

## COMMISSION DECISION

of 13 April 1978

allowing admission free of Common Customs Tariff duties of scientific apparatus described as 'JEOL spectrometer routine/high performance FX 60/FT NMR'

(78/412/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<sup>(1)</sup>,

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<sup>(2)</sup>, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 14 October 1977, the Belgian 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 'JEOL spectrometer routine/high performance FX 60/FT NMR' should be considered as 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 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all of the Member States met on 29 March 1978 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus is a spectrometer used for determining the parameters governing the reactivity of organic compounds; whereas it permits the automatic measurement of relaxation times, particularly in the field of weak interactions, and furthermore enables experiments to be carried out on chemically induced dynamic nuclear polarization;

Whereas its characteristics and the use for which it is intended make it a device specially suited to pure scientific research, and it therefore has the character of scientific equipment;

Whereas information gathered in the Member States has shown that apparatus of equivalent scientific value

and capable of being used for the same purpose has been manufactured in the Community, within the meaning of Article 3 (3) of Regulation (EEC) No 1798/75, only since 1 January 1978; whereas, when an order was placed for the apparatus on 23 February 1976, it was not possible at that time for Community manufacturers to supply equipment of equivalent scientific value to that of the apparatus for which duty-free admission is requested; whereas exemption from import duty is therefore justified in respect of the apparatus in question; whereas the grant of such exemption must however, be limited to cases where the order for the apparatus was placed prior to 1 January 1978,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The apparatus designated 'JEOL spectrometer routine/high performance FX 60/FT NMR' must be considered to be a scientific apparatus.
2. The apparatus referred to in paragraph 1 above fulfils the requirements of Council Regulation (EEC) No 1798/75 of 10 July 1975 on importation free of Common Customs Tariff duties.

*Article 2*

The provisions of Article 1 (2) are applicable only to those units of the apparatus in question for which an order was placed before 1 January 1978.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 13 April 1978.

*For the Commission*

Étienne DAVIGNON

*Member of the Commission*

<sup>(1)</sup> OJ No L 184, 15. 7. 1975, p. 1.

<sup>(2)</sup> OJ No L 316, 6. 12. 1975, p. 17.