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**Committee on Anti-Dumping Practices**  
**Committee on Subsidies and Countervailing Measures**  
**Committee on Safeguards**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLES 18.5, 32.6 AND 12.6 OF THE AGREEMENTS**

UNITED KINGDOM

*Supplement*

The following notification, dated 11 August 2020, is being circulated at the request of the delegation of the United Kingdom.<sup>1</sup>

**INTRODUCTION**

With reference to Article 18.5 of the Agreement on the Implementation of Article VI of the GATT 1994, Article 32.6 of the Agreement on Subsidies and Countervailing Measures, and Article 12.6 of the Agreement on Safeguards, to notify laws, regulations and administrative procedures to the Committee on Anti-Dumping Practices, the Committee on Subsidies and Countervailing Measures, and the Committee on Safeguards, the Government of the United Kingdom hereby notifies the Committees of the enclosed amending regulations relevant to the Agreements:

STATUTORY INSTRUMENTS

2020 No. 730

EXITING THE EUROPEAN UNION

CUSTOMS

TRADE

**The Trade Remedies (Amendment) (EU Exit) (No. 2) Regulations 2020**

*Made----13<sup>th</sup> July 2020*

*Laid before the House of Commons----14<sup>th</sup> July 2020*

*Coming into force----5<sup>th</sup> August 2020*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 13(1), 32(7), and (8), 51(1), and 56(1) and (4) of, paragraphs 22(1) and 31(1) of Schedule 4 to, and paragraphs 21(1) and (6), 22(1), and 25(1) of Schedule 5 to, the Taxation (Cross-border Trade) Act 2018([1](#)).

<sup>1</sup> The Explanatory Memorandum of this Regulations is available at:  
<https://www.legislation.gov.uk/ukxi/2020/730/memorandum/contents>.

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## PART 1 GENERAL

### Citation and commencement

1. These Regulations may be cited as the Trade Remedies (Amendment) (EU Exit) (No. 2) Regulations 2020 and come into force on 5<sup>th</sup> August 2020.

### PART 2 AMENDMENT OF THE TRADE REMEDIES (INCREASE IN IMPORTS CAUSING SERIOUS INJURY TO UK PRODUCERS) (EU EXIT) REGULATIONS 2019

#### Amendment of the Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019

2. The Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019(2) are amended in accordance with this Part.

#### Substitution of regulation 35B(8) (TRA determination to vary tariff rate quota)

3. In regulation 35B(3), for paragraph (8), substitute—

"(8) The TRA must not vary a tariff rate quota by—

- (a) reducing the rate of import duty that applies to goods subject to that quota; or
- (b) varying the period for which goods are subject to that quota."

#### Amendment of regulation 42B (suspension of a definitive safeguarding remedy)

4. In regulation 42B(4), for paragraph (3), substitute—

"(3) The suspension ends the day after the day on which—

- (a) the TRA publishes notice under—
  - (i) regulation 42F(2); or
  - (ii) regulation 42G(3); or
- (b) the Secretary of State publishes notice under—
  - (i) paragraph 22(4)(a) of Schedule 5 to the Act; or
  - (ii) regulation 42I(4)(a)."

#### Amendment of regulation 44 (safeguarding: other exception)

5. In regulation 44, in paragraph (1), for "must", substitute "may".

#### Amendment of regulation 45 (interpretation for Part 9)

6. In regulation 45,—

- (a) for the definition of "EU Regulation"(5), substitute—

"EU Regulation" means Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products(6);" and

- (b) in the definition of "replacement day"(7), for "on", substitute "and time at".

**Amendment of regulation 47 (notification etc of determination)**

7. In regulation 47,—

(a) in paragraph (2), after "must" insert ", subject to regulation 52(3A),"; and

(b) in paragraph (3),—

(i) in subparagraph (a), omit "in accordance with regulation 46 (the Secretary of State's determination)";

(ii) in subparagraph (c), for "EU Regulation.", substitute "EU Regulation; and"; and

(iii) after subparagraph (c), insert—

"(d) be made no later than the end of the day before replacement day."

**Amendment of regulation 49 (review of tariff rate quotas under this Part)**

8. —(1) In the heading to regulation 49, for "tariff rate quotas under this Part", substitute "specified tariff rate quotas".

(2) In regulation 49,—

(a) in paragraph (1)(a), for "tariff rate quotas applicable to goods under this Part", substitute "specified tariff rate quotas";

(b) in paragraph (3),—

(i) for subparagraph (a), substitute—

"(a) the information referred to in subparagraphs (a) to (c) of regulation 47(3);"; and

(ii) in subparagraph (b), after "referred to in", insert "subparagraphs (d) to (n) of";

(c) in paragraph (5)(d), after "reduce", insert "or extend";

(d) after paragraph (5), insert—

"(5A) For the purpose of considering whether it is appropriate to reduce or extend the period for which goods are subject to the quota (see paragraph (5)(d)), the TRA may consider the importation into the United Kingdom of goods belonging to each specified category of steel products since the investigation period considered by the European Commission .";

(e) in paragraph (8), after "replacement day", insert ", in which case the review continues on and after replacement day only in relation to the tariff rate quotas made applicable to goods in provision by public notice made under regulation 47(2)"; and

(f) for paragraphs (9) and (10), substitute—

"(9) The TRA may terminate the transition review only if regulation 47(5) applies (see regulation 47(4)).

(10) If the TRA terminates the transition review, the TRA must publish a notice containing the information referred to in paragraph 12 of the Schedule."

