
STATUTORY INSTRUMENTS

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 6

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

Amendment of regulation 42G (determination to vary)

22. In regulation 42G—

(a) for paragraph (1) substitute—

“(1) If the TRA determines the application to goods of a definitive safeguarding remedy should be varied, the TRA must make a recommendation to the Secretary of State to that effect.”;

(b) omit paragraph (2);

(c) after paragraph (2), insert—

“(2A) Where, in relation to a recommendation under paragraph (1), the TRA considers that there are two or more options which it could recommend, 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) where the TRA considers that varying a definitive safeguarding remedy in accordance with its proposed recommendation would not meet the economic interest test (see paragraph 23 of Schedule 5 to the Act);

(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 (2A), 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 the TRA makes a recommendation under paragraph (1), it must advise the Secretary of State whether and why it considers that varying the application of a 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.”;

(d) omit paragraphs (3) and (4).