STATUTORY INSTRUMENTS

1978 No. 237

CUSTOMS AND EXCISE

The Customs Duties (ECSC) Anti-Dumping (No. 13) Order 1978

Made - - - -	21*st February* 1978
Coming into Operation	21*st February* 1978
Laid before the House of Commons - -	22*nd February* 1978

The Treasury, by virtue of the powers conferred on them by section 5(1) and (3) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, on the recommendation of the Secretary of State, hereby make the following Order: —

Citation, operation, interpretation

1.—(1) This Order may be cited as the Customs Duties (ECSC) Anti-Dumping (No. 13) Order 1978 and shall come into operation on 21st February 1978.

(2) In this Order—

references to goods originating in Australia are references to goods which are to be so regarded under the rules on the common definition of the concept of origin which are applicable in accordance with any Community instrument for the purposes of inter alia the uniform application of the Common Customs Tariff;

"Commission" means Commission of the European Communities;

"import price" means the price paid by the importer under the contract for sale including insurance and freight and duty charged under the Customs Duties (ECSC) (No. 2) Order 1977(b);

"importer" has the same meaning as in the Customs and Excise Act 1952(c).

(3) This Order charges a duty pursuant to Commission Recommendation 307/78/ECSC(d) requiring the imposition of provisional anti-dumping measures and does not impose any duty of customs otherwise than in pursuance of a Community obligation.

(4) The Interpretation Act 1889(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. There shall be charged on the importation into the United Kingdom of any goods of a description set out in the second column of Schedule 1 hereto (being goods classified in the common customs tariff of the European

(a) 1972 c. 68.
(b) S.I. 1977/2041.
(c) 1952 c. 44.
(d) O.J. L45, 16.2.78, p. 17.
(e) 1889 c. 63.

Economic Community falling within the heading mentioned in the first column of that Schedule) a duty of customs at the rate set out in the following Article.

3. The duty chargeable by virtue of this Order shall be equal to the amount by which the import price is lower than the price published by the Commission in the Official Journal of the Communities(**a**) for the goods in question.

4. The entry in the column headed "Description of Goods" in the Schedule to each of the Orders specified in Schedule 2 hereto shall be amended as follows:—

(*a*) after "other than" there shall be inserted "(**a**)";

(*b*) for "has been paid by virtue of" there shall be substituted "is imposed by"; and

(*c*) at the end there shall be added "and has been paid or secured, or (*b*) goods imported into any of the territories to which the ECSC Treaty applies(**b**) before the date of the publication of that Recommendation in the Official Journal of the Communities".

J. Dormand,

Donald R. Coleman,

Two of the Lords Commissioners of Her Majesty's Treasury.

21st February 1978.

(**a**) *See* Commission Statement of 31.12.77 concerning basic price of certain iron and steel products (O.J. L353, 31.12.77, p. 1).
(**b**) *See* Article 79 of the ECSC Treaty.

SCHEDULE 1

Tariff Heading	Description of Goods
73.08 A and B	Iron or steel coils for re-rolling, originating in Australia, other than (*a*) goods consigned from another member State, in respect of which an anti-dumping duty is imposed by Recommendation 307/78/ECSC and has been paid or secured, or (*b*) goods imported into any of the territories to which the ECSC Treaty applies before the date of the publication of that Recommendation in the Official Journal of the Communities.

SCHEDULE 2

ORDERS AMENDED

Order	Reference
The Customs Duties (ECSC) Anti-Dumping (No. 1) Order 1978	S.I. 1978/78
The Customs Duties (ECSC) Anti-Dumping (No. 2) Order 1978	S.I. 1978/81
The Customs Duties (ECSC) Anti-Dumping (No. 3) Order 1978	S.I. 1978/82
The Customs Duties (ECSC) Anti-Dumping (No. 4) Order 1978	S.I. 1978/83
The Customs Duties (ECSC) Anti-Dumping (No. 5) Order 1978	S.I. 1978/84
The Customs Duties (ECSC) Anti-Dumping (No. 6) Order 1978	S.I. 1978/85
The Customs Duties (ECSC) Anti-Dumping (No. 7) Order 1978	S.I. 1978/109
The Customs Duties (ECSC) Anti-Dumping (No. 8) Order 1978	S.I. 1978/110
The Customs Duties (ECSC) Anti-Dumping (No. 9) Order 1978	S.I. 1978/111
The Customs Duties (ECSC) Anti-Dumping (No. 10) Order 1978	S.I. 1978/155
The Customs Duties (ECSC) Anti-Dumping (No. 11) Order 1978	S.I. 1978/192
The Customs Duties (ECSC) Anti-Dumping (No. 12) Order 1978	S.I. 1978/193

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order imposes an anti-dumping duty on imports of iron or steel coils for re-rolling as described in the Order, originating in Australia, at a rate equal to the amount by which the price paid by the importer for the goods inclusive of insurance and freight and the duty under the ECSC unified tariff is lower than the price published by the Commission of the European Communities.

Collection of the duty charged by this Order is postponed in accordance with the provisions of the Anti-Dumping and Countervailing Duties (Postponement of Collection) Regulations 1978 (S.I. 1978/77).

The United Kingdom is under a Community obligation by virtue of the Recommendation referred to in the Order to impose the duty.

The Order amends the similar Orders specified in Schedule 2 in order to make it clear that goods imported into the Community before the coming into force of the relevant Recommendation and goods in respect of which duty has been secured in another member State are not subject to the charge to duty.

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