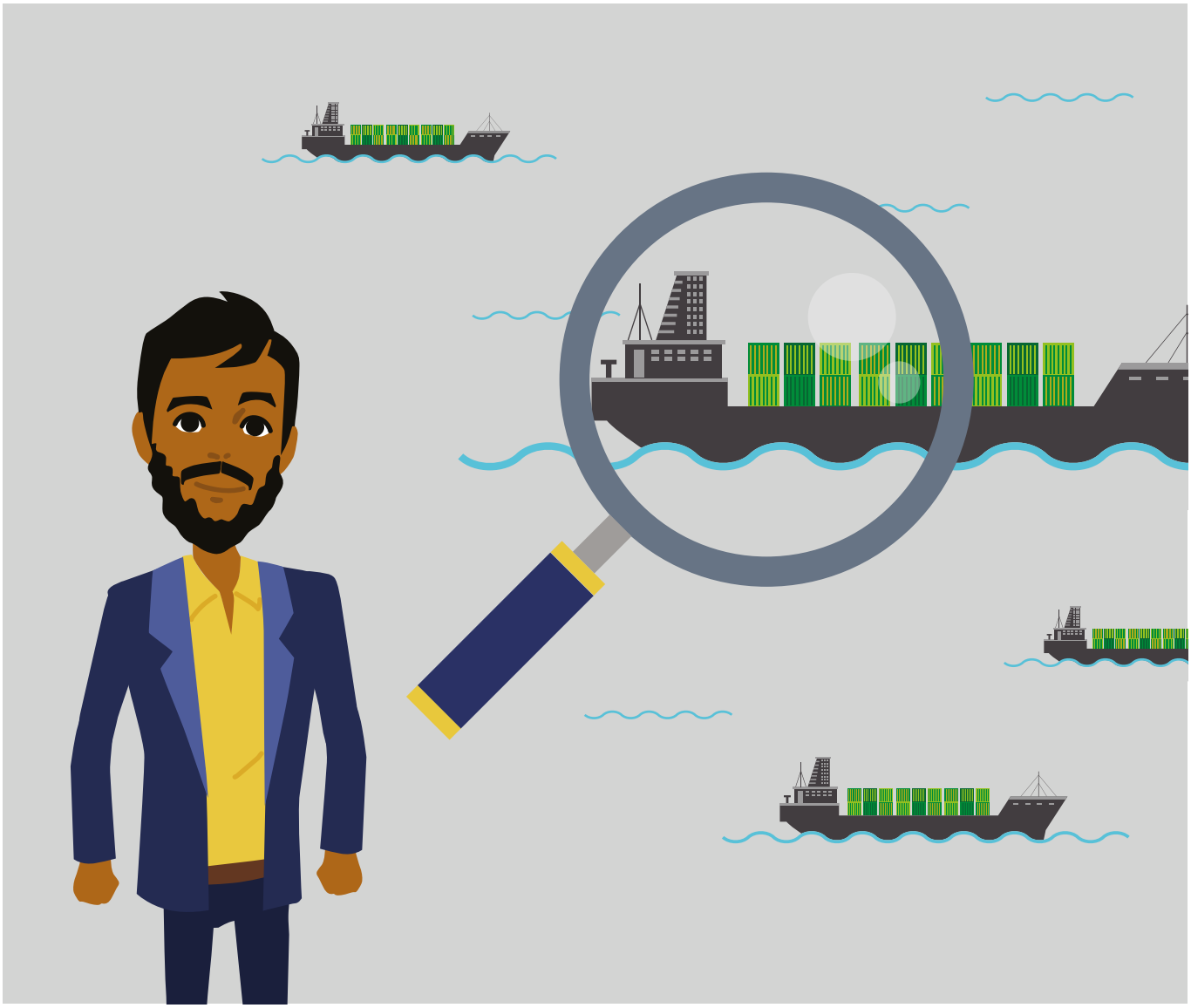
Trade Remedies Authority

The UK trade remedies system

A guide for small and medium-sized businesses



A guide for SMEs

Disclaimer

Every effort is made to ensure that the information provided is accurate and up to date, but no legal responsibility is accepted for any errors, omissions, or misleading statements.

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Introduction from our CEO

Small and Medium-Sized Enterprises (SMEs) are the backbone of the UK economy and it is vital to the Trade Remedies Authority (TRA) that all businesses operating in the UK, from the largest to the smallest, have access to trade remedies if their goods are being impacted by unfair international trading practices.

Our mission is to defend UK economic interest. This handbook is designed to provide a comprehensive introduction to the UK trade remedies regime and to give practical advice on how to work with the TRA if you are facing issues on which we can help. It aims to bridge between the high level guidance on our website and the detailed policy documents we issue. We anticipate that reviews of trade remedy measures currently in place will make up a significant proportion of our future work programme and I hope this document sets out clearly the various options businesses – whether producing in the UK or importing from abroad – have to request reviews.

We are committed to supporting SMEs. Trade remedy investigations need to be thorough and we recognise that participation can be expensive. Because of that, we have invested in establishing a Pre-Application Office which works with businesses to develop potential applications. We were very pleased that one of our first new cases was brought by a SME after intensive interaction with our Pre-Application Office team.

I have worked in SMEs. I know how little time there is to look through detailed policy documents - but also how frustrating it is to read material that lacks the level of content you need. Hopefully, this handbook fills that gap for the UK trade remedies regime.

Oliver Griffiths – CEO of the TRA

1. Trade Remedies and SMEs

Support for SMEs bringing an application

We recognise that applying for a new investigation or review can be resource-intensive, particularly for Small and Medium-Sized Enterprises (SMEs). This Handbook outlines the basics of what is involved in these investigations and how they work. In addition, our Pre-Application Office (PAO) aims to provide guidance and answer queries regarding trade remedies and trade remedy investigations. You can contact them via contact@traderemedies.gov.uk.

Whilst it is not mandatory to contact the PAO to bring a case to the TRA, it is available for you to discuss your draft application without the strict deadlines involved in the formal application process. If you are not familiar with the trade remedies process, you can find out what is required to get your draft application to a point where you can submit it for formal consideration.

Following the PAO's guidance does not guarantee that the TRA will initiate a case based on your application or that measures will be put in place. Once you submit your application formally, it will need to pass through our application assessment stage, which involves in-depth critical analysis of your evidence. So, it is good to have all the information required to hand at the earliest stage possible.

The PAO answers questions and advises on what an application should include. It does not help industries, organisations or individuals write their application or review draft applications at the same level of detail as the formal application assessment stage. It will consider whether a draft application is properly documented but not carry out a 'deep dive' into the data provided or comment on individual transactions.

When considering whether an application is properly documented, the PAO will look at whether you are providing the type of supporting evidence the TRA's investigation teams would expect to see for each of the areas of the application form (see Chapter 3 of this Handbook), from credible sources. At the PAO, we will highlight areas where there is insufficient information and ask you to provide evidence to support your arguments.

Once your application is within our case management system, the PAO cannot provide any further support with your application.

You may also want to contact your Trade Association or consider bringing a case in tandem with other producers of your goods.

The importance of participating in investigations

SMEs can be affected in different ways by trade remedy investigations depending on whether they are producers, importers, up/downstream users or end users of the product being investigated.

For SME producers, dumped or subsidised goods can have serious consequences, causing injury in the form of loss of profit, market share or by affecting their ability to invest. It is important that producers understand how trade remedies work and how they can access them. This is covered in more detail in Chapter 3 of this Handbook.

On the other hand, importers, those involved in the supply chain and users of the goods may be affected as importers may suddenly find themselves paying more due to the tariffs that have been put in place as a result of a trade remedies investigation. So, it is important that they are aware of how these investigations work and ensure their voice is heard. This is covered in Chapter 4 of this Handbook.

You can register on our online service, the **Trade Remedies System (TRS)** to contribute as an interested party within a case, or, if you wish to contact the team investigating a case, you can contact them on the case's dedicated email address. This email address differs for each case and can be found in the Notice of Initiation for the case on the TRS. The case team will be able to answer questions but there may be certain things they cannot share or speak about at particular points.

If you have any questions about anything contained in this Handbook, please contact the PAO on contact@traderemedies.gov.uk.

2. The basics

What are trade remedies?

Trade remedies apply only to goods, not services. They are used to protect domestic industries against injury caused by unfair trade practices or unforeseen surges in imports. They usually take the form of an additional duty placed on imports of specific products.

Dumping happens when goods are imported into a country and sold at a price that is below their 'normal value' in the country they are exported from. An anti-dumping remedy may be needed if the dumping causes or threatens material injury to a domestic industry or makes it more difficult for one to be established.

We use a dumping margin and an injury margin to set anti-dumping duties where they are needed. A dumping margin is the difference between the export price and the normal value of the goods being dumped, described as a percentage of the export price.

Countervailing investigations (which relate to **subsidised** goods) assess whether subsidised imports are causing material injury to a domestic industry. A subsidy exists if there is either a financial contribution by a foreign authority which confers a benefit on the recipient (usually an industry or business manufacturing goods), or a form of income or price support received from a foreign authority which confers a benefit on the recipient.

A countervailable measure is one which can be offset through a trade remedies measure.

For a subsidy to be countervailable it must meet the following four criteria:

1) from a government or public body within the foreign territory;
2) financial;
3) specific;
4) confers a benefit.

Subsidies can come in a variety of forms. Types of situations we may see include:

- a direct or potential direct transfer of funds or liabilities to an industry or business;
- revenue otherwise due to it is foregone or is not collected;
- providing goods or services (other than general infrastructure);
- purchasing goods;
- making payments to a funding mechanism.

Anti-dumping and countervailing investigations will normally run for 11-13 months, depending on the circumstances. Chapter 3 of this Handbook outlines how we run these investigations.

Safeguard investigations assess whether an unforeseen surge of imports is causing or threatening serious injury to UK producers. A safeguard measure temporarily restricts imports of specified goods to help domestic industries adapt to new or temporary market conditions. It must be applied to all imports of the product in question regardless of their origins, although this is subject to certain exemptions, e.g. those from developing countries.

The application will need to come from UK producers of like goods or goods that are directly competitive to the goods being imported. Safeguard investigations normally run for 8-10 months.

Comparison between the three investigation types

Investigation type	Subject of investigation	Typical duration	WTO agreement	UK regulations
Dumping	Imported goods at export prices less than the normal value in the exporter's country, causing material injury	11 to 13 months	Anti-dumping Agreement	D&S Regs
Subsidy	Imported goods subject to countervailable subsidies causing material injury	11 to 13 months	Agreement on Subsides and Countervaling Measures	D&S Regs
Safeguards	Unforeseen surge of imports causing serious injury	8 to 10 months	Agreement on Safeguards	Safeguarding Regs

Goods concerned and like goods

We will often refer to the goods which are the subject of our investigation as **'the goods concerned.'** When we initiate a new case, we will specify the goods that the case covers.

We use Product Control Numbers **(PCNs)** to do this. These are identifiers used to match exported goods with identical or mostly comparable domestically sold goods. We create PCNs based on the main physical characteristics differentiating the goods, providing that the characteristics have an impact on price.

