
STATUTORY INSTRUMENTS

2023 No. 955

**The Trade Remedies (Dumping and Subsidisation)
(Amendment) (No. 2) Regulations 2023**

Amendment of regulation 96H (Acceptance of rejection by the Secretary of State of the TRA's recommendation to grant an exemption to a UK trade remedies measure)

5. In regulation 96H—
- (a) in paragraph (4)—
 - (i) the words from “apply” become sub-paragraph (a);
 - (ii) for “after the day that the public notice is made”, substitute “on which the application of the UK trade remedies measure to the review applicant’s goods was suspended; and”;
 - (iii) after sub-paragraph (a) insert—
 - “(b) provide that the review applicant is liable to pay the amount that they would have been liable to pay if the review had not taken place”;
 - (b) after paragraph (5), insert—
 - “(6) This paragraph applies where—
 - (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) (Amendment) (No. 2) Regulations 2023.
 - (7) Where paragraph (6) applies—
 - (a) 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 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) 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) (Amendment) (No. 2) Regulations 2023;

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- (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(1);
 - (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 matter 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.”.