

## STATUTORY INSTRUMENTS

# 2019 No. 449

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

### PART 10

#### Transitional provisions relating to the TRA

#### CHAPTER 2

#### Further modifications

##### Further modifications to Part 1

**54.** Regulation 2 (interpretation) has effect as if—

- (a) in the definition of “application”, for “paragraph 7(1)(a) of Schedule 5 to the Act”, there were substituted “paragraph 7(1)(a)(i) of Schedule 5 to the Act ”; and
- (b) in the definition of “pace of liberalisation”, for “paragraphs 17(4)(b) or 18(5)(b)”, there were substituted “ paragraphs 17(4)(b) or 18(4)(b) ”.

##### Commencement Information

**11** Reg. 54 in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see reg. 1(2)

##### Further modifications to Part 4

**55.** Regulation 10 (determination and assessment of an adequate amount to prevent or remove serious injury and remedies) has effect as if—

- (a) in paragraph (1), for “paragraphs 12(4), 13(5), 17(4)(a) and 18(5)(a) of Schedule 5 to the Act”, there were substituted “ paragraphs 12(4), 13(4), 17(4)(a) and 18(4)(a) of Schedule 5 to the Act ”; and
- (b) in paragraphs (4) and (5)(c), for “recommend the imposition of”, there were substituted “ make a preliminary decision to impose ”.

##### Commencement Information

**12** Reg. 55 in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

##### Further modifications to Part 5

**56.** Regulation 12 (general provisions relating to the initiation and conduct of an investigation) has effect as if, in paragraphs (1) and (2)(c) and (d), for “its”, there were substituted “the Secretary of State's”.

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**Commencement Information**

**I3** Reg. 56 in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

- 57.** Regulation 13 (revision of scope of an investigation) has effect as if—
- (a) in paragraph (1)—
    - (i) for “its determination”, there were substituted “ the Secretary of State's decision ”; and
    - (ii) for “paragraph 7(6)(b) of Schedule 5 to the Act”, there were substituted “ paragraph 7(6)(c) of Schedule 5 to the Act ”;
  - (b) at the end of paragraph (4)(a), there were inserted “(or been otherwise available to the Secretary of State, where no application was made)”.

**Commencement Information**

**I4** [Reg. 57](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

- 58.** Regulation 16 (confidential information) has effect as if—
- (a) in paragraph (1)(a), for “its”, there were substituted “the Secretary of State's”; and
  - (b) paragraph (5) were omitted.

**Commencement Information**

**I5** [Reg. 58](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

- 59.** Regulation 17 (permitted disclosure) has effect as if—
- (a) in paragraphs (1) and (3), “the TRA or”, in each place where this occurs, were omitted; and
  - (b) paragraph (2) were omitted.

**Commencement Information**

**I6** [Reg. 59](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

- 60.** Regulation 21 (application) has effect as if, for “paragraph (7)(6)(b) of Schedule 5 to the Act”, there were substituted “ paragraph (7)(6)(c) of Schedule 5 to the Act ”.

**Commencement Information**

**I7** [Reg. 60](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

- 61.** Regulation 23 (assessment of an application) has effect as if—

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- (a) for the heading of that regulation, there were substituted— “ Assessment of information to determine whether to initiate an investigation ”; and
  - (b) for paragraph (1), there were substituted—
    - “(1) The Secretary of State must examine the accuracy and adequacy of the information—
      - (a) contained in, or supplied with, an application; or
      - (b) obtained or held by the Secretary of State, for the purposes of the initiation of an investigation, where there is no application,
- to determine whether it is sufficient to justify the initiation of an investigation under paragraph 7 of Schedule 5 to the Act.”.

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**Commencement Information**

**I8** [Reg. 61](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**62.** Regulation 24 (registration of interest and the issuing of questionnaires) has effect as if, for paragraph (2)(b), there were substituted—

- “(b) UK producers, importers and overseas exporters (or associations thereof) which—
  - (i) the applicant UK producers have identified in their application; or
  - (ii) where no application has been made, the Secretary of State has identified as being relevant to the investigation;”.