Our investigation will look at injury caused to a UK industry which produces goods in the UK that are identical to or closely resemble the dumped goods or subsidised imports. These are known as **'like goods'**.

In identifying like goods, we will consider things like:

- physical likeness, such as physical characteristics;
- commercial likeness, including competition and distribution channels;
- functional likeness, such as end-use or if the goods can be substituted for each other;
- similarities in production, such as method and inputs;
- other relevant characteristics.

What are the requirements for imposing measures?

In this section we will focus on the requirements for anti-dumping and countervailing investigations. Safeguard investigations are covered in Chapter 3 of this Handbook.

For anti-dumping and anti-subsidy measures to be imposed against UK imports, there must be sufficient evidence that:

- imports are being dumped/subsidised;
- there is injury to the UK industry;
- there is a causal relationship between dumping/ subsidy and the injury;
- the imposition of measures meets the Economic Interest Test.

The basics of dumping and countervailing investigations have been explained above and the requirements are explored in Chapter 3 of this Handbook.

Injury

Injury to a UK industry is classed as either material injury, threat of material injury to the industry, or material retardation of the establishment of the industry. We determine injury to

UK producers on a case-by-case basis, based on positive evidence and do not decide based on any single factor.

Material Injury

There is evidence of a UK industry being injured by dumped goods or subsidised imports

Threat of Injury

injury which, although it has not yet occurred, is clearly foreseen and imminent

Material retardation

There is no existing UK industry producing goods like those being investigated, or only a newly emerging industry.

Efforts to establish such an industry have been made much more difficult by the dumped goods or subsidised imports.

As well as assessing volumes and prices of the goods we are investigating, we must consider all relevant economic factors that may affect the UK industry.

These include actual and potential decline in sales, profits, output and market share, productivity, return on investment and use of capacity, factors affecting domestic prices of the like goods, actual and potential negative effects on cash flow, in inventories, employment, wages, growth and ability to raise capital or investment.

We will also consider profits (gross, operating and net), cash flow from operations and return on investment.

Difference between period of investigation and injury period

The period of investigation will normally be the 12-month period before the date of initiation, while the injury period will be the period of investigation and normally include the 36 months immediately before this (i.e. 48 months in total).

Causation

We conduct the **causation assessment** alongside the injury assessment, examining all the relevant evidence available to us to check for a causal link between the dumped goods or subsidised imports and the injury to the UK industry.

To understand the impact of the dumped goods or subsidised imports on the UK industry, firstly we consider:

- the volume of the dumped goods or subsidised imports during the injury period;
- the effect of the dumped goods or subsidised imports on prices in the UK market for the like goods during the injury period;
- the consequential impact of the dumped goods or subsidised imports on UK industry during the injury period;
- any other factors we consider relevant.

We then conduct a further assessment to establish whether there are other known factors that could be causing the injury and whether they break the causal link between the injury and the dumped goods or subsidised imports. This is known as **non-attribution testing**. There are many different factors to consider such as:

- the volume (and the prices) of imports into the UK that are not dumped or subsidised;
- contraction in demand or changes in the pattern of consumption of the like goods in the UK;
- trade restrictive practices of and competition between the overseas exporters and the UK industry;
- developments in technology;
- the export performance and productivity of the UK industry;
- other factors such as natural disasters or seasonal issues.

The Economic Interest Test (EIT)

The aim of the **EIT** process is to determine whether the implementation of a proposed trade remedies measure is in the wider economic interest of the UK. This includes the impact on producers, importers, end users and up/downstream industries.

The UK's Economic Interest Test considers the expected impact on the UK of imposing a trade measure, compared to the impact of taking no action or introducing a different measure.

The test looks at:

- 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 impact on wider UK industries and on consumers;

- likely impact on particular geographic areas or groups within the UK;
- likely consequences for the competitive environment and the structure of UK markets for these goods;
- other matters that we consider relevant.

In anti-dumping and countervailing investigations where the presence of dumped or subsidised imports which are causing injury has been established, the Economic Interest Test is presumed to be met unless the TRA is satisfied that the application of the measures is not in the economic interest of the UK. In safeguard investigations there is no such presumption.

Types of measures

Anti-dumping and countervailing measures are usually imposed for five years and can be extended following an Expiry Review – see Chapter 5 of this Handbook.

Provisional anti-dumping measures can be applied to goods for up to six months and extended up to a maximum of nine months. **Provisional countervailing measures** can be applied for up to four months. We may not impose these measures immediately – instead, we may ask the importers to provide a guarantee to cover the duty amount they would incur if measures were made final.

Before we issue our final determination, we publish a **Statement of Essential Facts (SEF)** to tell interested parties and contributors to the investigation about the basis of our decision whether to recommend trade remedies measures.

If the Secretary of State for International Trade accepts our recommendation, the **Definitive Measures** will start to apply the day after the Secretary of State's notice is published. Our recommended measures should be applied to all the goods that are subject to the investigation. We may make different recommendations for specified exporters, or certain foreign countries or territories, or categories of goods.

There are different types of duty we can impose. They include:

Ad valorem duties

An **ad valorem duty** is calculated as a proportion of the value of the goods concerned in our investigation. We will base our calculation on the lower of the dumping margin or amount of subsidy (depending on the type of case) and the injury margin, which is expressed as a percentage (**the Lesser Duty Rule**). This amount is added to the price of each import at the border. This means that the effective rate is the same no matter what the price is and allows the measure to keep up with changes in the market, such as inflation.

Lesser Duty Rule: The recommended level of duty will not exceed the dumping margin/the amount of subsidy being applied to the goods or the injury margin – whichever is the lower.

Specific duties (also known as fixed duties)

A **specific level** of duty is added for each unit of the product imported. The duty is based on quantity rather than value. This may be appropriate when goods come in a form mixed with other products, making it hard to determine the value of the individual products. For example, it is hard to determine the value of a chemical when it is mixed in with other chemicals. However, the volume would be easier to determine, so it makes sense to recommend a measure based on quantity.

Variable duty – minimum import price

This enforces a **minimum import price (MIP)** by applying a duty if the price of an import falls below a certain level. We calculate the MIP using data gathered during our investigation to arrive at a market-wide price for a particular set of imported goods to be sold at. If the goods are sold at a lower price, the importer must pay the difference.

Mixed duty (also known as combination duty)

We can use ad valorem duties, specific duties, and MIP *in combination*. We may do this when the individual measures listed above on their own are not suitable for the circumstances.

There are three different rates at which duties can be applied:

Individual rate: This applies to all cooperating, sampled exporters and is individual to each exporter as it is based on their verified data. These exporters are named in the Final Determination.

Non-sampled rate: Applies to all cooperating, non-sampled exporters – these exporters can request an individual rate and will be named in the Final Determination.

Non-cooperative rate: This will be applied to exporters who didn't register to the case, were registered to the case and subsequently withdrew or were considered non-cooperative or new exporters post-investigation. This is the highest duty and these exporters will not be named in the Final Determination.

Undertakings

In some cases, we may agree to an **undertaking** instead of applying a measure. This is an agreement made by the exporter to revise the prices of the dumped goods or subsidised imports so that they don't cause harm to UK producers. In a case involving subsidised imports, it may be an agreement with the relevant foreign government to stop or reduce the subsidisation of the goods being exported to the UK.

There are some **key elements** that you would expect the contents of an undertaking to include:

- full details of the goods;
- clear price criteria;
- the scope of the undertaking;
- reporting obligations;
- consequences of breaches;
- list of violations.

We may recommend imposing a dumping or countervailing measure **retrospectively**, in specified circumstances. For example, we may do this where there is a history of dumping which caused injury, the injury has been caused by a massive volume of dumped or subsidised goods, or there is a rapid build-up of inventories of the dumped goods.

The duties will be applied to a specified volume of goods from particular exporters for a defined period and can continue to be applied for up to 90 days **before** provisional measures are applied.

The TRA's legal framework

The TRA is governed by a range of domestic and international laws. It was set up as an independent arms-length body through the Trade Act 2021.

Primary legislation regarding how we run investigations is contained in the Taxation (Cross-border Trade) Act 2018 ('the Taxation Act'). Schedule 4 to the Taxation Act describes the principles of how dumping and subsidy investigations should be conducted. Schedule 5 covers safeguard investigations.

These schedules cover, amongst other things:

- the requirements for case initiation;
- how investigations should be conducted;
- types of provisional and final determinations the TRA may make as part of the case.

Secondary legislation includes the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 (the D&S Regulations). Part 6 of the D&S Regulations describes how dumping and subsidy investigations should be conducted. It includes:

- questionnaires;
- sampling;

- verification visits;
- hearings;
- essential facts;
- disclosure.

It also includes The Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019 (the Safeguarding Regulations). Part 5 of the Safeguarding Regulations describes how to conduct safeguard investigations. It includes:

- questionnaires;
- limited examination;
- authentication visits;
- hearings;
- disclosure.

There are also relevant World Trade Organisation agreements. The General Agreement on Tariffs and Trade (GATT) provides some guidance on how to conduct trade remedies investigations. The following agreements provide further information:

- Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement);
- Agreement on Subsidies and Countervailing Measures;
- Agreement on Safeguards.

3. Investigation process

Transition reviews

The UK maintained some trade remedies measures once outside the EU's Common External Tariff – specifically, measures which a call for evidence had identified could be of interest to the UK. For each of these measures, the Secretary of State published a Determination Notice which carried over the EU trade remedies measure in its entirety. The Taxation Notice gave effect to that Determination Notice, allowing the TRA to conduct transition reviews.

The TRA is reviewing each of these measures before they expire to determine whether they should be maintained, varied, or revoked based on the circumstances in the UK. (Transition reviews are not applied for by interested parties.)

In an **anti-dumping transition review** we establish whether it would be likely that dumping and injury would recur or continue if the measure was removed. The TRA may also recalculate the anti-dumping amount if there is sufficient data.

In a **countervailing transition review** we establish whether it would be likely that subsidy and injury would recur or continue if the measure was removed. The TRA may also recalculate the anti-dumping amount if there is sufficient data.

We initiate transition reviews before the measure is due to expire. We will undertake them in the most appropriate order to ensure that UK industries remain protected from unfair trade practices. When we begin a new transition review, we publish a Notice of Initiation on our Trade Remedies Service. Before we initiate a transition review of a countervailing measure, we will notify the exporting country's government.

When we are carrying out transition reviews, we will first consider whether applying an anti-dumping or countervailing amount is needed to offset the dumping of the goods or the subsidy that is being applied to them. We will then assess whether there would be injury to UK industry if the anti-dumping or countervailing amount was not present.

We will then calculate the anti-dumping or countervailing amount that is needed to remove the injury being caused to UK industry.

The **Period of Investigation** we are looking at will cover a time period before the UK left the EU and when an EU trade remedy was in place. The existing measure may have reduced or eliminated dumping and injury and there may be insufficient data available to calculate a dumping, countervailing or injury amount. The dumping and countervailing amount is the lower of the dumping/subsidy margin and the injury margin. If we do not have sufficient data to calculate dumping, countervailing and injury amounts, we will decide based on our assessment of whether the imports are **likely** to cause injury if the measure is removed.

