

STATUTORY INSTRUMENTS

2019 No. 450

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

[^{F1}PART 12

Transitional provisions

[^{F1}CHAPTER 1

General

F1 Pt. 12 substituted (23.7.2019) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1076\)](#), regs. 1, **10**

Interpretation for Part 12

94.—(1) In this Part—

“appropriate date” means—

- (a) in relation to a transition review under regulation 97(2)(a), the day of replacement of EU trade duty;
- (b) in relation to a transition review under regulation 97(2)(b)—
 - (i) the [^{F2}day after the] day of publication of the notice under regulation 101C(2)(a); or
 - (ii) the day of expiry if the relevant UK trade remedies measure continues to apply under regulation 97C(2);

[^{F3}“circumvention” has the meaning given in regulation 73(2);]

“determination notice” means a notice published by the Secretary of State under regulation 96(1);

“EU anti-dumping duty” means a definitive anti-dumping duty imposed by an EU instrument made under—

- (a) the EU anti-dumping regulation;
- (b) an earlier EU regulation under which an EU instrument imposing a definitive anti-dumping duty could have been made;

“the EU anti-dumping regulation” means Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union;

“EU countervailing duty” means a definitive countervailing duty imposed [^{F4}by an EU instrument] made under—

- (a) the EU countervailing regulation; or

(b) an earlier EU regulation under which an EU instrument imposing a definitive countervailing duty could have been made;

“the EU countervailing regulation” means Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union;

“EU regulation” has the same meaning as in Article 288 of the Treaty on the Functioning of the European Union;

“EU trade remedies measure” means an EU anti-dumping duty or an EU countervailing duty;

“recommendation of revocation” means a recommendation made under regulation 100(1) in accordance with regulation 100B;

“recommendation of variation” means a recommendation made under regulation 100(1) in accordance with regulation 100A;

“replacement of EU trade duty” means the coming into force of paragraph 1 of Schedule 7 to the Act in so far as it relates to any EU anti-dumping duty or EU countervailing duty;

“transition review” means a review under regulation 97(2)(a) or (b);

“UK trade remedies measure” means an anti-dumping amount or a countervailing amount applied by public notice under regulation 96A(1).

(2) For the purposes of this Part, “EU countervailing duty” includes a duty that would apply to goods were it not for acceptance by the European Commission of an undertaking in accordance with Article 13 of the EU countervailing regulation.

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| F2 | Words in reg. 94(1) inserted (1.3.2020) by The Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99) , regs. 1, 21(a) |
| F3 | Words in reg. 94 inserted (3.5.2022) by The Trade Remedies (Miscellaneous Amendments) Regulations 2022 (S.I. 2022/414) , regs. 1, 3(3) |
| F4 | Words in reg. 94(1) substituted (1.3.2020) by The Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99) , regs. 1, 21(b) |

Treatment of trade remedies measure transitioned under this Part

94A.—(1) This regulation applies for the purposes of the other Parts of these Regulations.

(2) An anti-dumping amount or a countervailing amount applied by public notice under regulation 96A(1) or [^{F5}101C(2)(a)] is to be treated as if it were [^{F6}an anti-dumping amount or a countervailing amount]—

- (a) applied under section 13(2) of the Act;
- (b) giving effect to a recommendation made by the TRA under paragraph 17(3) or (4) of Schedule 4 to the Act;
- (c) following an investigation conducted in accordance with Schedule 4 to the Act and the other Parts of these Regulations.

(3) A reference to a public notice under section 13 includes a reference to a public notice under regulation 96A(1) or [^{F7}101C(2)(a)].

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| F5 | Word in reg. 94A(2) substituted (1.3.2020) by The Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99) , regs. 1, 22(a)(i) |
| F6 | Words in reg. 94A(2) substituted (1.3.2020) by The Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99) , regs. 1, 22(a)(ii) |

F7 Word in reg. 94A(3) substituted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, **22(b)**

New exporter review of trade remedies measure transitioned under this Part

94B.—(1) This regulation applies for the purposes of a new exporter review in relation to an anti-dumping amount or a countervailing amount applied by public notice under regulation 96A(1) or [^{F8}101C(2)(a)].

(2) Regulation 71 (new exporter review) has effect as if—

- (a) in paragraphs (2), (3)(a)(ii), and the first reference in paragraph (3)(b), for “the United Kingdom”, there were substituted “the European Union”;
- (b) in paragraph (4), for “regulation 37 (determination of the anti-dumping amount or countervailing amount for non-sampled overseas exporters)” substitute “the EU anti-dumping regulation or the EU countervailing regulation”;
- (c) in paragraph (7), for “the rate previously calculated in accordance with regulation 38 (determination of residual amount)”, there were substituted “the relevant anti-dumping amount applied by public notice under regulation 96A(1) or 101C(2)(a)”;
- (d) after paragraph (9), there were inserted—

“(10) In this regulation, “EU anti-dumping regulation” and “EU countervailing regulation” have the same meaning as in regulation 94.”.

F8 Word in reg. 94B(1) substituted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, **23**

Scope review of trade remedies measure transitioned under this Part

94C.—(1) This regulation applies for the purposes of a scope review in relation to an anti-dumping amount or a countervailing amount applied by public notice under regulation 96A(1) or [^{F9}101C(2)(a)].

(2) Regulation 74 (scope review) has effect with the omission of paragraph (4)(a).

F9 Word in reg. 94C(1) substituted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, **24**

[^{F10}Suspension of trade remedies measure transitioned under this Part

94D.—(1) This regulation applies if the same goods are subject to—

- (a) a trade remedies measure; and
- (b) a safeguarding measure.

(2) The Secretary of State must by public notice suspend the application of—

- (a) the full trade remedies measure if the trade remedies measure is equal to, or less than, the safeguarding measure;
- (b) the portion of the trade remedies measure equal to the safeguarding measure if the trade remedies measure is more than the safeguarding measure.

(3) The Secretary of State must by public notice revoke the suspension of the trade remedies measure if the goods are no longer subject to the safeguarding measure.

- (4) A suspension under paragraph (2) does not suspend the period specified in accordance with—
- (a) regulation 96A(2)(c)(iii) in a public notice made under regulation 96A(1);
 - (b) regulation 101C(3)(b)(iii) in a public notice made under regulation 101C(2)(a).
- (5) In this regulation—
- (a) “trade remedies measure” means an anti-dumping amount or a countervailing amount applied by public notice under regulation 96A(1) or 101C(2)(a) but for the effect of any suspension under this regulation;
 - (b) “safeguarding measure” means an additional amount of import duty applied by public notice under regulation 47(2) or 52(4)(a) of the Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019.]]

F10 Reg. 94D inserted (31.12.2020) by [The Taxation \(Cross-border Trade\) \(Miscellaneous Provisions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1346\)](#), regs. 1(2), **10(2)**; [S.I. 2020/1643](#), reg. 2, Sch.

Changes to legislation:

There are currently no known outstanding effects for the The Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019, CHAPTER 1.