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**Commencement Information**

**I9** [Reg. 62](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**63.** Regulation 28 (hearing) has effect as if, in paragraph (1)(b), for “its”, there were substituted “the Secretary of State's”.

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**Commencement Information**

**I10** [Reg. 63](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**64.** Regulation 31 (content of notices) has effect as if paragraphs (1) and (3) were omitted.

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**Commencement Information**

**I11** [Reg. 64](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**65.** Regulation 32 (form and content of a preliminary adjustment plan or an adjustment plan) has effect as if in paragraph (3), for “recommendation”, there were substituted “ preliminary decision ”.

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#### Commencement Information

**I12** [Reg. 65](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

#### Further modifications to Part 6

- 66.** Regulation 34 (mid-term review) has effect as if—
- (a) in paragraph (2)(b), “the Secretary of State and” were omitted; and
  - (b) in paragraph (4), for “determine”, there were substituted “ make a preliminary decision ”.

#### Commencement Information

**I13** [Reg. 66](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

- 67.** Regulation 35 (extension review) has effect as if—
- (a) in paragraph (2)(b), for “its”, there were substituted “the Secretary of State’s”;
  - (b) in paragraph (5)(b), “the Secretary of State and” were omitted; and
  - (c) in paragraph (7), for “determine”, there were substituted “ make a preliminary decision ”;
  - (d) after paragraph (7), there were inserted—
    - “(7A) The Secretary of State may make a preliminary decision in accordance with paragraph (7)(b) only if the Secretary of State is satisfied that the application of a definitive safeguarding remedy meets the economic interest test (see paragraph 23 of Schedule 5 to the Act).”; and
  - (e) in paragraph (8), for “determination”, there were substituted “ preliminary decision ”.

[<sup>F1</sup>**67A.** Regulation 35A (discontinuation review) has effect as if—

- (a) in paragraph (2), for “its”, there were substituted “the Secretary of State’s”; and
- (b) in paragraph (3)(b), “the Secretary of State and” were omitted.

**67B.** Regulation 35B (tariff rate quota review) has effect as if—

- (a) in paragraph (2)(b), for “its”, there were substituted “the Secretary of State’s”; and
- (b) in paragraph (5)(b), “the Secretary of State and” were omitted.]

#### Textual Amendments

**F1** [Regs. 67A, 67B](#) inserted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), [regs. 1, 12](#)

#### Commencement Information

**I14** [Reg. 67](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

- 68.** Regulation 37 (TRA’s recommendation to the Secretary of State) has effect as if—
- (a) for the heading of that regulation, there were substituted— “ Secretary of State’s preliminary decision following the conclusion of a review ”; and
  - (b) for that regulation there were substituted—

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“**37.**—(1) Where the Secretary of State makes a preliminary decision that the application of a definitive safeguarding remedy should be varied, revoked, or replaced, that decision must include—

- (a) a description of the goods to which the decision relates;
- (b) the reasons for the decision;
- (c) where relevant, the period for which the definitive safeguarding remedy should be applicable, which must begin on the day after the date of publication of the public notice under section 13 of the Act giving effect to the decision;
- (d) any other information which the Secretary of State considers relevant.

(2) Where the Secretary of State makes a preliminary decision other than a preliminary decision referred to in paragraph (1), <sup>F2</sup>... the Secretary of State must—

- (a) terminate the review;
- (b) publish a notice containing the information referred to in paragraph 12 of the Schedule; and
- (c) notify interested parties.”.

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**Textual Amendments**

**F2** Words in reg. 68(b) omitted (23.7.2019) by virtue of [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1076\)](#), regs. 1, **4(2)**

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**Commencement Information**

**I15** [Reg. 68](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**69.** Regulation 38 (acceptance or rejection of the TRA's recommendation by the Secretary of State) has effect as if—

- (a) for the heading of that regulation, there were substituted— “ Secretary of State's decision whether to give effect to a preliminary decision following the conclusion of a review ”; and
- (b) for that regulation there were substituted—

“**38.**—(1) Where the Secretary of State makes a preliminary decision that the application of a definitive safeguarding remedy should be varied, revoked, or replaced, the Secretary of State must decide whether to give effect to the preliminary decision.

