STATUTORY INSTRUMENTS

1983 No. 168

CUSTOMS AND EXCISE

The Customs Duties (ECSC) Definitive Anti-Dumping Order 1983

Made - - -	15*th February* 1983
Laid before the House of Commons	16*th February* 1983
Coming into Operation	17*th February* 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 Order 1983 and shall come into operation on 17th February 1983.

(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;

"the original Order" means the Customs Duties (ECSC) Provisional Anti-Dumping (No. 2) Order 1982(**b**).

(3) This Order charges a duty pursuant to Commission Recommendation No. 259/83/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 2nd February 1983 shall be determined by applying the provisions of Article 1(2) and (3) of Commission Recommendation No. 259/83/ECSC.

(**a**) 1978 c.42.
(**b**) S.I. 1982/1208,amended by S.I. 1982/1601 and 1982/1754.
(**c**) OJ No. L30, 1.2.1983, p. 61.

(3) For the purposes of applying Article 1(3) of Commission Recommendation No. 259/83/ECSC (which provides for a reduction of duty where the importer establishes that the products imported are substandard or seconds) 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 to the extent that such amounts do not exceed the amounts determined by applying the provisions of Article 1 of Commission Recommendation No. 259/83/ECSC.

Peter Rees,
Minister for Trade,
Department of Trade.

15th February 1983.

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), H sections of a height of 80mm or more (broad-flanged beams) originating in Spain, other than (*a*) goods consigned from another member State, in respect of which an anti-dumping duty imposed by Commission Recommendation No. 259/83/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. 2242/82/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 14th August 1982 (this being the date on which Commission Recommendation No. 2242/82/ECSC came into force).

(**a**) OJ No. L238, 13.8.1982, p. 32.

(**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 broad-flanged beams of iron or steel as described in the Order, originating in Spain.

The United Kingdom is under a Community obligation to impose the duty by virtue of Commission Recommendation No. 259/83/ECSC which fixes the rate of duty as equal to 29.77 European Currency Units (ECU) per 1,000 kilogrammes net on broad-flanged beams manufactured and exported by Jose Maria Aristrain SA or Jose Maria Aristrain-Madrid SA and 30.33 ECU per 1,000 kilogrammes net for such beams manufactured and exported by Empresa Nacional Siderurgica SA (Ensidesa) but also provides 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 products imported are substandard or seconds the rate of duty shall be reduced by up to 10 per cent. The equivalent value of one ECU is set at £0.551012 as from 1st December 1982 (see OJ No. L 321, 17.11.1982, p. 1) but the Commission may adjust this price in accordance with fluctuations in the exchange rate.

The Order replaces the Customs Duties (ESCS) Provisional Anti-Dumping (No. 2) Order 1982 ("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 to the extent that it does not exceed the rate of duty specified above.

The rate of duty chargeable on goods imported into the United Kingdom on or after 2nd February 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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