COMMISSION DECISION

of 3 March 1980

establishing that the conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described as 'ETEC Autospec WD/ED X-ray spectrometer' are not fulfilled

(80/326/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 3 September 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 'ETEC Autospec WD/ED X-ray spectrometer', to be used in particular for the submicroscopic study of the surfaces of samples of animal and vegetable tissues, microorganisms, minerals and processed metals, 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 an X-ray spectrometer ; whereas its objective technical characteristics and, in particular, the resolution realized during the spectral analysis and the use to which it is put make it specially suited to scientific research ; whereas apparatus of the same kind is 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, is currently being manufactured in the Community ; whereas this applies, in particular, since 1975, to the 'energy dispersive X-ray microanalyzer, system 860' apparatus manufactured by Link Systems, Halifax Road, High Wycombe, Buckinghamshire HP12 3SE, United Kingdom,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'ETEC Autospec WD/ED X-ray spectrometer' 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, 3 March 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.