

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

<sup>F3</sup>(ii) . . . . .

(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**

---

**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) [View outstanding changes](#)

---

**F3** Reg. 42B(3)(a)(ii) omitted (25.9.2023) by virtue of [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), 20 (with reg. 2)

## *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.

**F4** (1A) Where the TRA proposes to make a determination under paragraph (1) the TRA must notify the Secretary of State of its proposed determination.

(1B) Where the Secretary of State has been notified in accordance with paragraph (1A), the Secretary of State may, within the relevant period (and subject to paragraph (1C)), request that the TRA reassess its proposed determination by reference to any matter specified in the request.

(1C) The Secretary of State may only make a request under paragraph (1B) where the Secretary of State considers that—

- (a) there is information that the TRA did not take into account in its investigation that is relevant to the proposed determination;
- (b) the TRA has made an error in relation to its proposed determination; or
- (c) exceptional circumstances make the request appropriate.

(1D) The TRA must comply with a request under paragraph (1B).

(1E) The TRA may not make its proposed determination until—

- (a) the relevant period has ended; or
- (b) if the Secretary of State informs the TRA within the relevant period that the Secretary of State will not make a request under paragraph (1B), the time when the TRA receives that information.

*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) [View outstanding changes](#)

(1F) For the purposes of paragraphs (1B) and (1E), the “relevant period” is the period of 21 days beginning with the day on which the TRA notifies the Secretary of State that it proposes to make the determination in question.]

- (2) The TRA must publish notice of the determination.
- (3) The notice must contain the information set out in paragraph 17 of the Schedule.

**Textual Amendments**

**F4** Reg. 42F(1A)-(1F) inserted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **21** (with reg. 2)

**Determination to vary**

**42G.**—<sup>F5</sup>(1) If the TRA determines the application to goods of a definitive safeguarding remedy should be varied, the TRA must make a recommendation to the Secretary of State to that effect.]

<sup>F6</sup>(2) .....

[  
<sup>F7</sup>(2A) Where, in relation to a recommendation under paragraph (1), the TRA considers that there are two or more options which it could recommend, it may give the Secretary of State each of those options as part of its recommendation.

(2B) The TRA must consider whether it could give the Secretary of State two or more options as part of its recommendation under paragraph (1)—

- (a) where the TRA considers that varying a definitive safeguarding remedy in accordance with its proposed recommendation would not meet the economic interest test (see paragraph 23 of Schedule 5 to the Act);
- (b) where the TRA otherwise considers that it is appropriate.

(2C) Where, after considering whether it could give the Secretary of State two or more options as part of its recommendation in accordance with paragraph (1), the TRA considers that there is only one option which it could reasonably recommend under paragraph (2A), it must give the Secretary of State its reasons for reaching that conclusion.

(2D) Where the TRA gives the Secretary of State options, it must—

- (a) give the Secretary of State its reasons for including each option; and
- (b) inform the Secretary of State which option it prefers and why.

(2E) Where the TRA makes a recommendation under paragraph (1), it must advise the Secretary of State whether and why it considers that varying the application of a definitive safeguarding remedy in accordance with its recommendation, or in accordance with each option given under paragraph (2A), as the case may be, would meet the economic interest test.]

<sup>F8</sup>(3) .....

<sup>F9</sup>(4) .....

**Textual Amendments**

**F5** Reg. 42G(1) substituted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **22(a)** (with reg. 2)

**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) [View outstanding changes](#)

- F6** Reg. 42G(2) omitted (25.9.2023) by virtue of [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **22(b)** (with reg. 2)
- F7** Reg. 42G(2A)-(2E) inserted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **22(c)** (with reg. 2)
- F8** Reg. 42G(3) omitted (25.9.2023) by virtue of [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **22(d)** (with reg. 2)
- F9** Reg. 42G(4) omitted (25.9.2023) by virtue of [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **22(d)** (with reg. 2)

### 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.

### *Recommendation*

#### [<sup>F10</sup>**Powers of the Secretary of State in relation to TRA’s recommendation**]

**42I.**—(1) The Secretary of State must [<sup>F11</sup>—

- (a) accept or reject the recommendation made under regulation 42G(1) or 42H(2); or
- (b) request that the TRA reassess its recommendation, by reference to any matters specified in the request, with a view to amending or replacing the recommendation].

