STATUTORY INSTRUMENTS

1978 No. 765

CUSTOMS AND EXCISE

The Customs Duties (ECSC) Anti-Dumping (No. 17) Order 1978

Made - - - -	25*th May* 1978
Laid before the House of Commons	26*th May* 1978
Coming into Operation	27*th May* 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. 17) Order 1978 and shall come into operation on 27th May 1978.

(2) In this Order—

references to goods originating in the German Democratic Republic and Berlin (East) or Japan 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)**;

"the original Order" means the Customs Duties (ECSC) Anti-Dumping (No. 14) Order 1978**(d)**, as amended**(e)**.

(3) This Order is made pursuant to Commission Recommendation 1006/78/ECSC**(f)** requiring the imposition of a definitive anti-dumping duty on the goods set out in the second column of the Schedule hereto and does not impose any duty of customs otherwise than in pursuance of a Community obligation.

(4) The Interpretation Act 1889**(g)** shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

(a) 1972 c. 68. **(b)** S.I. 1977/2041.
(c) 1952 c. 44. **(d)** S.I. 1978/246.
(e) *See* S.I. 1978/601. **(f)** O.J. L131, 19.5.78, p. 8. **(g)** 1889 c. 63.

Charge of Duty

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 the Schedule hereto (being goods classified in the common customs tariff of the European 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.—(1) Subject to paragraph (2) below, the duty chargeable by virtue of this Order shall be equal to the amount by which the import price is lower than the price last published by the Commission in the Official Journal of the Communities**(a)** at the time of importation for the goods in question.

(2) Where it is established by an importer to the satisfaction of the Commissioners of Customs and Excise that the difference between the two prices referred to in paragraph (1) above is due wholly or partly to the quality of the goods in question being lower than the lowest quality described in the Official Journal in relation to the price published therein by the Commission as mentioned in paragraph (1) above, the amount of duty chargeable shall be reduced by the amount which in the opinion of the Commissioners of Customs and Excise represents the diminution in value of the goods resulting from the quality of the goods being lower than the lowest quality as aforesaid.

Revocation

4.—(1) The original Order is hereby revoked in so far as it relates to goods originating in the German Democratic Republic and Berlin (East).

(2) Nothing in paragraph (1) above affects—

(*a*) the continued operation of the original Order with respect to goods originating in Japan;

(*b*) the continued operation of the original Order with respect to goods originating in the German Democratic Republic and Berlin (East) and imported into the United Kingdom before the date on which this Order comes into operation: Provided that Article 3(2) above shall apply in relation to the duty chargeable on those goods under the original Order;

(*c*) the liability of any person for duty on such goods as are referred to in sub-paragraphs (*a*) and (*b*) above.

Amendment

5. For Article 3 of the Customs Duties (ECSC) Anti-Dumping (No. 13) Order 1978**(b)** there shall be substituted the following Article:

"**3.**—(1) Subject to paragraph (2) below, the duty chargeable by virtue of this Order shall be equal to the amount by which the import price is lower than the price last published by the Commission in the Official Journal of the Communities**(a)** at the time of importation for the goods in question.

(2) Where it is established by an importer to the satisfaction of the Commissioners of Customs and Excise that the difference between the two prices referred to in paragraph (1) above is due wholly or partly to the quality of the

(a) *See* Commission Statement of 31.12.77. concerning basic prices of certain iron and steel products (O.J. L353, 31.12.77, p.1). **(b)** S.I. 1978/237.

goods in question being lower than the lowest quality described in the Official Journal in relation to the price published therein by the Commission as mentioned in paragraph (1) above, the amount of duty chargeable shall be reduced by the amount which in the opinion of the Commissioners of Customs and Excise represents the diminution in value of the goods resulting from the quality of the goods being lower than the lowest quality as aforesaid."

T. E. Graham,
J. Dormand
Two of the Lords Commissioners of Her Majesty's Treasury.

25th May 1978.

SCHEDULE

Tariff Heading	Description of Goods
ex 73.13 B.IV.c)	Sheets and plates, of iron or steel, hot-rolled or cold-rolled, other than electrical sheets and plates, zinc-coated (other than electrolytically zinc-coated) (ECSC), originating in the German Democratic Republic and Berlin (East), other than (*a*) goods consigned from another member State in respect of which an anti-dumping duty is imposed by Recommendation 1006/78/ECSC and has been paid, or (*b*) goods consigned from another member State in respect of which an anti-dumping duty was imposed by Recommendation 359/78/ECSC(**a**) and has been paid or secured, or (*c*) goods imported into any of the territories to which the ECSC Treaty applies (**b**) before the date of the publication of Recommendation 359/78/ECSC in the Official Journal of the Communities.

(**a**) O. J. L50, 22.2.78, p.13.

(**b**) *See* Article 79 of the ECSC Treaty.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order imposes an anti-dumping duty on imports of certain zinc-coated sheets and plates of iron or steel as described in the Order, originating in the German Democratic Republic and Berlin (East), 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 last published by the Commission of the European Communities at the time of importation.

The Order also provides that the amount of duty shall be reduced to the extent that the importer establishes to the satisfaction of the Commissioners of Customs and Excise that the difference between the two prices referred to in the first paragraph above is due wholly or partly to the quality of the goods in question being inferior to the lowest quality described in relation to the price last published by the Commission.

This Order replaces the Customs Duties (ECSC) Anti-Dumping (No. 14) Order 1978 in so far as that Order relates to goods originating in the German Democratic Republic and Berlin (East). The postponement of the collection of the duty charged by that Order in accordance with the provisions of the Anti-Dumping and Countervailing Duties (Postponement of Collection) Regulations 1978 (S.I. 1978/77) has come to an end in respect of goods originating in the German Democratic Republic and Berlin (East) and the duty is now payable in respect of the goods by virtue of that Order and the Regulations subject to reduction as specified in the second paragraph above. This Order also provides that that Order shall continue to apply in respect of goods originating in Japan but duty has ceased to be charged on goods originating in Japan under the Customs Duties (ECSC) Anti-Dumping (Amendment) Order 1978.

The Order provides, in accordance with Recommendation 971/78/ECSC (O.J. L125, 13.5.78, p. 20), that the amount of duty charged by the Customs Duties (ECSC) Anti-Dumping (No. 13) Order 1978 (relating to goods originating in Australia) shall be reduced to the extent that the importer establishes to the satisfaction of the Commissioners of Customs and Excise that the difference between the two prices referred to in the first paragraph above is due wholly or partly to the quality of the goods in question being inferior to the lowest quality described in relation to the price last published by the Commission. Collection of the duty charged by that Order continues to be postponed in accordance with the Anti-Dumping and Countervailing Duties (Postponement of Collection) Regulations 1978.

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

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