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STATUTORY INSTRUMENTS

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**2023 No. 954**

**The Trade Remedies (Increase in Imports  
Causing Serious Injury to UK Producers)  
(EU Exit) (Amendment) Regulations 2023**

**Part 2**

**Amendment of the Safeguards Regulations**

**Chapter 4**

**Amendment of Part 6 (reviews)**

**Amendment of regulation 37 (TRA’s recommendation to the Secretary of State)**

**13.** In regulation 37—

- (a) in paragraph (1), for “Unless paragraph (2) applies, the” substitute “The”;
- (b) omit paragraph (2);
- (c) after paragraph (2), insert—

“(2A) Where, in relation to an early review under regulation 33A, a mid-term review under regulation 34 or an extension review under regulation 35, the TRA considers that there are two or more options which it could recommend under paragraph (1), it may give the Secretary of State each of those options as part of its recommendation.

(2B) The TRA must consider whether it could give the Secretary of State two or more options as part of its recommendation under paragraph (1)—

- (a) in the case of an extension review, where the TRA considers that the extension of the application of the definitive safeguarding remedy in accordance with its proposed recommendation would not meet the economic interest test;
- (b) where the TRA otherwise considers that it is appropriate.

(2C) Where, after considering whether it could give the Secretary of State two or more options as part of its recommendation in accordance with paragraph (1), the TRA considers that there is only one option which it could reasonably recommend under paragraph (1), it must give the Secretary of State its reasons for reaching that conclusion.

(2D) Where the TRA gives the Secretary of State options, it must—

- (a) give the Secretary of State its reasons for including each option; and
- (b) inform the Secretary of State which option it prefers and why.

(2E) Where, in the case of an extension review, the TRA makes a recommendation to extend the application of a definitive safeguarding remedy, it must advise the Secretary of State whether and why it considers that the extension of the application of that definitive safeguarding remedy in accordance with its recommendation, or in accordance with each

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option given under paragraph (2A), as the case may be, would meet the economic interest test.”.