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STATUTORY INSTRUMENTS

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**2023 No. 954**

**The Trade Remedies (Increase in Imports  
Causing Serious Injury to UK Producers)  
(EU Exit) (Amendment) Regulations 2023**

**Part 2**

**Amendment of the Safeguards Regulations**

**Chapter 6**

Amendment of Part 7A (investigation in light of an international dispute decision)

**Amendment of regulation 42I (acceptance or rejection of a recommendation)**

**23.** In regulation 42I—

- (a) for the heading substitute “**Powers of the Secretary of State in relation to TRA’s recommendation**”;
- (b) in paragraph (1), for the words from “accept or reject” to the end substitute—

“—

- (a) accept or reject the recommendation made under regulation 42G(1) or 42H(2); or
- (b) request that the TRA reassess its recommendation, by reference to any matters specified in the request, with a view to amending or replacing the recommendation”;
- (c) after paragraph (1), insert—
  - “(1A) Where the Secretary of State accepts a recommendation which contains options given in reliance on paragraph 42G(2A), the Secretary of State must decide which of those options to adopt.”;
- (d) for paragraph (2), substitute—
  - “(2) The Secretary of State may reject a recommendation under regulation 42G(1) only if the Secretary of State is satisfied it is not in the public interest to accept it.”;
- (e) for paragraph (3), substitute—
  - “(3) The Secretary of State may reject a recommendation under regulation 42H(2) only if the Secretary of State is satisfied it is not in the public interest to accept it.”;
- (f) after paragraph 3, insert—
  - “(3A) In considering the public interest under paragraph (2), the Secretary of State must have regard to the TRA’s advice on whether the variation of the application of a definitive safeguarding remedy in accordance with the recommendation, or in accordance with each option, as the case may be, would meet the economic interest test.
  - (3B) Paragraph (3C) applies if— .

- (a) the TRA makes a recommendation to vary the application of a definitive safeguarding remedy; and
  - (b) the Secretary of State rejects the recommendation.
- (3C) If the Secretary of State considers that it is in the public interest to do so, the Secretary of State may decide that the application of the definitive safeguarding remedy should be varied other than in accordance with the recommendation, or revoked.”;
- (g) in paragraph (4)—
- (i) after “rejects a recommendation”, insert “and does not make a decision under paragraph (3C)”;
  - (ii) at the end of sub-paragraph (a), insert “containing the information set out in paragraph 18 of the Schedule”;
- (h) after paragraph (4), insert—
- “(5) The Secretary of State may only make a request under paragraph (1)(b) where the Secretary of State considers that—
- (a) there is information that the TRA did not take into account in its investigation that is relevant to the recommendation;
  - (b) the TRA made an error in relation to its recommendation; or
  - (c) exceptional circumstances make the request appropriate.
- (6) Before making a request under paragraph (1)(b), the Secretary of State must consult the TRA.
- (7) Where the Secretary of State makes a request under paragraph (1)(b), the TRA must—
- (a) comply with the request; and
  - (b) in reassessing its recommendation, have regard to any particular considerations which the Secretary of State may specify in the request.”.