In making this assessment, we will look for evidence that removing the measure will lead to dumped or subsidised imports that will cause injury to UK industry.

We will carry out this assessment on a case-by-case basis. We may consider a number of factors relating to the goods concerned in the review, including:

- whether there is evidence that the goods concerned in the transition review are being dumped or subsidised;
- the exporter's current capacity to export the goods;
- the exporter's potential capacity to export in future;
- how attractive the UK market is to exporters;
- export prices to third countries (and their relationship to export prices to the UK market);
- whether there is evidence that exporters have previously or habitually circumvented or absorbed the effects of trade remedy measures and continued to export their goods at the same prices;
- historic export data.

If we cannot calculate a dumping, countervailing or injury amount, we may recommend maintaining the existing measure.

Once we have gathered all the necessary evidence and completed our analysis, we will decide what action to recommend. This may be to maintain the measure, change it or remove it. Where the measure covers a number of goods, we can recommend that a different anti-dumping or countervailing amount applies to some of the relevant goods.

We will publish a Statement of Essential Facts through our online Trade Remedies Service. This will set out our intended final determination, a summary of the facts we have considered during our review and how we have used these facts to reach our determination. We will inform interested parties of this and invite them to comment and provide evidence in relation to the statement within an agreed period. We will then consider these comments before making our final determination.

Anti-Dumping/Countervailing Application

Where industry think they may be injured by imported goods and there isn't a measure in place, an industry member, a group of industry members, or an industry representative can apply for the TRA to investigate whether a measure is needed.

To apply, you need to download and complete an application form from the TRS. You can authorise a third party to act on your behalf to bring the complaint or bring the complaint with other producers in your industry. The form will need to be submitted on the TRS. Before you do this, please consider speaking to our Pre-Application Office (see Chapter 1 of this Handbook for more on the PAO).

For any type of investigation, the application must meet all the following requirements:

- the application is made by, or on behalf of, a UK industry producing like goods to the imports concerned in the application;
- the UK industry applying for the measure has a sufficient market share in the relevant goods (known as the market share requirement);
- the application is supported by the UK industry – producer support for the application is greater than producer opposition and represents at least 25% of all UK production of these goods (the standing requirement);
- the application contains as much of the information that is listed as required in the relevant regulations as is reasonably available.

In dumping and subsidy investigations, **UK industry** is defined as either all the producers in the UK of like goods or a group of those producers whose collective output of like goods constitutes a major proportion of the total production of those goods in the UK. In each investigation, we will determine which definition to use based on what is most appropriate for that investigation. We will use this as the basis for relevant calculations, such as determining whether UK industry has suffered/is suffering injury and determining an injury margin.

In safeguard cases, we will take a similar approach, although the processes for a safeguard case mean we use the definition 'UK producers' rather than 'UK industry.'

In dumping and subsidy cases only, we may also disregard any UK producers that import the goods concerned (and/or are related to an importer/overseas exporter of the goods concerned) if we consider that the relationship causes the producer to behave differently to other, unrelated producers of like goods in the UK.

If we disregard individual UK producers in our investigation, they will be excluded from the definition of UK industry/producers and any relevant assessments, such as the injury assessment.

Our investigations look at the injury caused by imported goods to UK industry which produces goods which are identical or closely resemble these imports. These are known as **'like goods'** (see Chapter 2 of this Handbook). In safeguard cases, we will also consider the UK industries for directly competitive goods as well as like goods.

For dumping and subsidy investigations, the **market share requirement** is met if we are satisfied that the UK industry's market share is:

- at least 1% of the market;
- a higher share that we consider appropriate when we consider the goods in question and the particular market for those goods.

However, the TRA can waive the market share test where we think it's appropriate – for example, where we think that the Economic Interest Test is met because it's a material retardation case or a fledgling industry of strategic importance.

For safeguard investigations, the same market share requirement must be met, but for like or directly competitive goods.

For dumping and subsidy investigations, **the standing requirement** is met where an application is supported by UK producers whose collective output makes up at least 25% of the total UK production of like goods; and is not opposed by other UK producers whose collective output is greater than or equal to that percentage. For safeguard investigations, the same standing requirement must be met, but for goods which are like or directly competitive to the goods we are investigating.

The regulations for each type of investigation ask for specific types of evidence to be provided, with as much information as is 'reasonably available' to the applicant. To allow the TRA to initiate a dumping investigation, the application must contain sufficient evidence that:

- goods have been or are being dumped into the UK;
- the dumping margin for those goods is not minimal;
- the dumped imports are causing injury to the UK industry;
- neither the volume of dumped imports nor injury is negligible.

We consider the dumping margin minimal if it is less than 2% of the export price.

The import volume is considered negligible if the volume of dumped imports coming from any individual country is less than 3% of imports of like goods into the UK. This does not apply when exporting countries individually account for less than 3% of dumped imports but collectively account for more than 7% of dumped imports.

For us to initiate a subsidy investigation, the application must contain sufficient evidence that:

- subsidised goods have been or are being imported into the UK;
- the subsidy is countervailable;
- the subsidy amount is not minimal;
- the subsidised imports are causing injury to the UK industry;
- neither the volume of subsidised imports nor injury is negligible.

Minimal, for developed countries, means a subsidy amount that is less than 1% of the estimated value of the goods (2% in the case of a developing country).

Negligible is where the exporting country accounts for less than 3% of imports of the goods in question into the UK (less than 4% in the case of a developing country).

The other exception to this is where the exporting countries individually account for less than 3%, but collectively account for more than 7% of imports of the goods concerned.

If your application claims that there is a **particular market situation (PMS)** in the exporting country, make sure you provide evidence about which factors are leading to prices not permitting a proper comparison.

A particular market situation in a country means sales don't allow a proper comparison for example, because:

- **prices are artificially low;**
- **there is significant barter trade;**
- **prices reflect non-commercial factors.**

We will only initiate an investigation where an application contains sufficient evidence. In addition to meeting the sufficient evidence threshold, your application should include as much information as possible on particular subjects.

In the regulations, this is described as what is 'reasonably available' to you, and includes the following information:

- a description of the imported goods your application is about, including their:
  - technical characteristics;
  - current tariff classification (you can check this on HMRC's Tariff Checker – see Chapter 8);
- a statement identifying the exporting country or countries;
- details of all known overseas exporters and UK importers of these goods;
- details of all known UK producers and associations of UK producers of like goods;
- the level of UK industry support for or opposition to the application, including:
  - the total volume and value of production in the UK of like goods;
  - the volume and value of production in the UK of like goods which are produced by the UK industry making the application (and by each identified UK producer or association);
- each identified UK producer's support or opposition to the application;
- information that shows that the market share requirement is met.

If you are applying for a dumping investigation, include as much information as you can to cover the following points:

- information to show that the goods in your application have been or are being dumped in the UK;

- information on the volumes of these imports;
- evidence that the imports have caused, or are causing, injury or threat of material injury to UK industry, including
  - the effect of the imports on prices in the UK market for like goods;
  - the impact of the dumped goods on UK industry.

If you are applying for a subsidy investigation, include as much information as you can to cover:

- information to show that the goods in your application have been or are being subsidised and that the subsidy is countervailable (see our subsidy guidance for more information on this);
- the volume of the goods being imported;
- information to show that the imports have caused or are causing injury to UK industry, including
  - how the volumes of imports have changed over time;
  - the effect of these imports on prices of the like goods produced in the UK;
  - the impact of the subsidised imports on your industry.

How we carry out anti-dumping and countervailing investigations

Dumping

In dumping investigations, we calculate **dumping margins** for each exporter sampled ('sampling' is explained below in 3) as part of our work to assess whether the dumped imports have caused material injury. The dumping margin is the difference between the export price and the normal value of the goods being dumped, described as a percentage of the export price. We then use the dumping margin along with the injury margin to set anti-dumping duty rates where they are needed.

Dumping margin: the difference between the export price and the normal value of the goods being dumped.

Calculating a dumping margin involves the following stages:

- calculating the normal value of the goods concerned;
- determining the export price;
- ensuring a fair comparison between the normal value and the export price;
- calculating the dumping margins.

Where possible, we will calculate the **normal value** of the goods which are suspected of having been dumped (the goods concerned in the investigation) using the comparable price. This is the price of the goods or like goods in the ordinary course of trade in the home market of the exporting country (see Chapter 2 regarding like goods).

We do not base the normal value of the imported goods on comparable price if we think it is not appropriate to do so. This applies to situations where:

- there are no sales of like goods in the ordinary course of trade in the domestic market of the exporting country, or;
- these sales do not allow a proper comparison with the goods concerned due to:
  - a particular market situation (see Chapter 3);
  - low volume of sales in the domestic market of the exporting country;
  - the overseas exporter does not sell like goods in their domestic market.

We consider domestic sales to be in sufficient volume to allow a proper comparison where they make up at least 5% of the overseas exporter's UK sales volume. In some cases, we may consider the volume of sales is sufficient even where they make up less than 5% of the exporter's UK sales volume. We may also make an exception for captive sales (sales made between associated companies for further processing, transformation, or assembly).

We do not use comparable sales if the sales in question are not in the ordinary course of trade. There are many situations where this may apply. The two most common situations are where goods are sold at prices below per unit costs or between parties we consider to be associated unless exporters show us that the association does not affect prices.

We consider sales below cost to be sale prices that are below the per unit cost of production, including administrative, selling and general costs. We will only consider sales below cost and not in the ordinary course of trade, where they meet three conditions.

These are that sales are made:

- within an extended period of time (normally one year or at least six months);
- in substantial quantities;

- at prices which do not include the recovery of all costs within a reasonable period of time.

We consider sales below cost to be in substantial quantities where:

- the weighted average selling price per PCN is below the weighted average per unit cost;
- the volume of sales below cost represents 20% or more of the volume sold in the relevant transactions.

When we cannot use comparable price, we will use alternative methods to determine the normal value of the goods concerned. Normally this will be either constructed normal value or representative export sales price to an appropriate third country. We may also determine normal value based on other exporters' domestic sales if the exporter does not sell like goods domestically. This is sometimes known as the 'exporter next door' method. Further alternative methods for determining normal value are available for imports from particular foreign countries.

For the goods concerned, we will construct the normal value by adding the **Costs of Production (CoP)** including a reasonable amount for **administrative, selling, and general (AS&G)** costs and profits.

When we determine CoP, we will consider all the evidence we can access on the proper allocation of costs. We will consider allocations that have been used historically by the exporter and we will establish appropriate amortisation and depreciation periods. We will also establish allowances for capital expenditures and other development costs and can adjust costs for non-recurring items or costs which benefit future and/or current production.

The **export price** is the selling price of the goods from the exporting country to a UK importer or a third party for export to the UK. This is adjusted to account for export costs and calculated back to the ex-works export price in the country of export. In most cases, it can be based on the price charged by the exporter to an unrelated importer in the UK.

For example, if the domestic price is 200 and the export price is 150, the dumping margin is 50.

However, the export price may need to be based on sales to first independent buyers or using another reasonable method if there is no export price, or if the price is unreliable due to an association or compensatory arrangement between the exporter and UK importer or third party.