(2) The Secretary of State may decide not to give effect to the preliminary decision only if the Secretary of State is satisfied that it is not in the public interest to give effect to it.

(3) Where the Secretary of State decides not to give effect to the preliminary decision, the Secretary of State must—

- (a) publish a notice containing the information referred to in paragraph 10 or 11 of the Schedule;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for deciding not to give effect to the preliminary decision.”.

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### Commencement Information

**I16** [Reg. 69](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

### Further modifications to Part 7

**70.** Part 7 (suspension) has effect as if, for that Part, there were substituted—

## “PART 7

### Suspension

#### Suspension of a definitive safeguarding remedy

**39.**—(1) The Secretary of State may make a preliminary decision (a “preliminary suspension decision”) that the application of a definitive safeguarding remedy be suspended for a specified period (the “period of suspension”) in relation to <sup>F3</sup>... goods specified in the public notice made by the Secretary of State under section 13 of the Act.

(2) The Secretary of State may make a preliminary suspension decision where—

- (a) paragraph (3) applies;
- (b) the Secretary of State is satisfied that a suspension is appropriate; and
- (c) UK producers have been given the opportunity to comment on the suspension proposed in the application for suspension (see regulation 40).

(3) This paragraph applies where the Secretary of State, whether or not as a consequence of considering an application in accordance with regulation 40 (application for suspension), considers that the circumstances in paragraph (4) exist.

(4) Those circumstances are that—

- (a) market conditions have changed temporarily; and
- (b) as a consequence of the change in market conditions, the serious injury caused to UK producers is unlikely to recur if the application of a definitive safeguarding remedy were to be suspended.

(5) In considering whether to make a preliminary suspension decision, the Secretary of State may take such steps as the Secretary of State considers appropriate.

(6) Where the Secretary of State rejects an application for suspension, the Secretary of State must notify the applicant.

(7) Where the Secretary of State decides that it is not appropriate to make a preliminary suspension decision, the Secretary of State must—

- (a) publish a notice of the reasons for this decision; and
- (b) notify interested parties.

(8) Where the Secretary of State decides that it is appropriate to make a preliminary suspension decision, the preliminary suspension decision must include—

- (a) the reasons for the decision;
- (b) the period of suspension, which must begin on the day after the date of publication of the public notice under section 13 of the Act giving effect to the preliminary suspension decision; and

(c) any other information the Secretary of State considers relevant.

(9) If the Secretary of State makes a preliminary suspension decision, the Secretary of State must decide whether to give effect to the decision.

(10) The Secretary of State may only decide not to give effect to a preliminary suspension decision where the Secretary of State considers that it is not in the public interest to give effect to it.

(11) Where the Secretary of State decides not to give effect to a preliminary suspension decision, the Secretary of State must—

- (a) publish a notice containing the information referred to in paragraph 13 of the Schedule;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for deciding not to give effect to the preliminary suspension decision.

(12) Where the application of a definitive safeguarding remedy is suspended under this Part, the period of suspension counts towards the specified period of the definitive safeguarding remedy as stated in the relevant public notice.

#### **Application for suspension**

**40.**—(1) An application for suspension of a definitive safeguarding remedy (a “suspension application”) in accordance with regulation 39 (suspension of a definitive safeguarding remedy) may be made by or on behalf of an interested party.

(2) A suspension application must include as far as possible information regarding—

- (a) the change in the market conditions;
- (b) the temporary nature of that change; and
- (c) the effect of the change on UK producers.

(3) Where a suspension application is withdrawn by the applicant, the Secretary of State may still consider whether it is appropriate to make a preliminary suspension decision (see regulation 39).

#### **Period of suspension**

**41.**—(1) The period of suspension referred to in regulation 39(1) must not exceed nine months commencing on the day after the publication of the notice under section 13 of the Act giving effect to the suspension.

