
STATUTORY INSTRUMENTS

2019 No. 450

**The Trade Remedies (Dumping and
Subsidisation) (EU Exit) Regulations 2019**

PART 5

**The level of an estimated anti-dumping or countervailing
amount or anti-dumping or countervailing amount**

Determination of an adequate amount to remove the injury

36.—(1) Pursuant to paragraphs 14(4) and 18(7) of Schedule 4 to the Act, the TRA is to determine the anti-dumping amount or countervailing amount (or in the case of a provisional remedy, estimated anti-dumping amount or estimated countervailing amount) that is adequate to remove the injury caused to a UK industry by dumped goods or subsidised imports in accordance with this regulation (“relevant amount”).

(2) The TRA must determine the relevant amount which it is satisfied is necessary to prevent injury to UK industry based on an assessment of the minimum increase in import prices of the dumped goods or subsidised imports that would remove injury.

(3) Subject to paragraph (4), the TRA must take into account any information it considers relevant in order to calculate the relevant amount.

(4) The TRA must disregard factors other than the importation of the dumped goods or subsidised imports that caused or are causing injury to UK industry when making its determination.

(5) Where the amount determined in accordance with this regulation is less than 2 per cent. of the price of the imports then the TRA must disregard that amount and the amount adequate to remove the injury is zero.

Determination of the anti-dumping amount or countervailing amount for non-sampled overseas exporters

37.—(1) For the purpose of this regulation a “non-sampled overseas exporter” is an overseas exporter that—

- (a) co-operated with the TRA’s investigation; and
- (b) was not selected by the TRA to be part of a sample selected in accordance with regulations 56 (the use of sampling in respect of Part 2 of these Regulations) or 57 (the use of sampling in respect of Parts 3, 4 and 5 of these Regulations).

(2) Where the TRA has limited its examination in accordance with regulation 56 (the use of sampling in respect of Part 2 of these Regulations) or 57 (the use of sampling in respect of Parts 3, 4 and 5 of these Regulations) the TRA must determine an anti-dumping amount or a countervailing amount for non-sampled overseas exporters (or in the case of a provisional remedy, estimated anti-dumping amount or estimated countervailing amount) (“a non-sampled overseas exporter amount”).

(3) Subject to paragraph (5), the non-sampled overseas exporter amount is the weighted average of the amounts determined for the overseas exporters in the sample.

(4) When determining the weighted average of the amounts determined for the overseas exporters within the sample, the TRA must disregard amounts determined in respect of overseas exporters who the TRA has determined are non-cooperating in accordance with regulation 49 (non-cooperation).

(5) Where the TRA has calculated an individual anti-dumping amount or countervailing amount in accordance with regulations 56(7) or 57(5) in respect of a particular overseas exporter then the anti-dumping amount or countervailing amount determined for that overseas exporter is the amount calculated by the TRA pursuant to those regulations.

Determination of a residual amount

38.—(1) The TRA must determine an anti-dumping amount or a countervailing amount (or in the case of a provisional remedy, estimated anti-dumping amount or estimated countervailing amount) (a “residual amount”) for overseas exporters to which this regulation applies.

(2) This regulation applies to an overseas exporter where—

- (a) the TRA has not determined an individual anti-dumping amount or countervailing amount (or in the case of a provisional remedy, estimated anti-dumping amount or estimated countervailing amount) for that overseas exporter; and
- (b) the exporter is not a non-sampled overseas exporter within the meaning of regulation 37 (determination of the anti-dumping amount or countervailing amount for non-sampled overseas exporters).

(3) The TRA may determine the residual amount using any reasonable means.

(4) When determining the residual amount pursuant to this regulation the TRA may take account of any information available including—

- (a) information contained in the application;
- (b) information received from other interested parties during the investigation including other overseas exporters;
- (c) published price lists;
- (d) official import statistics or customs returns;
- (e) relevant data pertaining to the world market or other representative markets.