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STATUTORY INSTRUMENTS

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**2019 No. 450**

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

[<sup>F1</sup>PART 12

Transitional provisions

[<sup>F1</sup>CHAPTER 3

Transition of EU trade remedies measure

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

**Determination to transition EU trade remedies measure**

**96.**—(1) The Secretary of State may by publishing a notice determine to transition an EU trade remedies measure.

(2) A notice under paragraph (1) may be published at any time before replacement of EU trade duty.

**Transition of EU trade remedies measure**

**96A.**—(1) The Secretary of State must by public notice make provision giving effect to an EU trade remedies measure specified in a determination notice.

(2) A notice made under paragraph (1) must—

- (a) be made before replacement of EU trade duty;
- (b) take effect on replacement of EU trade duty;
- (c) specify—
  - (i) the anti-dumping amount or the countervailing amount;
  - (ii) the goods or the description of the goods to which the anti-dumping amount or the countervailing amount applies;
  - (iii) the period beginning on replacement of EU trade duty for which the anti-dumping amount or the countervailing amount is to apply to those goods;
- (d) refer to the relevant determination notice;
- (e) if applicable, include a statement that the anti-dumping amount or the countervailing amount is subject to a transition review under regulation 97(2)(b).

(3) Subject to regulations 96B and 96C, the information specified under paragraph (2)(c) must be consistent with the relevant EU trade remedies measure [<sup>F2</sup>specified in the determination notice].

(4) Paragraph (1) does not apply if the Secretary of State—

- (a) has [<sup>F3</sup>accepted under regulation 101(1) a recommendation of revocation] in relation to the relevant EU trade remedies measure; or
  - (b) has published a notice withdrawing the relevant determination notice.
- (5) A notice under paragraph (1) does not take effect if the relevant EU trade remedies measure is no longer in force.

<b>F2</b>	Words in reg. 96A(3) substituted (31.10.2019) by <a href="#">The Taxation (Cross-border Trade) (Miscellaneous Provisions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1346)</a> , regs. 1(3)(c), <b>10(3)</b>
<b>F3</b>	Words in reg. 96A(4)(a) substituted (1.3.2020) by <a href="#">The Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99)</a> , regs. 1, <b>25</b>

### Transition of expired EU trade remedies measure

**96B.**—(1) This regulation applies if an EU trade remedies measure specified in a determination notice remains in force pending the outcome of an EU expiry review.

(2) The period specified under regulation 96A(2)(c)(iii) must end 30 days after replacement of EU trade duty unless regulation 96C applies.

(3) In this regulation, “EU expiry review” means a review conducted by the European Commission in accordance with—

- (a) Article 11(2) of the EU anti-dumping regulation; or
- (b) Article 18 of the EU countervailing regulation.

### Transition of varied EU trade remedies measure

**96C.**—(1) This regulation applies if the Secretary of State has [<sup>F4</sup>accepted under regulation 101(1) a recommendation of variation] in relation to the relevant EU trade remedies measure.

(2) The information specified under regulation 96A(2)(c) must be consistent with that recommendation.

<b>F4</b>	Words in reg. 96C(1) substituted (1.3.2020) by <a href="#">The Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99)</a> , regs. 1, <b>26</b>
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### [<sup>F5</sup>Transition of EU exemption after replacement of EU trade duty

**96D.**—(1) The Secretary of State may by public notice exempt goods imported by a person in the United Kingdom from the application of a UK trade remedies measure if—

- (a) the person requested from the European Commission an EU exemption to an EU trade remedies measure before replacement of EU trade duty;
  - (b) the EU trade remedies measure was specified in the determination notice that preceded the UK trade remedies measure; and
  - (c) the person was granted the EU exemption after replacement of EU trade duty, but with effect from a date before replacement of EU trade duty.
- (2) The public notice—
- (a) must not take effect before the [<sup>F6</sup>replacement of EU trade duty]; and
  - (b) applies only to goods imported into the United Kingdom after it takes effect.
- (a) [

<sup>F7</sup>(2A) (a) This paragraph applies where—

- (i) the Secretary of State has granted a person an exemption under paragraph (1); and
- (ii) the public notice granting the exemption provides for it to take effect the day after the day on which it is made (or a later date).

(a) (2B) (a) The Secretary of State may by public notice—

- (i) vary the notice referred to in paragraph 2A (ii) to provide for the exemption to take effect on an earlier date (but such a date may not be before replacement of EU trade duty); and
- (ii) provide that the person whose goods are exempted from the application of the UK trade remedies measure is entitled to a repayment of the amount paid towards the sums that were applicable in relation to their goods on and after the date the exemption takes effect.]

(3) In this regulation, “EU exemption” means an exemption authorised by the European Commission under Article 7(1) of [Commission Regulation \(EC\) No 88/97](#) of 20 January 1997 on the authorization of the exemption of imports of certain bicycle parts originating in the People’s Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by [Council Regulation \(EEC\) No 2474/93](#).]]

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| <b>F5</b> | Reg. 96D inserted (6.9.2021) by <a href="#">The Trade Remedies (Dumping and Subsidisation) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/942)</a> , regs. 1, <b>3</b>                        |
| <b>F6</b> | Words in reg. 96D(2)(a) substituted (25.9.2023) by <a href="#">The Trade Remedies (Dumping and Subsidisation) (Amendment) (No. 2) Regulations 2023 (S.I. 2023/955)</a> , regs. 1(2), <b>3(a)</b> |
| <b>F7</b> | Reg. 96D(2A)(2B) inserted (25.9.2023) by <a href="#">The Trade Remedies (Dumping and Subsidisation) (Amendment) (No. 2) Regulations 2023 (S.I. 2023/955)</a> , regs. 1(2), <b>3(b)</b>           |

**Changes to legislation:**

There are currently no known outstanding effects for the The Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019, CHAPTER 3.