STATUTORY INSTRUMENTS

1978 No. 1142

CUSTOMS AND EXCISE

The Customs Duties (ECSC) Anti-Dumping (No. 18) Order 1978

Made - - - -	2*nd August* 1978
Laid before the House of Commons - -	3*rd August* 1978
Coming into Operation	4*th August* 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. 18) Order 1978 and shall come into operation on 4th August 1978.

(2) In this Order—

references to goods originating in Czechoslovakia, Japan, Poland or Spain 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;

references to a subheading are references to a subheading of the common customs tariff of the European Economic Community;

"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 No. 2 Order" means the Customs Duties (ECSC) Anti-Dumping (No. 2) Order 1978(**d**), as amended(**e**)(**f**)(**g**)(**h**);

"the No. 7 Order" means the Customs Duties (ECSC) Anti-Dumping (No. 7) Order 1978(**i**), as amended(**e**)(**h**);

"the No. 8 Order" means the Customs Duties (ECSC) Anti-Dumping (No. 8) Order 1978(**j**), as amended(**e**)(**f**)(**h**);

(**a**) 1972 c. 68.
(**b**) S.I. 1977/2041.
(**c**) 1952 c. 44.
(**d**) S.I. 1978/81.
(**e**) S.I. 1978/237.
(**f**) S.I. 1978/641.
(**g**) S.I. 1978/601.
(**h**) S.I. 1978/674.
(**i**) S.I. 1978/109.
(**j**) S.I. 1978/110.

"No. 12 Order" means the Customs Duties (ECSC) Anti-Dumping (No. 12) Order 1978(**a**), as amended(**b**);

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

(3) This Order is made pursuant to Commission Recommendations 1704/78/ECSC(**f**), 1715/78/ECSC(**g**) and 1758/78/ECSC(**h**) requiring the imposition of definitive anti-dumping duties 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(**i**) 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 Orders hereby revoked were Acts of Parliament.

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(**j**) 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 No. 2 Order, the No. 7 Order, the No. 8 Order, the No. 12 Order and the No. 14 Order are hereby revoked, so far as unrevoked.

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

(*a*) Article 4(2)(*d*) of the Customs Duties (ECSC) Anti-Dumping (No. 15) Order 1978 or Article 4(2)(*b*) of the Customs Duties (ECSC) Anti-Dumping (No. 17) Order 1978 with respect to the goods referred to therein;

(**a**) S.I. 1978/193.
(**b**) S.I. 1978/237.
(**c**) S.I. 1978/246.
(**d**) S.I. 1978/601.
(**e**) S.I. 1978/765.
(**f**) O.J. L195, 20.7.78, p. 17.
(**g**) O.J. L198, 22.7.78, p. 1.
(**h**) O.J. L203, 27.7.78, p. 28.
(**i**) 1889 c. 63.
(**j**) *See* Commission Statement of 31.12.77 concerning basic prices of certain iron and steel products (O.J. L353, 31.12.77, p. 1) as amended by the communication of 5.7.78 (O.J. L183, 5.7.78, p. 3).

(*b*) the continued operation of the No. 2 Order and the No. 14 Order with respect to goods originating in Japan and imported into the United Kingdom before the date on which the Customs Duties (ECSC) (Anti-Dumping) (Amendment) Order 1978 came into operation, other than goods specified in paragraph (3) below: Provided that Article 3(2) above shall apply in relation to the duty chargeable on those goods under the said Orders;

(*c*) the continued operation of the No. 2 Order, the No. 7 Order and the No. 8 Order with respect to goods originating in Czechoslovakia or Spain and imported into the United Kingdom before the date on which the Customs Duties (ECSC) Anti-Dumping (Amendment No. 2) Order 1978 came into operation, other than goods specified in paragraph (3) below: Provided that Article 3(2) above shall apply in relation to the duty chargeable on those goods under the No. 7 Order and the No. 8 Order;

(*d*) the continued operation of the No. 12 Order with respect to goods originating in Poland and imported into the United Kingdom before the date on which this Order comes into operation, other than goods specified in paragraph (3) below;

(*e*) the liability of any person for duty on such goods as are referred to in subparagraphs (*a*)-(*d*) above.

