
STATUTORY INSTRUMENTS

2019 No. 449

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

PART 2

Increased quantities

Purpose of Part 2

3. The TRA is to determine, for the purpose of an investigation, whether the goods concerned have been or are being imported into the United Kingdom in increased quantities in accordance with this Part.

Increased quantities

4.—(1) The TRA must assess whether the goods concerned have been or are being imported into the United Kingdom in increased quantities by reference to a period of time for which it determines that there is sufficient data available in order for it to make that assessment (the “period of investigation”).

(2) In order to determine whether the goods concerned are imported into the United Kingdom in increased volumes for the purpose of paragraph 1(1)(a) of Schedule 5 to the Act, the TRA must consider whether there has been—

- (a) an absolute increase in the volume of the goods concerned imported into the United Kingdom; or
- (b) a relative increase in the volume of the goods concerned imported into the United Kingdom compared with the total domestic production in the United Kingdom of the like goods and directly competitive goods.

(3) When making a determination under paragraph (2), the TRA may take into account any information it considers relevant.

(4) Unless regulation 44 (other exception) applies, when making a determination under paragraph (2), the TRA must consider imports of the goods concerned from all foreign countries and territories.

Significant increase in the importation of the goods concerned

5.—(1) Where the TRA determines under regulation 4 (increased quantities) that there has been an increase in the volume of the goods concerned imported into the United Kingdom, the TRA must determine whether that increase is significant for the purpose of paragraph 1(1)(b) of Schedule 5 to the Act.

(2) For the purpose of paragraph (1), the TRA must consider—

- (a) the rate and volume of imports of the goods concerned into the United Kingdom;
- (b) regulation 6 (foreseeability); and

- (c) any other factors it considers relevant.

Foreseeability

6.—(1) Pursuant to paragraph 1(2)(c) of Schedule 5 to the Act, the importation of the goods concerned in increased quantities into the United Kingdom was not foreseeable where the TRA considers that the increase is a result of unforeseen developments.

(2) In determining whether developments were unforeseen, the TRA may consider—

- (a) changes in patterns of demand for the goods concerned, like goods and directly competitive goods;
- (b) global overcapacity or increases in production capacity of the goods concerned;
- (c) economic or political crises; and
- (d) any other factors it considers relevant.

(3) Where the TRA determines that an increase in the importation of the goods concerned was foreseeable, that increase is not significant for the purpose of regulation 5 (significant increase in the importation of the goods concerned).