
STATUTORY INSTRUMENTS

2019 No. 450

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

[^{F1}PART 12

Transitional provisions

[^{F2}CHAPTER 3A

Exemptions to UK trade remedies measures

[^{F1}^{F2}Acceptance or rejection by the Secretary of State of the TRA's recommendation to grant an exemption to a UK trade remedies measure

96H.—(1) Where the TRA makes a UK trade remedies measure exemption recommendation in accordance with regulation 96G the Secretary of State must accept or reject the recommendation.

(2) The Secretary of State may reject the TRA's recommendation only if satisfied that the recommendation is not one that the TRA could reasonably have made.

(3) Where the Secretary of State rejects the TRA's recommendation, the Secretary of State must—

- (a) publish a notice containing the information set out in paragraph 3A of Schedule 3;
- (b) notify the review applicant of the reasons for the decision; and
- (c) lay a statement before the House of Commons setting out the reasons for rejecting the recommendation.

(4) Where the Secretary of State rejects the TRA's recommendation, the Secretary of State may, by public notice—

[apply the rate previously applied under the UK trade remedies measure to goods imported
^{F3}(a)] by the review applicant the from day [^{F4}on which the application of the UK trade remedies measure to the review applicant's goods was suspended; and]

[provide that the review applicant is liable to pay the amount that they would have been
^{F5}(b) liable to pay if the review had not taken place]

(5) Where the Secretary of State accepts the TRA's recommendation, the Secretary of State must publish a notice containing the information set out in paragraph 3A of Schedule 3.]]

[^{F6}(6) This paragraph applies when—

- (a) the application of a UK trade remedies measure was not suspended in accordance with regulation 96F(3); and
- (b) the review applicant submitted their application under 96E(2)(a) after the entry into force of the Trade Remedies (Dumping and Subsidisation) (No. 2) Regulations 2023.

(7) Where paragraph (6) applies—

- (a) the Secretary of State may, by public notice, provide that—

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- (i) the exemption takes effect from the date on which the review applicant applied for a UK trade remedies measure exemption review; and
 - (ii) the review applicant is entitled to repayment of the amount they paid towards the sums that were applicable in relation to their goods on and after the date on which they applied for a UK trade remedies measure exemption review.
- (b) The public notice must contain the information set out in paragraph 3A of Schedule 3.
- (a) (8) (a) This paragraph applies where—
- (i) the Secretary of State rejects a recommendation by the TRA under regulation 96H(1);
 - (ii) the review applicant submitted their application under regulation 96E (2)(a) after the entry into force of the Trade Remedies (Dumping and Subsidisation) (No. 2) Regulations 2023;
 - (iii) the review applicant appeals to the Upper Tribunal for a review of the Secretary of State’s determination in accordance with regulation 17(1) of the Trade Remedies (Reconsideration and Appeals) Regulations 2019;
 - (iv) the application of the UK trade remedies measure to the review applicant’s goods continues pending the outcome of the appeal;
 - (v) the Upper Tribunal sets aside the determination and refers the latter back to the Secretary of State with a direction to reconsider the determination; and
 - (vi) the Secretary of State reconsiders their determination and accepts the TRA’s recommendation.
- (b) The Secretary of State may, by public notice, provide that—
- (i) the exemption takes effect from the date on which the review applicant applied for a UK trade remedies measure exemption review; and
 - (ii) the review applicant is entitled to a repayment of the amount they paid towards the sums that were applicable in relation to their goods on and after the date on which they applied for a UK trade remedies measure exemption review.
- (c) The public notice must contain the information set out in paragraph 3A of Schedule 3].

Textual Amendments

- F1** Pt. 12 substituted (23.7.2019) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1076\)](#), regs. 1, **10**
- F2** Chapter 3A inserted (3.5.2022) by virtue of [The Trade Remedies \(Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/414\)](#), regs. 1, **3(4)**
- F3** Words in reg. 96H(4)(a) in reg. 96H(4) renumbered as reg. 96H(4)(a) (25.9.2023) by [The Trade Remedies \(Dumping and Subsidisation\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/955\)](#), regs. 1(2), **5(a)(i)**
- F4** Words in reg. 96H(4)(a) substituted (25.9.2023) by [The Trade Remedies \(Dumping and Subsidisation\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/955\)](#), regs. 1(2), **5(a)(ii)**
- F5** Reg. 96H(4)(b) inserted (25.9.2023) by [The Trade Remedies \(Dumping and Subsidisation\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/955\)](#), regs. 1(2), **5(a)(iii)**
- F6** Reg. 96H(6)-(8) inserted (25.9.2023) by [The Trade Remedies \(Dumping and Subsidisation\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/955\)](#), regs. 1(2), **5(b)**

