
STATUTORY INSTRUMENTS

2019 No. 449

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

PART 1

Introductory

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019.

(2) These Regulations come into force on 6th March 2019.

(3) These Regulations have effect subject to the modifications in Part 10 until the TRA is established.

(4) Following the establishment of the TRA, any preliminary decision or determination made by the Secretary of State under Parts 6, 7 and 9 of these Regulations as modified by Part 10, has effect as though it were a recommendation made by the TRA under the corresponding unmodified provision.

(5) Following the establishment of the TRA, anything done (or having effect as if done) by the Secretary of State in pursuance of a transitional function has effect as if done by the TRA, so far as that is required for continuing its effect.

(6) Following the establishment of the TRA, anything done (or having effect as if done) in relation to the Secretary of State in connection with a transitional function has effect as if done in relation to the TRA, so far as that is required for continuing its effect.

(7) If, on the establishment of the TRA, anything is in the process of being done by or in relation to the Secretary of State in connection with a transitional function, it may, following the establishment of the TRA, be continued by or in relation to the TRA.

(8) A “transitional function” is a function which—

- (a) is conferred on the Secretary of State by Part 10 of these Regulations;
- (b) corresponds to a function that will, following the establishment of the TRA, be exercisable by the TRA under Parts 2 to 9 of these Regulations; and
- (c) following the establishment of the TRA, will not be exercisable by the Secretary of State.

Interpretation

2. In these Regulations—

“the Act” means the Taxation (Cross-border) Trade Act 2018;

“applicant UK producers” has the meaning given by paragraph 7(1)(a)(i) of Schedule 5 to the Act;

“application” means an application referred to in paragraph 7(1)(a) of Schedule 5 to the Act;

“authentication visit” means a visit conducted by the TRA to any premises in the United Kingdom the principal purpose of which is to obtain information, verify information supplied to it or to facilitate the progress of an investigation;

“contributor” means a person other than an interested party who has made themselves known to the TRA for the purpose of participating in an investigation or a review;

“definitive safeguarding remedy” means a definitive safeguarding amount or tariff rate quota referred to in Part 4 of Schedule 5 to the Act;

“directly competitive goods” means goods produced in the United Kingdom which are directly competitive with the goods identified, goods concerned or goods subject to review as appropriate;

“extension review” has the meaning given by regulation 35 (extension review);

“goods concerned” means the goods described in the notice of initiation of an investigation (see paragraph 2 of the Schedule);

“goods identified” means the goods in relation to which the applicant UK producers is requesting the TRA to conduct an investigation;

“goods subject to review” means the goods described in the notice of initiation of a review;

“importer” of goods means a person liable to pay import duty in respect of the goods;

“increased quantities” has the meaning given by paragraph 1 of Schedule 5 to the Act;

“interested party” means—

- (a) a government of the relevant foreign country or territory;
- (b) an overseas exporter or importer of the goods concerned or the goods subject to review;
- (c) a trade or business association of producers, overseas exporters or importers of the goods concerned or the goods subject to review;
- (d) a producer of the like goods or directly competitive goods in the United Kingdom; or
- (e) a trade or business association of UK producers of the like goods or directly competitive goods;

“investigation” means a safeguarding investigation;

“mid-term review” has the meaning given by regulation 34 (mid-term review);

“non-confidential summary” has the meaning given by regulation 16(6)(a);

“overseas exporter” means a person outside of the United Kingdom that exports goods to the United Kingdom;

“pace of liberalisation” means the process by which a definitive safeguarding remedy or tariff rate quota becomes progressively smaller in accordance with paragraphs 17(4)(b) or 18(5)(b) of Schedule 5 to the Act;

“period of investigation” has the meaning given by regulation 4 (increased quantities);

“provisional safeguarding remedy” means a provisional safeguarding amount or provisional tariff rate quota referred to in Part 3 of Schedule 5 to the Act;

“review applicant” means a person who applies to the TRA for the initiation of a review;

“review application” means an application for a review made in accordance with Part 6;

“statement of reasons” has the meaning given by regulation 16(6)(b);

“UK producers” has the meaning given by paragraph 3(1) of Schedule 5 to the Act;

“working day” means any day except a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(1).