
STATUTORY INSTRUMENTS

2019 No. 450

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

[^{F1}PART 9A

Investigation in light of an international dispute decision

F1 Pt. 9A inserted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, **20**

General

Investigation in light of an international dispute decision

88A.—(1) The Secretary of State may direct the TRA to investigate whether the application to goods of an anti-dumping amount or a countervailing amount should be maintained, varied, or revoked in light of an international dispute decision.

(2) In this Part, “international dispute investigation” means an investigation required by the Secretary of State under paragraph (1).

Suspension of an anti-dumping amount or a countervailing amount

88B.—(1) The Secretary of State may by public notice suspend the application to goods of an anti-dumping amount or a countervailing amount for the period it is subject to an international dispute investigation.

(2) The suspension begins the day after the day on which the public notice is published.

[^{F2}(3) The suspension ends the day after the day on which—

(a) the TRA publishes notice under—

(i) regulation 88F(2); or

(ii) regulation 88G(4); or

(b) the Secretary of State publishes notice under—

(i) paragraph 22(4)(a) of Schedule 4 to the Act; or

(ii) regulation 88I(4)(a).]

F2 Reg. 88B(3) substituted (5.8.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/730\)](#), regs. 1, **17**

Investigation

Initiation

- 88C.**—(1) The TRA must publish notice of its initiation of the international dispute investigation.
- (2) The notice must contain the information set out in paragraph 1 of Schedule 5A.

Conduct

88D. Parts 2 to 6 apply to an international dispute investigation to the extent the TRA considers relevant.

Determination

88E.—(1) The TRA must determine whether the application to goods of the anti-dumping amount or the countervailing amount should be maintained, varied, or revoked in light of the international dispute decision.

(2) The TRA may make different determinations for different goods or descriptions of goods, including by reference to—

- (a) an overseas exporter or a description of overseas exporter;
- (b) a foreign country or territory or a description of foreign country or territory.

Determination

Determination to maintain

88F.—(1) This regulation applies if the TRA determines the application to goods of an anti-dumping amount or a countervailing amount should be maintained.

- (2) The TRA must publish notice of the determination.
- (3) The notice must contain the information set out in paragraph 2 of Schedule 5A.

Determination to vary

88G.—(1) This regulation applies if the TRA determines the application to goods of an anti-dumping amount or a countervailing amount should be varied.

(2) If the TRA is satisfied the application to goods of an anti-dumping amount or a countervailing amount in accordance with the determination meets the economic interest test, the TRA must recommend to the Secretary of State that the application to goods of the anti-dumping amount or the countervailing amount should be varied.

- (3) The TRA may recommend—
 - (a) varying the goods or the description of goods to which the anti-dumping amount or the countervailing amount applies;
 - (b) varying the period for which the anti-dumping amount or the countervailing amount applies;
 - (c) varying how the anti-dumping amount or the countervailing amount is determined;
 - (d) any other variation.

(4) If the TRA is not satisfied that the application to goods of an anti-dumping amount or a countervailing amount in accordance with the determination meets the economic interest test, the TRA must publish notice of the determination.

(5) A notice under paragraph (4) must contain the information set out in paragraph 2 of Schedule 5A.

Determination to revoke

88H.—(1) This regulation applies if the TRA has determined that the application to goods of an anti-dumping amount or a countervailing amount should be revoked.

(2) The TRA must recommend to the Secretary of State that the application to goods of the anti-dumping amount or the countervailing amount should be revoked.

Recommendation

Acceptance or rejection of a recommendation

88I.—(1) The Secretary of State must accept or reject a recommendation made by the TRA under regulation 88G(2) or 88H(2).

(2) The Secretary of State must accept a recommendation made under regulation 88G(2) unless the Secretary of State is satisfied—

- (a) it is not in the public interest to accept the recommendation; or
- (b) the TRA determination that the application of the anti-dumping amount or the countervailing amount to goods in accordance with the determination to vary meets the economic interest test is not a determination the TRA could reasonably have made.

(3) The Secretary of State must accept a recommendation made under regulation 88H(2) unless the Secretary of State is satisfied it is not in the public interest to accept the recommendation.

(4) If the Secretary of State rejects a recommendation, the Secretary of State must—

- (a) publish notice of the recommendation and of the rejection of it;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for rejecting the recommendation.]

Changes to legislation:

There are currently no known outstanding effects for the The Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019, PART 9A.