
STATUTORY INSTRUMENTS

2019 No. 450

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

PART 8

Undertakings

Reviews by the TRA of the continuing application of an undertaking

- 84.**—(1) The TRA may conduct a review (an “undertaking review”) to consider whether—
- (a) the period of application of the undertaking should be extended so that it continues after it would otherwise expire;
 - (b) the continuing application of the undertaking is necessary or sufficient to offset—
 - (i) the dumping of the goods in respect of which the undertaking is given; or
 - (ii) the subsidisation of the goods in respect of which the undertaking is given;
 - (c) injury to UK industry in the goods would be likely to continue or recur if the application of the undertaking were to expire or be varied, or its acceptance were to be withdrawn;
 - (d) the goods in respect of which the undertaking applies should be varied; or
 - (e) the undertaking including the terms and conditions continues to be appropriate.
- (2) The TRA may initiate an undertaking review—
- (a) where a review (see Part 7) has been initiated in respect of the dumped goods or subsidised imports listed in the relevant public notice made under section 13 of the Act; or
 - (b) on its own initiative.
- (3) The TRA must provide interested parties with an opportunity to comment during the course of a review under this regulation.
- (4) Regulation 80 (monitoring compliance with an undertaking) applies to an undertaking review.
- (5) Following an undertaking review, the TRA may determine that—
- (a) the terms and conditions of an undertaking should remain unchanged;
 - (b) the terms and conditions of an undertaking should be varied;
 - (c) a new undertaking, offered by the overseas exporter or relevant foreign government, should be accepted;
 - (d) the level of the anti-dumping amount or countervailing amount that may be applied in the alternative to the continuation of the undertaking specified in the relevant public notice made under section 13 of the Act should be varied; or
 - (e) the acceptance of an undertaking should be withdrawn.
- (6) Where the TRA makes a determination in accordance with paragraph (5)(b) to (e), it must make a recommendation to the Secretary of State in accordance with its determination.

(7) Where the TRA makes a recommendation to the Secretary of State, the Secretary of State must accept or reject the recommendation.

(8) Where the Secretary of State accepts the TRA's recommendation, the Secretary of State must—

- (a) publish a notice containing the information set out in paragraph 4 of Schedule 4; and
- (b) notify interested parties.

(9) Where the Secretary of State rejects the TRA's recommendation, the Secretary of State must notify interested parties accordingly.

(10) Where the Secretary of State intends to make a decision which will result in an undertaking ceasing to apply, the Secretary of State must—

- (a) where it is practicable, notify the overseas exporter or relevant foreign government of the reasons for that decision; and
- (b) where possible, provide the overseas exporter or relevant foreign government an opportunity to provide comments.