COMMISSION DECISION

of 5 October 1978

completing the Decision of 23 May 1977 excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Packard 2425 Tri-Carb Spectrometer', with teletype

(78/851/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), in particular Article 4 thereof,

Whereas by the Decision of 23 May 1977 (3) the Commission excluded from the benefit of admission free of the Common Customs Tariff duties of the scientific apparatus described as 'Packard 2425 Tri-Carb Spectrometer' with teletype, because apparatus of equivalent scientific value and capable of being put to the same use was manufactured in the Community;

Whereas, apart from being used for study and research on endorcrine and metabolic illness in infants, as indicated in the above quoted Decision, the apparatus in question can have other uses;

Whereas, by letter dated 27 April 1978, the Government of the Federal Republic of Germany asked the Commission to invoke the procedure laid down in Article 4 (3) to (7) of Regulation (EEC) No 3195/75 in order to determine whether apparatus of a scientific value equivalent to the apparatus described as 'Packard 2425 Tri-Carb Spectrometer' was currently and in accordance with the Decision of 23 May 1977 being manufactured in the Community, having regard to its particular uses based on the measuring of radioactivity in the tissues and liquids of the bodies of laboratory animals in the framework of experimental anatomical research;

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 14 September 1978 within the Committee on Duty-Free Arrangements to re-examine this particular case;

Whereas, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus capable of use for the same particular purpose is currently manufactured in the Community,

HAS ADOPTED THIS DECISION:

Article 1

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 as 'Packard 2425 Tri-Carb Spectrometer' are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 October 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.
(3) OJ No L 143, 10. 6. 1977, p. 25.