
STATUTORY INSTRUMENTS

2019 No. 449

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

PART 8

Supplementary

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—
- (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.

(1) Available from: https://www.wto.org/english/docs_e/legal_e/legal_e.htm

Status: *This is the original version (as it was originally made).*
