
STATUTORY INSTRUMENTS

2024 No. 545

The Trade Remedies (Amendment) Regulations 2024

Part 2

Amendment of the Dumping and Subsidisation Regulations

Chapter 8

Amendment of Part 12 (transitional provisions)

Amendment of regulation 101 (decision on recommendation following transition review)

33. In regulation 101—

- (a) for the heading substitute “**Powers of the Secretary of State in relation to the TRA’s recommendation**”;
- (b) for paragraph (1) substitute—
 - “(1) The Secretary of State must—
 - (a) accept or reject the recommendation made under regulation 100(1); 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) The Secretary of State may reject the recommendation only if the Secretary of State is satisfied that it is not in the public interest to accept it.
 - (1B) Where the Secretary of State accepts a recommendation which contains options given in reliance on paragraph 100(1A), the Secretary of State must decide which of those options to adopt.”;
- (d) for paragraph (2), substitute—
 - “(2) In considering what action to take under paragraph (1), the Secretary of State must have regard to the TRA’s advice on whether the application of an anti-dumping amount or a countervailing amount to goods in accordance with the recommendation, or in accordance with each option, as the case may be, would meet the economic interest test.”;
- (e) after paragraph 2, insert—
 - “(2A) 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 review 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2B) Before making a request under paragraph (1)(b), the Secretary of State must consult the TRA.

(2C) 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.”;

(f) omit paragraph (3).