COMMISSION DECISION

of 12 May 1980

finding that the conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described as 'Varian-Automated Auger Microprobe, model 981-2850', are not fulfilled

(80/528/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 19 November 1979, the Belgian 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 'Varian-Automated Auger Microprobe, model 981-2850', intended to be used for research into the physical structure and chemical composition of surfaces, and in particular for microanalysis of thin layers in the study of corrosion, diffusion, fusion, electrochemistry, solar energy and the properties of ferritic steel, should be considered to be a scientific apparatus and, if 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 27 March 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 spectrometer ;

Whereas its objective technical characteristics such as its resolution and sensitivity and the use to which it is put make it specially suited to scientific research ; whereas, moreover, apparatus of the same kind are 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, since 1 January 1977 to the apparatus 'ASC 2000' manufactured by Riber Division d'Instruments SA, 22a boulevard de l'hôpital Stell, F-92505 Rueil Malmaison, and since 1 March 1978 to the apparatus 'MA 500 Auger Lab' manufactured by VG Scientific Ltd, the Birches Industrial Estate, Imberhome Lane, UK-East Grinstead, Sussex,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Varian-Automated Auger Microprobe, model 981-2850', 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, 12 May 1980.

For the Commission

Antonio GIOLITTI

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.