STATUTORY INSTRUMENTS

1979 No. 566

CUSTOMS AND EXCISE

The Customs Duties (ECSC) Definitive Anti-Dumping Order 1979

Made - - - -	22*nd May* 1979
Laid before the House of Commons -	23*rd May* 1979
Coming into Operation	24*th May* 1979

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 Order 1979 and shall come into operation on 24th May 1979.

(2) In this Order—

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

"Commission" means the 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);

"the original Order" means the Customs Duties (ECSC) Provisional Anti-Dumping Order 1979(c);

"the provisional period" means the period beginning on 13th February 1979 and ending immediately before the date of coming into operation of this Order.

(3) This Order charges a duty pursuant to Commission Recommendation 935/79/ECSC(d) providing for the imposition of a definitive anti-dumping duty.

2. Subject to Article 4, 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, and the duty charged by the original order shall cease to be charged on the importation into the United Kingdom of such goods.

(a) 1978 c. 42. (b) S.I. 1977/2041.
(c) S.I. 1979/181, revoked by S.I. 1979/510 in so far as it relates to goods originating in, and consigned from, Spain.
(d) O.J. L117, 12.5.79, p. 16.

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.

4. No duty shall be chargeable by this Order or during the provisional period by the original order on the importation into the United Kingdom of goods of the following description namely deliveries intended for shipbuilding yards within the Community, in respect of which an application is made by the importer to the Commissioners of Customs and Excise that the duty should not be collected or in the case of duty charged by the original order that any security given for the payment of the duty should be released.

Cecil Parkinson,
Minister of State,
Department of Trade.

22nd May 1979.

SCHEDULE

Tariff Heading	Description of Goods
ex 73.11A1	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 and consigned to the United Kingdom from another country, other than (*a*) goods consigned from another member State in respect of which an anti-dumping duty is imposed by Recommendation 935/79/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 267/79/ECSC(b) and has been paid or secured, or (*c*) goods imported into any of the territories to which the ECSC Treaty applies (c) before the date of the publication of Recommendation 267/79/ECSC in the Official Journal of the Communities, or (*d*) goods consigned from another member State which had previously been consigned to that country from Spain.

(a) *See* Commission Statement of 30.12.78 concerning basic prices of certain iron and steel products (O.J. L372, 30.12.78, p. 2).
(b) O.J. L37, 13.2.79, p. 21.
(c) *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 angles, shapes and sections of iron or steel as described in the Order, originating in Spain and consigned to the United Kingdom from another country, 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) Provisional Anti-Dumping Order ("the original order") in so far as that Order relates to goods originating in Spain and consigned from other countries, and the duty is now payable in respect of the goods other than deliveries intended for Community shipbuilding yards by virtue of that Order and the Anti-Dumping and Countervailing Duties Order 1978 (S.I. 1978/1147) subject to reduction as specified in the second paragraph above.

No duty is payable under the Order or under the original order, if an application is made by the importer to the Commissioners of Customs and Excise, on deliveries intended for Community shipbuilding yards.

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

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