



Trade Remedies
Authority

Trade Remedies Authority Corporate Plan

2021/22 - 2023/24

This is a momentous time for the Trade Remedies Authority as it finally becomes an arm's length body. The Government chose this form of incorporation as it guarantees the Authority independence in pursuing its investigations.

Trade remedies is a key plank of the UK's post-Brexit independent trade policy. Its aim is to ensure that UK industry does not suffer injury arising from unfair international trade practices and to uphold rules-based international trade, as mandated by the WTO. The European Commission previously undertook this function for the UK and continues to do so for countries in the EU. The TRA now undertakes this function for UK-based industry.

The next few years will be hugely challenging and exciting for the UK. It is a matter of personal pride for me to be playing a small part in the shaping of our new trade framework. The UK's approach is based on the four principles of Impartiality, Proportionality, Efficiency and Transparency; the Authority will work hard to ensure that these are upheld.

We have transitioned from being a directorate within the Department for International Trade to becoming the TRA on 1 June 2021. We have a Board of Directors in place, comprising both executive and non-executive members, and a priority through our first year will be on ensuring robust governance arrangements. We are the world's first fully digital trade remedies body, delivering the bread and butter of trade remedies investigations for the UK. We are already taking applications for new cases from domestic industry. To guide our work during this critical time, we need a comprehensive Corporate Plan, underpinned by a costed business plan and budget.

In creating this strategic plan covering the next three years, we have drawn on expert knowledge from teams across our organisation, as well as reflecting the insight of our key stakeholders. We have sought to capture our most vital priorities and underpin these with meaningful actions.

I am proud of the work our fledgling Authority is already doing and, confident that this plan and the work that it will guide, will help us navigate the exciting months and years ahead. Our vision is to be a globally respected trade remedies authority and our plan is geared towards achieving that.

I trust you will find it of interest.

Simon Walker CBE
Chairman



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Introduction

Creating a trade remedies regime, which defends UK economic interests against unfair international trade practices, has been a fundamental aspect of building the UK's new independent trade policy.

The Trade Remedies Authority (TRA), based in Reading, has been established as an independent arm's length body to undertake investigations into the economic impact of unfair trade practices and to make recommendations on appropriate measures to the Secretary of State for International Trade.

The UK's trade remedies regime, which is set out in the Taxation (Cross-border Trade) Act 2018 and the Trade Act 2021, is designed around four guiding principles:



Impartiality:

to be objective and fair to all parties and provide a route for interested parties to appeal decisions made by the TRA.

Proportionality:

to have recommendations based on clear evidence, targeted at addressing the injury caused, taking into account the interests of domestic producers and regional impacts, as well as those of other interested parties, such as user industries and consumers.

Efficiency:

to ensure that cases are investigated swiftly and effectively, avoiding unnecessary burdens on complainants as well as the subjects of the complaint.

Transparency:

to balance the need to protect commercially confidential data whilst ensuring that relevant information about cases is accessible to interested parties and that there is accountability for decision-making.

What we do



Our vision is to be:

“A globally respected trade remedies body”.

Our mission is:

“To defend UK economic interests against unfair international trade practices”.

Investigations

The TRA undertakes three types of investigation to determine if there is injury to UK industry:

Dumping investigations:

Dumping occurs when goods are imported into a country and sold at a price that is below their normal value in the country of export. These investigations assess whether dumping is causing or threatening material injury to a domestic industry.

Subsidy investigations:

these investigations assess whether subsidised imports are causing or threatening material injury to a domestic industry.

Safeguard investigations:

these investigations assess whether an unforeseen surge of imports is causing or threatening serious injury to UK producers.

Since 1 January 2021, the Department for International Trade (DIT) has had the power to accept applications from any UK industry for new investigations. That power now rests with the TRA.

