

## SCHEDULES

### SCHEDULE 1

Regulations 9 and 10

#### PART 1

##### EP Countries

Algeria	Kyrgyzstan	Pakistan	Uzbekistan
Bolivia	Micronesia	Philippines	
Cape Verde	Mongolia	Sri Lanka	
Congo	Nigeria	Syria	
Cook Islands	Niue	Tajikistan	

#### PART 2

##### SP Countries

India	Indonesia	
-------	-----------	--

### SCHEDULE 2

Regulation 17

##### List of Conventions

1. Convention on the Prevention and Punishment of the Crime of Genocide (1948)(1).
2. International Convention on the Elimination of All Forms of Racial Discrimination (1965)(2).
3. International Covenant on Civil and Political Rights (1966)(3).
4. International Covenant on Economic, Social and Cultural Rights (1966)(4).
5. Convention on the Elimination of All Forms of Discrimination against Women (1979)(5).

(1) Cmnd. 4421. All Schedule 2 conventions are available electronically at the Foreign, Commonwealth and Development Office treaties database [treaties.fcdo.gov.uk](https://treaties.fcdo.gov.uk). Hard copies are available free of charge at the offices of the Foreign, Commonwealth and Development Office, King Charles Street, London SW1A 2AH.

(2) Cmnd. 4108.

(3) Cmnd. 6702.

(4) Cmnd. 6702.

(5) Cmnd. 643.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

6. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)(6).
7. Convention on the Rights of the Child (1989)(7).
8. Convention on the Rights of Persons with Disabilities (2006)(8).
9. Convention concerning Forced or Compulsory Labour, No 29 (1930)(9).
10. Protocol of 2014 to the Forced Labour Convention 1930, No 29 (2014)(10).
11. Convention concerning the Abolition of Forced Labour, No 105 (1957)(11).
12. Convention concerning Minimum Age for Admission to Employment, No 138 (1973)(12).
13. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No 182 (1999)(13).
14. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No 100 (1951)(14).
15. Convention concerning Discrimination in Respect of Employment and Occupation, No 111 (1958)(15).
16. Convention concerning Freedom of Association and Protection of the Right to Organise, No 87 (1948)(16).
17. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No 98 (1949)(17).
18. United Nations Convention against Corruption (2003)(18).
19. United Nations Framework Convention on Climate Change (1992)(19).
20. Paris Agreement (2015)(20).
21. Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)(21).
22. Montreal Protocol on Substances that Deplete the Ozone Layer (1987)(22).
23. Convention on Biological Diversity (1992)(23).
24. Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2000)(24).

---

(6) Cmnd. 1775.  
(7) Cmnd. 1976.  
(8) Cmnd 7564.  
(9) Cmnd. 3693.  
(10) Cmnd 9008.  
(11) Cmnd. 313.  
(12) Cmnd. 5275.  
(13) Cmnd. 5213  
(14) Cmnd. 5039.  
(15) Cmnd. 5301.  
(16) Cmnd. 7638.  
(17) Cmnd. 7852.  
(18) Cmnd. 6854.  
(19) Cmnd. 2833.  
(20) Cmnd 9365.  
(21) Cmnd. 6647.  
(22) Cmnd. 997.  
(23) Cmnd. 2915.  
(24) Cmnd. 6170.

25. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989)(25).

26. Stockholm Convention on Persistent Organic Pollutants (2001)(26).

27. Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)(27).

28. Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995)(28).

### SCHEDULE 3

Regulation 18

#### Goods Graduation

1. In this Schedule—

“BI imports” means goods that—

- (a) are imported into the British Islands, and
- (b) have a standard rate of import duty greater than a nil rate;

“chapter” means a chapter of the Goods Classification Table;

“graduation assessment” means an assessment of SP imports carried out by the Secretary of State that—

- (a) is carried out at any time during the period beginning with 1st January and ending with 29th September in any given year, and
- (b) assesses the value of SP imports over the import review period ending on the preceding 31st December.

“SP imports” means SP goods that—

- (a) are imported into the British Islands, and
- (b) have a standard rate of import duty greater than a nil rate;

“SP rate” means the DCTS rate specified for SP goods under regulation 15.

#### Goods graduation notice

2. A goods graduation notice must specify—

- (a) the fact that the SP rate is to be suspended on SP imports;
- (b) the chapters and SP country, or SP countries, to which the suspension applies;
- (c) the day on which the suspension of the SP rate begins;
- (d) the day on which the suspension ends and the fact the period of suspension may be extended by a further notice;
- (e) that the goods graduation ground applies.

---

(25) Cmnd. 3108.

(26) Cmnd. 6581.

(27) Cmnd. 6390.