(2) Following an application by an interested party, or where the Secretary of State otherwise considers that it is appropriate, the Secretary of State may make a preliminary decision that the period of nine months referred to in paragraph (1) be extended to a maximum of 21 months (“extended period of suspension”).

(3) Where the Secretary of State makes a preliminary decision in accordance with paragraph (2), but the duration of the extended period of suspension is less than 21 months, the Secretary of State may make a further preliminary decision to increase the duration of the extended period of suspension where the Secretary of State considers it is appropriate to do so, provided that the overall duration of the extended period of suspension does not exceed 21 months.

(4) Where the Secretary of State rejects an application for an extension of the period of suspension, the Secretary of State must notify the applicant.

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(5) Where the Secretary of State decides that it is not appropriate to make a preliminary decision to extend the period of suspension, the Secretary of State must—

- (a) publish a notice of the decision and the reasons for it; and
- (b) notify interested parties.

(6) Where the Secretary of State decides that it is appropriate to make a preliminary decision to extend the period of suspension, the preliminary decision must include—

- (a) the reasons for the preliminary decision;
- (b) the extended period of suspension, which must begin on the day after the date of publication of the public notice under section 13 of the Act giving effect to the preliminary decision; and
- (c) any other information the Secretary of State considers relevant.

(7) If the Secretary of State makes a preliminary decision in accordance with this regulation, the Secretary of State must decide whether to give effect to the preliminary decision.

(8) The Secretary of State may only decide not to give effect to a preliminary decision where the Secretary of State considers that it is not in the public interest to give effect to it.

(9) Where the Secretary of State decides not to give effect to a preliminary decision, the Secretary of State must—

- (a) publish a notice containing the information referred to in paragraph 14 of the Schedule;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for deciding not to give effect to the preliminary decision.

### **Reinstatement of a definitive safeguarding remedy**

**42.—**(1) The Secretary of State may make a preliminary decision to reinstate a definitive safeguarding remedy where the Secretary of State decides that the circumstances in regulation 39(4) no longer exist.

(2) Where the Secretary of State makes a preliminary decision in accordance with this regulation, the preliminary decision must include—

- (a) the reasons for the Secretary of State's decision that the circumstances in regulation 39(4) no longer exist; and
- (b) any other information the Secretary of State considers relevant.

(3) If the Secretary of State makes a preliminary decision under paragraph (1), the Secretary of State must decide whether to give effect to the preliminary decision.

(4) Where the Secretary of State decides to give effect to the preliminary decision, the Secretary of State must—

- (a) publish a notice under section 13 of the Act containing the information referred to in paragraph 15 of the Schedule; and
- (b) notify interested parties.

(5) The Secretary of State may only decide not to give effect to a preliminary decision where the Secretary of State considers that it is not in the public interest to give effect to it.

(6) Where the Secretary of State decides not to give effect to a preliminary decision, the Secretary of State must—

- (a) publish a notice containing the information set out in paragraph 15 of the Schedule;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for deciding not to give effect to the preliminary decision.”.

#### Textual Amendments

**F3** Words in reg. 70 omitted (1.3.2020) by virtue of [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, **13**

#### Commencement Information

**I17** Reg. 70 in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

### [<sup>F4</sup>Further modifications to Part 7A

- 70A.** Part 7A (investigation in light of an international dispute decision) has effect as if—
- (a) for “recommendation”, in each place where this occurs, there were substituted “preliminary decision”;
  - (b) in regulation 42A—
    - (i) in paragraph (1), the words “direct the TRA to” were omitted;
    - (ii) in paragraph (2), for “required” there were substituted “initiated”;
  - (c) in regulation [<sup>F5</sup>42B(3)(b)(ii)], after “regulation” there were inserted “42I(3)(a) or”;
  - (d) in regulations 42G(2) and 42H(2), for “recommend to the Secretary of State” there were substituted “make a preliminary decision”;
  - (e) for the section heading after regulation 42H and for regulation 42I there were substituted—

#### “Decision

##### Decision to give effect to a preliminary decision

**42I.—(1)** The Secretary of State must decide whether or not to give effect to a preliminary decision made under regulation 42G(2) or 42H(2).