To achieve an appropriate price comparison, the export price and the normal value should be compared at a fair level, in terms of their basic physical and chemical characteristics and the terms and conditions of sale. To achieve this comparison, applicants must adjust their calculations to account for any differences which affect price comparability. This means that the comparison should be made at the same level of trade (such as wholesale or retail), at ex-factory level (EXW) and where possible, at the same time.

Subsidy

For a subsidy to be countervailable, we must first establish that a financial contribution has come from a foreign authority. See Chapter 2 for information on what a financial contribution may look like.

We establish whether an organisation is **a public body** on a case-by-case basis by looking at the characteristics and functions of that body and its relationship with government. Any organisation may be considered to be a government or public body if it carries out functions typically carried out by any level of government and/or if government exercises effective control over its activities.

We then calculate the benefit it confers on the recipient. A benefit cannot exist theoretically – we must show that it has been received by a recipient. It is important to note that the recipient doesn't necessarily need to be the same recipient that received the financial contribution.

We will look at the amount of the subsidy and the benefit it provides during our period of investigation. To do this, we will establish whether the recipient has received a financial contribution on more favourable terms than would be available in the private market. This is known as the 'private market test.'

A benefit is considered to have **passed through** from one industry to another if, for example, a subsidy for an upstream industry provides a benefit to a downstream industry. We will assess pass-through by comparing the prices of subsidised input products into a manufacturing process with non-subsidised input products under prevailing market conditions and looking at average prices for the input products (in a scenario where they weren't subsidised) in competitive conditions (for example, in commodity exchanges). If the suitable data is not available, we will use data from comparable non-subsidised industries.

Specificity is a legal condition which subsidies must meet in order to be subject to a trade remedies measure. It means that the subsidy must be targeted to specific industries, regions, or situations.

Examples where a subsidy is specific include (but are not limited to):

- terms of access, limited to certain enterprises or industries;
- contingent on export performance;
- contingent on the use of domestic over imported goods;
- limited to a specific geographical region within the jurisdiction of the granting authority, or
- it is applied in a specific manner.

The setting or changing of generally applicable tax rates (at any level of government) is not considered to be a specific subsidy. When someone applies to us to investigate

a possible countervailable subsidy, we ask them to provide information to help us determine specificity.

To recommend a remedy to counteract the effect that subsidised goods are having on the domestic market, we need to establish the amount of subsidy that should be **attributed** to the subsidised imports. To make this calculation, we must have established:

- the total amount of the countervailable subsidy (known in the D&S Regulations as determination of the amount of benefit conferred);
- the amount that can be attributed to the period of investigation (known in the D&S Regulations as determination of the amount of the countervailable subsidy that is attributable to the period of investigation);
- which goods the countervailable subsidy may be allocated to during the period of investigation.

Once dumping or a countervailable subsidy have been identified, we will move on to consider **injury**.

To determine whether a UK industry is suffering or has suffered **material injury** from imports of the goods concerned, we will examine a number of factors:

- the volume of the dumped goods or subsidised imports during the injury period;
- the effect of the imports on prices in the UK market for like goods during the injury period;
- the consequent impact of the dumped goods or subsidised imports on UK industry during the injury period;
- any other factors we consider relevant.

When we are assessing material injury, we may assess the following changes in volume:

- the absolute change in the volume of imports from the country or countries we are investigating;
- the relative change in volume of those imports in relation to UK domestic consumption and/or domestic production of this type of goods.

We may also assess whether there has been a relative change in the volume of similar goods being imported from other countries which aren't subject to the investigation, if we think it is relevant ('volume effect').

We need to establish whether the imports of dumped or subsidised goods have affected UK prices of like goods and caused injury to the UK industry. To do this, we look at whether:

- prices of the dumped goods or subsidised imports **are significantly undercutting the prices** of like goods produced in the UK;
- the dumped goods or subsidised imports have **significantly depressed or suppressed the domestic prices** of like goods produced in the UK.

Price depression: where there is evidence that the UK industry is forced to reduce its prices to compete against lower priced dumped goods or subsidised imports entering the market.

Price suppression: where the low prices of the imported goods prevent prices of like goods in the UK from rising to a level they would otherwise achieve.

Price undercutting: where the dumped goods or subsidised imports are consistently priced lower than those of like goods in the UK. To establish whether this is happening, we will compare the weighted average price of the dumped goods or subsidised imports with the weighted average price of the like goods.

As well as assessing volumes and prices of the goods we are investigating, we must consider all relevant economic factors that may affect the UK industry. These include:

- actual and potential decline in sales, profits, output and market share, productivity, return on investment and use of capacity;
- factors affecting domestic prices of the like goods;
- actual and potential negative effects on cash flow, inventories, employment, wages, growth, and ability to raise capital or investment;
- in dumping cases, the magnitude of the dumping margin, which is the size of difference between the export price and the normal value of the goods being dumped.

When we are assessing the UK market for goods, we will consider questions such as whether there have been changes in sales in line with changes in consumption and whether the UK industry's market share is falling. We will also look at current price trends, what is happening to the market share of the country or countries we are investigating and factors affecting domestic prices from an input or demand perspective. For example, we will consider the impact of changes in labour, raw materials, consumer trends and brand recognition.

When assessing domestic production volumes, we consider questions such as whether domestic production volume has changed over time, whether capacity has increased, decreased, or remained stable and what is driving changes in capacity use and inventory practices.

We also look at financial indicators, which may help us better understand the other factors we are looking at. We may consider financial indicators relating to the individual businesses for which we have data and also combine the data at industry level.

When we are assessing financial indicators, we will consider among other things:

- profits (gross, operating and net);
- cash flow from operations;
- return on investment;
- ability to raise capital.

To determine whether there is **a threat of material injury**, UK industries applying to us to carry out an investigation may want to address the following questions in their application:

- Does a significant increase in the volume of dumped goods or subsidised imports entering the UK suggest that a further substantial increase is likely?
- Does the exporter have significant excess capacity, or can they increase capacity quickly? This could indicate that the imports may increase. We would also consider whether other export markets might absorb the additional exports.
- Are the dumped goods or subsidised imports entering the UK at prices that could significantly depress or suppress prices of like goods in the UK? We would consider whether these prices are likely to increase demand for further imports of these goods.
- Do the overseas exporters have substantial inventories of the goods concerned?
- In the case of subsidies, what kind of subsidy is it and what type of trade effects do we think are likely to arise from it?

We will only conclude that there is the threat of material injury to the UK industry where the facts show injury which, although it has not yet occurred, is clearly foreseen and imminent. Allegations or speculation about possible future injury won't be enough.

To assess the **impact on new and emerging industries** we will first confirm that there is no UK industry in the type of goods or that there is only an emerging industry. Potential indicators of an emerging industry may include the following:

- plans to establish the industry are well advanced;
- a factory or plant is being set up;
- new machinery or raw materials inventories have been ordered ahead of the start of operations.

We will then assess whether the new industry is being injured or is being prevented from becoming established.

Injury Margin

The **injury margin** is the extent of the injury to UK industry. We calculate the injury margin so that an appropriate level of duty can be applied to remove the injury in future, not to attempt to compensate for past losses in our calculation.

We calculate an injury margin for each exporter who is subject to the investigation. In investigations where we only ask for data from a sample group of exporters, we calculate the margin for each of the following exporter types:

- an individual injury margin for each sampled exporter who cooperates with our investigation;
- one injury margin for all non-sampled exporters who also cooperate with our investigation when required. This will be the weighted average of the injury margins provided to all the cooperating sampled exporters;
- one injury margin for all other exporters. This will be calculated using any reasonable means and any information available.

Any individual injury margins we are providing will be calculated before those for non-sampled cooperating exporters and all other exporters. The injury margin is represented as a percentage of the **CIF (Cost, Insurance and Freight) import price** per exporter so that we can compare it easily with the dumping or subsidy margin.

Normally, we calculate the injury margin by comparing a benchmark UK price (generally referred to as the **target price**) with the import price (known as the **landed price**) of the goods under investigation. This calculation needs to be done for each PCN of the goods concerned and the comparison should always be at the same level of trade.

Target price: the price that a UK producer would expect to sell its like goods at if it were not being affected by the dumped goods or subsidised imports.

Landed price: the price of the dumped goods or subsidised imports when they arrive at the UK port. It equates to the CIF (Cost, Insurance and Freight) import price plus any relevant import duties and other costs associated with import.

If our injury calculation reveals that the injury margin is less than 2% of the price of the imports, we will recommend a zero duty against the relevant exporter.

We will then consider the **causal link** between the dumping/subsidy and the injury and apply **the EIT** as explained in Chapter 2 of this Handbook. Once we have done this, we should be in a position to reach a recommendation.

During the investigation, the case team may contact the applicant, other producers, or any other interested party to ask for further information or ask for clarification on specific points.

Anti-dumping/countervailing investigation lifecycle

The following gives an overview of the process a typical investigation (not safeguards) will go through. Anti-dumping and countervailing cases typically take 11-13 months.

Application assessment stage

New applications will go through the application assessment stage, where we will determine if there is sufficient evidence provided to suggest an investigation is appropriate. The application is kept confidential at this stage and we will write to you to let you know if we will initiate an investigation, if we need more information first or if we won't carry out an investigation. If we won't, we will let you know why. This should normally happen within 40 days of submission for dumping and subsidy investigations and within 30 days of submission for safeguard investigations. You can resubmit an application at any time.

Initiation of an investigation

At this stage, a Notice of Initiation is published, and contributors and interested parties have a set amount of time to register their interest in the case.

Sampling

If a case involves a large number of products or individual parties, we may verify and review a smaller dataset. We will send pre-sampling questionnaires to all the groups involved. Based on the responses, we may select a sample of exporters, producers, importers, or products to consider. We will decide which parties to sample by using data from the pre-sampling questionnaires. For calculating dumping margins, we may sample based on either the largest volume of exports we can reasonably investigate or another statistically valid method.

For all other elements of our investigations, we can use any reasonable method to select a sample. We will determine the most appropriate approach to use on a case-by-case basis.

In dumping cases, we publish lists of proposed samples of overseas exporters and UK importers on the TRS and invite responses. We then finalise the sample and send questionnaires to the parties sampled.

Questionnaires

To carry out our investigations, we ask for information from interested parties and contributors. This includes accounting records, company-specific data and pricing practices, and indicators of the economic performance of the UK industry. We may obtain this information through questionnaires issued to interested parties, contributors, and any other group that we think is relevant.

We will send a questionnaire to each type of interested party or contributor (e.g. domestic producer, importer, exporter) because our investigations require different information from each group.

Facilitation/verification visits

To learn about the business and verify the information provided, in normal circumstances the case team will visit domestic producers' and exporters' premises. This requires resources from the industry we are visiting in terms of time/ people. Verification helps us to establish an accurate and reasonable dataset for our investigation.

Our initial desk analysis seeks to establish complete and reliable data for calculating trade remedy measures. We use this analysis to determine specific questions and areas to consider in further verification. During desk analysis, we may find submitted data is incomplete. In these cases, we may send a deficiency notice (see Chapter 4 of this Handbook).