Transition Reviews

The TRA is also carrying out transition reviews of existing EU trade remedy measures that have been maintained by the UK. The DIT ran a ‘Call for Evidence’ to identify which UK businesses produce, in the UK, goods that were subject to EU anti-dumping or anti-subsidy measures. This was to provide certainty to UK manufacturing industries and avoid exposing them to injury from known unfair trade practices. They were asked to state whether they supported, were neutral to, or oppose the maintaining of those measures when the UK began to operate its own independent trade policy.

DIT used that information to assess whether the applications met the Government’s criteria for maintaining a measure. Following the Call for Evidence, the Secretary of State for International Trade decided to transition 43 of the 106 measures where the EU had trade remedies in place. These were cases where DIT considered there was sufficient UK production of the products in question to justify such action.

Prior to the TRA’s creation, staff in DIT launched the first transition review in February 2020. Those staff have now transferred into the TRA. As of the end of March 2021, nine transition reviews covering 11 measures have been launched.

In accordance with guidance from the Secretary of State, the reviews are generally sequenced in the order of expiry of the original EU measures. We can adjust the number and timing of transition review initiations depending on the number of new applications we receive, but we aim to complete the last transition review before the end of this Plan’s period.

Advice

We may also be asked to provide the Secretary of State with advice, support and assistance relating to the conduct of international trade disputes or other broader trade functions such as trade remedy aspects of trade agreements.

Economic Interest Test

An important and novel feature of the UK system is the Economic Interest Test (EIT), which considers whether implementing a proposed trade remedy measure would be in the wider economic interest of the UK. In anti-dumping and anti-subsidy cases, there is a rebuttable presumption that the EIT will be met; for safeguards, this presumption does not exist.

The test looks at the:

- injury caused to UK industry by the imports we are investigating and the benefits to that industry of removing the injury;
- economic significance of affected UK industries and consumers;
- likely effect on wider UK industries and on consumers;
- likely effect on particular geographic areas or groups within the UK including whether some demographic groups are disproportionately affected, particularly groups with protected characteristics as outlined in the Equality Act 2010;
- likely consequences for the competitive environment and the structure of UK markets for these goods; and
- other matters that we consider relevant.

Recommendations

In a new investigation, where the TRA makes a final affirmative determination, it will make a recommendation to the Secretary of State for International Trade for the imposition of measures (as long as it is in the economic interest of the UK).

When the TRA completes a transition review, it will make a recommendation to the Secretary of State for International Trade on whether to vary or revoke the measures.

