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STATUTORY INSTRUMENTS

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**2019 No. 450**

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

**PART 6**

**Initiation and conduct of an investigation**

**CHAPTER 2**

**Initiation of an investigation**

**Application**

**50.**—(1) An application made by an applicant UK industry for the initiation of a dumping investigation must contain as much of the information listed in paragraph 1 of Schedule 1 as is reasonably available to them.

(2) An application made by an applicant UK industry for the initiation of a subsidisation investigation must contain as much of the information listed in paragraph 2 of Schedule 1 as is reasonably available to them.

(3) An application referred to in paragraphs (1) and (2) may contain such additional information as the applicant UK industry considers relevant.

(4) Where an applicant UK industry, by notice in writing to the TRA, withdraws their application prior to the publication of the notice referred to in paragraph 9(5)(d) or (6)(c) of Schedule 4 to the Act, the application is considered not to have been made.

**Market share requirement**

**51.** For the purpose of paragraph 9 of Schedule 4 to the Act, the market share requirement is met where the TRA is satisfied that a UK industry's "share" of the market is—

- (a) at least 1 per cent.; or
- (b) such other higher share as the TRA considers appropriate taking into account the goods and the particular market for those goods.

**Assessment of an application**

**52.**—(1) The TRA must examine the accuracy and adequacy of the information contained in, or supplied with, an application to determine whether it is sufficient to justify the initiation of an investigation under paragraph 9 of Schedule 4 to the Act.

(2) For the purpose of paragraph 9(1)(a)(i) of Schedule 4 to the Act, an application is made by or on behalf of a UK industry where the TRA determines that the application is supported by UK producers whose collective output constitutes at least 25 per cent. of the total production in the United Kingdom of the like goods, and is not opposed by other UK producers of the like goods whose collective output is greater than or equal to that percentage.

(3) The TRA may reject an application where it considers that it does not satisfy the requirements in regulation 50(1) or (2), but it must not do so where the requirement in question has been expressly waived by it.

(4) The TRA may reject an application if it is not made via the TRA's case management system.

### **Publicising an application**

**53.**—(1) The TRA must not publicise an application until it has determined to initiate the investigation.

(2) However, the TRA may—

- (a) request additional information from any person before determining whether to initiate an investigation; and
- (b) arrange visits to any premises in the United Kingdom for the purpose of determining whether to initiate an investigation.

(3) As soon as the TRA has published a notice of initiation of an investigation, it must provide the full text of the application received under regulation 50 (application) to—

- (a) overseas exporters known to it and the government of the relevant foreign country or territory; or
- (b) where the number of overseas exporters involved is such that it is impracticable for the TRA to contact all overseas exporters known to it individually, the government of the relevant foreign country or territory.