(28) Cmnd. 6176.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Goods graduation ground**

- 3.—(1) The goods graduation ground applies in respect of an SP country where—
- (a) a graduation assessment has been carried out, and
  - (b) that assessment determines that, during the import review period, SP imports from that SP country—
    - (i) have the chapter reference specified in column 1 of the table in this paragraph, and
    - (ii) the import ratio for those goods exceeds the corresponding import threshold for that chapter.
- (2) In this paragraph—
- “import ratio” means the mean average value of SP imports from the relevant SP country, as a percentage of the total value of BI imports of the same goods, over the import review period;
- “import threshold” means the maximum permitted import ratio specified in column 2 of the table in this paragraph;
- “same goods” means goods in the same chapter and to which an SP code is applied in column 6 of the DCTS Specified Goods Table.

**Table**

<i>Column 1</i>	<i>Column 2</i>
15	1%
28	1%
29	1%
56	1%
72	1%
73	1%
76	1%
87	1%
88	1%
All other chapter references not specified in the preceding rows	6%

4. Where the Secretary of State publishes a goods graduation notice under regulation 18(1)—
- (a) the goods graduation notice must be published on or before 30th September of the year preceding the year in which the suspension begins;
  - (b) the suspension of the SP rate must begin on 1st January following the publication of the goods graduation notice;
  - (c) the period of suspension cannot exceed 3 years (unless extended by further notice).
5. Where the Secretary of State publishes the first goods graduation notice under regulation 18(1)—
- (a) the application of the goods graduation ground may take into account a graduation assessment carried out in the year preceding the year in which these Regulations come into force;
  - (b) the requirements in paragraph 4(a) and (b) of this Schedule do not apply;

- (c) the suspension of the SP rate must begin on or after the date of publication of the goods graduation notice.

## SCHEDULE 4

Regulation 19

### Trade Preference Safeguard Measures

#### **Application of a trade preference safeguard measure**

1. A “trade preference safeguard measure” means a measure suspending or varying the DCTS rate on DCTS imports where the Secretary of State determines that—

- (a) there are increased quantities of DCTS imports, and
- (b) those imports are causing, or threaten to cause, serious difficulties for United Kingdom producers of like goods or directly competing goods.

2. In determining whether increased quantities of DCTS imports are causing, or threatening to cause, serious difficulties for United Kingdom producers of like goods or directly competing goods the Secretary of State must take into account whether—

- (a) any such producers have suffered a deterioration in their economic or financial situation, which has had or is likely to have an effect upon their—
  - (i) market share,
  - (ii) production,
  - (iii) stocks,
  - (iv) production capacity,
  - (v) solvency,
  - (vi) profitability, or
  - (vii) capacity utilisation;
- (b) employment in the United Kingdom is adversely affected.

3. For the purposes of this Schedule—

“directly competing goods” means goods that are regarded by the Secretary of State as competing in the same market in the United Kingdom as the DCTS imports in question in terms of the characteristics, intended use and price of the goods;

“DCTS imports” means DCTS goods originating from one or more qualifying DCTS countries that are imported into the United Kingdom;

“increased quantities” means an increase in the volume of imports, whether in absolute terms or relative to the total production in the United Kingdom of like goods and directly competing goods;

“like goods” means—

- (a) goods which are like the DCTS imports in question in all respects, or
- (b) goods which, although not alike in all respects, have characteristics closely resembling those of the DCTS imports in question;

“persons affected” means persons involved in the production, distribution or sale of like or directly competing goods.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

#### **Trade preference safeguard notice**

4. A trade preference safeguard notice must specify—
  - (a) the goods and countries to which the trade preference safeguard measure applies;
  - (b) the fact that the DCTS rate is to be suspended or varied on those goods;
  - (c) where appropriate, the DCTS rate as varied;
  - (d) the day on which the suspension or variation of the DCTS rate begins;
  - (e) the day on which the suspension or variation ends;
  - (f) a statement that the application of the measure may be extended by a further trade preference safeguard notice, in accordance with paragraph 8.
5. Before determining whether or not to publish a trade preference safeguard notice, the Secretary of State must follow the warning and assessment procedure set out in regulation 21.
6. Paragraph 5 does not apply to an urgent trade preference safeguard notice.
7. The Secretary of State may publish an urgent trade preference safeguard notice where—
  - (a) the Secretary of State determines that publication of the outcome of an assessment in accordance with regulation 24 may, having regard to the matters specified in paragraph 2 of this Schedule—
    - (i) cause damage to United Kingdom producers that may be difficult to repair, or
    - (ii) affect employment in the United Kingdom, and
  - (b) the period of suspension or variation specified does not exceed 12 months.
8. The Secretary of State may publish a further trade preference safeguard notice to extend a measure contained in an existing trade preference safeguard notice, but must follow the warning and assessment procedure specified in regulation 21 before doing so, where—
  - (a) the measure being extended had been imposed by an urgent trade preference safeguard notice, or
  - (b) the extension would mean that the total period for which a trade safeguard measure is to be imposed would exceed 3 years.