
STATUTORY INSTRUMENTS

2019 No. 449

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

PART 5

Initiation and conduct of an investigation

CHAPTER 1

General provisions and the use of information

Confidential information

- 16.**—(1) Paragraph (3) applies where a person—
- (a) supplies information to the TRA in connection with the exercise by the TRA of any of its functions under the Act or these Regulations;
 - (b) either—
 - (i) requests the TRA to treat that information as confidential on the grounds that that information is by its nature confidential; or
 - (ii) supplies that information to the TRA on a confidential basis;
 - (c) demonstrates to the TRA good cause as to why the TRA must treat such information as confidential; and
 - (d) submits—
 - (i) a non-confidential summary (see paragraph (6)(a)) of that information; or
 - (ii) in exceptional circumstances, a statement of reasons (see paragraph (6)(b)).
- (2) For the purpose of paragraph (1)(b)(i), information that is by its nature confidential includes information which, if disclosed, would—
- (a) be of significant competitive advantage to a competitor of the person supplying the information; or
 - (b) have a significant adverse effect on—
 - (i) the person supplying the information; or
 - (ii) any person from whom the person supplying the information had acquired it.
- (3) Where this paragraph applies, the TRA must treat such information as confidential.
- (4) The TRA may treat information as confidential where it is supplied to it otherwise than in accordance with paragraph (1), and, where it does so, it must—
- (a) inform the person supplying the information that it intends to treat that information as confidential; and
 - (b) request that that person submits a sufficiently detailed non-confidential summary of that information.

(5) The Secretary of State must treat as confidential the information supplied by the TRA under regulation 17(2) which the TRA identifies as information that it is treating as confidential under this regulation.

(6) In this regulation—

- (a) a “non-confidential summary” in relation to information means a sufficiently detailed summary for the public file referred to in regulation 15 (public file) which would enable a person other than the TRA to have a reasonable understanding of—
 - (i) the substance of the information to which it relates; and
 - (ii) its potential relevance to the exercise of any function by the TRA under the Act or these Regulations;
- (b) a “statement of reasons” means a statement setting out the reasons of a person supplying information to the TRA as to why the TRA should treat that information as confidential and why summarisation of that information in accordance with this regulation is not possible.