STATUTORY INSTRUMENTS

# 1985 No. 475

## IRON AND STEEL

## The Distributors of Iron and Steel Products (ECSC Requirements) (Amendment No. 3) Regulations 1985

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| *Made* - - - - | 21*st March* 1985 |
| *Laid before Parliament* | 22*nd March* 1985 |
| *Coming into Operation* | 12*th April* 1985 |

The Secretary of State, being a Minister designated (**a**) for the purposes of section 2(2) of the European Communities Act 1972 (**b**) in relation to matters relating to the pricing of Iron and Steel products, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

**1.** These Regulations may be cited as the Distributors of Iron and Steel Products (ECSC Requirements) (Amendment No. 3) Regulations 1985 and shall come into operation on 12th April 1985.

**2.** The Distributors of Iron and Steel Products (ECSC Requirements) Regulations 1982 (**c**) are hereby amended as follows:—

*(a)* in regulation 2(1), for the definition of "distributive undertaking" there shall be substituted the following:—

"distributive undertaking" means a person who, on his own account, carries on the business of selling steel products within the Coal and Steel Community;

*(b)* in Regulation 2(1) by deleting the definition "group";

*(c)* in Regulation 2(1), for the definition of "steel dealer" there shall be substituted the following:

"steel dealer" means a distributive undertaking which—

(i) has a place of business in the United Kingdom,

(ii) regularly exercises a distribution activity other than sales to domestic consumers or the craft trades,

(iii) is not a selling agency, and

(iv) does not produce steel products,

and for the purposes of sub-paragraph (iv) above, production does not include the processing of one steel product into another by a process other than rolling";

*(d)* by the substitution for Regulation 3 of the following Regulation—

*"Application*

**3.—(1)** Regulations 4 and 5 below apply to a distributive undertaking only if—

*(a)* it is a steel dealer, and

(**a**) S.I. 1981/1536.
(**b**) 1972 c.68.
(**c**) S.I. 1982/1590; this instrument has been amended by S.I. 1983/1184, 1984/219 and 1270.

*(b)* the sales of steel products by it for the period from 1st January 1984 to 31st December 1984 amount to not less than 2000 tonnes of special steels or 4000 tonnes of all steel products.

(2) Regulations 6 to 8 and 10 below apply to a distributive undertaking only if it is a steel dealer.

(3) Regulations 9 and 11 below apply to every distributive undertaking which has a place of business in the United Kingdom.";

*(e)* in Regulation 5(1)*(c)* there shall be deleted the words "or by another member of the same group as that steel dealer";

*(f)* by the insertion, after Regulation 9, of the following Regulation—

*"Duty to draw up price lists*

9A Steel dealers who are not obliged to publish price lists and conditions of sale because they do not meet the conditions set out in Regulation 3(1)*(b)* shall draw up their own price lists and make them available to the Secretary of State at his request to enable him to verify that Regulations 6 to 8 above are being complied with".

21st March 1985.

*Norman Lamont,*
Minister of State,
Department of Trade and Industry.

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

The Distributors of Iron and Steel Products (ECSC Requirements) Regulations 1982 implemented Commission Recommendation No 1835/81/ECSC of 3 July 1981 (O.J. No L184 of 4.7.1981, p. 9), to the Member States, as amended by Commission Recommendation No 1518/82/ECSC of 11 June 1982 (O.J. No L69 of 16.6.1982, p. 5) on the obligation of persons who carry on the business of selling steel products within the Coal and Steel Community to publish price lists and conditions of sale and on prohibited practices in the steel trade.

The requirements of that Recommendation which expired on 30 June 1984 were extended until 31 December 1985 by Commission Recommendation No 1946/84/ECSC of 6 July 1984 (O.J. No L180 of 7.7.1984, p. 28).

By Commission Recommendation No 85/122/ECSC of 4 February 1985 (O.J. No L46, 15.2.85, p. 54) Commission Recommendation 1835/81/ECSC was further amended and now applies to all steel dealers. However, small steel stockholders may be exempted from the obligation to publish prices and conditions of sale. It will be sufficient for them to draw up their own price lists to prove that they have complied with Articles 1 to 15 of Recommendation 1835/81/ECSC. The Recommendation does not extend to distributive undertakings which supply steel only to domestic consumers or the craft trades.

The present Regulations implement this amendment.

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