We may also carry out verification to assess the origin and validity of the data submitted and will visit companies to assess the completeness, relevance and accuracy of their data. Visits will generally take place on the premises of the interested party and normally take several days for UK producers or overseas exporters, or a day for importers.

Economic Interest Test

Economic Interest Test (EIT) analysis is carried out to establish whether measures would be economically appropriate (see Chapter 2 of this Handbook for more details).

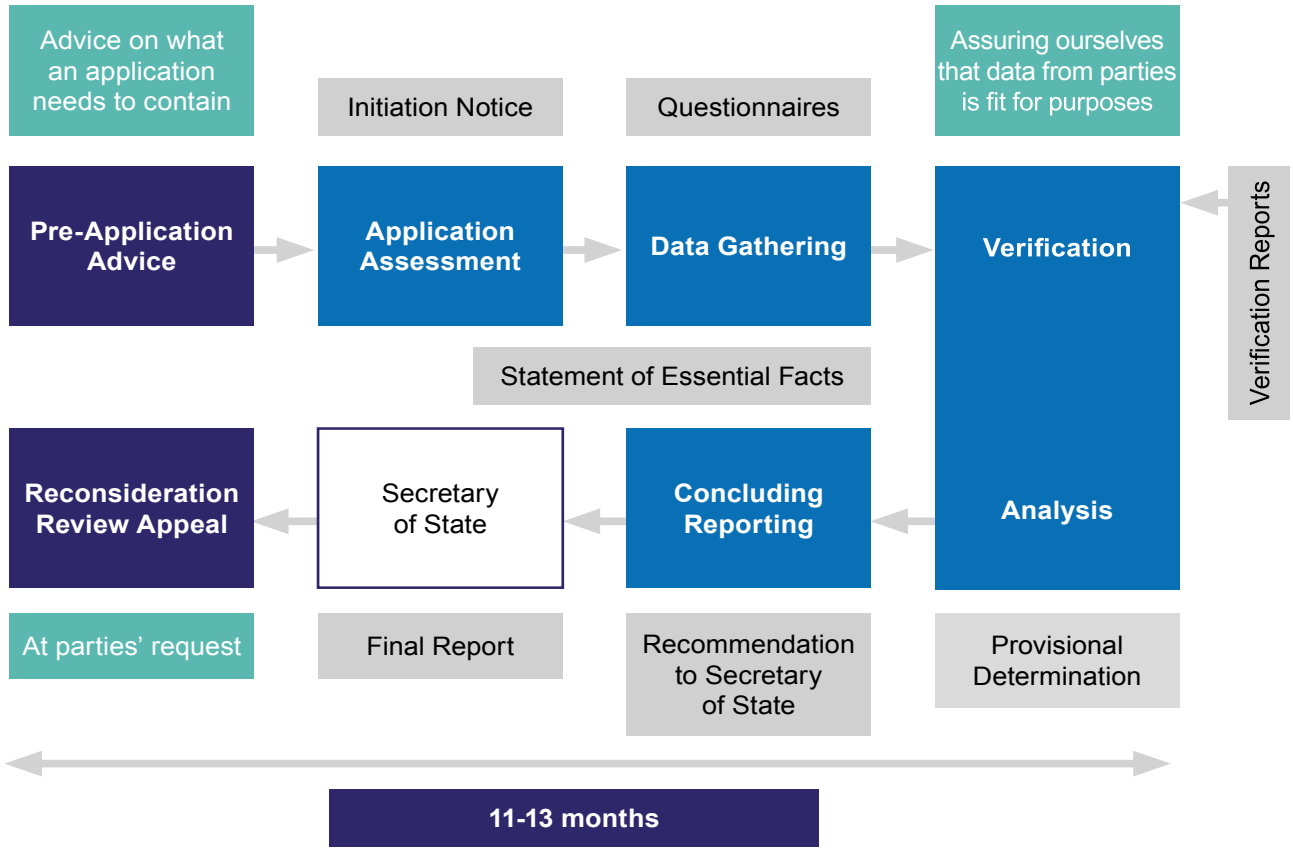
Provisional Determination

The TRA will make a provisional determination including a Provisional Affirmative Determination (PAD) if there is the risk of injury to UK producers during the rest of the investigation and if a PAD is in the economic interests of the UK (see Chapter 2 of this Handbook).

Final Determination

The TRA's recommendation to the Secretary of State, which may or may not recommend measures. The Secretary of State then either accepts our recommendation or rejects it (see Chapter 2 of this Handbook).

Overview of a typical case lifecycle



Registration of imports

Registration of imports is a requirement for applying measures retroactively in a new dumping or subsidy investigation and can act as an effective deterrent to stockpiling or similar activities during the investigation which would undermine the effect of any eventual measure.

We cannot apply measures retroactively where no provisional remedies are applied, and registration of imports is not needed where we do not recommend provisional remedies. Equally, it is not needed in reviews or safeguard investigations, except in circumvention reviews.

Applying a measure retroactively: an importer is charged a duty after an investigation for an import they made during the investigation.

The TRA can determine that registration of goods is needed. Alternatively, a producer may request it, although it is not guaranteed to be put in place. The TRA can ask the Secretary of State to publish a notice of goods on which we are carrying out an investigation or review and which may have an anti-dumping/countervailing amount applied to them. We may also do this if an existing anti-dumping/countervailing amount on the goods may be varied.

This is known as a goods registration notice. When it is published, HMRC are required to register the goods described in the notice. This means that HMRC record additional information about the goods imported. We can only apply measures retroactively from the date of publication of the goods registration notice. For this reason, we generally ask that the notice is published as early as possible once we have decided it is appropriate.

Safeguard Applications

The four main conditions for imposing a new safeguard measure are that:

- the goods in question are being imported into the UK in increased quantities;
- serious injury is being or will be suffered by UK producers;
- the imports have caused/are causing the serious injury;
- the Economic Interest Test is met.

The application must also be accompanied by a **preliminary adjustment plan** (though we may waive this requirement in some cases). This is a plan which UK producers should include in their application, setting out how they plan to adjust to the increased imports.

We need to determine whether the goods concerned have been or are being imported into the UK in increased quantities and will examine import data over the period of investigation. We have the discretion to decide the length of this period and ensure it is long enough to provide sufficient data to assess whether a surge of imports has occurred. We consider the trend in imports during the entire investigation period, especially the recent past and aim for the end point to be as close as is practicable to the date of initiation.

To determine whether the goods concerned are being imported into the UK in increased volumes, we must consider:

- whether there has been an absolute increase in the volume of the goods concerned being imported into the UK;
- whether there has been a relative increase in volume compared with the total UK production of like goods and directly competitive goods;
- unless we decide to exempt specific countries, we must consider imports of the goods concerned from all foreign countries and territories;
- once we have determined that there has been an increase in the volume of imports of the goods concerned into the UK, we must determine whether the increase is significant.

We must also consider:

- the rate and volume of imports of the goods concerned into the UK;
- foreseeability;
- any other factors we consider relevant.

To decide whether it was **possible to foresee** the increase in imports, we will establish whether it was a result of unexpected developments. We may examine:

- changes in patterns of demand for the goods concerned in the period of investigation and for like goods and directly competitive goods which are produced in the UK;
- global over-capacity or increases in production capacity of the goods concerned;
- economic or political crises;
- any other factors we consider relevant.

If we find that the increase in imports was foreseeable, we won't consider it to be significant.

For a safeguard measure to be appropriate, the UK producers who apply to us to carry out an investigation must produce like goods or directly competitive goods to the goods being imported. Their production output must make up the **whole or a major proportion** of the UK's production of these goods. Their position must be **significantly impaired by the surge of imports**, or at imminent risk of being significantly impaired.

Injury

Our injury determination will reflect the data we have gathered on UK producers. The number of UK producers in safeguard cases is likely to be more than in a dumping or subsidy case since the investigation takes into consideration producers of directly competitive goods as well as those of like goods.

Serious injury is defined as a significant overall impairment (or the threat of it), to UK producers of like or directly competitive goods. There is no minimum requirement for how long this needs to have been the case.

We will base our assessment of whether there is injury on a number of factors including:

- the rate and volume of increase in the imports of the goods concerned into the UK, in absolute or relative terms;
- the export capacity of the goods concerned in their country or countries of export and the likelihood that this capacity will be exported to the UK;
- the share of the domestic market in the UK taken by the increased imports;

- changes in UK producers' levels of sales, productivity, production, capacity use, profits and losses, and employment.

We will then carry out **causation** and non-attribution analysis. We may consider:

- the volume effects of the increased import of the goods concerned during the period of investigation;
- the effect on prices in the UK market for like goods and directly competitive goods during the period of investigation, including depression and/or suppression of price increases;
- any other issues we think are relevant.

We must consider whether any known factors other than the goods concerned have caused or are causing the serious injury to UK producers. We must not attribute the serious injury to the goods concerned if they are caused by other known factors.

Possible factors unrelated to the imports could include:

- contraction in demand;
- trade-restrictive practices and competition;
- developments in technology;
- export performance and productivity;
- capacity increases;
- inefficiency in domestic production;
- change in input costs;
- increases in energy costs;
- ending of subsidies payments;
- lack of effective marketing policies.

Our **analysis and final report** will include an explanation of the type and extent of injury we have identified. It will also cover the injury and causation analysis we have carried out.

Any measure being imposed must satisfy the EIT (see Chapter 2 of this Handbook).

Once we have considered comments on our **statement of intended determination**, we will make our **final determination**. This comes in the form of a recommendation to the Secretary of State for International Trade.

There are three types of determination we can make:

- final affirmative determination which includes a recommendation for a safeguard measure to be put in place;
- final affirmative determination which does not include a recommendation for a safeguard measure. This may be because, for example, we do not think a measure would be in the UK's economic interest or because the UK producers involved in the case have not provided an adjustment plan and we have not waived the requirement;
- final negative determination.

The Secretary of State will decide whether to accept or reject the recommendation. They will assess whether or not the measure is in the public interest.

4. Importers, users and other interested parties

Finding out about investigations and registering interest

When we initiate an investigation, we set a period for interested parties and contributors to contact us known as a **registration period**. Parties should register online through the TRS.

The TRS is a secure IT service which we use to 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.

If you believe a product that you use or import is affected by one of our investigations, or you wish to contribute to the investigation, you need to register on our online system, the TRS. Information on timescales for registration are contained on the relevant Notice of Initiation and are also available on the TRS.

It is very important that parties register with us during this period to make sure they have the opportunity to be involved in the investigation. We will consider requests made after the registration period on a case-by-case basis.

Role in investigations

Interested parties and contributors have different rights in our investigations.

An **interested party** refers to any party directly involved in our investigation. For example, this can be a foreign government, an exporter, or importer of the goods concerned, a UK producer of the like goods or a trade association.

A **contributor** is a person or organisation that is not an interested party but who has contacted us to participate in an investigation or a review. Contributors can supply information for us to consider during the investigation but cannot request hearings or reviews or ask for safeguards to be suspended.

