

COMMISSION DECISION**of 16 June 1978****excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Packard tri-carb liquid scintillation system, model 2650'****(78/596/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⁾,

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 16 January 1978, the German Government requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether or not the apparatus described as 'Packard tri-carb liquid scintillation system, model 2650' should be considered to be a scientific apparatus, and where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States met on 19 May 1978 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus in question is a liquid scintillation counter for measuring the radioactivity of samples in the framework of research work particularly in the fields of pharmacology, physiological chemistry, veterinary pathology and molecular biology; whereas it allows in particular

the absolute determination of the radioactivity of alternative extinction samples; whereas its characteristics and the use for which it is intended make it an instrument especially suited to pure scientific research; whereas, therefore it must 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 use for the same purpose, is currently manufactured in the Community,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Packard tri-carb liquid scintillation system, model 2650' must be considered to be a scientific apparatus.
2. The conditions referred to in Article 3 (1) (b) of Council Regulation (EEC) No 1798/75 of 10 July 1975 for 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, 16 June 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.