(2) The Secretary of State must decide to give effect to the preliminary decision unless the Secretary of State is satisfied it is not in the public interest to give effect to the preliminary decision.

(3) If the Secretary of State decides to give effect to the preliminary decision, the Secretary of State must—

- (a) publish notice of the preliminary decision and of the decision to give effect to it;
- (b) notify interested parties;
- (c) make provision by public notice under section 13 of the Act to give effect to the preliminary decision.

(4) If the Secretary of State decides not to give effect to the preliminary decision, the Secretary of State must—

- (a) publish notice of the preliminary decision and of the decision not to give effect to it;

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- (b) notify interested parties;
- (c) lay a statement before the House of Commons setting out the reasons for which the Secretary of State is satisfied it is not in the public interest to give effect to the preliminary decision.”.]

#### Textual Amendments

- F4** Reg. 70A inserted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, 14
- F5** Word in reg. 70A(c) substituted (5.8.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/730\)](#), regs. 1, 11

#### Further modifications to Part 8

**71.** Regulation 43 (developing country exception) has effect as if, in paragraph (1), for “recommend the application of”, there were substituted “ make a preliminary decision to apply ”.

#### Commencement Information

- I18** Reg. 71 in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**72.** Regulation 44 (other exception) has effect as if—

- (a) in paragraph (1)(a), for “recommendation”, there were substituted “ preliminary decision ”;
- (b) in paragraph (1)(b) for “its”, in both places where it occurs, there were substituted “the Secretary of State's”.

#### Commencement Information

- I19** [Reg. 72](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

#### Further modifications to Part 9

**73.** Regulation 48 (treatment of tariff rate quotas under this Part etc) has effect as if, in paragraph (1)—

- (a) for “the Secretary of State's acceptance of a recommendation made by the TRA”, there were substituted “ a decision by the Secretary of State to give effect to a preliminary decision made ”; and
- (b) for “acceptance”, there were substituted “ decision ”.

#### Commencement Information

- I20** Reg. 73 in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

[<sup>F6</sup>**74.** Regulation 49 (review of specified tariff rate quotas) has effect as if for paragraphs (1) to (3) of that regulation there were substituted—

“(1) The Secretary of State must conduct a review (referred to in this Part as the “transition review”) of the specified tariff rate quotas.

(2) The Secretary of State may initiate the transition review within any time period the Secretary of State considers appropriate.

(3) Upon initiating the transition review, the Secretary of State must publish a notice of initiation of the review in which must contain the information referred to in—

- (a) subparagraphs (a) to (c) of regulation 47(3); and
- (b) subparagraphs (d) to (n) of paragraph 9 of the Schedule.”.]

#### Textual Amendments

**F6** Reg. 74 substituted (5.8.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/730\)](#), regs. 1, 12

**75.** Regulation 50 (determinations of the TRA) has effect as if—

- (a) for “determination” or “determinations”, in each place where these occur, including the heading of that regulation, there were substituted “ preliminary decision ” or “preliminary decisions”, as the case may be;
- (b) in paragraph (5), after “unvaried” there were inserted “ , be varied, or be replaced by a safeguarding amount ”; and
- (c) after paragraph (7), there were inserted—

“(8) Where the Secretary of State makes a preliminary decision that the application of a tariff rate quota to goods be varied, that variation must ensure that the pace of liberalisation is maintained or increased.

(9) Any preliminary decision made by the Secretary of State that the application of a tariff rate quota to goods be varied or replaced with a safeguarding amount must be such as the Secretary of State is satisfied facilitates the adjustment of UK producers of the like goods and directly competitive goods to the importation of the goods in increased quantities.