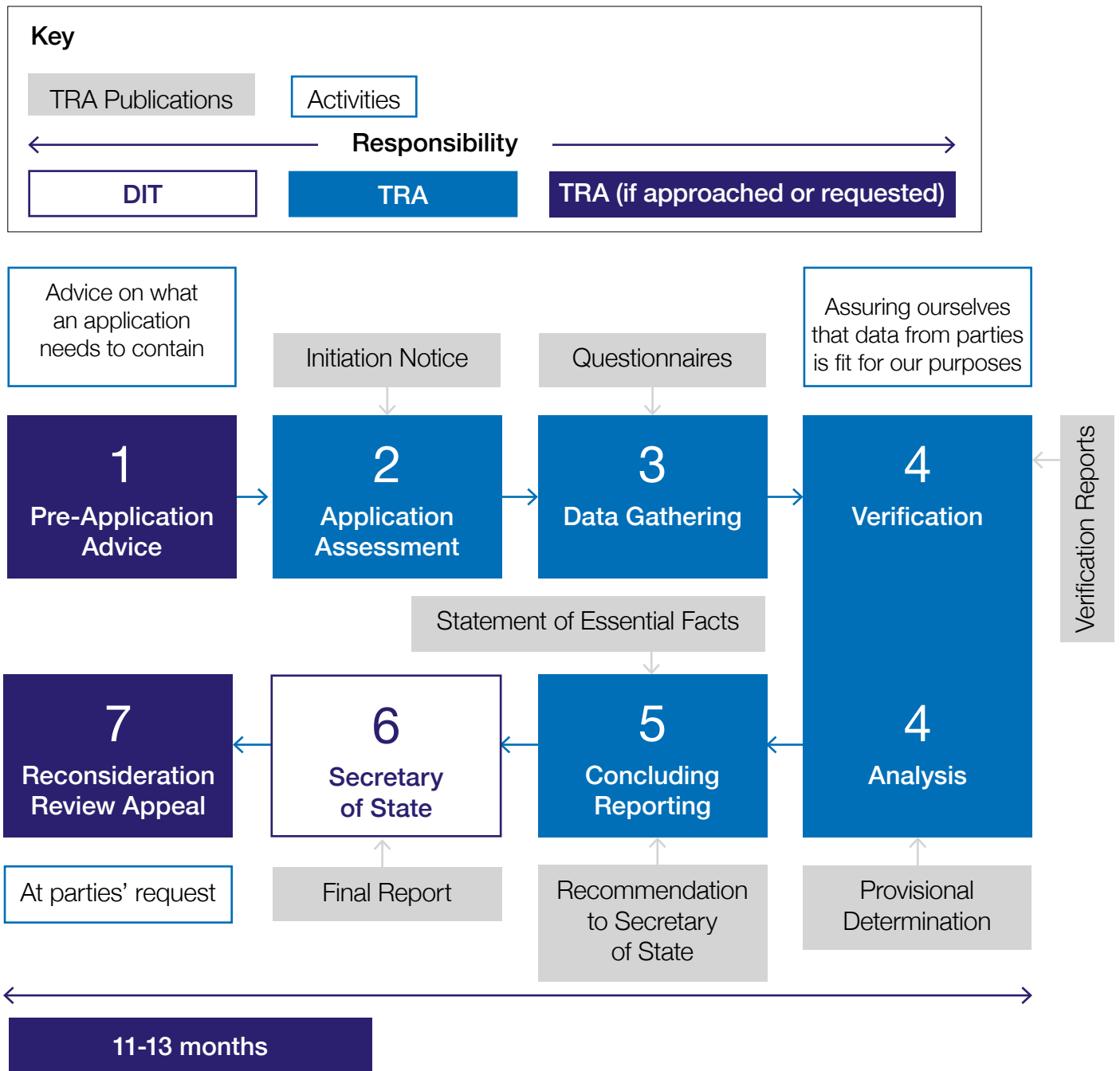
Measures usually take the form of additional tariffs on imports and in safeguard cases they can also include quotas regarding import volumes.

The Secretary of State can accept or reject a recommendation from the TRA but cannot vary it (for example by substituting a different tariff level from the recommendation). If the Secretary of State decides to reject a recommendation, they must explain in writing their reasons to Parliament.

The lifecycle of an investigation

Most investigations are likely to be initiated in response to an application from UK industry which is, or fears it may be, harmed by unfair trading practices. We have established a Pre-Application Office to offer advice and support to all parties considering an application. These discussions are confidential as they may or may not result in a formal application being made. The identity of parties is only made public when the TRA decides to initiate an investigation and publishes a Notice of Initiation. We may also initiate investigations on our own behalf where relevant evidence comes to light – for example, of circumvention of a measure.

The typical stages in the lifecycle of an investigation are shown below.



Strategic goals



The strategic goals underpinning our vision are to:

■ **Undertake fair, impartial, rigorous and efficient investigations.**

We will do this consistently, transparently and impartially, following processes and procedures that comply with the law. Drawing on the best available evidence and deploying appropriate analytical techniques, we will ensure the timeliness and cost-effectiveness of our investigations as we develop our approaches over the course of this plan's period.

■ **Provide a high-quality experience for end-users, through digitally enabled delivery.**

We will support investigations using our Trade Remedies Service (TRS) and will use technology, data and digital tools to optimise our operational performance, information base and the user experience. We will seek and act upon feedback from all users to continuously improve the TRS and the investigations experience.