(3) The goods referred to in paragraph (2) above as being excepted from the continued operation of the Orders revoked by this Article are goods of the following descriptions, in respect of which an application is made by the importer to the Commissioners of Customs and Excise for the release of any security given—

(*a*) sheets and plates, of iron or steel, falling within subheading 73.13 B.IV.c) of qualities other than BS 2989, grades Z1 or Z2, or of a thickness of less than 1 mm;

(*b*) shapes and sections, of iron or steel, falling within subheading 73.11 A.I., not further worked than hot-rolled or extruded, joists, universal beams and columns and channels with a web measurement of less than 80 mm;

(*c*) sheets and plates, of iron or steel, falling within subheading 73.13 B.I.a) of a thickness of 10 mm or less;

(*d*) deliveries made under contracts concluded before 20th December 1977, which contain no price revision clause permitting an adaptation of the contract prices to the basic prices applied in the European Coal and Steel Community;

(*e*) deliveries made under the contracts referred to under (*d*) above and destined for shipbuilding yards within the Community.

Peter Snape,
T. E. Graham,
Two of the Lords Commissioners of Her Majesty's Treasury.

2nd August 1978.

SCHEDULE

Tariff Heading	Description of Goods
ex 73.11 A.I.	Angles, shapes and sections, of iron or steel, not further worked than hot-rolled or extruded (ECSC), U, I or H Sections of a height of less than 80 mm and H Sections (broad-flanged beams), U or I Sections of a height of 80 mm or more, originating in Spain, other than— (*a*) goods consigned from another member State in respect of which an anti-dumping duty is imposed by Recommendation 1758/78/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 159/78/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 159/78/ECSC in the Official Journal of the Communities.
73.13 B.I.a)	Sheets and plates, of iron or steel, other than electrical sheets and plates, not further worked than hot-rolled, of a thickness of 2mm or more (ECSC), originating in Czechoslovakia, Japan, Poland or Spain, other than— (*a*) goods consigned from another member State in respect of which an anti-dumping duty is imposed by Recommendation 1704/78/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 121/78/ECSC(**c**) in respect of goods originating in Czechoslovakia or Japan, 160/78/ECSC(**d**) in respect of goods originating in Spain or 262/78/ECSC(**e**) in respect of goods originating in Poland and has been paid or secured, or (*c*) goods imported into any of the territories to which the ECSC Treaty applies before the date of the publication in the Official Journal of the Communities of Recommendation 121/78/ECSC in respect of goods originating in Czechoslovakia or Japan, of Recommendation 160/78/ECSC in respect of goods originating in Spain or of Recommendation 262/78/ECSC in respect of goods originating in Poland.

(**a**) O.J. No. L23, 28.1.78, p. 31.
(**b**) *See* Article 79 of the ECSC Treaty.
(**c**) O.J. No. L19, 24.1.78, p. 9.
(**d**) O.J. L23, 28.1.78, p. 33.
(**e**) O.J. L39, 9.2.78, p. 13.

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 Japan, other than— (*a*) goods consigned from another member State in respect of which an anti-dumping duty is imposed by Recommendation 1715/78/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 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.

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, originating in Japan, certain angles, shapes and sections of iron or steel, originating in Spain, and of certain other sheets and plates of iron or steel, originating in Czechoslovakia, Japan, Poland or Spain, as described in the Order, 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. 2) and (No. 14) Orders 1978 in so far as those Orders relate to goods originating in Japan and the Customs Duties (ECSC) Anti-Dumping (No. 2), (No. 7), (No. 8) and (No. 12) Orders 1978 in so far as those Orders relate to goods originating in Czechoslovakia, Spain or Poland. Subject to Article 4(2) those Orders are revoked by this Order, as they have already been replaced in so far as they relate to goods originating in other countries. The postponement of the collection of the duty charged by those Orders 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 said countries and the duty is now payable in respect of the goods, other than the goods referred to in Article 4(3) of the Order, by virtue of those Orders and Regulations subject to reduction as specified in the second paragraph above, where the duty has not been reduced by previous Orders. In some cases the duty has already been suspended by previous Orders and the duty is in those cases payable up to the date of suspension.

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

SI 1978/1142
ISBN 0-11-084142-5

