COMMISSION DECISION

of 22 May 1980

finding that the conditions required for the admission free of Common Customs Tariff duties of the scientific apparatus described as 'Packard-Auto-Gamma Spectrometer, model 5921 S, with teletype' are not fulfilled

(80/547/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 13 November 1979, the Government of the Federal Republic of Germany 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 'Packard-Auto-Gamma Spectrometer, model 5921 S, with teletype', to be used for simultaneous measurement of various isotopes and in particular for accurate quantitative measurement of the conversion and incorporation of these isotopes in biological structures, 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 29 April 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 multichannel gamma counter;

Whereas its objective technical characteristics, such as the number of channels 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, are currently being manufactured in the Community; whereas this applies, in particular, since 1 June 1977, to the apparatus 'CG 4000' combined with the apparatus 'IN 45' manufactured by Kontron Analytique, 6, rue des Trèves Caudron, 78140 Vélizy, France and, since 1 November 1979, to the apparatus 'PW 4800' manufactured by Philips Nederland BV, Boschdijk 525, Eindhoven, the Netherlands,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Packard-Auto-Gamma Spectrometer, model 5921 S, with teletype' is considered to be a scientific apparatus.

2. However, the conditions required for the admission free of Commons 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, 22 May 1980.

For the Commission

Étienne DAVIGNON

Member of the Commission

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(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.