COMMISSION DECISION

of 14 April 1980

finding that the conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described as 'Ortec-Ge (Li) Coaxial Detector, model 8101-2021 T', are not fulfilled

(80/468/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 9 October 1979, the German Government has requested the Commission to invoke the procedure now provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Ortec-Ge (Li) Coaxial Detector, model 8101-2021 T', to be used for high-resolution spectrometry for the detection of activated trace elements, 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 26 February 1980 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is a germanium-lithium detector;

Whereas its objective technical characteristics, which enable it to achieve extremely good spectroscopy over a wide energy range, and the use to which it is put, make it specially suited to scientific research; whereas, moreover, apparatus of the same kind is principally used for 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, to the apparatus 'Coaxial Detector Ge (Li), series EGL', manufactured by Enertec-Schlumberger, 1, rue Nieuport, 78140 Velizy-Villacoublay, France, to the apparatus 'ACO 200', 'ACO 201' and 'ACO 210', manufactured by Harshaw Chemie BV, Strijkviertel 67, 3454 ZG de Meern, Netherlands, and on request, Montedel Laben, via Bassini 15, Milan, Italy, also manufactures equivalent apparatus,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Ortec-Ge (Li) Coaxial Detector, model 8101-2021 T', is considered to be a scientific apparatus.

2. However, 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, 14 April 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.