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STATUTORY INSTRUMENTS

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**2019 No. 450**

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

**PART 13**

Transitional provisions relating to the TRA

**CHAPTER 2**

Further modifications

**Modifications to Part 11**

**131.** Regulation 90 (extension of the period of a provisional remedy in a dumping investigation) has effect as if, for that regulation, there were substituted—

“**90.**—(1) The Secretary of State may make a preliminary decision that the period of a provisional remedy, which has been applied in respect of goods in the case of a dumping investigation, be extended (a “preliminary extension decision”).

(2) The Secretary of State may only make a preliminary extension decision where—

- (a) paragraph (3) or (4) applies; and
- (b) the Secretary of State is satisfied that the extension meets the economic interest test (see paragraph 25 of Schedule 4 to the Act).

(3) This paragraph applies where the Secretary of State receives a request to extend the period of the provisional remedy from or on behalf of overseas exporters representing a significant volume of the dumped goods.

(4) This paragraph applies where—

- (a) the Secretary of State considers that extending the period of the provisional remedy is appropriate in the circumstances;
- (b) the Secretary of State issues a notification to overseas exporters notifying them that the Secretary of State considers it appropriate to extend the period of the provisional remedy (“proposed extension”); and
- (c) overseas exporters representing a significant volume of the dumped goods do not object to the proposed extension.

(5) A preliminary extension decision must include—

- (a) a description of the goods to which the decision relates;
- (b) the overseas exporters that support or do not object to the extension;
- (c) the period of extension, which must not exceed the period referred to in paragraph 16(2) of Schedule 4 to the Act and which must begin on the day on which the provisional remedy would otherwise have expired; and

(d) the reasons for the decision.

(6) If the Secretary of State makes a preliminary extension decision, the Secretary of State must decide whether to give effect to the preliminary extension decision.

(7) The Secretary of State may only decide not to give effect to a preliminary extension decision, where the Secretary of State is satisfied that it is not in the public interest to give effect to it.

(8) Where the Secretary of State decides to give effect to a preliminary extension decision, the Secretary of State must—

- (a) publish a notice containing the information set out in paragraph 1 of Schedule 6; and
- (b) notify interested parties.

(9) Where the Secretary of State decides not to give effect to a preliminary extension decision, the Secretary of State must—

- (a) publish a notice containing the information set out in paragraph 1 of Schedule 6;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for deciding not to give effect to the preliminary extension decision.”.