

**JUDGMENT OF THE COURT****(Third Chamber)****of 26 June 1986**

**in Case 203/85: (reference for a preliminary ruling made by the Hessisches Finanzgericht): Nicolet Instrument GmbH v. Hauptzollamt Frankfurt am Main-Flughafen <sup>(1)</sup>**

**(Common Customs Tariff — Duty-free importation of scientific apparatus)**

**(86/C 196/16)***(Language of the case: German)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case 203/85: reference to the Court under Article 177 of the EEC Treaty by the Hessisches Finanzgericht (Finance Court, Hesse) for a preliminary ruling in the proceedings pending before that court between Nicolet Instrument GmbH, Offenbach am Main, and Hauptzollamt (Principal Customs Office) Frankfurt am Main-Flughafen — on the validity of Commission Decision 82/586/EEC of 6 August 1982 establishing that the apparatus described as "Nicolet-High Speed Signal Averager, model 1174, with accessories", may not be imported free of Common Customs Tariff duties — the Court (Third Chamber), composed of U. Everling, President of Chamber, Y. Galmot and J. C. de Carvalho Moitinho de Almeida, Judges; J. Mischo, Advocate General; J. A. Pompe, Deputy Registrar, acting for the Registrar, gave a judgment on 26 June 1986, the operative part of which is as follows:

*Consideration of Commission Decision 82/586 of 6 August 1982 has disclosed no factor of such a kind as to affect its validity.*

<sup>(1)</sup> OJ No C 195, 3. 8. 1985.

**JUDGMENT OF THE COURT****(First Chamber)****of 10 July 1986**

**in Case 270/84: Assunta Licata v. Economic and Social Committee <sup>(1)</sup>**

**(Staff Committee — Curtailment of the term of office of a member)**

**(86/C 196/17)***(Language of the case: French)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case 270/84: Assunta Licata, an official of the Economic and Social Committee, represented by J.-N. Louis, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of N. Decker, 16 Avenue Marie Thérèse, against the Economic and Social Committee (Agent: D. Brüggemann, assisted by A. Bonn,

<sup>(1)</sup> OJ No C 334, 14. 12. 1984.

of the Luxembourg Bar) — application for annulment of the decision whereby the Economic and Social Committee excluded Mrs Licata from the Staff Committee by applying General Decision No 173/84 A of 7 May 1984 of the Chairman of the Economic and Social Committee, and of the decision of 31 October 1984 to organize *ad hoc* elections with a view to her replacement — the Court (First Chamber), composed of R. Joliet, President, G. Bosco and F. Schockweiler, Judges; M. Darmon, Advocate General; D. Louterman, Administrator, for the Registrar, gave a judgment on 10 July 1986, the operative part of which is as follows:

1. *The application is dismissed.*

2. *The parties are ordered to bear their own costs.*

**JUDGMENT OF THE COURT****of 10 July 1986**

**in Case 40/85: Kingdom of Belgium v. Commission of the European Communities <sup>(1)</sup>**

**(State aid — Acquisition of holdings in an undertaking — Rights of the defence)**

**(86/C 196/18)***(Language of the case: French)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case 40/85: Kingdom of Belgium (Agent: R. Hoebaer, assisted by J. F. Bellis of the Brussels Bar) against Commission of the European Communities (Agents: A. Abate and J. Delmoly), supported by the United Kingdom (Agent: R. N. Ricks) — application for a declaration that Commission Decision C (84) 1762 of 24 October 1984 concerning aid which the Belgian Government granted to a ceramic sanitaryware and crockery manufacturer (Official Journal 1985 No L 59, p. 21) is void — the Court, composed of Lord Mackenzie Stuart, President, T. Koopmans, U. Everling, K. Bahlmann and R. Joliet (Presidents of Chambers), G. Bosco, O. Due, Y. Galmot, C. Kakouris, T. F. O'Higgins and F. A. Schockweiler, Judges; C. O. Lenz, Advocate General; D. Louterman, Administrator, for the Registrar, gave a judgment on 10 July 1986, the operative part of which is as follows:

1. *The application is dismissed.*

2. *The Kingdom of Belgium is ordered to pay the costs, excluding those of the intervener.*

3. *The United Kingdom, the intervener, shall pay its own costs.*

<sup>(1)</sup> OJ No C 56, 2. 3. 1985.