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STATUTORY INSTRUMENTS

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**2019 No. 450**

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

**PART 5**

**The level of an estimated anti-dumping or countervailing amount or anti-dumping or countervailing amount**

**Determination of the anti-dumping amount or countervailing amount for non-sampled overseas exporters**

**37.**—(1) For the purpose of this regulation a “non-sampled overseas exporter” is an overseas exporter that—

- (a) co-operated with the TRA's investigation; and
- (b) was not selected by the TRA to be part of a sample selected in accordance with regulations 56 (the use of sampling in respect of Part 2 of these Regulations) or 57 (the use of sampling in respect of Parts 3, 4 and 5 of these Regulations).

(2) Where the TRA has limited its examination in accordance with regulation 56 (the use of sampling in respect of Part 2 of these Regulations) or 57 (the use of sampling in respect of Parts 3, 4 and 5 of these Regulations) the TRA must determine an anti-dumping amount or a countervailing amount for non-sampled overseas exporters (or in the case of a provisional remedy, estimated anti-dumping amount or estimated countervailing amount) (“a non-sampled overseas exporter amount”).

(3) Subject to paragraph (5), the non-sampled overseas exporter amount is the weighted average of the amounts determined for the overseas exporters in the sample.

(4) When determining the weighted average of the amounts determined for the overseas exporters within the sample, the TRA must disregard amounts determined in respect of overseas exporters who the TRA has determined are non-cooperating in accordance with regulation 49 (non-cooperation).

(5) Where the TRA has calculated an individual anti-dumping amount or countervailing amount in accordance with regulations 56(7) or 57(5) in respect of a particular overseas exporter then the anti-dumping amount or countervailing amount determined for that overseas exporter is the amount calculated by the TRA pursuant to those regulations.

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**Commencement Information**

**II** Reg. 37 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 37.