
STATUTORY INSTRUMENTS

2020 No. 99

The Trade Remedies (Amendment) (EU Exit) Regulations 2020

PART 1

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

Insertion of Part 7A (investigation in light of an international dispute decision)

10. After Part 7, insert—

“PART 7A

Investigation in light of an international dispute decision

General

Investigation in light of an international dispute decision

42A.—(1) The Secretary of State may direct the TRA to investigate whether the application to goods of a definitive safeguarding remedy should be maintained, varied, or revoked in light of an international dispute decision⁽¹⁾.

(2) In this Part, “international dispute investigation” means an investigation required by the Secretary of State under paragraph (1).

Suspension of a definitive safeguarding remedy

42B.—(1) The Secretary of State may by public notice suspend the application to goods of a definitive safeguarding remedy for the period it is subject to an international dispute investigation.

(2) The suspension begins the day after the day on which the public notice is published.

(3) The suspension ends the day after the day on which—

(a) the TRA publishes notice under regulation 42F(2); or

(b) the Secretary of State publishes notice under—

(i) paragraph 22(4)(a) of Schedule 5 to the Act;

(ii) regulation 42G(3); or

(iii) regulation 42I(4)(a).

⁽¹⁾ The term “international dispute decision” is defined in paragraph 22(6) of Schedule 5 to the Act.

Investigation

Initiation

42C.—(1) The TRA must publish notice of its initiation of the international dispute investigation.

(2) The notice must contain the information set out in paragraph 16 of the Schedule.

Conduct

42D. Parts 2 to 5 apply to the international dispute investigation to the extent the TRA considers relevant.

Determination

42E.—(1) The TRA must determine whether the application to goods of the definitive safeguarding remedy should be maintained, varied, or revoked in light of the international dispute decision.

(2) The TRA may make different determinations for different goods or descriptions of goods.

Determination

Determination to maintain

42F.—(1) This regulation applies if the TRA determines the application to goods of a definitive safeguarding remedy should be maintained.

(2) The TRA must publish notice of the determination.

(3) The notice must contain the information set out in paragraph 17 of the Schedule.

Determination to vary

42G.—(1) This regulation applies if the TRA determines the application to goods of a definitive safeguarding remedy should be varied.

(2) If the TRA is satisfied the application to goods of a definitive safeguarding remedy in accordance with the determination meets the economic interest test⁽²⁾, the TRA must recommend to the Secretary of State that the application to goods of the definitive safeguarding remedy should be varied⁽³⁾.

(3) If the TRA is not satisfied the application to goods of the definitive safeguarding remedy in accordance with the determination meets the economic interest test, the TRA must publish notice of the determination.

(4) A notice under paragraph (3) must contain the information set out in paragraph 17 of the Schedule.

Determination to revoke

42H.—(1) This regulation applies if the TRA determines the application to goods of a definitive safeguarding remedy should be revoked.

(2) The economic interest test is set out in paragraph 23 of Schedule 5 to the Act.

(3) Paragraph 22(5) of Schedule 5 to the Act applies paragraphs 21(8) and (9) of Schedule 5 to the Act, which set out the form a recommendation of variation may take.

(2) The TRA must recommend to the Secretary of State that the application to goods of the definitive safeguarding remedy is revoked.

Recommendation

Acceptance or rejection of a recommendation

42I.—(1) The Secretary of State must accept or reject a recommendation made under regulation 42G(2) or 42H(2).

(2) The Secretary of State must accept a recommendation made under regulation 42G(2) unless the Secretary of State is satisfied—

- (a) it is not in the public interest to accept the recommendation; or
- (b) the TRA determination that the application to goods of a definitive safeguarding remedy in accordance with the determination to vary meets the economic interest test is not a determination the TRA could reasonably have made.

(3) The Secretary of State must accept a recommendation made under regulation 42H(2) unless the Secretary of State is satisfied it is not in the public interest to accept the recommendation(4).

(4) If the Secretary of State rejects a recommendation, the Secretary of State must—

- (a) publish notice of the recommendation and of the rejection of it;
- (b) notify interested parties; and
- (c) lay a statement before the House of Commons setting out the reasons for rejecting the recommendation.”.

(4) Paragraph 22(4) of Schedule 5 to the Act applies if the Secretary of State accepts a recommendation that the application to goods of the definitive safeguarding remedy should be varied or revoked in light of the international dispute decision. The Secretary of State must publish notice of the recommendation and of the acceptance of it, notify interested parties, and make provision by public notice to give effect to the recommendation.