STATUTORY INSTRUMENTS

1983 No. 859

CUSTOMS AND EXCISE

The Customs Duties (ECSC) Definitive Anti-Dumping (No. 2) Order 1983

Made - - - -	16*th June* 1983
Laid before the House of Commons	*17th June* 1983
Coming into Operation	8*th July* 1983

The Secretary of State, in exercise of the powers conferred on him by section 6(1) and (2) of the Finance Act 1978(**a**) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Customs Duties (ECSC) Definitive Anti-Dumping (No. 2) Order 1983 and shall come into operation on 8th July 1983.

(2) In this Order:—

references to goods originating in Brazil 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 the uniform application of the Common Customs Tariff;

"the original Order" means the Customs Duties (ECSC) Provisional Anti-Dumping Order 1983(**b**).

(3) This Order charges a duty pursuant to Commission Recommendation No. 1230/83/ECSC(**c**) providing for the imposition of a definitive anti-dumping duty and for the definitive collection of amounts secured by way of provisional anti-dumping duty.

2.—(1) 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 and the duty charged by the original Order shall cease to be charged.

(2) The rate of duty chargeable on goods imported into the United Kingdom on or after 21st May 1983 shall be determined by applying the provisions of Article 1(2) and (3) of Commission Recommendation No. 1230/83/ECSC.

(**a**) 1978 c. 42. (**b**) S.I. 1983/300. (**c**) OJ No. L131, 20.5.1983, p.13.

(3) For the purpose of applying Article 1(3) of Commission Recommendation No. 1230/83/ECSC (which provides for a reduction of duty where the importer establishes that the products imported are of a low quality) the reference to "competent national authorities" shall be interpreted as a reference to the Commissioners of Customs and Excise.

3. Any amounts secured by way of provisional duty pursuant to the original Order in respect of the importation into the United Kingdom of goods referred to in Article 2(1) above shall be collected.

Paul Channon,
Minister for Trade,
Department of Trade and Industry.

16th June 1983.

SCHEDULE

Tariff Heading	Description of Goods
73.13 B.I. ex a)	Sheets and plates of iron or steel, not further worked than hot-rolled, of a thickness of 3 mm or more, originating in Brazil, other than (*a*) goods consigned from another member State, in respect of which an anti-dumping duty imposed by Commission Recommendation No. 1230/83/ECSC has been paid, or (*b*) goods consigned from another member State, in respect of which an anti-dumping duty was imposed by Commission Recommendation No. 376/83/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 18th February 1983 (this being the date which Commission Recommendation No. 376/83/ECSC came into force).

(**a**) OJ No. L45, 17.2.1983, p.14.
(**b**) *See* Article 79 of the ECSC Treaty.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order imposes a definitive anti-dumping duty on imports into the United Kingdom of certain sheets and plates of iron or steel as described in the Order, originating in Brazil—Article 2.

The United Kingdom is under a Community obligation to impose the duty by virtue of Commission Recommendation No. 1230/83/ECSC which fixed the rate of duty as equal to 72.20 European Currency Units (ECU) per 1,000 kilograms net but also provided that where the importer establishes to the satisfaction of the competent national authorities (in the United Kingdom the Commissioners of Customs and Excise) that the quality of the imported products is inferior to the lowest quality described in the last publication of basic prices by the Commission, the rate of duty shall be reduced to that extent. The basic prices for iron and steel products published by the Commission which are effective from 1st December 1982 are contained in OJ No. L321, 17.11.1982, p.1 and this publication also sets the equivalent value of one ECU from that date as £0.551012; but the Commission may adjust these figures from time to time.

The current rules on the common definition of the concept of origin to which, by Article 1(2) of the Order, reference is to be made in order to establish the origin of goods affected by this Order are set out in Council Regulation (EEC) No. 802/68 (OJ No. L148, 28.6.1968, p.1; OJ/SE 1968(I) p.165), amended by Council Regulation (EEC) No. 1318/71 (OJ No. L139, 25.6.1971, p.6; OJ/SE 1971(II) p.394). These Regulations provide that goods wholly obtained or produced in one country shall be considered as originating in that country, and lays down rules for determining the country of origin where goods have been processed in more than one country.

The Order replaces the Customs Duties (ECSC) Provisional Anti-Dumping Order 1983 ("the original Order") and duty is now payable by virtue of this Order and the Anti-Dumping and Countervailing Duties Order 1978 (S.I. 1978/1147) subject to reduction as specified above. The duty charged under the original Order (but which, in accordance with Article 2 of the Anti-Dumping and Countervailing Duties Order 1978, was not collected on importation where the importer gave security for the amount of the duty to the Commissioners of Customs and Excise) will now be payable—Article 3.

The rate of duty chargeable on goods imported into the United Kingdom on or after 21st May 1983 is the rate provided for by this Order. Section 6(2)(*d*) of the Finance Act 1978 enables provision to be made in respect of goods imported into the United Kingdom before the Order comes into force.

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