**Amendment of regulation 50 (determinations of the TRA)**

9. In regulation 50,—

(a) in paragraph (2),—

(i) after "quantities", insert "or were not being produced by UK producers(8)"; and

(ii) omit "under this Part";

(b) in paragraph (6)(d), after "reducing", insert "or extending"; and

(c) for paragraph (7), substitute—

"(7) A determination of the TRA referred to in paragraph (6) may include a determination to extend the period for which a tariff rate quota applies to goods only if the TRA considers that—

(a) the tariff rate quota continues to be necessary to prevent serious injury to UK producers; and

(b) there is evidence of UK producers adjusting to the importation of the goods."

**Amendment of regulation 52 (acceptance or rejection of the TRA's recommendation by the Secretary of State)**

10. In regulation 52,—

(a) after paragraph (3), insert—

"(3A) Where the Secretary of State accepts the TRA's recommendation before having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota,—

(a) regulation 47(2) applies in relation to the relevant tariff rate quota as if the obligation to make provision by public notice to give effect to the determination were an obligation to make provision by public notice to give effect to the recommendation;

(b) the Secretary of State must notify interested parties."; and

(b) in paragraph (4), after "TRA's recommendation", insert "after having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota".

**Amendment of regulation 70A (modifications to Part 7A)**

11. In regulation 70A(9), in paragraph (c), for "42B(3)(b)(iii)", substitute "42B(3)(b)(ii)".

**Substitution of regulation 74 (modifications to regulation 49)**

12. For regulation 74, substitute—

"74. Regulation 49 (review of specified tariff rate quotas) has effect as if for paragraphs (1) to (3) of that regulation there were substituted—

(1) The Secretary of State must conduct a review (referred to in this Part as the "transition review") of the specified tariff rate quotas.

(2) The Secretary of State may initiate the transition review within any time period the Secretary of State considers appropriate.

(3) Upon initiating the transition review, the Secretary of State must publish a notice of initiation of the review in which must contain the information referred to in—

(a) subparagraphs (a) to (c) of regulation 47(3); and

(b) subparagraphs (d) to (n) of paragraph 9 of the Schedule."."

**Amendment of regulation 76 (modifications to regulations 51 and 52)**

**13.** In regulation 76, in the text which has effect as if substituted for regulations 51 and 52,—

(a) after paragraph (3) of that text, insert—

"(3A) Where the Secretary of State decides to give effect to the preliminary decision before having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota,—

(a) regulation 47(2) applies in relation to the relevant tariff rate quota as if the obligation to make provision by public notice to give effect to the determination were an obligation to make provision by public notice to give effect to the preliminary decision; and

(b) the Secretary of State must notify interested parties."; and

(b) in paragraph (4), after "preliminary decision", insert "after having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota".

**Omission of regulation 86A (further modifications to paragraph 17 of the Schedule)**

**14.** Omit regulation 86A([10](#)).

**Amendment of the Schedule**

**15.** —(1) In paragraph 9 of the Schedule, in the words before subparagraph (a), after "49(3)(b)", insert "(in which case only subparagraphs (d) to (n) apply)";

(2) In paragraph 12, in the words before subparagraph (a), for "49(10)(c)", substitute "49(10)".

**PART 3 AMENDMENT OF THE TRADE REMEDIES (DUMPING AND SUBSIDISATION)  
(EU EXIT) REGULATIONS 2019**

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

**16.** The Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019([11](#)) are amended in accordance with this Part.

**Amendment of regulation 88B (suspension of anti-dumping amount or a countervailing amount)**

**17.** In regulation 88B([12](#)), for paragraph (3), substitute—

"(3) The suspension ends the day after the day on which—

(a) the TRA publishes notice under—

(i) regulation 88F(2); or

(ii) regulation 88G(4); or

(b) the Secretary of State publishes notice under—

(i) paragraph 22(4)(a) of Schedule 4 to the Act; or

(ii) regulation 88I(4)(a).".

**Substitution of regulations 95 and 95A (investigation before replacement of EU trade duty)**

18. For regulations 95 and 95A([13](#)), substitute—

**"Initiating an investigation before replacement of EU trade duty**

**95.**—(1) This regulation applies if the TRA is requested to initiate an investigation in an application made by or on behalf of an applicant UK industry before replacement of EU trade duty([14](#)).

(2) The TRA may initiate an investigation only to the extent the application relates to goods which are the subject of—

(a) an anti-dumping investigation initiated by the European Commission in accordance with article 5 of the EU anti-dumping regulation; or

(b) a countervailing duty investigation initiated by the European Commission in accordance with article 10 of the EU countervailing regulation([15](#)).".

**Amendment of regulation 130A (modifications to Part 9A)**

19. In regulation 130A([16](#)), in paragraph (c), for "88B(3)(b)(iii)", substitute "88B(3)(b)(ii)".

**Omission of regulation 141A (modification to Schedule 5A)**

20. Omit regulation 141A([17](#)).

**PART 4 AMENDMENT OF THE TRADE REMEDIES (RECONSIDERATION AND APPEALS) (EU EXIT) REGULATIONS 2019**

**Amendment of the Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019**

21. The Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019([18](#)) are amended in accordance with this Part.

**Amendment of regulation 30 (modifications to Schedule 1 of these Regulations)**

22. In regulation 30, for paragraph (i), substitute—

"(i) for paragraph 39, there were substituted—

"**39.** A preliminary decision made under regulation 50(1) in relation to the transition review.";"

**Amendment of Schedule 1 (TRA recommendation subject to reconsideration)**

23. In paragraph 40 of Schedule 1, for "following", substitute "in relation to".

**Amendment of Schedule 2 (Secretary of State determination subject to appeal)**

24. In paragraph 12 of Schedule 2, for "following", substitute "in relation to".

Signed by authority of the Secretary of State for International Trade

*Ranil Jayawardena*  
Parliamentary Under Secretary of State  
Department for International Trade

13<sup>th</sup> July 2020