
STATUTORY INSTRUMENTS

2024 No. 545

The Trade Remedies (Amendment) Regulations 2024

Part 2

Amendment of the Dumping and Subsidisation Regulations

Chapter 6

Amendment of Part 9A (investigation in light of an international dispute decision)

Amendment of regulation 88I (acceptance or rejection of a recommendation)

27. In regulation 88I—

- (a) for the heading substitute “**Powers of the Secretary of State in relation to the TRA’s recommendation**”;
- (b) in paragraph (1), for the words from “accept or reject” to the end substitute—
“—
 - (a) accept or reject a recommendation made under regulation 88G(1) or 88H(2); or
 - (b) request that the TRA reassess its recommendation, by reference to any matters specified in the request, with a view to amending or replacing the recommendation”;
- (c) after paragraph (1), insert—
“(1A) Where the Secretary of State accepts a recommendation which contains options given in reliance on paragraph 88G(3A), the Secretary of State must decide which of those options to adopt.”;
- (d) for paragraph (2), substitute—
“(2) The Secretary of State may reject a recommendation under regulation 88G(1) only if the Secretary of State is satisfied it is not in the public interest to accept it.”;
- (e) for paragraph (3), substitute—
“(3) The Secretary of State may reject a recommendation under regulation 88H(2) only if the Secretary of State is satisfied it is not in the public interest to accept it.”;
- (f) after paragraph 3, insert—
“(3A) In considering the public interest under paragraph (2), the Secretary of State must have regard to the TRA’s advice on whether the variation of the application of an anti-dumping amount or a countervailing amount, as the case may be, in accordance with the recommendation, or in accordance with each option, as the case may be, would meet the economic interest test (see paragraph 25 of Schedule 4 to the Act).”;
- (g) in paragraph (4)—
 - (i) after “rejects a recommendation”, insert “and does not make a decision under regulation 88J(2)”;

(ii) for sub-paragraph (a) substitute—

“(a) publish a notice containing the information referred to in paragraph 3 of Schedule 5A;”;

(h) after paragraph (4), insert—

“(5) Where the Secretary of State accepts the TRA’s recommendation, the notice published by the Secretary of State under paragraph 22(4)(a) of Schedule 4 to the Act must contain the information set out in paragraph 3 of Schedule 5A.

(6) The Secretary of State may only make a request under paragraph (1)(b) where the Secretary of State considers that—

- (a) there is information that the TRA did not take into account in its investigation that is relevant to the recommendation;
- (b) the TRA made an error in relation to its recommendation; or
- (c) exceptional circumstances make the request appropriate.

(7) Before making a request under paragraph (1)(b), the Secretary of State must consult the TRA.

(8) Where the Secretary of State makes a request under paragraph (1)(b), the TRA must—

- (a) comply with the request; and
- (b) in reassessing its recommendation, have regard to any particular considerations which the Secretary of State may specify in the request.”.