
STATUTORY INSTRUMENTS

2019 No. 449

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

PART 6

Reviews

TRA's recommendation to the Secretary of State

37.—(1) Unless paragraph (2) applies, the TRA must make a recommendation to the Secretary of State, where it determines that the application of a definitive safeguarding remedy should be varied, revoked or replaced.

(2) Where the TRA determines that the application of a definitive safeguarding remedy be extended in accordance with regulation 35 (extension review), it may make a recommendation in accordance with paragraph (1) only if it is satisfied that the application of a definitive safeguarding remedy meets the economic interest test (see paragraph 23 of Schedule 5 to the Act).

(3) Before making a recommendation that the application of a definitive safeguarding remedy be varied which comprises or includes varying (or providing for) the allocation of a tariff rate quota, the TRA must consult the Secretary of State regarding the proposed allocation.

(4) The TRA's recommendation must include—

- (a) a description of the goods to which the recommendation relates;
- (b) the reasons for its recommendation;
- (c) where relevant, the recommended period for which the definitive safeguarding remedy should be applicable, which must begin on the day after the date of publication of the public notice under section 13 of the Act giving effect to the recommendation;
- (d) information which the TRA considers is likely to be relevant to the Secretary of State's decision as to whether it would not be in the public interest to accept the TRA's recommendation (see regulation 38);
- (e) any other information which the TRA considers relevant.

(5) Where the TRA terminates a review but does not make a recommendation in accordance with paragraph (1), the TRA must—

- (a) publish a notice containing the information referred to in paragraph 12 of the Schedule; and
- (b) notify the Secretary of State and interested parties.