[<sup>F12</sup>(1A) Where the Secretary of State accepts a recommendation which contains options given in reliance on paragraph 42G(2A), the Secretary of State must decide which of those options to adopt.]

[<sup>F13</sup>(2) The Secretary of State may reject a recommendation under regulation 42G(1) only if the Secretary of State is satisfied it is not in the public interest to accept it.]

[<sup>F14</sup>(3) The Secretary of State may reject a recommendation under regulation 42H(2) only if the Secretary of State is satisfied it is not in the public interest to accept it.]

[<sup>F15</sup>(3A) In considering the public interest under paragraph (2), the Secretary of State must have regard to the TRA’s advice on whether the variation of the application of a definitive safeguarding remedy in accordance with the recommendation, or in accordance with each option, as the case may be, would meet the economic interest test.

(3B) Paragraph (3C) applies if—

- (a) the TRA makes a recommendation to vary the application of a definitive safeguarding remedy; and
- (b) the Secretary of State rejects the recommendation.

(3C) If the Secretary of State considers that it is in the public interest to do so, the Secretary of State may decide that the application of the definitive safeguarding remedy should be varied other than in accordance with the recommendation, or revoked.]

(4) If the Secretary of State rejects a recommendation [<sup>F16</sup>and does not make a decision under paragraph (3C)], the Secretary of State must—

- (a) publish notice of the recommendation and of the rejection of it [<sup>F17</sup>containing the information set out in paragraph 18 of the Schedule];
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for rejecting the recommendation.

[  
<sup>F18</sup>(5) The Secretary of State may only make a request under paragraph (1)(b) where the Secretary of State considers that—

- (a) there is information that the TRA did not take into account in its investigation that is relevant to the recommendation;
- (b) the TRA made an error in relation to its recommendation; or
- (c) exceptional circumstances make the request appropriate.

(6) Before making a request under paragraph (1)(b), the Secretary of State must consult the TRA.

(7) Where the Secretary of State makes a request under paragraph (1)(b), the TRA must—

- (a) comply with the request; and
- (b) in reassessing its recommendation, have regard to any particular considerations which the Secretary of State may specify in the request.]

#### Textual Amendments

- F10** Reg. 42I heading substituted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **23(a)** (with reg. 2)
- F11** Words in reg. 42I(1) substituted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **23(b)** (with reg. 2)
- F12** Reg. 42I(1A) inserted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **23(c)** (with reg. 2)
- F13** Reg. 42I(2) substituted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **23(d)** (with reg. 2)
- F14** Reg. 42I(3) substituted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **23(e)** (with reg. 2)
- F15** Reg. 42I(3A)-(3C) inserted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **23(f)** (with reg. 2)
- F16** Words in reg. 42I(4) inserted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **23(g)(i)** (with reg. 2)
- F17** Words in reg. 42I(4)(a) inserted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **23(g)(ii)** (with reg. 2)

---

**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) [View outstanding changes](#)

---

**F18** Reg. 42I(5)-(7) inserted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **23(h)** (with reg. 2)

#### [<sup>F19</sup>**Power to request assistance etc from TRA**

**42J.**—(1) The Secretary of State may request that the TRA give advice, information or other support to the Secretary of State for the purpose of allowing the Secretary of State to decide whether to make a decision under regulation 42I(3C).

(2) The Secretary of State may include in a request under paragraph (1) a requirement that the TRA investigate and provide a report on any matter specified in the request.

(3) Before making a request under paragraph (1), the Secretary of State must consult the TRA.

(4) The TRA must comply with a request under paragraph (1).]]

---

#### **Textual Amendments**

**F19** Reg. 42J inserted (25.9.2023) by [The Trade Remedies \(Increase in Imports Causing Serious Injury to UK Producers\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/954\)](#), regs. 1(2), **24** (with reg. 2)

**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.

[View outstanding changes](#)

**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\(8\)](#)