■ **Develop an expert and innovative organisation where people enjoy working.**

We will build an engaged and motivated workforce, where our people embody our values and behaviours and are committed to our vision and delivering our mission. There will be a strong emphasis on skills and knowledge development and cross-functional team working. We want to be a welcoming, diverse and inclusive place to work, where our people enjoy what they do and are proud to work here. As a new organisation, we will be building our staffing capabilities over the period of this corporate plan and we'll measure our progress through an annual People Survey and other workforce metrics.

■ **Be well-understood, known and respected by our domestic and international stakeholders.**

We aim to be an outward-facing organisation, engaging proactively with our stakeholders both in the UK and overseas, learning from our peers and sharing best practice. We will conduct an annual survey to measure both the effectiveness of our relationships with stakeholders and how far we are valued as an essential part of the UK's independent trade policy architecture. We will run ourselves as a model of good governance, which we will measure against established good practice and through effectiveness reviews and timely implementation of audit recommendations.

Our initial corporate priorities for the next three financial years are set out below. In September 2021, the Board will revisit these priorities and identify our key strategic performance measures, reflecting on our initial period of operation and drawing on feedback from our stakeholders.

Trade Remedies Authority Corporate Plan 2021-2024



YEAR 1

Launch

- Transition to an arm's length body and set performance measures
- Deliver transition reviews of 11 transitioned measures
- Assess new applications within statutory timescale and initiate new cases
- Invest in our leadership, people and culture
- Develop strategies for stakeholder engagement and digital capabilities

YEAR 2

Develop

- Complete transition reviews of over half of transitioned measures
- Conduct new cases and reviews in line with statutory timescales
- Build stakeholder familiarisation
- Set priorities and performance measures informed by year 1 learning

YEAR 3

Consolidate

- Complete remaining transition reviews (all 43 completed)
- Stocktake of stakeholder engagement
- Set priorities and performance measures informed by year 2 learning and develop future strategy



Values

Everything we do is driven by our values:

Expertise:

We will focus on working together to the highest standards and be committed to self-development and delivering excellence.

Inclusion:

We will build a community of diverse attitudes, ideas and backgrounds, operating within an accessible work environment and achieving efficient outcomes.

Integrity:

We will deliver on commitments in an impartial way while accepting responsibility for our decisions and our duties to all stakeholders.

Transparency:

We will be accountable through clear, evidence-based working practices, which will build confidence and ensure consistency.

Resources



Finances and assets

The TRA is an arm's length body of DIT. DIT fully funds TRA operations as the sponsoring department. As the TRA reports to Parliament, its accounts are laid before Parliament as part of, but separately identifiable from, expenditure within DIT's accounts.

The TRA is currently funded by DIT for 10 months in 2021-22, in accordance with the budgets agreed as part of the Comprehensive Spending Review but exists in legislation on a going concern basis. The annual equivalent budget for 2021-22 is £14.58m. The budget for future years will be determined as part of future HM Treasury fiscal events.

We lease office accommodation in North Gate House, Reading. During 2021-22, we will explore future ways of working in a post-COVID-19 world, learning from the experiences of 2020-21. This may lead to changes in our future accommodation needs.

Our cases are managed through our proprietary TRS, a secure IT platform which allows both our case teams and external parties to interact with investigations. The TRS hosts our public file where non-confidential material and decisions relating to our cases are available to registered parties and contributors. It is a critical tool to deliver on the guiding principle of transparency in the trade remedies regime.

Our people

We attach the highest priority to attracting, developing and retaining highly skilled people and building expertise throughout the TRA. Recruitment to some specialist functions has proved to be challenging during the set-up period of the TRA, not least because the UK has not operated a trade remedies regime for over 40 years. In addition, our people have experienced considerable uncertainty during the initial years of operation as part of DIT. As the TRA, we are committed to providing high-quality development for staff and a culture of continual learning. We plan to increase our Full Time Equivalent staff numbers to around 143 in 2021-22.



