
STATUTORY INSTRUMENTS

2019 No. 449

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

PART 3

Serious injury and causation

Serious injury

7. Where the TRA has determined in accordance with paragraph 2 of Schedule 5 to the Act and Part 2 of these Regulations that the goods concerned have been or are being imported into the United Kingdom in increased quantities, it must consider whether those goods have caused or are causing serious injury to UK producers in accordance with this Part.

Determination of serious injury

8.—(1) The TRA is to determine whether UK producers of the like goods and directly competitive goods have suffered or are suffering serious injury for the purpose of paragraph 6 of Schedule 5 to the Act in accordance with this regulation.

(2) A threat of significant overall impairment to the position of UK producers only arises where the TRA considers that threat to be clearly imminent.

(3) In order to determine whether UK producers have suffered or are suffering serious injury (see paragraph 2 of Schedule 5 to the Act), the TRA must assess all relevant economic factors having a bearing on UK producers including—

- (a) the rate and volume of increase of the importation of the goods concerned into the United Kingdom, in absolute or relative terms;
- (b) the export capacity of the goods concerned in foreign countries or territories and the likelihood that the capacity will be exported to the United Kingdom;
- (c) the share of the domestic market in the United Kingdom taken by the importation of the goods concerned in increased quantities;
- (d) changes in the UK producers' level of—
 - (i) sales;
 - (ii) productivity;
 - (iii) production;
 - (iv) capacity utilisation;
 - (v) profits and losses; and
 - (vi) employment.

Causation and non-attribution

9.—(1) This regulation applies where the TRA is determining, for the purpose of regulation 8 (determination of serious injury), whether or not serious injury has been or is being caused to UK producers by the importation of the goods concerned in increased quantities into the United Kingdom.

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

- (a) price effects of the importation of the goods concerned in increased quantities on the like goods and directly competitive goods in the United Kingdom, including the depression or suppression of price increases which would otherwise have occurred;
- (b) volume effects of the importation of the goods concerned in increased quantities on the like goods and directly competitive goods in the United Kingdom; and
- (c) any other known factors that it considers relevant.

(3) The TRA must consider whether any known factors other than the importation of the goods concerned in increased quantities into the United Kingdom has caused or is causing serious injury to UK producers.

(4) The TRA must not attribute to the goods concerned injury caused by known factors other than the importation of the goods concerned into the United Kingdom.