
STATUTORY INSTRUMENTS

2019 No. 450

**The Trade Remedies (Dumping and
Subsidisation) (EU Exit) Regulations 2019**

PART 4

Injury and causation

Disregarding a producer for the purpose of the definition of a UK industry

29.—(1) This regulation applies where the TRA is considering whether a producer is a “producer in the United Kingdom of like goods” (“UK producer”) for the purpose of the definition of a “UK industry” in paragraph 6 of Schedule 4 to the Act.

(2) The TRA may determine that a producer is not a UK producer where that producer is—

- (a) an importer of the goods concerned;
- (b) related to an overseas exporter of the goods concerned in the exporting country or territory;
or
- (c) related to an importer of the goods concerned in the United Kingdom.

(3) For the purpose of paragraph (2), a producer is “related” to another person (“P”) if—

- (a) the producer controls directly or indirectly, or is controlled directly or indirectly by, P; or
- (b) the producer and P together control the same third party directly or indirectly or are controlled directly or indirectly by the same third party.

(4) The TRA may only determine that a producer is not a UK producer where the producer is related to P and the TRA considers that the effect of the relationship is such as to cause that producer to behave differently to the other unrelated producers of the like goods in the United Kingdom.

(5) For the purpose of this regulation, one entity is considered to control another entity, directly or indirectly, where it is legally or operationally in a position to exercise restraint or direction over the other.