Risks

The key risks that could impair our ability to deliver our strategic goals over the next three years are set out below. The risks the TRA faces will inevitably evolve over time. We will regularly monitor and manage our risks using the 'three lines of defence' model of management, assurance and oversight. The Board's Audit and Risk Assurance Committee will provide the assurance to the organisation on the effective identification and management of risk.

Risk	Impact	Mitigation
<p>We fail to undertake investigations in an impartial and rigorous manner and in line with legal requirements.</p>	<p>We fail to live up to our guiding principle of impartiality and fail to deliver investigations consistent with our first strategic goal and legal requirements. The low quality of our investigations potentially leads to successful legal challenge and reputational damage to UK economic interests.</p>	<ul style="list-style-type: none"> ■ We will have a strong corporate governance framework, embedding the TRA's independence. ■ We will integrate rigorous quality assessments into our investigation processes.
<p>We do not secure the capabilities and engaged workforce we need to achieve our mission and vision.</p>	<p>We fail to deliver on our strategic goal of being an expert organisation where people want to work. Our lack of expertise and ability to retain staff means that we fail to deliver the investigations and corporate support essential to our success.</p>	<ul style="list-style-type: none"> ■ We will regularly review staffing needs to ensure that we are recruiting and retaining staff with the right skills and expertise. ■ We will use feedback to improve staff engagement and sense of pride in the TRA. ■ We will deliver a learning and development plan to build and develop capabilities across the TRA. ■ We will use a pay and reward strategy to ensure we are positioned competitively to attract and retain talent.

Risk	Impact	Mitigation
<p>We fail to engage sufficiently with our stakeholders.</p>	<p>We fail to deliver our mission by being insufficiently well known or understood. We fail to make improvements based on our users' feedback. We fail to live up to our guiding principle of transparency.</p>	<ul style="list-style-type: none"> ■ We will execute a comprehensive Stakeholder Engagement Plan. ■ We will seek regular feedback through surveys to understand our stakeholders' perception of the TRA. ■ We will remain objective and fair throughout, recognising the breadth of our stakeholder community.
<p>Our digital platforms do not provide a high-quality experience for end-users.</p>	<p>We do not work effectively or efficiently, adding burdens on our stakeholders and our people.</p>	<ul style="list-style-type: none"> ■ We will seek and listen to feedback from users. ■ We create a digital vision and invest in data, technology and tools to support our business.
<p>We have insufficient funding to deliver our strategic goals.</p>	<p>Our ability to do the job will be impaired because we cannot afford to invest adequately in people and systems. Inadequate resourcing results in lower quality investigations and puts timetables under pressure.</p>	<ul style="list-style-type: none"> ■ We have sufficient funding for the financial year 2021-22, though will need to operate within Treasury pay restrictions. ■ We will produce well evidenced funding bids for future years covered by the Plan. ■ We will use monthly reports from Our Pre-Application Office to determine levels of activity.



Governance



The DIT is responsible for setting the UK's trade remedies regime, which the TRA will administer at arm's length from government.

