COMMISSION DECISION

of 28 February 1979

supplementing the Decision of 3 January 1978 excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Syntex $P2_1$ Diffractometer, incorporating a miniature computer'

(79/287/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 Article 4 thereof,

Whereas, by the Decision of 3 January 1978 [3], the Commission excluded the scientific apparatus described as 'Syntex $P2_1$ Diffractometer, incorporating a miniature computer' from admission free of Common Customs Tariff duties because apparatus of equivalent scientific value and capable of being used for the same purpose was manufactured in the Community ;

Whereas, by letter dated 24 August 1978, the Belgian Government 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 scientific value equivalent to the apparatus described as 'Syntex $P2_1$ Diffractometer, incorporating a miniature computer' was currently and in accordance with the above Decision of 3 January 1978 being manufactured in the Community, having regard to differences between the adjustment capacity of the above apparatus and that of apparatus 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 11 January 1979 within the Committee on Duty-Free Arrangements to re-examine this particular case ;

Whereas this examination showed that performances comparable to that of the 'Syntex $P2_1$ Diffractometer, incorporating a miniature computer' can be given by apparatus manufactured in the Community even taking account of its adjustment capacity ; whereas this applies, in particular, to the 'CAD' and '4 SDP' apparatus manufactured by the firm Enraf-Nonius NV., Röntgenweg 1, Delft (Netherlands) and the 'PW 1100' apparatus manufactured by the firm Philips Nederland BV, Boschdijk 525, Eindhoven (Netherlands),

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 'Syntex $P2_1$ Diffractometer, incorporating a miniature computer', even taking account of its adjustment capacity, are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 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 43, 14. 2. 1978, p. 11.