
STATUTORY INSTRUMENTS

2019 No. 449

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

PART 6

Reviews

Mid-term review

34.—(1) Where a definitive safeguarding remedy is intended to apply for more than three years, the TRA must initiate a review (a “mid-term review”) not later than half way through the intended duration of that remedy, to consider whether—

- (a) its continuing application is necessary to—
 - (i) remove the serious injury, or to prevent further serious injury, caused by the importation of the goods subject to review in increased quantities, to UK producers; or
 - (ii) facilitate the adjustment by those UK producers to the importation of the goods subject to review in increased quantities; and
- (b) an alternative definitive safeguarding amount or tariff rate quota would better meet the aim of—
 - (i) removing or preventing serious injury to UK producers; or
 - (ii) facilitating the adjustment by those UK producers to the importation of the goods subject to review in increased quantities.

(2) [^{F1}Where the TRA decides to initiate a mid-term review under paragraph (1), the TRA must notify the Secretary of State that it intends to initiate a mid-term review and, after the relevant interval, must take the following steps in the order in which they are set out—]

[^{F2}(aa) initiate the review;]

- (a) publish a notice of its determination to initiate a mid-term review (a “notice of initiation of a review”) containing the information referred to in paragraph 9 of the Schedule; and
- (b) notify the Secretary of State and interested parties.

[^{F3}(2A) In paragraph (2), the “relevant interval” is the period of two working days beginning with the first working day after the day on which the TRA notifies the Secretary of State of its intention to initiate the review.]

- (3) In conducting a mid-term review, the TRA may consider, among other things—
 - (a) whether the circumstances under which the definitive safeguarding remedy was applied have changed significantly;
 - (b) whether it is likely that serious injury will recur if the definitive safeguarding remedy is revoked;

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- (c) whether serious injury has been removed or reduced, in whole or in part, due to the application of the definitive safeguarding remedy;
 - (d) information on progress in implementing the adjustment plan to help decide if the pace of liberalisation is appropriate.
- (4) Following the conclusion of a mid-term review, the TRA may determine that the application of a definitive safeguarding remedy should be—
- (a) maintained in accordance with the relevant public notice made under section 13 of the Act;
 - (b) varied ^{F4} ...; or
 - (c) revoked.
- [^{F5}(5) Where the TRA proposes to make a determination under paragraph (4)(a) the TRA must notify the Secretary of State of its proposed determination.
- (6) Where the Secretary of State has been notified in accordance with paragraph (5), the Secretary of State may, within the relevant period (and subject to paragraph (7)), request that the TRA reassess its proposed determination by reference to any matter specified in the request.
- (7) The Secretary of State may only make a request under paragraph (6) where the Secretary of State considers that—
- (a) there is information that the TRA did not take into account in its review 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.
- (8) The TRA must comply with a request under paragraph (6).
- (9) 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 (6), the time when the TRA receives that information.
- (10) For the purposes of paragraphs (6) and (9), 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.]

Textual Amendments

- F1** Words in [reg. 34\(2\)](#) 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\(2\), 8\(a\)\(i\)](#) (with [reg. 2](#))
- F2** [Reg. 34\(2\)\(aa\)](#) 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\(2\), 8\(a\)\(ii\)](#) (with [reg. 2](#))
- F3** [Reg. 34\(2A\)](#) 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\(2\), 8\(b\)](#) (with [reg. 2](#))
- F4** Words in [reg. 34\(4\)\(b\)](#) omitted (1.3.2020) by virtue of [The Trade Remedies \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/99\)](#), [regs. 1, 4](#)
- F5** [Reg. 34\(5\)-\(10\)](#) 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\(2\), 8\(c\)](#) (with [reg. 2](#))

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Commencement Information

II Reg. 34 in force at 6.3.2019 with effect in accordance with reg. 1(3)-(8), see **reg. 1(2)**

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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\(8\)](#)