



3 March 2023

(23-1513)

Page: 1/3

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

Original: English

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

UNITED KINGDOM

Supplement

The following communication, dated and received on 2 March 2023, is being circulated at the request of the delegation of the United Kingdom.

INTRODUCTION

In accordance with the obligations under Article 18.5 of the Agreement on the Implementation of Article VI of the GATT 1994 and Article 32.6 of the Agreement on Subsidies and Countervailing Measures, to notify laws, regulations and administrative procedures to the Committee on Anti-Dumping Practices and the Committee on Subsidies and Countervailing Measures, respectively, the United Kingdom hereby notifies the following regulations, which amend the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 (S.I. 2019/450, as notified in document G/ADP/N/1/GBR/1/Suppl.2; G/SCM/N/1/GBR/1/Suppl.2 and subsequently amended; a consolidated version will be available at www.legislation.gov.uk/ukxi/2019/450/contents).

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).

a) [2018 c. 22](#).

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

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—

"(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

^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](#).

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
Department for Business and Trade

27th February 2023

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.
