STATUTORY INSTRUMENTS

1985 No. 1630

CUSTOMS AND EXCISE

The Customs Duties (ECSC) (No. 2) Order 1985

Approved by the House of Commons

Made - - -	*29th October* 1985
Laid before the House of Commons	*29th October* 1985
Coming into Operation	*30th October* 1985

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:—

1. This Order may be cited as the Customs Duties (ECSC) (No. 2) Order 1985(**b**) and shall come into effect on 30th October 1985.

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**).

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 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 to the customs duties charged under this Order.

(**a**) 1972 c.68; section 5(3) was amended by the Customs and Excise Duties (General Reliefs) Act 1979 (c.3), section 19(1) and Schedule 2, para. 3.

(**b**) The Customs Duties (ECSC) Order 1985 (S.I. 1985/1299), which revoked S.I. 1981/1769 as amended by S.I. 1982/1773, 1983/342, 1782, 1802, 1984/1306, 1452, 1969, 1985/12, 118 and 1027, expired at the end of 29th October 1985.

(**c**) *See* the CCT Schedule annexed to Council Regulation (EEC) No. 950/68 (OJ No. L172, 22.7.1968, p. 1, OJ/SE 1968(I)p. 275) as last amended by Council Regulation (EEC) No. 3400/84 (OJ No. L320, 10.12.1984, p. 1).

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.

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 purpose of their construction, repair, maintenance or conversion, or intended for fitting to or equipping such ships, boats or other vessels.

6.—(1) Subject to paragraph (3), 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 virtue of the application of the provisions relating to origin of goods in Council Regulation (EEC) No. 3225/80(**a**) or Council Decision No. 80/1186/EEC(**b**).

(3) Up to and including 31st December 1985, paragraph (1) shall not apply to goods which fall within headings 73.11A.1, 73.11A. IV.a)1, 73.11.B, 73.13.A, 73.13.B.I,73.13.B.II.b) and c), 73.13.B.III, 73.13.B.IV.b), c) and d) and 73.13.V.a) 2 which originate in Yugoslavia.

(4) 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**) OJ No. L347, 22.12.1980, p. 1. (**b**) OJ No. L361, 31.12.1980, p.1.

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

Ian B. Lang,
A. G. Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

29th October 1985.

Article 6

SCHEDULE 1

PART I

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

PART II

African, Caribbean and Pacific States

Antigua and Barbuda
Bahamas
Barbados
Belize
Benin
Botswana
Burkina Faso
Burundi
Cameroon
Cape Verde
Central African Republic
Chad
Comoros
Congo
Djibouti
Dominica
Equatorial Guinea
Ethiopia
Fiji
Gabon
Gambia
Ghana
Grenada
Guinea
Guinea-Bissau
Guyana
Ivory Coast
Jamaica
Kenya
Kiribati
Lesotho
Liberia
Madagascar
Malawi
Mali
Mauritania
Mauritius
Mozambique
Niger
Nigeria
Papua New Guinea
Rwanda
St Christopher and Nevis
St Lucia
St Vincent
Sâo Tomé and Principe
Senegal
Seychelles
Sierra Leone
Solomon Islands
Somalia
Sudan
Surinam
Swaziland
Tanzania
Togo
Tonga
Trinidad and Tobago
Tuvalu
Uganda
Vanuatu
Western Samoa
Zaire
Zambia
Zimbabwe

Overseas Countries and Territories

Anguilla
British Antarctic Territory
British Indian Ocean Territory
British Virgin Islands
Cayman Islands
Falkland Islands
Falkland Island Dependencies
French Polynesia
French Southern and Antarctic Territories
Greenland
Mayotte

Montserrat
Netherlands Antilles (Aruba, Bonaire, Curaçao, St Martin, St Eustatius)
New Caledonia and Dependencies
Pitcairn
St. Helena
St. Helena Dependencies
Turks and Caicos Islands
Wallis and Futuna Islands

SCHEDULE 2 Article 6(3)

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)
Yugoslavia	2nd April 1980	314/83	(o)

(a) OJ No. L300, 31.12.1972, p. 1 (OJ/SE1972 (31 Dec) p. 3).
(b) OJ No. L301, 31.12.1972, p. 164 (OJ/SE1972 (31 Dec) p. 166).
(c) OJ No. L300, 31.12.1972, p. 96 (OJ/SE1972 (31 Dec) p. 98).
(d) OJ No. L300, 31.12.1972, p. 188 (OJ/SE1972 (31 Dec) p. 190).
(e) OJ No. L171, 27.6.1973, p. 1.
(f) OJ No. L328, 28.11.1973, p. 1.
(g) OJ No. L136, 28.5.1975, p. 1.
(h) OJ No. L141, 28.5.1976, p. 194.
(i) OJ No. L141, 28.5.1976, p. 1.
(j) OJ No. L141, 28.5.1976, p. 97.
(k) OJ No. L126, 23.5.1977, p. 1.
(l) OJ No. L126, 23.5.1977, p. 166.
(m) OJ No. L126, 23.5.1977, p. 89.
(n) OJ No. L133, 27.5.1977, p. 1.
(o) OJ No. L41, 14.2.1983, p. 1.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order comes into operation on 30th October 1985. It continues in effect the provisions formerly contained in the Customs Duties (ECSC) Order 1985 (which itself consolidated the Customs Duties (ECSC) Order 1981 and its ten subsequent amendments.) The Order charges customs duties in accordance with the unified ECSC tariff on certain ECSC products imported into the United Kingdom, except from other member States of the European Coal and Steel Community (ECSC) and from certain other countries named in Schedule 1.

Article 6(3) reimposes duties on goods falling within headings 73.13.A, 73.13.B.1, 73.13B.II.b) and c), 73.13.B.III, 73.13.B.IV.b), c) and d), and 73.13.B.V.a) 2 which originate in Yugoslavia. Decision 84/556/ECSC of 6th November 1984 (OJ No. L306, 23.11.84, p. 75) established ceilings for imports of certain goods originating in Yugoslavia. These ceilings have now been reached on goods falling within the above headings. The Commissions's communication to member States giving notice of the reintroduction of customs duties is published in OJ No. C206 of 16th August 1985.

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