STATUTORY INSTRUMENTS

# 1977 No. 2041

# CUSTOMS AND EXCISE

## The Customs Duties (ECSC) (No. 2) Order 1977

| | |
|---|---|
| *Made* - - - - | *7th December* 1977 |
| *Laid before the House of Commons* - | *9th December* 1977 |
| *Coming into Operation* | *1st January* 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) (No. 2) Order 1977 and shall come into operation on 1st January 1978.

(2) The Interpretation Act 1889(b) 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.

*Goods to which this Order applies*

**2.** This Order shall apply to goods covered by the E.C.S.C. Treaty included, for information purposes, in the Schedule of Customs Duties (hereinafter referred to as "the CCT Schedule") forming part of the common customs tariff of the European Economic Community(c).

*Classification of goods for customs duty purposes*

**3.**—(1) The nomenclature for the goods to which this Order applies shall be that set out in columns 1 and 2 of the CCT Schedule where the goods are of a description followed by the letters "ECSC" in column 2 in relation to any heading or subheading of Chapter 26, 27 or 73 of the CCT Schedule and shall with the footnotes thereto be used in classifying such goods for the purposes of duties charged under this Order.

(2) The nomenclature so set out shall be interpreted and applied in accordance with Rules 1-5 in Part A of the General Rules preceding the CCT Schedule.

(3) The Rules in Part C of the said General Rules shall be applied both to the said nomenclature and the customs duties charged under this Order.

---

(a) 1972 c. 68. (b) 1889 c. 63.
(c) *See* the Annex to Regulation (EEC) 950/68, O.J. L172, 22.7.68, p. 1 as last amended by Regulation (EEC) No. 2500/77 (O.J. L289, 14.11.77, p. 1).

*Rates of customs duties*

**4.**—(1) Where in relation to any goods which are of a heading or subheading of Chapter 26, 27 or 73 of the CCT Schedule and are of a description referred to in Article 3(1) hereto a rate of customs duty is shown in column 4 of the CCT Schedule and the duty does not solely relate to goods imported into another member State of the European Communities, then, on the importation into the United Kingdom of goods classified in that heading or subheading other than goods imported from another member State which originate in or are in free circulation in that State, there shall be charged a duty of customs at the rate so shown, unless the goods are exempt from duty by virtue of the provisions of Article 5 or 6 below.

(2) Any question under this Article whether goods at any time originate in or are in free circulation in a member State shall be determined in accordance with the Treaties.

*Special Exemption from customs duty for goods for certain categories of Ships, Boats and other Vessels*

**5.** No customs duty shall be charged on goods to which this Order applies intended for incorporation in the ships, boats or other vessels listed in Part A of the Special Provisions preceding the CCT Schedule, for the purposes of their construction, repair, maintenance or conversion or intended for fitting to or equipping such ships, boats or other vessels.

*Miscellaneous Exemptions for certain countries*

**6.**—(1) No customs duty shall be charged in the case of goods to which this Order applies originating in a country named in Part I or II of Schedule 1 hereto.

(2) For the purposes of this Article goods shall be regarded as originating in any such country—

(*a*) named in Part I if they are regarded as originating in that country by applying the provisions of the Protocol to the Agreements.

(*b*) named in Part II if they are regarded as originating in that country by applying the provisions relating to origin of goods in Regulations (EEC) 199/76 and 706/76 and Council Decision 76/568/EEC**(a)**.

(*c*) In this Article—

(i) "country" includes territory and references to a country include references to any area consisting of two or more countries.

(ii) "the Agreements" means the Agreements made between the European Economic Community and the countries specified in column 1 of Schedule 2 hereto and signed on the dates specified in column 2.

**(a)** O.J. No. L25, 30.1.76, p. 1, L85, 31.3.76, p. 2 and L176, 1.7.76, p. 8.

*General*

**7.** Any reference to a rate of duty expressed as a percentage is a reference to that percentage of the value of the goods.

**8.** The Customs Duties (E.C.S.C.) Order 1977**(a)**, and the Customs Duties (E.C.S.C.) (Amendment) Order 1977**(b)**, are hereby revoked.

*Donald R. Coleman,*
*T. E. Graham,*
Two of the Lords Commissioners
of Her Majesty's Treasury.

7th December 1977.

