



# How the UK trade remedies system differs from the EU system

There are significant similarities between the EU trade remedies system and the UK trade remedies system. But there are some differences too:

## The Trade Remedies Service (TRS)

The TRA is the first fully digital trade remedies system. The Trade Remedies Service (TRS) is a secure IT platform through which we manage our cases. It allows case teams and external parties to interact with investigations and each other. The TRS hosts a public file where non confidential material and decisions relating to TRA cases are available. It is a critical tool to deliver on the guiding principle of transparency in the trade remedies regime.

## The Economic Interest Test (EIT)

The Economic Interest Test (EIT) is a requirement of the UK's process for investigating trade practices which may be causing injury to UK industry. It is a requirement in almost all investigations and reviews with limited exceptions. The EU equivalent is the Union Interest Test, but the EIT is solely focused on the UK's interests and gives greater emphasis on gathering evidence. The main stages of, and details about, the EIT process are set out in the fact sheet: The Economic Interest Test and on our online guidance.

## Lesser Duty Rule

The UK system has a mandatory "lesser duties rule" which means that measures will be set at the minimum level necessary to prevent injury to domestic producers. When the TRA completes a dumping or subsidy investigation or a reviews a measure which requires the calculation of an injury margin, it will compare it to the dumping margin or subsidy amount that has been calculated. The TRA uses the lower of the two margins as the level of duty to set duties at a sufficient level to remove the injury to the UK industry.

This rule is regarded as optional by the WTO. The EU system has a version of the lesser duty rule, but also has introduced exceptions to the rule which allows it to impose higher measures in some situations, which the UK has not included in its system.

## TRA Reconsiderations and Appeals

The UK system allows applicants to request the TRA to reconsider its decisions, with no need to recourse to the courts to present the challenge. Only after the TRA's reconsideration is completed can an appeal be made to the Upper Tribunal. This is different to the EU system where appeals must be made directly to the General Court - there is no option or requirement to request an internal reconsideration.

### Factsheet Highlights

The Trade Remedies Service (TRS)

The Economic Interest Test (EIT)

Lesser Duty Rule

TRA Reconsiderations and Appeals

### Related Factsheets

The Economic Interest Test

What are Trade Remedies?