(10) Where the Secretary of State makes a preliminary decision referred to in paragraph (2) or (4)(b) to (d), that decision must include—

- (a) a description of the goods to which the decision relates;
- (b) the reasons for the decision;
- (c) where relevant, the period for which the tariff rate quota (or a safeguarding amount) should now be applicable;
- (d) any other information the Secretary of State considers relevant.”.

#### Commencement Information

**I21** [Reg. 75](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**76.** Regulations 51 (TRA's recommendations to the Secretary of State) and 52 (acceptance or rejection of the TRA's recommendation by the Secretary of State) have effect as if, for those regulations (including the headings) there were substituted—

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**“Secretary of State's decision whether to give effect to a preliminary decision following the conclusion of a transition review**

**51.—(1)** The Secretary of State must, following the making of a preliminary decision referred to in regulation 50(2) or (4)(b) to (d) (preliminary decisions of the Secretary of State) decide whether to give effect to the preliminary decision.

(2) The Secretary of State may only decide not to give effect to the preliminary decision where the Secretary of State is satisfied that it is not in the public interest to give effect to it.

(3) Where the Secretary of State decides not to give effect to the preliminary decision, the Secretary of State must—

- (a) publish a notice of the decision which contains the following information—
  - (i) a description of the goods to which the notice relates;
  - (ii) a summary of the review;
  - (iii) the preliminary decision;
  - (iv) the reasons for the preliminary decision;
  - (v) the reasons for the Secretary of State's decision not to give effect to the preliminary decision;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for deciding not to give effect to the preliminary decision.

[<sup>F7</sup>(3A) Where the Secretary of State decides to give effect to the preliminary decision before having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota,—

- (a) regulation 47(2) applies in relation to the relevant tariff rate quota as if the obligation to make provision by public notice to give effect to the determination were an obligation to make provision by public notice to give effect to the preliminary decision; and
- (b) the Secretary of State must notify interested parties.]

(4) Where the Secretary of State decides to give effect to the preliminary decision, the Secretary of State must—

- (a) make provision by public notice to give effect to the preliminary decision [<sup>F8</sup>after having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota]; and
- (b) notify interested parties.

(5) The notice referred to in paragraph (4)(a) must contain the following information—

- (a) the information referred to in sub-paragraphs (i) to (iv) of paragraph (3)(a);
- (b) where relevant, the revised amount of the tariff rate quota;
- (c) where relevant, the allocation or revised allocation of the tariff rate quota;
- (d) where relevant, the revised additional rate of import duty;
- (e) where relevant, the revised period for which such goods will be subject to a tariff rate quota;
- (f) details of the exclusion of any goods from the application of the tariff rate quota;
- (g) where relevant, details of the safeguarding amount that is to be applied in place of a tariff rate quota and the period for which such amount will apply.

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(6) A period referred to in (5)(e) or (g) must begin on the day after the publication of the public notice.”.

#### Textual Amendments

- F7** Words in reg. 76 inserted (5.8.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/730\)](#), regs. 1, **13(a)**
- F8** Words in reg. 76 inserted (5.8.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/730\)](#), regs. 1, **13(b)**

#### Commencement Information

- I22** [Reg. 76](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

### Further modifications to the Schedule

77. Paragraph 2 (notice of initiation of an investigation) of the Schedule has effect as if, for “paragraph 7(6)(b) of Schedule 5 to the Act”, there were substituted “ paragraph 7(6)(c) of Schedule 5 to the Act ”.

#### Commencement Information

- I23** [Reg. 77](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

78. Paragraph 3 (notice of a provisional affirmative determination with no recommendation regarding a provisional safeguarding remedy) of the Schedule has effect as if—

- (a) in the heading before that paragraph, for “recommendation”, there were substituted “ preliminary decision ”; and
- (b) in sub-paragraph (e), for “recommendation”, there were substituted “ preliminary decision ”.