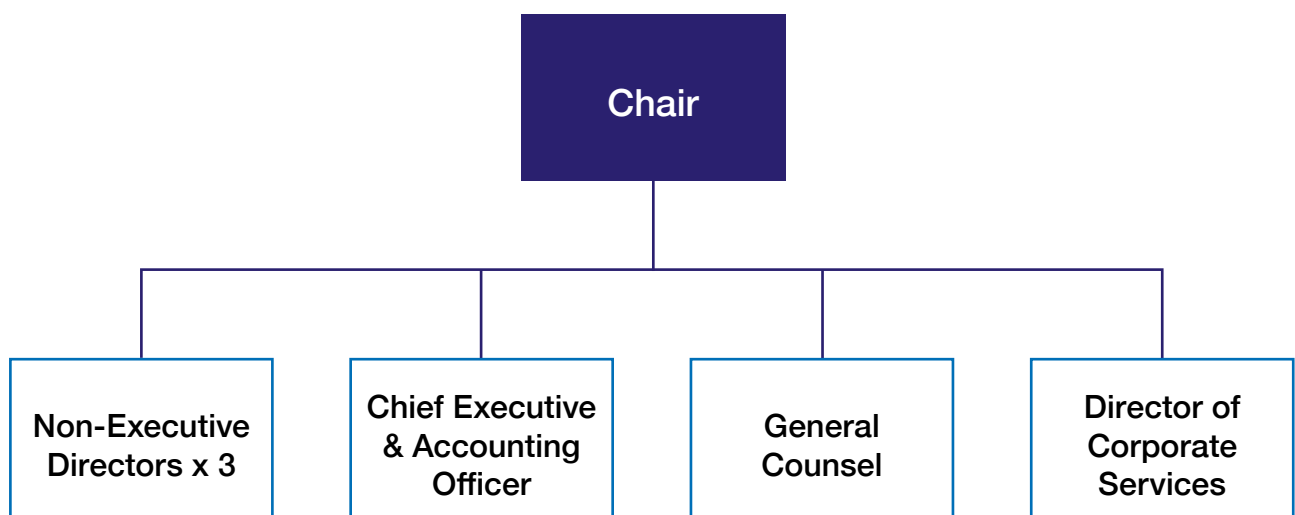
The Secretary of State will account for the TRA's business in Parliament. Their responsibilities in relation to the governance and oversight of the TRA include laying the TRA's annual certified accounts, the Comptroller and Auditor General report and the Annual Report before Parliament.

The TRA Board sets the strategic direction for the organisation, operating within the statutory trade remedies policy framework and WTO rules. The unitary Board currently consists of four non-executive directors, one of whom is the Chair, and three executive directors as shown below:

The Board has the following committees:

- Audit and Risk Assurance Committee; and
- Remuneration Committee.

The Board may also establish special purpose committees from time to time. These will have a specific remit and will be time limited.



Responsibilities of the Board and the Chief Executive

The Board:

- sets the strategic direction for the TRA;
- monitors the performance of the TRA;
- ensures there is effective governance;
- monitors and assures itself on strategic risk; and
- ensures the TRA complies with all its statutory and administrative obligations.

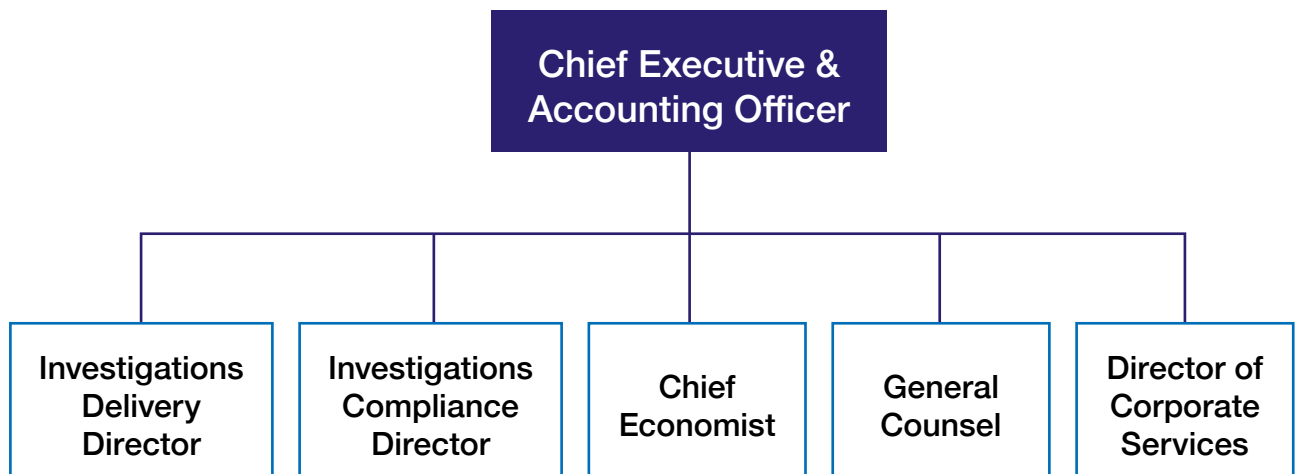
The Board, through the Chair and with the approval of the Secretary of State, appoints and holds the Chief Executive accountable, and supports them in the discharge of their role as Accounting Officer. As Accounting Officer, the Chief Executive answers personally for matters set out by HM Treasury, such as compliance with Managing Public Money.

