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STATUTORY INSTRUMENTS

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**2019 No. 449**

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

**PART 8**

Supplementary

**Developing country exception**

**43.**—(1) Subject to paragraph (2), the TRA must not recommend the application of a provisional safeguarding remedy or definitive safeguarding remedy to goods concerned which are imports from a developing country member of the WTO accounting for 3 per cent. or less of the total imports of those goods into the United Kingdom (a “low volume exporter”).

(2) Paragraph (1) does not apply in respect of any developing country member of the WTO if the imports from all low volume exporters collectively account for more than 9 per cent. of the total imports of the goods concerned into the United Kingdom.

**Other exception**

**44.**—(1) Where the TRA determines that the conditions in paragraph (2) are satisfied, the TRA must except goods originating from a foreign country or territory—

- (a) from the scope of a recommendation by the TRA to apply a provisional safeguarding remedy or definitive safeguarding remedy; and
- (b) from—
  - (i) its assessment on whether the goods concerned have been or are being imported into the United Kingdom in increased quantities under Part 2 of these Regulations; and
  - (ii) its determination on whether the importation of the goods concerned in increased quantities into the United Kingdom has caused or is causing serious injury to UK producers under Part 3 of these Regulations.

(2) The conditions in this paragraph are satisfied where—

- (a) immediately before exit day, that foreign country or territory and the European Union were signatories to a free trade agreement;
- (b) that foreign country or territory and the United Kingdom are signatories to a free trade agreement; and
- (c) the free trade agreement referred to in paragraph (b) provides for the excepting of goods from the application of a safeguard measure within the meaning of Article XIX of GATT and the Agreement on Safeguards (being part of Annex 1A to the WTO Agreement)(1).

(3) In this regulation—

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(1) Available from: [https://www.wto.org/english/docs\\_e/legal\\_e/legal\\_e.htm](https://www.wto.org/english/docs_e/legal_e/legal_e.htm)

- (a) a “free trade agreement” means an agreement that is or was notifiable under paragraph 7(a) of Article XXIV of GATT;
- (b) “GATT” means the General Agreement on Tariffs and Trade, part of Annex 1A to the WTO Agreement (as modified from time to time);
- (c) a “signatory to a free trade agreement” includes a reference to—
  - (i) exchanging instruments, where the exchange constitutes the agreement;
  - (ii) acceding to the agreement;
- (d) “WTO Agreement” means the agreement establishing the WTO signed at Marrakesh on 15 April 1994.