#### Commencement Information

- I24** [Reg. 78](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

79. Paragraph 4 (notice of the Secretary of State accepting or rejecting a recommendation by the TRA regarding a provisional safeguarding remedy) of the Schedule has effect as if—

- (a) in the heading before that paragraph, for “accepting or rejecting a recommendation by the TRA”, there were substituted “ deciding to give effect, or not to give effect, to a preliminary decision ”;
- (b) in sub-paragraph (d), for “recommendation”, there were substituted “ preliminary decision ”;
- (c) in sub-paragraph (e), for “accepts the TRA's recommendation”, there were substituted “ decides to give effect to the preliminary decision ”; and
- (d) in sub-paragraph (f)—
  - (i) for “rejects the TRA's recommendation”, there were substituted “ decides not to give effect to the preliminary decision ”; and

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(ii) for “rejection”, there were substituted “ decision ”.

#### Commencement Information

**I25** [Reg. 79](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**80.** Paragraph 5 (notice of a final affirmative determination with no recommendation regarding a definitive safeguarding remedy) of the Schedule has effect as if—

- (a) in the heading before that paragraph, for “recommendation”, there were substituted “ preliminary decision ”; and
- (b) in sub-paragraph (e), for “recommendation”, there were substituted “ preliminary decision ”.

#### Commencement Information

**I26** [Reg. 80](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**81.** Paragraph 6 (notice of the Secretary of State accepting or rejecting a recommendation by the TRA on a definitive safeguarding remedy) of the Schedule has effect as if—

- (a) in the heading before that paragraph, for “accepting or rejecting a recommendation by the TRA”, there were substituted “ deciding to give effect, or not to give effect, to a preliminary decision ”;
- (b) in sub-paragraph (d), for “recommendation”, there were substituted “ preliminary decision ”;
- (c) in sub-paragraph (e), for “accepts the TRA's recommendation”, there were substituted “ decides to give effect to the preliminary decision ”; and
- (d) in sub-paragraphs (f) and (g)—
  - (i) for “rejects the TRA's recommendation”, there were substituted “ decides not to give effect to the preliminary decision ”; and
  - (ii) for “rejection”, there were substituted “ decision ”.

#### Commencement Information

**I27** [Reg. 81](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**82.** Paragraphs 10 (notice of the Secretary of State accepting or rejecting a recommendation by the TRA on the variation of a definitive safeguarding remedy) and 11 (notice of the Secretary of State accepting or rejecting a recommendation by the TRA to revoke the application of a definitive safeguarding remedy) of the Schedule have effect as if—

- (a) in the headings before those paragraphs, for “accepting or rejecting a recommendation by the TRA”, there were substituted “ deciding to give effect, or not to give effect, to a preliminary decision ”;
- (b) in sub-paragraphs (c) and (d), in each case, for “recommendation”, there were substituted “ preliminary decision ”;

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- (c) in sub-paragraph (e), in each case, for “accepts the TRA's recommendation”, there were substituted “ decides to give effect to the preliminary decision ”; and
- (d) in sub-paragraph (f), in each case—
  - (i) for “rejects the TRA's recommendation”, there were substituted “ decides not to give effect to the preliminary decision ”; and
  - (ii) for “rejection”, there were substituted “ decision ”.

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**Commencement Information**

**I28** [Reg. 82](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**83.** Paragraph 12 (notice of termination of a review) of the Schedule has effect as if, for “regulation 37(5)(a)”, there were substituted “ regulation 37(2)(b) ”.

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**Commencement Information**

**I29** [Reg. 83](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

- 84.** Paragraph 13 (notice of the Secretary of State accepting or rejecting a recommendation by the TRA regarding suspension of a definitive safeguarding remedy) of the Schedule has effect as if—
- (a) in the heading before that paragraph, for “accepting or rejecting the TRA's recommendation”, there were substituted “ deciding to give effect, or not to give effect, to a preliminary decision ”;
  - (b) in sub-paragraphs (b) and (c) for “recommendation”, in each place this occurs, there were substituted “ preliminary decision ”;
  - (c) in sub-paragraph (d), for “accepts the TRA's recommendation”, there were substituted “ decides to give effect to the preliminary decision ”; and
  - (d) in sub-paragraph (e)—
    - (i) for “rejects the TRA's recommendation”, there were substituted “ decides not to give effect to the preliminary decision ”; and
    - (ii) for “rejection”, there were substituted “ decision ”.