The relevant case team will ask interested parties for further data or clarification on points in their submission. **Verification** may be done through visits to sites of interested parties or contributors or it may be desk based. In either case, those being visited or providing the data being looked at will be asked to provide documentation and evidence to support the data which has been put forward.

Unfortunately, due to time constraints, the case team is unable to visit all contributors or interested parties to a case. But they will consider all the information provided when deciding on the case unless it cannot be verified, is deficient, or if a non-confidential version has not been provided.

If the case team considers the data to be **deficient,** they will issue a **deficiency notice**. The most common reasons for a deficiency notice being issued are that information is omitted, is in the incorrect format, or is not to the required standard. It may be that there is data which doesn’t persuade the case team towards one particular view – it is important to

recognise that this is not necessarily ‘deficient’ but may simply not be as persuasive when weighed against other evidence provided.

If we believe parties are not cooperating with us, we may disregard any information they supplied. If an interested party does not cooperate and we believe relevant information is being withheld from us, this could lead to a result which is less favourable to the party in question – for instance, it may affect the duty rate that applies to them.

Non-cooperation: if an interested party fails to cooperate with an investigation or significantly impedes its progress.

We will not find a party to be non-cooperative if they have acted to the best of their ability to cooperate with us.

Meetings and hearings

Meetings are an informal way for interested parties or contributors to discuss issues relating to an ongoing investigation and provide additional information to our investigations team. They are usually held in person or virtually between a single interested party or contributor and the relevant case team. The purpose of a meeting may vary depending on the needs of the case, but they are a useful way for interested parties and contributors to discuss confidential information with us on a one-to-one basis.

These meetings provide an opportunity for interested parties and contributors to put forward new information. Alternatively, they can be used to raise and discuss a specific issue (or issues) identified throughout the course of an investigation or review. Meetings can’t be used to repeat or emphasise information already provided to us, and they should not be used to ask for feedback on the progress of the case.

Only an interested party or contributor who has registered their interest on the TRS can ask for a meeting with us about a case. We handle each request on a case-by-case basis.

When asking for a meeting, you should provide an agenda outlining what you want to discuss and a clear explanation why you would like to meet with us. We publish requests for meetings on our public file, along with other non-confidential information about the case. If you provide confidential information with the request, you should also provide a non-confidential version.

Only the interested party or contributor who requested the meeting can attend, unless otherwise agreed. We will contact you to arrange a suitable date, time, and location for the meeting, and make any reasonable adjustments to help to ensure you can attend.

A **hearing** is an opportunity for interested parties to meet with us and other interested parties and contributors during an ongoing investigation or review, to present their views and hear the views of others involved. A hearing is not an opportunity to question the TRA about the investigation or review and decisions will not be made and/or disclosed during a hearing. Contributors can’t ask for hearings.

Usually, hearings are used to discuss a specific issue (or issues) arising following publication of our initial report. Only interested parties and contributors who are registered on the TRS to the relevant investigation can attend hearings. They are not open to the public.

They can be requested by an interested party, or we may suggest one ourselves. The best time for a hearing is generally once we have gathered and looked at the evidence and published our initial report of our findings. In a dumping or subsidy case, this is a Statement of Essential Facts, while in a safeguard investigation, it is a Statement of Intended Final Determination. If you would like to meet with us before this stage, we would encourage you to ask for a meeting instead.

If you include confidential material with your request, please also provide a non-confidential version of this. We will publish the non-confidential version on our public file.

It is important to give clear reasoning about why a hearing is required and why you can't provide the information in written form. If you don't provide this, we may ask you for further information. If we do not receive this, or we do not consider your reasoning to be sufficient justification for holding a hearing, we may reject the request. If we do, as an interested party, you can still provide a written response to our initial report. We will notify interested parties and contributors in advance to tell them about any specific processes and procedures that will be adopted at the hearing.

Interested parties and contributors (or their representatives) are not under any obligation to attend a hearing, including hearings we initiate. If they don't attend a hearing, we will not determine them to be non-cooperative as a result and their failure to attend will not be prejudicial to their interests.

Paying the duties

If the Secretary of State accepts our recommendation in a case, measures will start to apply **the day after** their notice is published and will be applied to the relevant good at the border, even if the goods are already in transit. The importer pays the duties, and HMRC collects them in the same manner as other import duties.

Refunds (repayment investigations)

Sometimes an importer of goods may believe that the level of the duty applied due to a trade remedy investigation is incorrect and apply to us, via the TRS, to have some of the duty repaid.

In a repayment investigation, we need to establish whether the dumping margin or subsidy amount have been eliminated or reduced to a level lower than when the measure was put in place.

Following our investigation, if we determine that the importer has overpaid, we will instruct HMRC to make a refund. Any application should be made no later than six months after the

end of the import period the application relates to. Our investigation can only cover goods which were imported into the country after the UK left the EU customs union.

An application will need to provide sufficient evidence of why the duty should be repaid. This means that the dumping margin has been eliminated or reduced to a level lower than was seen in the original investigation or that the amount of subsidy has been eliminated or reduced to a level lower than was seen in the original investigation.

The application must also contain the information listed below:

- a description of the goods to which the application relates;
- evidence of the amount of duty paid in respect of those goods;
- details of the repayment requested;
- relevant evidence demonstrating the dumping or imports of subsidised goods are no longer happening, or have reduced to a level lower than found in the original investigation or a commitment from the overseas exporter that this evidence will be provided within 30 days if we request it;
- corporate information about your company;
- information about your business relationship with the overseas exporter;
- any other information you believe is relevant to your application.

As part of the application, the relevant evidence needed to demonstrate that dumping or imports of subsidised goods are no longer happening includes:

- a list of import transactions for which you want to claim a repayment;
- copies of invoice(s) for the goods your application refers to;
- all customs clearance documents identifying the import transactions for which you are applying for a repayment (these should show how the amount of duty was determined, e.g., the quantity and value of goods declared and the rate of anti-dumping duty/countervailing amount applied, as well as the exact amount of anti-dumping duties paid if applicable);
- information on the normal values and export prices of the goods that show the dumping margin or subsidy amount has decreased under the duty in force or has been eliminated (these calculations should be based on all sales of this product to you by the exporter, not just the transactions covered in your repayment application);
- a commitment from the overseas exporter that this evidence will be provided within 30 days if we request it.

If any invoices, customs entry forms or other documents are provided as copies rather than as originals, they must be accompanied by a declaration of their authenticity from either you or the exporter.

If you do not provide all the relevant information either with your application or where we have requested evidence from your exporter, 30 days following that request, we may consider the application as not being made and reject it.

We need to verify information provided to us in the application. This may include visits to the exporter and/or importer's premises.

If we need to calculate a revised dumping margin or subsidy amount, we will use the methodology from the original investigation into the case for the measure unless it is not appropriate to do so, for instance if circumstances have changed. Where a different methodology is used, we will discuss this with the applicant and the relevant exporters.

The dumping margin/amount of subsidy is calculated on a per exporter basis. If one or more exporters do not cooperate with the investigation, we will continue our investigation into the remaining cooperating exporters.

The investigation may result in either:

- no repayment, when the dumping margin/ subsidy amount is found equal or higher to the duty collected;
- repayment of part of the amount paid for the relevant importation period, when the dumping margin/subsidy amount has decreased below the duty collected;
- repayment of all of the duties paid for the relevant importation period, when the dumping margin/subsidy amount has been eliminated versus the duty collected.

If we determine that HMRC should make a repayment for the relevant importation period, we will:

- calculate the amount of the repayment;
- send a notification to HMRC that we are satisfied a repayment is due;
- publish a notice on our public file.

Circumvention

Circumvention is where a company undertakes activity to avoid a duty put in place as part of a trade remedies measure. We understand that anti-dumping duties can have a significant impact on importers, but circumvention enables unfair trading practices which should be being addressed. Circumvention allows the injury to UK industry to continue.

Where there is evidence that circumvention is happening, the TRA can carry out a circumvention review to determine whether the measure should be amended (see

Chapter 5 of this Handbook). Alternatively, actions taken in an attempt to circumvent a measure may constitute customs fraud, which HMRC will investigate.

If the suggestion to circumvent is made to your company, please contact HMRC.

5. Reviews

When we receive any application for a review, we will need to assess whether it meets the requirements for us to initiate. We will not re-assess the economic interest test for either an absorption review or a circumvention review.

Expiry

Trade remedies measures run for five years and will expire unless someone applies to have them extended. If this happens, the TRA will review the measures at the point that they would expire to see if there is still a need for them.

The existing measure will be extended while we conduct this review. We carry out an expiry review based on an application by, or on behalf of, an interested party or, in special circumstances, on our own initiative. An expiry review application must include evidence to show that if the application of an anti-dumping amount or a countervailing amount were to expire, the dumping or subsidisation of the goods subject to review and the injury caused by the dumped goods or subsidised imports, would be likely to continue or recur.

This can be demonstrated by evidence that:

- dumping and injury are continuing;
- the removal of injury is only due to the measures in force;
- further dumping and injury are likely if measures are allowed to expire; and
- the measure meets the Economic Interest Test.

We may reject an application for other reasons, for example if:

- an application doesn't contain sufficient evidence to substantiate the need for an expiry review;
- it has not been submitted to us via the Trade Remedies Service;
- it considers the review application is made in relation to a change in circumstances that is not of a lasting nature;
- we have already conducted a review or rejected a previous review application in respect of the relevant anti-dumping amount or countervailing amount and
  - the review application relates to matters which are similar to those arising under that previous review or set out in that previous review application; and
  - there is no change of circumstances since the termination of that previous review or rejection of that previous review application which substantiates the need for a new review;
- information on which the review application relies could have been provided to us in the investigation or a previous review;
- the applicant has not complied with procedural requirements.

An expiry review should normally be completed within 12 months. If the measure is extended it will be for a maximum of five years. An expiry review can also vary the measure.

Interim

An Interim Review investigates whether an existing anti-dumping or countervailing measure should be varied or revoked due to a change of circumstances.

When we carry out an interim review, we consider:

- whether the measure continues to be either necessary or at a sufficient level to offset dumping or the importation of subsidised goods, which has caused or is causing injury to a UK industry in the goods;
- whether the measure is having the effect of removing the injury to the UK industry.

We can initiate an interim review of a measure on our own behalf or following an application made by, or on behalf of, an interested party, so long as it is at least a year since the measure was imposed or previously altered. We will make a recommendation to the Secretary of State to either keep, change, or remove the measure.

You might want to apply for an interim review if you think the measure is not at the right level to offset injury caused by the dumped or subsidised goods or if you think the measure is no longer needed**.**

You must provide evidence that since the measure was put in place, there has been a change in circumstances which is of a lasting nature, and that:

- the continued imposition of the measure is not necessary to offset the relevant dumping or subsidisation, or;
- the injury would be unlikely to continue or recur if the measure were removed or varied, or;
- the measure is insufficient to offset the injury caused by the dumped goods or subsidised imports.

You will need to provide both a confidential and a non-confidential version of the application.

