STATUTORY INSTRUMENTS

1982 No. 1208

CUSTOMS AND EXCISE

The Customs Duties (ECSC) Provisional Anti-Dumping (No. 2) Order 1982

Made - - - - - - - - - - -	*25th August* 1982
Laid before the House of Commons	*25th August* 1982
Coming into Operation	*26th August* 1982

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) Provisional Anti-Dumping (No. 2) Order 1982 and shall come into operation on 26th August 1982.

(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 Commissioners" means the Commissioners of Customs and Excise.

(3) This Order charges a duty pursuant to Commission Recommendation No. 2242/82/ECSC**(b)** requiring the imposition of a provisional anti-dumping duty.

2. There shall be charged on the importation into the United Kingdom on or after 14th August 1982 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 provided for by the following Article.

3. The duty chargeable by virtue of this Order shall be determined by applying the provisions of Article 1(2) of Commission Recommendation No. 2242/82/ECSC.

4. for the purposes of applying Article 1(2)(*c*) of Commission Recommendation No. 2242/82/ECSC (which provides for proof to be given of the price paid by the first purchaser in the Community) the reference to "customs authorities" shall be interpreted as a reference to the Commissioners.

(a) 1978 c. 42.

(b) OJ No L238, 13.8.1982, p. 32.

5. The second column of the Schedule to the Customs Duties (ECSC) Definitive Anti-Dumping Order 1979**(a)** shall be amended by the deletion of the words "H Sections (broad-flanged beams),".

6. Any duty paid under the Customs Duties (ECSC) Definitive Anti-Dumping Order 1979 in respect of goods of a description set out in the second column of the Schedule hereto imported into the United Kingdom on or after 14th August 1982 shall, on application being made by the importer to the Commissioners, be repaid by the Commissioners.

Iain Sproat,
Parliamentary Under-Secretary of State,
Department of Trade.

25th August 1982.

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), other than (*a*) goods consigned from another member State, in respect of which an anti-dumping duty imposed by Commission Recommendation No. 2242/82/ECSC has been paid or secured, or (*b*) goods imported into any of the territories to which the ECSC Treaty applies**(b)** before 14th August 1982 (this being the date on which that Recommendation came into force).

(a) SI. 1979/566.

(b) *See* Article 79 of the ECSC Treaty.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order imposes a provisional anti-dumping duty on imports into the United Kingdom from 14th August 1982 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 from 14th August 1982 by virtue of Commission Recommendation 2242/82/ECSC which also fixes the rate of duty as:—

(i) equal to:

—the amount by which the effective price (basic price plus extras) established by contract, free-at-frontier, duty-paid, is lower than the most recent effective price (basic price plus extras) published by the Commission (the latest prices published appear in Official Journal No. L372, 29 December 1981) for these products, or

—8.63 E.C.U. per 1000 Kg net,

whichever amount is higher; but

(ii) where the products described in the Order are not put into free circulation on the basis of the price to the first purchaser in the Community, the amount of duty shall be equal to:

—the amount by which the effective price (basic price plus extras) established by contract, free-at-frontier, duty-paid, is lower than the most recent effective price (basic price plus extras) published by the Commission for these products, increased by 15%, or

—8.63 E.C.U. per 1000 Kg net,

whichever amount is higher;

(iii) however, where the importer is able to give proof to the satisfaction of the Commissioners of Customs and Excise of the price paid by the first purchaser, paragraph (i) above shall apply.

The duty will not be collected on importation if the importer gives security of the amount of the duty to the Commissioners of Customs and Excise in accordance with the provisions of the Anti-Dumping and Countervailing Duties Order 1978 (S.I. 1978/1147).

The Order applies to imports from 14th August 1982. 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.

The provisional duty imposed by this Order supersedes the definitive anti-dumping duty on broad-flanged beams originating in Spain and consigned to the United Kingdom from another country imposed by the Customs Duties (ECSC) Definitive Anti-Dumping Order 1979, which is amended so that it no longer applies to broad-flanged beams. This Order also provides that any duty paid under the 1979 Order in respect of such goods imported into the United Kingdom on or after 14th August 1982 shall be repaid.

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