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**Commencement Information**

**I30** [Reg. 84](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

- 85.** Paragraph 14 (notice of the Secretary of State accepting or rejecting a recommendation by the TRA regarding extension of the period of suspension) of the Schedule has effect as if—
- (a) in the heading before that paragraph, for “accepting or rejecting recommendation by the TRA”, there were substituted “ deciding to give effect, or not to give effect, to a preliminary decision ”;
  - (b) in sub-paragraphs (b) and (c), for “recommendation”, there were substituted “ preliminary decision ”;

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- (c) in sub-paragraph (d), for “accept or reject the recommendation”, there were substituted “ give effect, or not to give effect, to the preliminary decision ”;
- (d) in sub-paragraph (e), for “accepts the TRA's recommendation”, there were substituted “ decides to give effect to the preliminary decision ”; and
- (e) in sub-paragraph (f)—
  - (i) for “rejects the TRA's recommendation”, there were substituted “ decides not to give effect to the preliminary decision ”; and
  - (ii) for “rejection”, there were substituted “ decision ”.

**Commencement Information**

**I31** [Reg. 85](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**86.** Paragraph 15 (notice of the Secretary of State accepting or rejecting a recommendation by the TRA regarding reinstatement of a definitive safeguarding remedy) of the Schedule has effect as if—

- (a) in the heading before that paragraph, for “accepting or rejecting a recommendation by the TRA”, there were substituted “ deciding to give effect, or not to give effect, to a preliminary decision ”;
- (b) in sub-paragraph (b)—
  - (i) for “recommendation”, the first time it occurs, there were substituted “ preliminary decision ”;
  - (ii) for “recommendation”, the second time it occurs, there were substituted “ decision ”;
- (c) in sub-paragraph (c), for “accept or reject the recommendation”, there were substituted “ give effect, or not to give effect, to the preliminary decision ”;
- (d) in sub-paragraph (d)—
  - (i) for “accepts the TRA's recommendation”, there were substituted “ decides to give effect to the preliminary decision ”; and
  - (ii) in paragraph (ii), for “recommendation”, there were substituted “ preliminary decision ”; and
- (e) in sub-paragraph (e)—
  - (i) for “rejects the TRA's recommendation”, there were substituted “ decides not to give effect to the preliminary decision ”; and
  - (ii) for “rejection”, there were substituted “ decision ”.

<sup>F9</sup>**86A.** . . . . .

**Textual Amendments**

**F9** [Reg. 86A](#) omitted (5.8.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/730\)](#), regs. 1, 14

**Commencement Information**

**I32** [Reg. 86](#) in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see [reg. 1\(2\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. para. 4(f)(i)(cc) and word inserted by [S.I. 2024/545 reg. 37\(9\)\(a\)\(ii\)](#)
- Sch. para. 6(f)(i)(cc) and word inserted by [S.I. 2024/545 reg. 37\(9\)\(b\)\(i\)\(bb\)](#)
- Sch. para. 6(g)(i)(cc) and word inserted by [S.I. 2024/545 reg. 37\(9\)\(b\)\(ii\)\(bb\)](#)
- Sch. para. 10(f)(i)(cc) and word inserted by [S.I. 2024/545 reg. 37\(9\)\(c\)\(ii\)](#)
- Sch. para. 18(i)para. 18(i)(cc) and word inserted by [S.I. 2024/545 reg. 37\(9\)\(d\)\(ii\)](#)
- reg. 33A(5A)(5B) inserted by [S.I. 2024/545 reg. 37\(2\)\(a\)](#)
- reg. 36(3A) inserted by [S.I. 2024/545 reg. 37\(3\)](#)
- reg. 38(2E) inserted by [S.I. 2024/545 reg. 37\(4\)\(b\)](#)
- reg. 42I(3D) inserted by [S.I. 2024/545 reg. 37\(8\)](#)