

2023 No. 222

CUSTOMS

TRADE

**The Trade Remedies (Dumping and Subsidisation)
(Amendment) Regulations 2023**

Made - - - - 27th February 2023
Laid before the House of Commons 28th February 2023
Coming into force - - 22nd March 2023

The Secretary of State, in exercise of the powers conferred by sections 13(1), 32(1), (7) and (8), and paragraph 21 of Schedule 4 to the Taxation (Cross-border Trade) Act 2018(a), makes the following Regulations.

In accordance with section 32(12) of that Act, the Secretary of State has consulted the Trade Remedies Authority(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Trade Remedies (Dumping and Subsidisation) (Amendment) Regulations 2023.

(2) These Regulations come into force on 22nd March 2023.

Amendment of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019

2. The Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019(c) are amended as follows.

Amendment of Part 11 (Miscellaneous)

3.—(1) In regulation 91 (Relevant period in a dumping investigation)—

(a) in paragraph (1), for “paragraph 19(3)(a)(i)”, substitute “paragraph 19(3)(a)”;

(b) after paragraph (1), insert—

(a) 2018 c. 22.

(b) The Trade Remedies Authority is a non-departmental public body established under section 6 of the Trade Act 2021 (c. 10).

(c) S.I. 2019/450, amended by S.I. 2019/1076, S.I. 2019/1346, S.I. 2020/99, S.I. 2020/730, S.I. 2021/942, S.I. 2022/113 and S.I. 2022/414.

“(1A) The TRA may recommend that an anti-dumping amount should apply to goods from the relevant date specified in paragraph 19(3)(b) of Schedule 4 to the Act where in an anti-dumping investigation—

(a) a final determination of injury is made (but not a threat of injury or material retardation of the establishment of an industry), or

(b) a final determination of a threat of injury is made, and the TRA determines that injury would have occurred in the absence of provisional measures.”.

(c) after paragraph (3), insert—

“(4) The TRA may recommend that the anti-dumping amount to be applied during all or part of the relevant period is the same or less than the anti-dumping amount determined in the final affirmative determination, provided that the anti-dumping amount applied during the relevant period does not exceed the estimated anti-dumping amount as specified in paragraph 13(3)(a) of Schedule 4 to the Act.”.

(2) In regulation 92 (relevant period in a subsidisation investigation)—

(a) in paragraph (1), for “paragraph 19(3)(a)(i)”, substitute “paragraph 19(3)(a)”;

(b) after paragraph (1), insert—

“(1A) The TRA may recommend that a countervailing amount should apply to goods from the relevant date specified in paragraph 19(3)(b) of Schedule 4 to the Act where in a subsidisation investigation—

(a) a final determination of injury is made (but not a threat of injury or material retardation of the establishment of an injury), or

(b) a final determination of a threat of injury is made, and the TRA determines that injury would have occurred in the absence of provisional measures.”.

(c) after paragraph (2), insert—

“(3) The TRA may recommend that the countervailing amount to be applied during all or part of the relevant period is the same or less than the countervailing amount in the final affirmative determination, provided that the countervailing amount to be applied during the relevant period does not exceed the estimated countervailing amount as specified in paragraph 13(3)(b) of Schedule 4 to the Act.”.

Signed by authority of the Secretary of State

Nigel Huddleston
Minister of State

27th February 2023

Department for Business and Trade

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 (S.I. 2019/450).

Regulation 91 is amended to authorise the TRA to recommend that an anti-dumping duty applies from a date during the period of the provisional remedy, or a date during the period 90 days before the period of the provisional remedy, in accordance with Schedule 4, paragraph 19 to the Taxation (Cross-border Trade) Act 2018.

Regulation 92 is amended to authorise the TRA to recommend that a countervailing duty applies from a date during the period of the provisional remedy, or a date during the period 90 days before the period of the provisional remedy, in accordance with Schedule 4, paragraph 19 to the Taxation (Cross-border Trade) Act 2018.

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