

## STATUTORY INSTRUMENTS

# 2019 No. 449

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

### [<sup>F1</sup>PART 7A

#### Investigation in light of an international dispute decision

##### Textual Amendments

- F1** Pt. 7A inserted (1.3.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), regs. 1, **10**

#### *General*

##### **Investigation in light of an international dispute decision**

**42A.**—(1) The Secretary of State may direct the TRA to investigate whether the application to goods of a definitive safeguarding remedy should be maintained, varied, or revoked in light of an international dispute decision.

(2) In this Part, “international dispute investigation” means an investigation required by the Secretary of State under paragraph (1).

##### **Suspension of a definitive safeguarding remedy**

**42B.**—(1) The Secretary of State may by public notice suspend the application to goods of a definitive safeguarding remedy for the period it is subject to an international dispute investigation.

(2) The suspension begins the day after the day on which the public notice is published.

[<sup>F2</sup>(3) The suspension ends the day after the day on which—

- (a) the TRA publishes notice under—
  - (i) regulation 42F(2); or
  - (ii) regulation 42G(3); or
- (b) the Secretary of State publishes notice under—
  - (i) paragraph 22(4)(a) of Schedule 5 to the Act; or
  - (ii) regulation 42I(4)(a).]

##### Textual Amendments

- F2** Reg. 42B(3) substituted (5.8.2020) by [The Trade Remedies \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/730\)](#), regs. 1, **4**

*Status: Point in time view as at 30/06/2021.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## *Investigation*

### **Initiation**

- 42C.**—(1) The TRA must publish notice of its initiation of the international dispute investigation.
- (2) The notice must contain the information set out in paragraph 16 of the Schedule.

### **Conduct**

**42D.** Parts 2 to 5 apply to the international dispute investigation to the extent the TRA considers relevant.

### **Determination**

- 42E.**—(1) The TRA must determine whether the application to goods of the definitive safeguarding remedy should be maintained, varied, or revoked in light of the international dispute decision.
- (2) The TRA may make different determinations for different goods or descriptions of goods.

## *Determination*

### **Determination to maintain**

- 42F.**—(1) This regulation applies if the TRA determines the application to goods of a definitive safeguarding remedy should be maintained.
- (2) The TRA must publish notice of the determination.
- (3) The notice must contain the information set out in paragraph 17 of the Schedule.

### **Determination to vary**

- 42G.**—(1) This regulation applies if the TRA determines the application to goods of a definitive safeguarding remedy should be varied.
- (2) If the TRA is satisfied the application to goods of a definitive safeguarding remedy in accordance with the determination meets the economic interest test, the TRA must recommend to the Secretary of State that the application to goods of the definitive safeguarding remedy should be varied.
- (3) If the TRA is not satisfied the application to goods of the definitive safeguarding remedy in accordance with the determination meets the economic interest test, the TRA must publish notice of the determination.
- (4) A notice under paragraph (3) must contain the information set out in paragraph 17 of the Schedule.

### **Determination to revoke**

- 42H.**—(1) This regulation applies if the TRA determines the application to goods of a definitive safeguarding remedy should be revoked.
- (2) The TRA must recommend to the Secretary of State that the application to goods of the definitive safeguarding remedy is revoked.

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## *Recommendation*

### **Acceptance or rejection of a recommendation**

**42I.**—(1) The Secretary of State must accept or reject a recommendation made under regulation 42G(2) or 42H(2).

(2) The Secretary of State must accept a recommendation made under regulation 42G(2) unless the Secretary of State is satisfied—

- (a) it is not in the public interest to accept the recommendation; or
- (b) the TRA determination that the application to goods of a definitive safeguarding remedy in accordance with the determination to vary meets the economic interest test is not a determination the TRA could reasonably have made.

(3) The Secretary of State must accept a recommendation made under regulation 42H(2) unless the Secretary of State is satisfied it is not in the public interest to accept the recommendation.

(4) If the Secretary of State rejects a recommendation, the Secretary of State must—

- (a) publish notice of the recommendation and of the rejection of it;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for rejecting the recommendation.]

**Status:**

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