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STATUTORY INSTRUMENTS

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**2019 No. 450**

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

**PART 4**

Injury and causation

**Meaning of threat of material injury**

**28.**—(1) For the purpose of paragraph 5 of Schedule 4 to the Act, “threat of material injury” means injury which, although it has not yet occurred, is clearly foreseen and imminent.

(2) In determining whether there is a threat of material injury, the TRA may consider, among other things—

- (a) the extent to which any significant rate of increase in the volume of the importation of the dumped goods or subsidised imports into the United Kingdom indicates a likelihood of substantially increased importation;
- (b) whether the overseas exporter has sufficient freely disposable, or an imminent substantial increase in, capacity indicating that there is a likelihood of substantially increased importation of the dumped goods or subsidised imports into the United Kingdom taking into account the availability of other export markets to absorb the additional exports of those goods;
- (c) whether the dumped goods or subsidised imports are entering the United Kingdom at prices which will have a significant depressing or suppressing effect on prices of the like goods in the United Kingdom and whether such prices are likely to increase the demand for further imports of the goods concerned;
- (d) the inventories of the overseas exporters of the goods concerned; and
- (e) in the case of subsidies only, the nature of the subsidy and the trade effects that the TRA determines are likely to arise from that subsidy.

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**Commencement Information**

**11** Reg. 28 in force at 6.3.2019, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019, Section 28.