
STATUTORY INSTRUMENTS

2019 No. 449

The Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019

PART 5

Initiation and conduct of an investigation

CHAPTER 2

Initiation of an investigation

Application

21.—(1) An application made by applicant UK producers must contain as much of the information listed in paragraph 1 of the Schedule as is reasonably available to them.

(2) An application referred to in paragraph (1) may contain such additional information as the applicant UK producers consider relevant.

(3) Where applicant UK producers, by notice in writing to the TRA, withdraw their application prior to the publication of the notice referred to in paragraph 7(6)(b) of Schedule 5 to the Act, the application is considered not to have been made.

Market share requirement

22. For the purpose of paragraph 7 of Schedule 5 to the Act, the market share requirement is met where the TRA is satisfied that UK producers' "share" of the market is—

- (a) at least 1 per cent.; or
- (b) such other higher share as the TRA considers appropriate taking into account the goods and the particular market for those goods.

Assessment of an application

23.—(1) The TRA must examine the accuracy and adequacy of the information contained in, or supplied with, an application to determine whether it is sufficient to justify the initiation of an investigation under paragraph 7 of Schedule 5 to the Act.

(2) For the purpose of paragraph 7(1)(a)(i) of Schedule 5 to the Act, an application is made by or on behalf of UK producers where the TRA determines that the application is supported by UK producers whose collective output constitutes at least 25 per cent. of the total production in the United Kingdom of the like goods and directly competitive goods, and is not opposed by other UK producers of the like goods and directly competitive goods whose collective output is greater than or equal to that percentage.

(3) The TRA may reject an application which it considers does not satisfy the requirements in regulation 21(1), but it must not do so where the requirement in question has been expressly waived by it.

(4) The TRA may reject an application if it is not made via the TRA's case management system.