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BY EMAIL ONLY:
AR0089@traderemedies.gov.uk

Our ref: LIU0003.21

Your ref: AR0089

Date 11 June 2026

Dear Trade Remedies Authority,

Our client: LiuGong Machinery (UK) Limited
Case Number: AR0089
Absorption Review- Comments on Proposed Sample

1. As you are aware, we are instructed by LiuGong Machinery (UK) Limited. We are writing further to the Notification of Proposed Sample published on 4 June 2026.

2. The Trade Remedies Authority (the 'TRA') allege that 'given the number of responses in the registration period, as well as the nature of this review', the examination of overseas exporters and importers will be limited in accordance with Regulation 56(2) and 57(2) of the Trade Remedies (Dumping and Subsidisation) (EU Exit) Regulations 2019 ('the Regulations').

3. The application of Regulation 56(2) and 57(2) and later Regulation 56(3) and 57(3) by the TRA is incorrect. The regulations provide as follows:

   56.—(1) The TRA may use sampling in relation to an investigation in accordance with this regulation to determine whether goods are dumped ***for the purpose of Part 2 of these Regulations***.
   (2) The TRA may, where it considers it appropriate, limit its examination to a sample of—
   (a)overseas exporters;
   (b)importers; or
   (c)categories of goods.
   (3) The TRA must determine which overseas exporters, importers or categories of goods, as the case may be, to include in the sample based on either—

(a)the largest volume of exports from the exporting country or territory to the United Kingdom that the TRA is reasonably able to investigate; or
(b)a statistically valid method.

57.—(1) The TRA may use sampling in relation to an investigation in accordance with this regulation to determine—
(a)whether imports of the goods concerned into the United Kingdom are subsidised;
(b)whether the dumped goods or subsidised imports, as the case may be, have caused or are causing injury to a UK industry; or
(c)the amount necessary to remove the injury.
(2) The TRA may, where it considers it appropriate to do so, limit its examination ***under Parts 3, 4 and 5 of these Regulations*** to a sample of—
(a)importers;
(b)overseas exporters;
(c)categories of goods;
(d)UK producers;
(e)transactions for the purchase of the like goods in the United Kingdom; or
(f)anything else the TRA considers it appropriate to sample in order to make its determination.
(3) Where the TRA limits its examination in accordance with this regulation it may use any reasonable method to determine the sample.

[Emphasis added]

4. Regulation 56 is limited to 'the use of sampling in respect of Part 2 of these Regulations' and Regulation 57 is limited to 'the use of sampling in respect of Parts 3, 4 and 5 of these Regulations'. The Absorption Review proceeds under Regulation 72 which is contained in Part 7 of the Regulations.

5. There is express provision for the Absorption Review process within Regulation 72. Regulation 72(3) states that 'the TRA **must** consider, among other things – (a) available information from overseas exporters, importers and UK industry in respect of the export prices, resale prices and subsequent selling prices' [emphasis added]. The wording of this regulation does not limit the examination of overseas exporters and importers, and in facts indicates that all available information, from all overseas exporters, importers and UK industry *must* be considered.

6. Even if the ability to restrict the sample were to apply, which is disputed, the reasoning adopted by the TRA to justify limiting the examination does not satisfy the Regulatory requirements. The TRA state that in accordance with Regulations 56(3) and 57(3), the TRA 'considers that examining all registered overseas exporters and importers would be unduly burdensome and would not necessarily allow the TRA to complete the required analysis in a timely fashion'. In accordance with Regulation 56(3), the TRA must consider the sample to be examined based on either 'the

largest volume of exports' or 'a statistically valid method', and in accordance with Regulation 57(3), the TRA may only limit its examination by using a 'reasonable method to determine the sample'. The TRA has provided no evidence of a decision to restrict the sample being based on these statutory criteria. The basis of a sample being required due to being 'unduly burdensome' and that this would result in the analysis not being completed in a 'timely fashion', does not satisfy the abovementioned criteria.

7. Further the TRA do not express what criteria they consider relevant to restrict the sample due to the 'nature of this review'. The review is significant to all involved and the nature of the review would therefore seem to indicate that sampling is not appropriate.

8. The restriction of sampling is inappropriate for all of the reasons set out above.

Yours sincerely,

Aarons

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