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

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

- Sch. 3 para. 1A and cross-heading inserted by [S.I. 2024/545 reg. 36\(3\)\(b\)](#)
- Sch. 5A para. 3 and cross-heading inserted by [S.I. 2024/545 reg. 36\(5\)\(b\)](#)
- reg. 61A inserted by [S.I. 2024/545 reg. 6](#)
- reg. 67(A1)-(E1) inserted by [S.I. 2024/545 reg. 8\(a\)](#)
- reg. 67(6A) inserted by [S.I. 2024/545 reg. 8\(b\)](#)
- reg. 67(7)(za) inserted by [S.I. 2024/545 reg. 8\(c\)\(ii\)](#)
- reg. 67(7A) inserted by [S.I. 2024/545 reg. 8\(d\)](#)
- reg. 68(6A) inserted by [S.I. 2024/545 reg. 9\(a\)](#)
- reg. 68(11)(za) inserted by [S.I. 2024/545 reg. 9\(b\)](#)
- reg. 68A inserted by [S.I. 2024/545 reg. 10](#)
- reg. 69(6A)-(6F) inserted by [S.I. 2024/545 reg. 11\(a\)](#)
- reg. 70(11A)-(11G) inserted by [S.I. 2024/545 reg. 12\(b\)](#)
- reg. 71(6A)-(6F) inserted by [S.I. 2024/545 reg. 13](#)
- reg. 72(8)-(13) inserted by [S.I. 2024/545 reg. 14](#)
- reg. 73(7A)-(7F) inserted by [S.I. 2024/545 reg. 15](#)
- reg. 74(6)-(11) inserted by [S.I. 2024/545 reg. 16](#)
- reg. 75(2A)-(2E) inserted by [S.I. 2024/545 reg. 17\(b\)](#)
- reg. 76(1)(a)(b) substituted for words by [S.I. 2024/545 reg. 18\(b\)](#)
- reg. 76(1A) inserted by [S.I. 2024/545 reg. 18\(c\)](#)
- reg. 76(6)-(9) inserted by [S.I. 2024/545 reg. 18\(f\)](#)
- reg. 76A76B inserted by [S.I. 2024/545 reg. 19](#)
- reg. 85(9)(a)(b) substituted for words by [S.I. 2024/545 reg. 20\(a\)](#)
- reg. 85(11A)-(11C) inserted by [S.I. 2024/545 reg. 20\(b\)](#)
- reg. 85(14)-(16) inserted by [S.I. 2024/545 reg. 20\(d\)](#)
- reg. 86(2A) inserted by [S.I. 2024/545 reg. 21](#)
- reg. 87(7)(a)(b) substituted for words by [S.I. 2024/545 reg. 22\(a\)](#)
- reg. 87(9A)-(9D) inserted by [S.I. 2024/545 reg. 22\(b\)](#)
- reg. 87(11)-(13) inserted by [S.I. 2024/545 reg. 22\(d\)](#)
- reg. 88F(1A)-(1F) inserted by [S.I. 2024/545 reg. 25\(b\)](#)
- reg. 88G(3A)-(3E) inserted by [S.I. 2024/545 reg. 26\(c\)](#)
- reg. 88I(1)(a)(b) substituted for words by [S.I. 2024/545 reg. 27\(b\)](#)
- reg. 88I(1A) inserted by [S.I. 2024/545 reg. 27\(c\)](#)
- reg. 88I(3A) inserted by [S.I. 2024/545 reg. 27\(f\)](#)
- reg. 88I(5)-(8) inserted by [S.I. 2024/545 reg. 27\(h\)](#)
- reg. 88J88K inserted by [S.I. 2024/545 reg. 28](#)
- reg. 88ZA inserted by [S.I. 2024/545 reg. 23](#)
- reg. 90(2A) inserted by [S.I. 2024/545 reg. 29\(b\)](#)
- reg. 90A inserted by [S.I. 2024/545 reg. 30](#)
- reg. 100(1A)-(1E) inserted by [S.I. 2024/545 reg. 31\(a\)](#)
- reg. 101(1A)(1B) inserted by [S.I. 2024/545 reg. 33\(c\)](#)
- reg. 101(2A)-(2C) inserted by [S.I. 2024/545 reg. 33\(e\)](#)
- reg. 101D101E inserted by [S.I. 2024/545 reg. 35](#)