

STATUTORY INSTRUMENTS

**2019 No. 450**

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

**[<sup>F1</sup>PART 12**

Transitional provisions

CHAPTER 4

Transition review

*[<sup>F1</sup>Recommendation*

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

**Recommendation following transition review**

**100.**—(1) The TRA must make a recommendation to the Secretary of State following a transition review to vary or revoke the application of the anti-dumping amount or the countervailing amount to the relevant goods.

(2) A recommendation under paragraph (1) must—

(a) be made in accordance with—

- (i) regulation 100A, if the recommendation is variation;
- (ii) regulation 100B, if the recommendation is revocation;

(b) include—

- (i) a description of the goods to which the recommendation relates;
- (ii) the names of overseas exporters or, where impracticable, the exporting countries or territories;
- (iii) a summary of the review;
- (iv) the reasons for the recommendation.

(3) The TRA must make a recommendation of revocation if the TRA is not satisfied that the application of an anti-dumping amount or a countervailing amount meets the economic interest test.

**Recommendation of variation**

**100A.**—(1) This regulation applies if the TRA is making a recommendation under regulation 100(1) to vary the application of the anti-dumping amount or the countervailing amount applicable to the relevant goods.

(2) The TRA must—

- (a) be satisfied that the application of an anti-dumping amount or a countervailing amount meets the economic interest test;
  - (b) have had regard to the current and prospective impact of the anti-dumping amount or the countervailing amount;
  - (c) specify the information set out in regulation 96A(2)(c).
- (3) The TRA must not make a recommendation comprising or including—
- (a) an anti-dumping amount that exceeds the margin of dumping;
  - (b) a countervailing amount that exceeds the amount of subsidy;
  - (c) an anti-dumping amount or a countervailing amount that is more than an amount the TRA is satisfied would be adequate to prevent or remove injury to the UK industry caused by the dumped or subsidised goods;
  - (d) a period for which the anti-dumping amount or the countervailing amount is to apply that extends more than five years after the appropriate date.
- (4) The TRA may recommend—
- (a) a different anti-dumping amount or a different countervailing amount to apply in respect of some of the relevant goods;
  - (b) maintaining the anti-dumping amount or the countervailing amount if it has not been possible for the TRA to recalculate that amount.

#### **Recommendation of revocation**

**100B.**—(1) This regulation applies if the TRA is making a recommendation under regulation 100(1) to revoke the application of the anti-dumping amount or the countervailing amount applicable to the relevant goods.

(2) The TRA must recommend the appropriate date as the date the anti-dumping amount or the countervailing amount is revoked.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019, Cross Heading: Recommendation.