
STATUTORY INSTRUMENTS

2019 No. 450

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

PART 7

Initiation and conduct of a review

CHAPTER 2

Conduct of a review

Interim review

- 69.**—(1) The TRA may conduct a review (an “interim review”) to consider whether—
- (a) the continuing application of an anti-dumping amount or a countervailing amount to goods is necessary or sufficient to offset—
 - (i) in the case of an anti-dumping amount, the dumping of the goods which has caused or is causing injury to a UK industry in the goods; or
 - (ii) in the case of a countervailing amount, the importation of the subsidised goods which has caused or is causing injury to a UK industry in the goods;
 - (b) the application of an anti-dumping amount or a countervailing amount to goods is having the effect of removing the injury to a UK industry in the goods.
- (2) Otherwise than on its own initiative in accordance with regulation 67 (initiation of a review), the TRA may not initiate an interim review in relation to goods within a year of the imposition or variation of an anti-dumping amount or a countervailing amount pursuant to a public notice made under section 13 of the Act.
- (3) An interim review application must include—
- (a) evidence that since the application of an anti-dumping amount or a countervailing amount, there has been a change in circumstances which is of a lasting nature; and
 - (b) the required information.
- (4) The required information is information that—
- (a) the continued imposition of an anti-dumping amount or a countervailing amount is not necessary to offset the relevant dumping or subsidisation;
 - (b) the injury would be unlikely to continue or recur if the anti-dumping amount or countervailing amount were removed or varied; or
 - (c) the existing anti-dumping amount or countervailing amount is not sufficient to offset the injury caused by the dumped goods or subsidised imports.
- (5) In conducting an interim review, the TRA may consider, among other things—
- (a) whether the circumstances in respect of the dumped goods or subsidised imports, or injury, caused by the dumped goods or subsidised imports have changed significantly;

- (b) whether the existing application of an anti-dumping or a countervailing amount is necessary or sufficient to offset or prevent the injury caused by dumped goods or subsidised imports previously established in accordance with Part 6; or
 - (c) whether, and if so to what level, it is appropriate to vary the anti-dumping amount or countervailing amount.
- (6) Following an interim review, the TRA may determine that the application of an anti-dumping amount or a countervailing amount to some or all of the goods subject to review should be—
- (a) maintained;
 - (b) varied; or
 - (c) revoked.
- (7) Where the goods subject to review are subject to an anti-dumping amount or a countervailing amount, the TRA must have regard to the current and prospective impact of the anti-dumping amount or countervailing amount when making a determination regarding the future application of an anti-dumping amount or a countervailing amount.
- (8) The TRA must not treat compliance with an undertaking in accordance with Part 8 as evidence of—
- (a) the cessation of dumping;
 - (b) the elimination of the effect of a subsidy; or
 - (c) a lasting change in circumstances which justifies the initiation of an interim review.
- (9) The TRA may only make a determination that the application of an anti-dumping amount or a countervailing amount to some or all of the goods subject to review be varied by extending its duration where it has reassessed—
- (a) the margin of dumping or the amount of subsidy; and
 - (b) the amount adequate to remove the injury.
- (10) Where the TRA determines that the application of an anti-dumping amount or a countervailing amount be extended in accordance with this regulation, it may make a recommendation under regulation 75 (TRA recommendation to the Secretary of State) only if it is satisfied that the application of an anti-dumping amount or a countervailing amount meets the economic interest test (see paragraph 25 of Schedule 4 to the Act) and, where it is not so satisfied, it must instead make a determination that the application of the anti-dumping amount or countervailing amount to those goods should be revoked.
- (11) Where—
- (a) the countervailing amount imposed is less than the amount of subsidy; and
 - (b) after the period of investigation, export prices have decreased or there has been no movement, or insufficient movement of resale prices of the goods subject to review in the United Kingdom to reflect the application of that amount,
- the TRA may determine that the countervailing amount be increased to attain the price increase required to remove injury caused by the subsidised imports.
- (12) Where the TRA determines that a countervailing amount be increased pursuant to paragraph (11), the level after the increase must not exceed the amount of the subsidy.