

**Changes to legislation:** There are currently no known outstanding effects for the Taxation (Cross-border Trade) Act 2018, Cross Heading: TRA's recommendations regarding requiring a guarantee. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4 **U.K.**

#### 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 3** **U.K.**

#### PROVISIONAL REMEDY: REQUIRING A GUARANTEE

##### *TRA's recommendations regarding requiring a guarantee*

- 14 (1) A recommendation under paragraph 13(3) to require the giving of a guarantee in respect of goods must specify those goods and include—
- (a) the TRA's recommendation regarding—
    - (i) the form of the guarantee,
    - (ii) how an estimated anti-dumping amount or an estimated countervailing amount applicable to the goods should be determined for the purpose of calculating the amount of the guarantee,
    - (iii) how the amount of the guarantee should be calculated, and
    - (iv) the period during which the requirement to give a guarantee should apply, and
  - (b) such other content as regulations may require.
- (2) The form of guarantee referred to in sub-paragraph (1)(a)(i) may be cash, a bond or a bank guarantee.
- (3) The recommendation referred to in sub-paragraph (1)(a)(ii) must be such that an estimated anti-dumping amount or an estimated countervailing amount does not exceed—
- (a) the margin of dumping or, as the case may be, the amount of the subsidy, in relation to the goods as determined by the TRA as part of its provisional affirmative determination, or
  - (b) the amount which the TRA is satisfied would be adequate to remove the injury to a UK industry in the goods if that amount is less than the margin of dumping or, as the case may be, the amount of the subsidy referred to in paragraph (a).

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- (4) Regulations may make provision for the purposes of sub-paragraph (3)(b) about how the amount which the TRA is satisfied would be adequate to remove the injury described in that provision is to be determined.
- (5) The period referred to in sub-paragraph (1)(a)(iv)—
- (a) must not exceed 6 months in the case of a dumping investigation (but see paragraph 16 regarding extensions), or 4 months in the case of a subsidisation investigation, and
  - (b) if the recommendation is accepted by the Secretary of State, must begin—
    - (i) on the day after the date of publication of the notice under paragraph 15(5)(b), or
    - (ii) if later, on the day which is the day after the end of the period of 60 days beginning with the date of the initiation of the investigation.

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**Commencement Information**

**II** Sch. 4 para. 14 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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