COMMISSION DECISION

of 2 February 1979

supplementing the Commission Decision of 29 June 1977 excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Digital oscilloscope NIC-1090 A with plug-in NIC-93 AD'

(79/209/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, in its Decision of 29 June 1977 (3), the Commission excluded from admission free of Common Customs Tariff duties the scientific apparatus described as 'Digital oscilloscope NIC-1090 A with plug-in NIC-93 AD' on the grounds that apparatus of equivalent scientific value to the said apparatus and capable of being used for the same purposes was manufactured in the Community;

Whereas, as requested by the German Government on 9 February 1978, the Commission has carried out a new examination in order to determine whether, when the abovementioned Decision of 29 June 1977 was adopted, apparatus of equivalent scientific value to the apparatus described as 'Digital oscilloscope NIC-1090 A with plug-in NIC-93 A D' was manufactured in the Community in view of the special uses to which the said apparatus can be put, including in addition to those referred to in the abovementioned Decision, the photolysis of lightning, the study of the variation in the kinetics of chemical reactions and the study of the behaviour of tensed and relaxed muscles when at rest or in motion;

Whereas, in accordance with Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States has met a number of times, within the framework of the Committee on Duty-Free Arrangements, in order to examine this particular case, the last occasion being on 13 December 1978;

Whereas information obtained from the Member States has revealed that, when the Decision of 29 June 1977 was adopted, no apparatus of equivalent scientific value to the apparatus described as 'Digital oscilloscope NIC-1090 A with plug-in NIC-93 AD' and capable of being used for the same purposes was manufactured in the Community; whereas, moreover, apparatus of equivalent scientific value to the abovementioned apparatus and capable of being used for the same purposes is still not manufactured in the Community;

Whereas the abovementioned Decision of 29 June 1977 must therefore be amended in order to take account of the facts that have come to light since it was adopted,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 (2) of the Commission Decision of 29 June 1977 excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Digital oscilloscope NIC-1090 A with plug-in NIC-93 AD' shall be replaced by the following text:

'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 fulfilled.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 February 1979.

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 179, 19. 7. 1977, p. 36.