We may reject an application for an interim review if:

- the application relates to a temporary change in circumstances rather than a long-lasting one;
- we have already conducted a review (or rejected a previous review application) relating to a similar issue and circumstances have not changed since then;

- information the application relies on could have been provided to us in the original investigation or a previous review;
- your application does not contain sufficient evidence to substantiate the need for an interim review.

If we reject your interim review application, we will notify you, setting out the reasons for our decision.

To help us carry out our review, we will send a questionnaire to interested parties and contributors who register their interest to gather relevant information. We will assess information we receive from questionnaires, during visits and from other appropriate sources. We may also consider, among other things:

- whether the circumstances in respect of the dumped goods or subsidised imports have changed significantly;
- whether the circumstances in respect of injury to the UK industry, caused by the dumped goods or subsidised imports have changed significantly;
- whether the existing measure is necessary or sufficient to offset or prevent the injury;
- whether, and if so to what level, it is appropriate to vary the anti-dumping amount or countervailing amount.

We must consider **both** the current and prospective impact of the measure.

We will only decide to change the anti-dumping amount or countervailing amount if we have reassessed the margin of dumping or the amount of subsidy, and the amount adequate to remove the injury, and if we are satisfied that this is in the UK's economic interest.

New exporter

A new exporter is an overseas exporter that has started (or will soon start) to export a product into the UK which is subject to an existing anti-dumping or countervailing measure.

An exporter will be considered 'new' if:

- they did not export the goods into the UK during the period of investigation used to establish the anti-dumping or countervailing amount in the original investigation; and
- they are not related to any other exporters that are subject to the anti-dumping or countervailing amount, or that exported the goods during the period of investigation.

An exporter who is already subject to an anti-dumping or countervailing measure will be considered as related to another exporter who did export the goods into the UK during the period of investigation. So, the exporter will not be treated as a new exporter, even where those exports were made into the EU.

An application for a new exporter review must include:

- evidence that the review applicant is not related to any overseas exporter
  - who is subject to an anti-dumping or countervailing amount in respect of the dumped goods or subsidised imports;
  - who exported the dumped goods or subsidised imports to the UK during the period of investigation;
- evidence that the review applicant did not export the goods subject to review to the UK during the period of investigation of the original case;
- evidence that the review applicant is currently exporting the goods subject to review to the UK or has a contractual obligation to export a significant quantity of the goods subject to review to the UK.

We may calculate a new anti-dumping or countervailing amount, so the applicant may need to provide information that will be used to calculate an individual dumping or subsidy margin.

We may reject a review application if:

- the application does not contain sufficient evidence to substantiate the need for a review;
- the application relates to a change in circumstances that is not of a lasting nature;
- the application contains information which could have been provided in the original investigation or a previous review;
- the applicant has not complied with the procedural requirements;
- the application is not made via the Trade Remedies Service.

If we have conducted a previous review or rejected a previous review application relating to the same anti-dumping or countervailing measures, we may reject another review application if:

- the application relates to matters which are like those set out in the previous review or review application;
- there is no change of circumstances since the termination of the previous review or rejection of the previous review application.

The Secretary of State will issue a public notice to suspend the collection of any anti-dumping amount for the review applicant's goods pending the outcome of the new exporter review or notify the government of the exporting country or territory prior to the initiation of the review, depending on the type of case the review relates to. We expect determinations following new exporter reviews to be made within six months of initiation. We will try to make a determination no later than nine months after initiation.

Based on the information provided by the applicant, and through our own data-gathering and analysis, we will determine whether the applicant meets the criteria for being a new exporter.

If it is determined that the applicant is not a new exporter, there will be no change to the anti-dumping or countervailing amount applied to the applicant's exports. We will terminate the review, publish a notice of termination, and notify interested parties.

For reviews relating to a dumping investigation, we will apply the residual amount of duty owed from the date of initiation of the review, based on the existing anti-dumping amount.

If the applicant is determined to be a new exporter there may be a change in the anti-dumping or countervailing amount applied to the applicant's exports. For reviews relating to dumping investigations, we will apply the amount of duty owed from the date of initiation of the review, when the duty was suspended, based on the newly determined anti-dumping amount.

If the original investigation used sampling of overseas exporters, then we will apply the **duty rate for all non-sampled cooperating exporters** from the original investigation to the new exporter. This will be the weighted average of the rates for the sampled co-operating exporters. The amount applied can be seen on the HMRC Tariff Tool.

If the original investigation did not use sampling of overseas exporters, we calculate and apply an individual anti-dumping or countervailing amount for the new exporter in question. To establish an individual anti-dumping amount, we will calculate the dumping margin for the new exporter. We will use the same methodology we used when we calculated the dumping amount during the original investigation. To establish an individual countervailing amount, we will determine the amount of subsidy that can be attributed to the subsidised imports from the new exporter. After establishing a dumping or subsidy margin, we will then apply the lesser duty rule, as explained in Chapter 2 of this Handbook.

Scope

If it emerges that other products which are being imported under similar circumstances may need to be covered by a trade remedies measure – or that products which are currently covered by the measure may need to be removed from the description of the goods – we may carry out a **scope review**.

We carry out a scope review based on an application from an interested party or on our own initiative. We may decide to carry out a scope review on our own initiative if we have sufficient evidence that, at present, products could fall under the original scope which were

not originally intended to be covered by the measure or a product which was covered within the original scope is not produced in the UK.

We can do this at any time after a measure is put in place. An interested party may apply for a scope review into a certain measure only when at least a year has passed since the measure was first imposed (or altered).

The application should explain what imported product the applicant considers should be included in, or removed from, the scope of a measure. It must include evidence that the scope of the measure should be changed, and this change does not justify a separate dumping or subsidy investigation.

We will look at:

- whether we would have included the goods subject to review in the scope of the original investigation if the relevant information had been available at that time;
- the relationship between the goods subject to review and those which are covered by the original measure (the goods concerned) in the UK market (e.g., if they are directly competitive, whether they have a similar end-use etc);
- the estimated effect that any change in scope would have on the intended effects of the measure;
- whether the change in scope could affect the interests of any interested party or contributor;
- whether the issues raised in the application could be resolved by applying customs, rules to the goods instead;
- any other factors we consider relevant.

To help us carry out our review, we will send questionnaires to interested parties and contributors who register their interest to gather information about the goods.

We may want to visit interested parties which are businesses directly affected and whose data is directly relevant to our review, to familiarise ourselves with their industry and products, or to verify data submitted during the review process.

We will generally consider differences and similarities between the goods covered by the current measure and the goods we are assessing in our review, based on the following non-exhaustive criteria:

- physical, chemical, and technical characteristics;
- production processes;
- typical end-uses;
- interchangeability.

When we decide whether goods in a review should be included in a measure's scope, we will generally also look at whether they were taken into account when we were calculating dumping, injury or subsidy margins in the original investigation or in a previous review.

When we are determining whether goods which are currently included in the scope of the measure should be excluded, we generally also consider whether the domestic industry sells goods, which are like or directly competitive goods to the goods subject to review, and whether the amended scope could be applied in practice in terms of customs and tariffs.

We may also take into account any other factor we consider relevant, depending on the circumstances of the review. This may include:

- whether there are domestic producers of the goods subject to review;
- competition between the goods subject to review and the goods concerned in our original investigation;
- channels of distribution and sale of the goods subject to review;
- the packaging of the goods subject to review, including any other goods contained in the packaging.

Once we have carried out a scope review, we will make a recommendation on whether the scope of a measure should be changed or kept the same.

Circumvention

An application for either a circumvention review can be made by, or on behalf of, an interested party (whether or not they were involved in the original investigation), or we may decide to undertake a review ourselves. Your application must include evidence that a trade remedy measure is being or has been circumvented including a detailed description of how this is happening, who is involved, and the effect on the original measure.

We may reject an application if:

- an application doesn't contain sufficient evidence to support the allegation;
- it has not been submitted to us via the Trade Remedies Service;
- the application relates to a temporary change in circumstances relating to the allegation;
- we have already conducted a review or rejected a previous review application relating to a similar issue and circumstances have not changed in the meantime;
- the information on which the application relies could have been provided to us in the original investigation or a previous review or rejection of a previous review, or;
- the review applicant has not complied with procedural requirements.

To determine if activity is being undertaken to avoid a duty put in place as part of a trade remedy measure, we will consider a number of questions, including but not limited to:

- Has there been a change in the pattern of trade of the goods named in the measure? A change in the pattern of trade can cover a wide range of situations in which sales, shipment or the assembly of the goods or related goods are varied. This could be either between a third country not listed in the original notice and the UK or between individual companies in the country of origin and the UK.
- What are the reasons for any change in the pattern of trade? For example, has there been a change in the way the goods are shipped so that they are transported via a company or a country that has not been subject to the measure? Or have minor changes been made to the product so that it is still essentially the same but no longer subject to the duty?
- Is there injury to UK industry, or is the ability of the duty to remedy the unfair trading practice being undermined? For example, if the original measure was an anti-dumping duty, we might consider if there has been price undercutting.
- Should the current anti-dumping or countervailing duty remain unchanged? Or, should the duty imposed be varied?

We may decide that the current anti-dumping or countervailing duty should remain unchanged, or the duty imposed should be varied. If we recommend that the duty should be varied, the variation can be applied to some or all goods subject to the review, and/or goods from a third country. The variation can be applied to additional exporters or importers (where a reorganisation of exporting patterns and channels of sales means that the duty should also apply to them).

We may grant an exemption from the measure(s) to either importers or exporters under certain conditions.

Exemption reviews

An exemption review assesses whether an importer or overseas exporter can demonstrate that they are not involved in circumventing a trade remedy measure and therefore should be exempted from it.

The exemption review only applies to measures arising from a circumvention review conducted by the EU before it was transitioned to the UK, or measures following a circumvention review initiated by us. An application for an exemption to a trade remedy measure can be made by, or on behalf of, an importer or an overseas exporter.

If you are an overseas exporter, you must provide evidence that you are not circumventing the measure. If you are an importer, you must include evidence that you are not related to an overseas exporter which is subject to the measure, and you are not circumventing the measure.

If the circumvention in question was carried out through assembly of parts, you will need to demonstrate that the way you assemble the products you sell does not constitute circumvention of the measure. To do this, you will need to demonstrate **one** of the following:

- your assembly operation relies on less than 60% of the parts coming from the exporting country/territory, or;
- your assembly operation relies on more than 60% of the parts coming from the exporting country/territory but the value added to the parts during the assembly operation or completion operation is greater than 25% of the manufacturing cost.

If we are satisfied that the applicant meets the necessary requirements to be eligible for an exemption, we will make a recommendation to the Secretary of State.

Our recommendation will include:

- details of the goods in question;
- a link to the public notice applying the anti-dumping or countervailing amount to which the circumvention relates;
- the name of the applicant;
- our rationale for the recommendation.

The Secretary of State will choose to either accept or reject our recommendation. If an exemption is granted, the applicant will be required to maintain records of their assembly operation and parts for at least three years following the exemption. We may conduct periodic reviews of the exemption to consider whether the applicant is still eligible. When we do this, we will contact the applicant beforehand to notify them and discuss what information we may need from them.

Absorption

Absorption is when export prices of the goods have fallen or have not increased enough, so the measure does not have its intended effect.

