COMMISSION DECISION

of 12 December 1978

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Hermes drifting buoy'

(79/52/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 25 July 1978, the British 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 'Hermes drifting buoy' 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 of the Member States met on 10 November 1978 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination shows that the apparatus in question is a buoy used in oceanography to provide information on near-surface water movements on the high seas and on sea-water temperatures as well as for measuring sea temperatures and atmospheric pressure for meteorological purposes ;

Whereas its special characteristics which in particular guarantee a very good power of resolution as well as a very good homogeneity, render it an instrument particularly suitable for pure scientific research ; whereas it must therefore 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 by Safare-Crouzet, 96 avenue Saint-Lambert, Nice, France,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Hermes drifting buoy' must be considered as a scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of Regulation (EEC) No 1798/75 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, 12 December 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

1 [1] OJ No L 184, 15. 7. 1975, p. 1.
2 [2] OJ No L 316, 6. 12. 1975, p. 17.