

1979 No. 181

CUSTOMS AND EXCISE

**The Customs Duties (ECSC) Provisional Anti-Dumping
Order 1979**

Made - - - - 22nd February 1979

*Laid before the
House of Commons* 22nd February 1979

Coming into Operation 23rd February 1979

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 1979 and shall come into operation on 23rd February 1979.

(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;

“Commission” means Commission of the European Communities;

“import price” means the price paid by the importer under the contract for sale including insurance and freight and duty charged under the Customs Duties (ECSC) (No. 2) Order 1977(b);

“importer” has the same meaning as in the Customs and Excise Act 1952(c).

(3) This Order charges a duty pursuant to Commission Recommendation 267/79/ECSC(d) requiring the imposition of a provisional anti-dumping duty.

2. There shall be charged on the importation into the United Kingdom on or after 13 February 1979 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 set out in the following Article.

(a) 1978 c. 42.
(c) 1952 c. 44.

(b) S.I. 1977/2041.
(d) O.J. L 37, 13.2.79, p. 21.

3.—(1) Subject to paragraph (2) below, the duty chargeable by virtue of this Order shall be equal to the amount by which the import price is lower than the price last published by the Commission in the Official Journal of the Communities(a) at the time of importation for the goods in question.

(2) Where it is established by an importer to the satisfaction of the Commissioners of Customs and Excise that the difference between the two prices referred to in paragraph (1) above is due wholly or partly to the quality of the goods in question being lower than the lowest quality described in the Official Journal in relation to the price published therein by the Commission as mentioned in paragraph (1) above, the amount of duty chargeable shall be reduced by the amount which in the opinion of the Commissioners of Customs and Excise represents the diminution in value of the goods resulting from the quality of the goods being lower than the lowest quality as aforesaid.

22nd February 1979.

Michael Meacher,
Parliamentary Under-Secretary of State,
Department of Trade.

(a) See Commission Statement of 30.12.78 concerning basic prices of certain iron and steel products (O.J. L 372, 30.12.78, p. 2).

SCHEDULE

Tariff Heading	Description of Goods
ex 73.11 A.I.	<p>Angles, shapes and sections, of iron or steel, not further worked than hot-rolled or extruded (ECSC), U, I or H Sections of a height of less than 80 mm and H Sections (broad-flanged beams), U or I Sections of a height of 80 mm or more, originating in Spain, other than</p> <p>(a) goods consigned from another member State, in respect of which an anti-dumping duty is imposed by Recommendation 267/79/ECSC and has been paid or secured, or</p> <p>(b) goods imported into any of the territories to which the ECSC Treaty applies (a) before the date of the publication of that Recommendation in the Official Journal of the Communities.</p>

(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 13th February 1979 of certain angles, shapes and sections of iron or steel as described in the Order, originating in Spain, at a rate equal to the amount by which the price paid by the importer for the goods inclusive of insurance and freight and the duty under the ECSC unified tariff is lower than the price last published by the Commission of the European Communities at the time of importation.

The Order also provides that the amount of duty shall be reduced to the extent that the importer establishes to the satisfaction of the Commissioners of Customs and Excise that the difference between the two prices referred to in the first paragraph above is due wholly or partly to the quality of the goods in question being inferior to the lowest quality described in relation to the price last published by the Commission.

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 United Kingdom is under a Community obligation by virtue of the Recommendation referred to in the Order to impose the duty from 13th February 1979.

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