
STATUTORY INSTRUMENTS

2019 No. 450

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

PART 7

Initiation and conduct of a review

CHAPTER 3

TRA recommendation and decision of the Secretary of State

TRA recommendation to the Secretary of State

75.—(1) Following the conclusion of a review, the TRA must make a recommendation to the Secretary of State, where it is satisfied that (where applicable) the economic interest test is met and that—

- (a) the application of an anti-dumping amount or a countervailing amount to some or all of the goods subject to review should be varied;
 - (b) the application of an anti-dumping amount or a countervailing amount to some or all of the goods subject to review should be revoked;
 - (c) the period of the application of an anti-dumping amount or a countervailing amount should be extended; or
 - (d) an anti-dumping amount or a countervailing amount should be applied to a new exporter at a particular level.
- (2) The TRA's recommendation must include—
- (a) a description of the goods to which the recommendation relates;
 - (b) the names of overseas exporters, or where impracticable, the exporting countries or territories;
 - (c) where relevant, the recommended period for which the anti-dumping amount or countervailing amount should be applicable, which must begin on the day after the date of publication of the public notice under section 13 of the Act giving effect to the recommendation, unless the TRA makes a recommendation in accordance with paragraph (3); and
 - (d) the reasons for its recommendation.
- (3) The TRA may recommend that the application of a varied anti-dumping amount or countervailing amount should be applicable to goods from a date before the date set out in the public notice made under section 13 of the Act giving effect to the recommendation where—
- (a) the recommendation is in respect of a review in accordance with regulation [73](#) (circumvention review); and
 - (b) the requirements set out in paragraph 21(10) of Schedule 4 to the Act are satisfied.

(4) Where the TRA terminates a review but does not make a recommendation in accordance with paragraph (1), the TRA must—

- (a) publish a notice containing the information set out in paragraph 2 of Schedule 3; and
- (b) notify the Secretary of State and interested parties.

Acceptance or rejection of the TRA’s recommendation by the Secretary of State

76.—(1) Where the TRA makes a recommendation in accordance with regulation 75 (TRA recommendation to the Secretary of State), the Secretary of State must accept or reject the recommendation.

(2) The Secretary of State may reject the TRA’s recommendation only if the Secretary of State is satisfied that it is not in the public interest to accept the recommendation.

(3) In considering that, where the recommendation is one which comprises or includes extending the period for which an anti-dumping amount or a countervailing amount applies following an interim or expiry review, the Secretary of State must accept the TRA’s determination that the application of an anti-dumping amount or a countervailing amount to goods in accordance with the recommendation meets the economic interest test, unless the Secretary of State is satisfied that the determination is not one that the TRA could reasonably have made.

(4) Where the Secretary of State rejects the TRA’s recommendation, the Secretary of State must—

- (a) publish a notice containing the information set out in paragraph 3 or 4 of Schedule 3;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for rejecting the recommendation.

(5) Where the Secretary of State accepts the TRA’s recommendation, the notice published by the Secretary of State under paragraph 21(7)(a) of Schedule 4 to the Act must contain the information set out in paragraph 3 or 4 of Schedule 3.