To determine if absorption exists, we will assess information received from questionnaires, during visits and from other appropriate sources and consider a number of questions. These include but are not limited to:

- Has the anti-dumping duty had the desired effect, for example to remove injury?
- Have export prices of the goods decreased or increased less than would be expected, given the measure?
- Are there other factors (such as lower raw material costs) that can explain the lower resale price?

We may determine that the current anti-dumping or countervailing duty should remain unchanged, or the duty imposed should be varied. If we recommend that the duty should be varied, the variation can be applied to some or all goods subject to the review or goods from a third country.

We may grant an exemption to either importers or exporters under certain conditions as set out in the legislation.

6. Reconsiderations, appeals, legal challenges and complaints

Reconsiderations

The Regulations set out a list of decisions that can be reconsidered and who can apply for a reconsideration. In most cases, any interested parties can apply, but in some cases only the person who made the application can apply. Examples include:

- when we reject an application to us to initiate a dumping, subsidy, or safeguard investigation – only the person who made the application;
- when we reject an application for a dumping or subsidy review, breach investigation or extension review – only the interested party who made the application;
- when we make a determination on the amount of repayment of an anti-dumping or countervailing duty (or a determination not to make a repayment) – only the importer who made the application for a repayment investigation.

If we receive multiple applications for reconsideration of a single original decision, we may make a single reconsidered decision.

Decisions made within an investigation cannot be challenged until the investigation is complete. This means provisional determinations made during the investigation are not subject to reconsideration.

We must receive any application to reconsider a decision within a month and one day of that decision being published or (if this is a later date) coming into effect. Where there is no requirement for a decision to be published (for instance, when we reject an application to initiate an investigation), we should receive the request for reconsideration within a month and one day after we notify the applicant of our decision.

Applicants should set out the grounds for their application, explain the outcome they are looking for, and demonstrate that they are eligible to apply for a reconsideration of this decision.

When we reconsider a decision, we will follow a process in which we re-examine relevant information we hold on the case, testing both our processes and our conclusions. This work will be carried out by a team which did not work on the original case. At the end of this process, we may decide either to uphold the original decision or to vary the original decision. In each case the result will be a ‘reconsidered decision.’

As part of this process, we may:

- request further information from the applicant and/or from any other person and set a time limit for responses;
- review relevant material, which may include
  - information we have asked for;

  - the application and any information provided with it;
  - any information obtained from secondary sources;
- disregard information if it has been submitted outside the time limit we have given or does not conform to our request;
- take any other action we think is appropriate in line with the relevant regulations.

We will consider information provided to us by interested parties, contributors, and anyone else we may ask, providing it is submitted within our deadlines and in a form we can use. We will also draw on information in the application for reconsideration and refer to secondary sources where necessary.

If we identify that an application for reconsideration relates to a dispute on a point of law, we can refer this to the Upper Tribunal and we will notify the applicant of this. We will do so directly if there was no published notice of the original decision. If the original decision was published, we will publish a notice via the TRS which sets out the questions we have referred.

At the end of the reconsideration process, we will either uphold the original decision if we are satisfied it was correct or vary the original decision. If the original decision was a recommendation to the Secretary of State, then the Secretary of State must accept or reject the reconsidered decision.

We will notify the applicant of our reconsidered decision directly via the TRS or, if the original decision was published by notice, a notice of the reconsidered decision will be published.

In these circumstances, the reconsideration process will not conclude until we receive a decision from the Upper Tribunal.

Appeals to the Upper Tribunal

The Tribunal cannot give you legal advice. To appeal to the Upper Tribunal, you will need to complete a notice of appeal form. Your completed form must be sent to the Tribunal so that it is received no later than one month after the date on which notice of the decision you wish to appeal is published – or, if later, the date on which the notice comes into effect; or if the decision does not need to be published, the date on which you were notified of the decision.

When making a decision, the Upper Tribunal must apply the same principles as would be applied by a court on an application for judicial review. The Tribunal can dismiss the appeal or set aside all, or part of, the decision to which the appeal relates.

If the Tribunal sets aside all or part of a decision, it will refer the matter back to the TRA and order us to make a new decision in accordance with the Tribunal's ruling.

Complaint process

Occasionally, things do not go as planned or could have been better in how we handle cases. If this happens, we would really like your feedback, as it gives us an opportunity to put things right and helps us to improve our services.

Most complaints can be dealt with by the team that delivered the service. All feedback is confidential. Please contact the team with your name, email address, postal address and telephone/ mobile number, a clear description of your feedback or complaint and what you would like us to do to sort things out and as much detail as possible about relevant names, dates, and places.

If you prefer not to directly contact the team that provided the service, or do not feel your complaint was dealt with properly, contact complaints@traderemedies.gov.uk

If we are unable to deal with your complaint, you can refer it to the Parliamentary Ombudsman but you will need to do this via your MP.

7. Trade remedies in other countries

All WTO member countries have the right, under WTO rules, to apply trade remedies (also known as trade defence instruments), including running anti-dumping and countervailing investigations and applying safeguard measures. How the rules are applied may vary from country to country. So, an investigation may look similar to those described in this Handbook but may not be exactly the same.

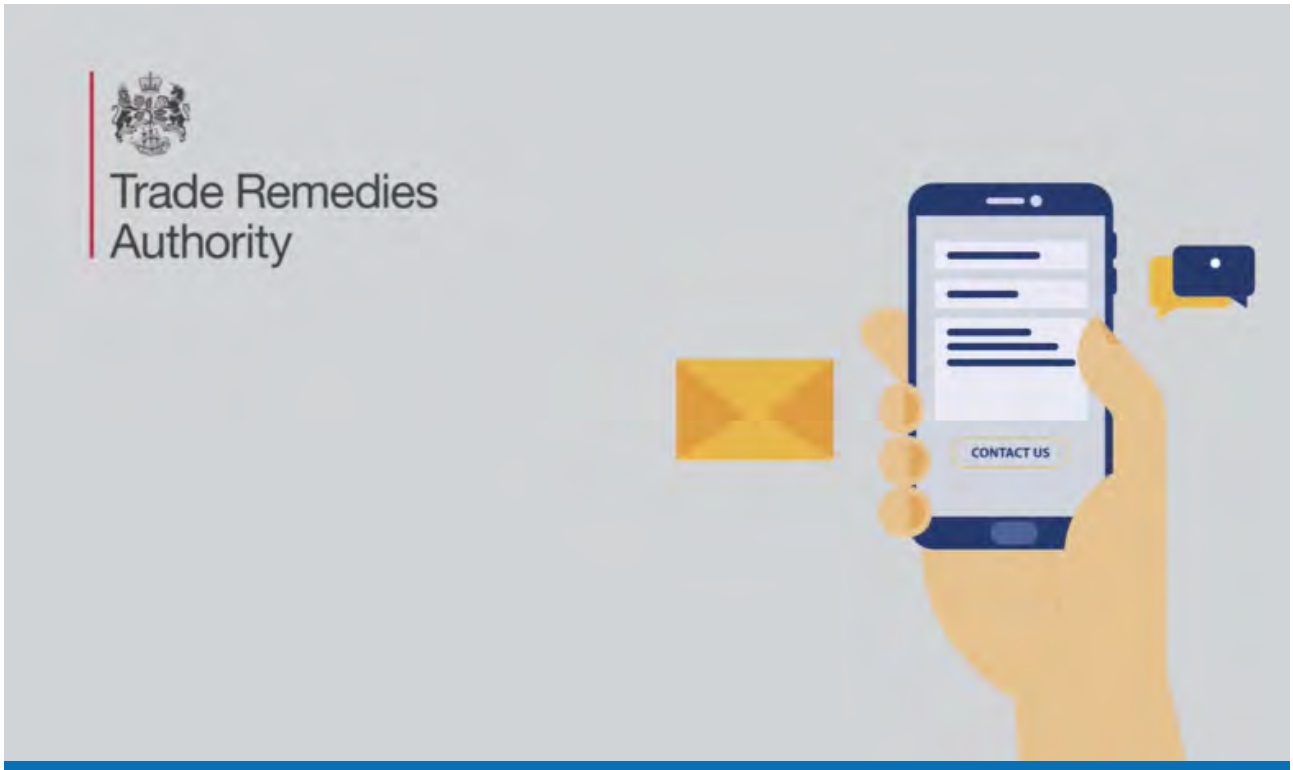
If the goods you produce become subject to a trade remedy measure investigation, you need to decide if you want to input into that investigation and/ or 'co-operate' with the investigation. If you do, you will need to register as an interested party and provide any information which the trade remedy authority in the relevant country asks of you.

There are advantages to co-operating with a trade remedies investigation. If your industry argues successfully against the measures, or you can demonstrate that you are not dumping or benefiting from a subsidy, measures might not be imposed either at all or against your company on the strength of your evidence. Alternatively, if you co-operate with the investigation, even if measures are imposed, you may obtain a lower individual duty rate.

However, it can be resource-intensive in time and financial cost and it is up to each industry member to decide if the effort is justified by the export market. You may be required to fill in questionnaires, provide data, communicate regularly with the investigating authority and support visits from their representatives to your premises. Many industries engage trade remedy professionals such as consultants or specialist lawyers to help them.

The TRA's work focuses on goods imported into the UK, where UK industries are facing unfair trade practices or sudden unforeseen import surges. We can't provide guidance or advice to UK exporters on the specifics of their responses to trade remedy investigations elsewhere.

The Export Support Service at DIT provide advice regarding a range of export related issues and can be contacted on 0300 303 8955 or at www.gov.uk/ask-export-support-team.



8. Contact details and useful links

- This Handbook serves as an overview of how the TRA functions. You can find further information about us at our gov.uk pages: https://www.gov.uk/government/organisations/trade-remedies-authority
- The TRA's postal address is: North Gate House, 21-23 Valpy Street, Reading, RG1 1AF
- We also have video resources available on YouTube and factsheets available on our website.
- To see our live cases, view and submit relevant documentation and register your interest in a case, please visit our Trade Remedies Service: https://www.trade-remedies.service.gov.uk/accounts/login/?next=/dashboard/
- If you have a general query regarding this Handbook, trade remedies, the TRA, our processes and procedures, or if you are interested in bringing an application for an investigation or review, please contact us on: contact@traderemedies.gov.uk
- If you wish to contact a case team regarding a specific case, the dedicated email address should be visible on the relevant case page on the Trade Remedies Service.
- You can check Tariff Codes on the HMRC's Tariff Checker: https://www.gov.uk/trade-tariff
- For more details about the Upper Tribunal, read the guidance on how the Tribunal works.
- For any Subject Access or Freedom of Information Requests, please contact our Information Rights Team on informationrights@traderemedies.gov.uk
- If you have a question about import duties, HMRC will be best placed to help you. They can be contacted on **Telephone**: 0300 322 9434 **Textphone:** 0300 200 3719
- If you have a question about trade remedies for the Department for International Trade, the team can be contacted on traderemedies@trade.gov.uk. More information about the Department for International Trade can be found at their website: https://www.great.gov.uk/international/
- BEIS can assist UK businesses – more information can be found at their website: https://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy