

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Taxation (Cross-border Trade) Act 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 4

#### DUMPING OF GOODS OR FOREIGN SUBSIDIES CAUSING INJURY TO UK INDUSTRY

##### **Modifications etc. (not altering text)**

- C1** Sch. 4 applied (6.3.2019) by [The Trade Remedies \(Dumping and Subsidisation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/450\)](#), regs. 1(2), **97(1)** (with Pt. 13) (as amended (23.7.2019) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1076\)](#), regs. 1, **11(2)**)

### PART 5

#### UNDERTAKINGS

##### *Acceptance of undertakings*

- 23 (1) Where the TRA determines to recommend to the Secretary of State under paragraph 17(3) or (4) that an anti-dumping amount or a countervailing amount should be applicable to goods, the TRA may also recommend to the Secretary of State the acceptance of an undertaking in respect of the goods.
- (2) In this Part, an “undertaking” means—
- (a) in the case of the dumping of goods, an undertaking offered by an overseas exporter of the goods—
    - (i) to revise the overseas exporter's prices for export to the United Kingdom, or
    - (ii) to cease exports to the United Kingdom at prices which cause the goods to be dumped;
  - (b) in the case of subsidised goods—
    - (i) an undertaking offered by an overseas exporter of the goods to revise the overseas exporter's prices for export to the United Kingdom, or
    - (ii) an undertaking offered by a relevant foreign government to eliminate or limit the importation into the United Kingdom of the subsidised goods or to take other measures concerning its effects.
- (3) “A relevant foreign government” means the government of a foreign country or territory—
- (a) which granted one or more of the countervailable subsidies in question, or
  - (b) within whose territory is located a foreign authority which granted one or more of those subsidies.
- (4) Regulations may make provision about—
- (a) recommendations by the TRA under sub-paragraph (1);

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- (b) the acceptance of undertakings by the Secretary of State on such a recommendation.
- (5) The regulations must secure that the TRA may request an undertaking in respect of goods only—
- (a) at a time after it has made a provisional affirmative determination in relation to the goods, and
  - (b) if such other requirements as the regulations may specify are met.
- (6) The regulations must secure that the TRA may recommend the acceptance of an undertaking in respect of goods to the Secretary of State only if it is satisfied that—
- (a) the undertaking is sufficient to eliminate the injurious effect of—
    - (i) the dumping of the goods to a UK industry in those goods, or
    - (ii) the importation of the subsidised goods to a UK industry in those goods,
  - (b) acceptance of the undertaking meets the economic interest test (see paragraph 25), and
  - (c) it is appropriate to accept the undertaking.
- (7) The regulations may make provision for the purposes of sub-paragraph (6)(c) about the circumstances where it is or is not appropriate to accept an undertaking.
- (8) Those circumstances may include that the terms and conditions of an undertaking include provision for the provision of information to enable the monitoring of compliance with the undertaking.
- (9) The regulations must require that if the Secretary of State accepts an undertaking, the Secretary of State—
- (a) publishes a notice to that effect, and
  - (b) notifies interested parties (see paragraph 32(3)) accordingly.

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**Commencement Information**

**II** Sch. 4 para. 23 in force at 4.3.2019 at 11:59 a.m. by [S.I. 2019/429](#), [reg. 2](#) (with [regs. 4-9](#))

*Reviews of undertakings etc*

- 24 (1) Regulations may make provision for or in connection with—
- (a) monitoring compliance with an undertaking;
  - (b) investigations by the TRA of breach of an undertaking;
  - (c) reviews by the TRA of the continuing application of an undertaking;
  - (d) the circumstances in which an undertaking ceases to apply;
  - (e) the acceptance of a new undertaking in place of an existing undertaking.
- (2) Regulations under sub-paragraph (1)(c) may, among other things, provide for a review to consider—
- (a) whether the continuing application of the undertaking is sufficient to eliminate the injurious effect of—
    - (i) the dumping of the goods to a UK industry in the goods, or
    - (ii) the importation of the subsidised goods to a UK industry in the goods;

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- (b) whether the continuing application of the undertaking is appropriate.
- (3) Paragraph 10(2) applies to regulations under sub-paragraph (1)(b) or (c) in relation to an investigation or review as it applies to regulations under paragraph 10(1) in relation to a dumping or a subsidisation investigation.
- (4) The reference in sub-paragraph (1)(e) to the acceptance of a new undertaking is to the acceptance of an undertaking in respect of goods by the Secretary of State, on the recommendation of the TRA.
- (5) Sub-paragraphs (4) and (6) to (9) of paragraph 23 apply to regulations under sub-paragraph (1)(e) in relation to the acceptance of new undertakings by virtue of those regulations as they apply to the acceptance of undertakings by virtue of regulations under paragraph 23(4).
- (6) References in sub-paragraph (1) to an “undertaking” (other than the reference in sub-paragraph (1)(e) to a “new undertaking”) are to an undertaking accepted by the Secretary of State by virtue of regulations under paragraph 23(4) or sub-paragraph (1)(e).

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**Commencement Information**

**I2** Sch. 4 para. 24 in force at 4.3.2019 at 11:59 a.m. by [S.I. 2019/429](#), [reg. 2](#) (with [regs. 4-9](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(1)(c) and word inserted by [2023 c. 30 Sch. 20 para. 1\(2\)\(b\)](#)
- Sch. 7 para. 158(2)(e)(f) inserted by [S.I. 2022/109 reg. 5\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)