
STATUTORY INSTRUMENTS

2020 No. 99

The Trade Remedies (Amendment) (EU Exit) Regulations 2020

PART 2

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

Insertion of regulation 130A (modifications to Part 9A)

33. After regulation 130, insert—

“Modifications to Part 9A

130A. Part 9A (investigation in light of an international dispute decision) has effect as if—

- (a) for “recommendation”, in each place it occurs, there were substituted “preliminary decision”;
- (b) in regulation 88A—
 - (i) in paragraph (1), the words “direct the TRA to” were omitted;
 - (ii) in paragraph (2), for “required” there were substituted “initiated”;
- (c) in regulation 88B(3)(b)(iii), after “regulation” there were inserted “88I(3)(a) or”;
- (e) in regulations 88G(2) and 88H(2), for “recommend to the Secretary of State”, there were substituted “make a preliminary decision”;
- (e) for the section heading after regulation 88I and for regulation 88I, there were substituted—

“Decision

Decision to give effect to a preliminary decision

88I.—(1) The Secretary of State must decide whether or not to give effect to a preliminary decision made under regulation 88G(2) or 88H(2).

(2) The Secretary of State must decide to give effect to the preliminary decision unless the Secretary of State is satisfied it is not in the public interest to give effect to the preliminary decision.

(3) If the Secretary of State decides not to give effect to the preliminary decision, the Secretary of State must—

- (a) publish notice of the preliminary decision and of the decision to give effect to it;
- (b) notify interested parties;

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- (c) make provision by public notice under section 13 of the Act to give effect to the preliminary decision.
- (4) If the Secretary of State decides not to give effect to the preliminary decision, the Secretary of State must—
 - (a) publish notice of the preliminary decision and of the decision not to give effect to it;
 - (b) notify interested parties;
 - (c) lay a statement before the House of Commons setting out the reasons for which the Secretary of State is satisfied it is not in the public interest to give effect to the preliminary decision.””.