
 STATUTORY INSTRUMENTS

1977 No. 1092

CUSTOMS AND EXCISE

The Customs Duties (E.C.S.C.) Order 1977

<i>Made</i> - - - -	29th June 1977
<i>Laid before the House of Commons</i> - -	30th June 1977
<i>Coming into Operation</i>	1st July 1977

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 (E.C.S.C.) Order 1977 and shall come into operation on 1st July 1977.

(2) This Order does not increase duties of customs otherwise than in pursuance of a Community obligation.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Goods to which this Order applies

2. This Order shall apply to goods covered by the E.C.S.C. Treaty (Coal and Steel) 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 Chapters 26, 27 and 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) 2723/76 (O.J. No. L314, 15.11.76, p. 1).

Rates of customs duties

4.—(1) Where in relation to any goods which are of a heading or subheading in 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 import into the United Kingdom of goods classified in that heading or subheading other than goods imported from another member State which originate 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 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 which are imported for the purpose of being used in the construction, repair, maintenance or conversion of the ships, boats or other vessels listed in Part A of the Special Provisions preceding the CCT Schedule, or for the purpose of fitting out 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 of a country named in Part I or II of Schedule 1 hereto.

(2) For the purposes of this Article goods shall be regarded as goods of 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 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.

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.

*J. Dormand,
David Stoddart,*

Two of the Lords Commissioners
of Her Majesty's Treasury.

29th June 1977.

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

SCHEDULE 1

Article 6(1)

PART I

Austria

Finland

Norway

Portugal

Sweden

Switzerland

PART II

African, Caribbean and Pacific States

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

Overseas Countries and Territories

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

SCHEDULE 2

AGREEMENTS BETWEEN THE EUROPEAN ECONOMIC COMMUNITY
AND THIRD COUNTRIES

(1) <i>Third Country</i>	(2) <i>Date</i>	(3) <i>Council Regulation (EEC)</i>	(4) <i>Footnote</i>
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)

(a) O.J. No. L300, 31.12.72, p. 1.
(c) O.J. No. L300, 31.12.72, p. 96.
(e) O.J. No. L171, 27.6.73, p. 1.

(b) O.J. No. L301, 31.12.72, p. 166.
(d) O.J. No. L300, 31.12.72, p. 188.
(f) O.J. No. L328, 28.11.73, p. 1.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which comes into operation on 1st July 1977, provides for the classification of goods covered by the European Coal and Steel Community (ECSC) namely coal and steel by reference to the ECSC unified tariff, which the United Kingdom has to apply from 1st July 1977 under Article 39 of the Act annexed to the Treaty of Accession to the European Economic Community, and the customs duties chargeable in accordance with that tariff on imports except from other member States of the ECSC.

It also provides for exemption from those duties in the case of

- (a) ECSC goods of certain EFTA countries, having Agreements with the member States of the ECSC, listed in Part I of Schedule 1 to the Order
- (b) the African, Caribbean and Pacific States and the Overseas Countries and Territories set out in Part II of Schedule 1, in accordance with Agreements to which member States of the ECSC are parties
- (c) goods used in the construction, repair, maintenance or conversion of, or for the purpose of fitting out or equipping, certain ships, boats or other vessels, in respect of which customs duties are suspended in accordance with the preliminary provisions of the tariff.

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