The Board delegates authority to the Chief Executive to manage the organisation and take decisions on investigations, including:

- initiation of a case;
- a provisional determination and decision on whether to recommend imposition of provisional remedies;
- a final affirmative or final negative determination; and
- what recommendations to make to the Secretary of State.

The Chief Executive is responsible for deciding on any further delegation of decision-making responsibilities to others within the TRA. The Board and the Chief Executive remain accountable for all their functions, even those they have delegated.

Executive Committee



The Executive Committee is the lead executive committee of the TRA, chaired by the Chief Executive. It is the overall decision-making body for performance and delivery against the business plan. Its focus is strategic leadership, management and direction, ensuring the most effective prioritisation of resources.

Annex

TRA Board and Senior Executive Team Members



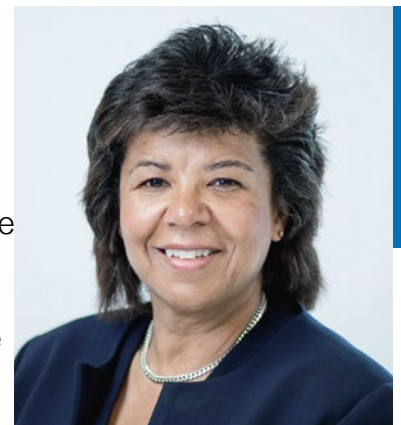
Chair: **Simon Walker**

Simon Walker CBE was appointed Chair-Designate of the TRA in February 2020. He previously served as lead non-executive director of DIT. Simon was formerly Director General of the Institute of Directors. He previously served as CEO of the British Private Equity and Venture Capital Association. Prior to that, Simon was Director of Corporate Communications and Marketing at Reuters, Communications Secretary to HM The Queen and Director of Corporate Affairs at British Airways.

Non-Executive Director: **Patricia Gallan**

Patricia Gallan QPM is a Non-Executive Director for Her Majesty's Revenue and Customs. A former police officer, she retired in 2018 as Assistant Commissioner Specialist Crime and Operations of the Metropolitan Police Service. A qualified Barrister, Detective and Hostage Negotiator she began her police career as a Graduate Entrant in the Metropolitan Police Service in 1987 and served in Merseyside Police and the National Crime Squad as a Chief Officer before returning to the Metropolitan Police as a Deputy Assistant Commissioner.

Patricia is a Trustee of the Charity Red Thread and Chair of Governors at an East London Infant and Junior School.





Non-Executive Director: **John Hughes**

John Hughes is a Non-Executive Director and specialist adviser to companies on non-technical risk mitigation and the management of strategy & governance internationally. He sits on private and public sector Boards and acts as a coach to numerous executives.

This followed a long career in BP as an expert in non-technical risk & external affairs; strategic problem-solving, the provision of independent advice to executives and the development of international teams. He has Chaired Advisory Boards, Audit Committees and a range of other Committees including Strategic Risk. He has led Board interventions on numerous issues including creating a new system for strategic risk management; the establishment of new strategies and their performance management; and reviews of institutional governance and crisis management.

Other NED roles include Ofsted, London School of Economics, Abkons, Marlow Strategy, and Community Schools Trust.

