STATUTORY INSTRUMENTS

1982 No. 747

CUSTOMS AND EXCISE

The Customs Duties (ECSC) Provisional Anti-Dumping Order 1982

Made - - - - - 26*th May* 1982

Laid before the House of Commons 27*th May* 1982

Coming into Operation - - 28*th May* 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 Order 1982 and shall come into operation on 28th May 1982.

(2) In this Order references to goods originating in Brazil 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.

(3) This Order charges a duty pursuant to Commission Recommendation No. 1104/82/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 12th May 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) and (3) of Commission Recommendation No. 1104/82/ECSC.

(**a**) 1978 c.42. (**b**) OJ No. L128, 11.5.82, p.9.

4. For the purposes of applying Article 1(3)(*b*) of Commission Recommendation No. 1104/82/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 of Customs and Excise.

Peter Rees,

Minister for Trade,
Department of Trade.

26th May 1982.

SCHEDULE

Tariff Heading	Description of Goods
73.13 B.II *b*) and *c*)	Sheets and plates, of iron and steel, not further worked than cold rolled, of a thickness of less than 3mm originating in Brazil, other than (*a*) goods consigned from another member State, in respect of which an anti-dumping duty imposed by Commission Recommendation No. 1104/82/ECSC has been paid or secured, or (*b*) goods imported into any of the territories to which the ECSC Treaty applies(**a**) before 12th May 1982 (this being the date on which that Recommendation came into force).

(**a**) *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 12th May 1982 of certain sheets and plates of iron or steel as described in the Order, originating in Brazil.

The United Kingdom is under a Community obligation to impose the duty from 12th May 1982 by virtue of Commission Recommendation 1104/82/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; 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%;

(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 12th May 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.

SI 1982/747
ISBN 0-11-026747-8

