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STATUTORY INSTRUMENTS

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**2019 No. 450**

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

**PART 7**

Initiation and conduct of a review

**CHAPTER 2**

Conduct of a review

**New exporter review**

**71.**—(1) The TRA may conduct a review (a “new exporter review”) to consider whether the application of an anti-dumping amount or a countervailing amount to goods should be varied in the case of a new exporter.

(2) A “new exporter” is an overseas exporter that did not export the goods subject to review into the United Kingdom during the period of investigation in respect of which the application of the relevant anti-dumping amount or countervailing amount is based.

(3) A review application for a new exporter review must include evidence that—

- (a) the review applicant is not related to any overseas exporter—
  - (i) who is subject to the application of an anti-dumping amount or a countervailing amount in respect of the dumped goods or subsidised imports; and
  - (ii) who exported the dumped goods or subsidised imports to the United Kingdom during the period of investigation;
- (b) the review applicant did not export the goods subject to review to the United Kingdom during the period of investigation and either—
  - (i) is exporting the goods subject to review to the United Kingdom; or
  - (ii) has a contractual obligation to export a significant quantity of the goods subject to review to the United Kingdom.

(4) Where an anti-dumping amount or a countervailing amount has been determined using sampling in accordance with regulation 37 (determination of the anti-dumping amount or countervailing amount for non-sampled overseas exporters), an anti-dumping amount or a countervailing amount applied to the goods subject to review must be the same as the non-sampled overseas exporter amount determined in accordance with that regulation.

(5) Where the TRA initiates a new exporter review in relation to an anti-dumping amount—

- (a) the TRA must notify the Secretary of State; and
- (b) the Secretary of State must suspend, by a public notice made under section 13 of the Act, the collection of any anti-dumping amount for the review applicant’s goods pending the outcome of the new exporter review.

- (6) Following a new exporter review, the TRA may determine that—
- (a) the review applicant is not a new exporter;
  - (b) the review applicant is a new exporter and the non-sampled overseas exporter amount should be applied to the review applicant’s exports of the goods subject to review;
  - (c) the review applicant is a new exporter and an individual anti-dumping amount or individual countervailing amount should be applied to the review applicant’s exports of the goods subject to review at a rate calculated during the review; or
  - (d) the review applicant is a new exporter and an undertaking should be accepted in accordance with Part 8.
- (7) If the TRA makes a determination under paragraph (6)(a) in respect of an anti-dumping amount, the Secretary of State may, by a public notice made under section 13 of the Act, apply the rate previously calculated in accordance with regulation 38 (determination of the residual amount) in respect of the relevant review applicant from the date of the initiation of the new exporter review.
- (8) If the TRA makes a determination under paragraph (6)(b) or (c) in respect of an anti-dumping amount, the Secretary of State may, by a public notice made under section 13 of the Act, apply the rate specified in the TRA’s recommendation in respect of that new exporter from the date of the initiation of the new exporter review.
- (9) If the Secretary of State accepts an undertaking, Part 8 applies to the extent it is relevant.