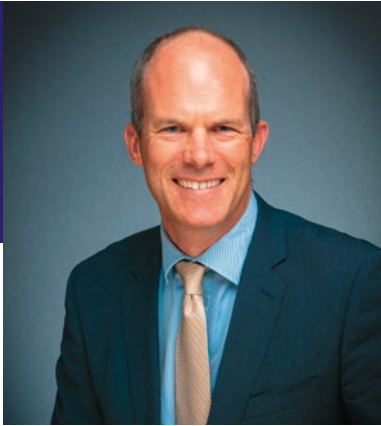
Non-Executive Director: **Adam Marshall**

Adam Marshall has served as Director General of the British Chambers of Commerce since March 2016, where he has built up the organisation's profile and global footprint and campaigned for business interests through the Brexit process and the COVID-19 pandemic.

Adam was previously the organisation's Executive Director of Policy and External Affairs (2009-2016). Prior to joining BCC, Adam helped to start up the Centre for Cities, built commercial links between universities and industry, and worked in local politics and the broadcast media.



Adam finished his tenure as BCC Director General on 31 March 2021 and is taking on advisory and non-executive roles while considering future opportunities. He remains a Vice Chair of the World Chambers Federation and a director/Trustee of the Industry and Parliament Trust.



Chief Executive: **Oliver Griffiths**

Oliver Griffiths is the Chief Executive, having joined the TRA from the Department for International Trade where he was the UK's Chief Trade Negotiator with the US. As a civil servant, Oliver specialised in trade policy and corporate finance (including managing the government's 100% shareholding in Post Office Limited and establishing the UK Green Investment Bank). He started his career as a corporate lawyer at Freshfields Bruckhaus Deringer and has spent time in infrastructure investment and fintech.

General Counsel: **Clare Brodie**

Clare is General Counsel and responsible for the legal function. She has extensive experience of regulatory and international law and litigation. She has experience on working on anti-trust and EU law matters. She worked for the Competition Commission before moving into central government and working in a number of departments including the Cabinet Office and the (former) Department of Energy and Climate Change. She was Head of EU Litigation in the Cabinet Office managing the conduct of all of the UK's litigation at the European Court of Justice before joining the Brexit Department in 2016.



Director of Corporate Services: **Steven O'Donoghue**

Steve O'Donoghue is our Director of Corporate Services and joined us in February 2021. He has extensive experience in public sector finances, corporate governance, risk management and strategic HR and is a Fellow of the Chartered Institute of Public Finance and Accountancy (CIPFA).



Steve was previously Director of Finance & HR at Audit Wales, the public spending watchdog in Wales, where he helped set up new governance arrangements under the Public Audit (Wales) Act 2013. Prior to that, Steve was Head of Resources at the Welsh Parliament Commission, where he led the finance, HR and governance teams, having previously spent 15 years in local government bodies in Wales. Steve lives in south Wales with his partner Jonathan and has two grown-up daughters.



Chief Economist: **Aproop Bhave**

As Chief Economist, Aproop leads a team of economists and statisticians who will provide analysis and evidence to support trade remedy investigations. Prior to this, he was a Senior Economic Adviser in the Analysis Group at the Department for International Trade where he worked on trade remedies, market access and trade disputes. He has also worked in economist roles within the Department for Energy & Climate Change (now BEIS) and Office of Fair Trading (now CMA).

Investigations Delivery Director: **John Kirkpatrick**

John is jointly responsible for leading multidisciplinary teams delivering trade remedies investigations. He started his career as a civil servant and then moved to McKinsey & Company as a strategy consultant, advising businesses and non-profit organisations. Since then, he has worked for the Competition and Markets Authority, identifying where markets are not working well for consumers and trying to make them work better, interrupted by a short stint at the Audit Commission assessing value for money in local public services.



Investigations Compliance Director: **Sarah Milum**

Sarah Milum is a fully qualified accountant jointly responsible for leading multidisciplinary teams delivering trade remedies investigations. She joined the Intervention Board in 2000 just before the creation of the Rural Payments Agency to Head up the Anti-Fraud Unit and from 2011 the role of EU Reporting and Compliance Director. Her previous roles include various posts within the Insolvency Service and then that of a Chief Examiner in the Companies Investigation Branch of the former Department for Trade and Industry.





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