*Article* 6(1)

SCHEDULE 1

PART I

Algeria
Austria
Egypt
Finland
Israel
Jordan
Lebanon
Morocco
Norway
Portugal
Sweden
Switzerland
Syria
Tunisia

**(a)** S.I. 1977/1092 (1977 II, p. 3081). **(b)** S.I. 1977/1117 (1977 II, p. 3141).

PART II

*African, Caribbean and Pacific States*

The Commonwealth of the Bahamas
Barbados
People's Republic of Benin
Republic of Botswana
Republic of Burundi
United Republic of Cameroon
The Republic of Cape Verde
The Central African Empire
Republic of Chad
The Comoros
The People's Republic of the Congo
The Republic of Equatorial Guinea
Ethiopia
Fiji
Gabonese Republic
The Republic of Gambia
The Republic of Ghana
Grenada
The Republic of Guinea
Guinea Bissau
The Republic of Guyana
Republic of the Ivory Coast
Jamaica
The Republic of Kenya
The Kingdom of Lesotho
The Republic of Liberia
Madagascar
Malawi
Republic of Mali
Islamic Republic of Mauritania
Mauritius
Republic of Niger
Federal Republic of Nigeria
Papua New Guinea
Republic of Rwanda
The Democratic Republic of Sao Tome and Principe
Republic of Senegal
The Republic of the Seychelles
The Republic of Sierra Leone
Somali Democratic Republic
The Democratic Republic of Sudan
Republic of Surinam
The Kingdom of Swaziland
The United Republic of Tanzania
Republic of Togo
The Kingdom of Tonga
Trinidad and Tobago
The Republic of Uganda
Republic of Upper Volta
The Independent State of Western Samoa
The Republic of Zaire
Zambia

*Overseas Countries and Territories*

Anglo-French Condominium of the New Hebrides
Belize
British Antarctic Territory
British Indian Ocean Territory
British Virgin Islands
Brunei
Cayman Islands
Republic of Djibouti
Falkland Islands and Dependencies
French Polynesia
French Southern and Antarctic Territories
Gilbert Islands
Mayotte
Montserrat
Netherlands Antilles (Aruba, Bonaire, Curacao and St. Maarten, Saba, St. Eustatius)
New Caledonia and Dependencies
Pitcairn
St. Helena and Dependencies
St. Pierre and Miquelon
Solomon Islands
Turks and Caicos Islands
Tuvalu
Wallis and Futuna Islands
West Indies Associated States: Antigua; Dominica; St. Lucia; St. Vincent; St. Christopher, Nevis and Anguilla

## SCHEDULE 2

AGREEMENTS BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THIRD COUNTRIES

| (1) Third Country | (2) Date | (3) Council Regulation (EEC) | (4) Footnote |
|---|---|---|---|
| Austria | 22nd July 1972 | 2836/72 | (a) |
| Portugal | 22nd July 1972 | 2844/72 | (b) |
| Sweden | 22nd July 1972 | 2838/72 | (c) |
| Switzerland | 22nd July 1972 | 2840/72 | (d) |
| Norway | 14th May 1973 | 1691/73 | (e) |
| Finland | 5th October 1973 | 3177/73 | (f) |
| Israel | 11th May 1975 | 1274/75 | (g) |
| Tunisia | 25th April 1976 | 1289/76 | (h) |
| Algeria | 26th April 1976 | 1287/76 | (i) |
| Morocco | 27th April 1976 | 1288/76 | (j) |
| Egypt | 18th January 1977 | 1030/77 | (k) |
| Jordan | 18th January 1977 | 1032/77 | (l) |
| Syria | 18th January 1977 | 1031/77 | (m) |
| Lebanon | 3rd May 1977 | 1109/77 | (n) |

(a) O.J./SE L300, 31.12.72, p. 3.
(b) O.J./SE L301, 31.12.72, p. 166.
(c) O.J./SE L300, 31.12.72, p. 98.
(d) O.J./SE L300, 31.12.72, p. 190.
(e) O.J. No. L171, 27.6.73, p. 1.
(f) O.J. No. L328, 28.11.73, p. 1.
(g) O.J. No. L136, 28.5.75, p. 1.
(h) O.J. No. L141, 28.5.76, p. 194.
(i) O.J. No. L141, 28.5.76, p. 1.
(j) O.J. No. L141, 28.5.76, p. 97.
(k) O.J. No. L126, 23.5.77, p. 1.
(l) O.J. No. L126, 23.5.77, p. 166.
(m) O.J. No. L126, 23.5.77, p. 89.
(n) O.J. No. L133, 27.5.77, p. 1.

## EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which comes into operation on 1st January 1978, replaces the Customs Duties (E.C.S.C.) Order 1977, as amended, which sets out the ECSC unified tariff and the customs duties chargeable in accordance with it on goods imported into the United Kingdom except from other member States of the European Coal and Steel Community (ECSC).

The exemption from those duties in the case of ECSC goods imported for the construction, repair, maintenance or conversion of certain ships, boats or other vessels has been aligned in the English version of the tariff with the other versions.

SI 1977/2041
ISBN 0-11-072041-5

