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STATUTORY INSTRUMENTS

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**2020 No. 99**

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

**PART 3**

**Amendment of the Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019**

**Amendment of the Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019**

**36.** This Part amends the Trade Remedies (Reconsideration and Appeals) (EU Exit) Regulations 2019(1).

**Amendment of regulation 14 (outcome of reconsideration)**

**37.** In regulation 14—

(a) after paragraph (12), insert—

“(12A) Where, before replacement day, the Secretary of State accepts or rejects a recommendation made by the TRA following its reconsideration of an original decision referred to in paragraph 29 of Schedule 1 to these Regulations, the public notice referred to in paragraph (8)(b), (10)(b) or (12) takes effect on replacement day.”;

(b) after paragraph (13), insert—

“(14) In this regulation, “replacement day” means the day on which paragraph 1 of Schedule 7 to the Act comes into force in so far as relating to EU trade duties.”.

**Amendment of regulation 16 (appeals to the Upper Tribunal in relation to a decision made by the TRA)**

**38.** In regulation 16(3), for “or 33” substitute “33 or 33C”.

**Amendment of regulation 26 (modifications to regulation 14)**

**39.** In regulation 26—

(a) in paragraph (j), for “paragraphs 13 to 17, 19, 31 or 32”, substitute “paragraphs 13 to 17, 19, 31, 32, 33A or 33B”;

(b) after paragraph (j), insert—

“(ja) in paragraph (12A)—

(i) for “accepts or rejects”, there were substituted “decides to give effect, or not to give effect, to”;

(ii) for “its”, there were substituted “the”;

**Amendment of regulation 30 (modifications to Schedule 1 of these Regulations)**

40. In regulation 30, omit paragraph (g).

**Amendment of Schedule 1 (original decisions of the TRA)**

41. In Schedule 1—

- (a) after paragraph 27, insert—

“**27A.** A determination in notice published under regulation 88F(2) or 88H(4) following an international dispute investigation.

**27B.** A recommendation made under regulation 88G(2) or 88H(2) following an international dispute investigation.”;

- (b) in paragraph 28, at the end, insert “or a determination made under regulation 89(9) that HMRC should not make a repayment”;

- (c) after paragraph 33, insert—

“**33A.** A determination made under regulation 35A(5)(a) following a discontinuation review.

**33B.** A determination made under regulation 35B(7)(a) following a TRQ review.

**33C.** A determination made under regulation 35B to reject a TRQ review application.”;

- (d) after paragraph 38, insert—

“**38A.** A determination in notice published under regulation 42F(2) or 42G(3) in an international dispute investigation.

**38B.** A recommendation made under regulation 42G(2) or 42H(2) in an international dispute investigation.”.

**Amendment of Schedule 2 (determinations of the Secretary of State that are subject to appeal)**

42. In Schedule 2—

- (a) after paragraph 6, insert—

“**6A.** The acceptance or rejection under regulation 88I of a recommendation made by the TRA in an international dispute investigation.”;

- (b) after paragraph 11, insert—

“**11A.** The acceptance or rejection under regulation 42I of a recommendation made by the TRA in an international dispute investigation.”.