1 January 1970, to the 'Nim 8001' apparatus since 1 January 1976, to the 'Compact 8002/8004' apparatus since 1 January 1976 and to the 'Scout/Premium' apparatus since 1 January 1979, all manufactured by the firm Montedel-Div. Laben, via Bassini 15, I-29133 Milano, and also to the 'Cosynus 60' apparatus of the firm Enertec-Schlumberger, 1 rue Nieuport, F-78140 Velizy-Villacoublay, since February 1979,

HAS ADOPTED THIS DECISION:

Article 1

The conditions required for the admission free of Common Customs Tariff duties of the apparatus

(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.
(4) OJ No L 74, 16. 3. 1978, p. 39.
(5) OJ No L 199, 7. 8. 1979, p. 40.

described as 'Canberra-Multichannel Analyzer, model 3100', 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