
STATUTORY INSTRUMENTS

2024 No. 519

The Trade Remedies (Increase in Imports as
a Result of a Free Trade Agreement Causing
Serious Injury to UK Producers) Regulations 2024

Part 5

Initiation and conduct of a bilateral safeguarding investigation

Chapter 3

Conduct of a bilateral safeguarding investigation

Registration of interest and the issuing of questionnaires

23.—(1) Where the Secretary of State has requested the TRA to initiate a bilateral safeguarding investigation, the TRA must set a period during which interested parties and any other person may make themselves known to the TRA (a “registration period”).

(2) The TRA may issue a questionnaire (see [regulation 24](#)) to—

- (a) interested parties who have made themselves known to the TRA during the registration period,
- (b) UK producers, importers and overseas exporters (or associations thereof) which the Secretary of State has identified in their request to the TRA to initiate a bilateral safeguarding investigation, and
- (c) contributors who have made themselves known to the TRA during the registration period.

(3) Where the TRA uses a limited examination in accordance with [regulation 25](#) (limited examination), it may limit the issuing of questionnaires to those interested parties included in that examination.

(4) Where an interested party or a contributor makes themselves known to the TRA after the end of the registration period, the TRA may issue a questionnaire to that person if it is satisfied that doing so would not significantly impede the progress of the bilateral safeguarding investigation.

(5) Where an interested party makes themselves known to the TRA after the end of the registration period, the TRA may include that party in a limited examination in accordance with [regulation 25](#).

Form of questionnaires and deficiency notice

24.—(1) Subject to [paragraph \(2\)](#), the questionnaire referred to in [regulation 23](#) (registration of interest and the issuing of questionnaires) may take such form and contain such questions and other material as the TRA considers appropriate for the purpose of the bilateral safeguarding investigation.

(2) A questionnaire must set out the date by which it must be returned to the TRA.

(3) Where, following a review of the returned questionnaire, the TRA determines that it is incomplete or that the information supplied to it is inadequate, it may issue a notice to the relevant

interested party or contributor requesting clarification or supplementary information (a “deficiency notice”).

(4) The deficiency notice must set out a time limit by which any missing, clarificatory or supplementary information is to be supplied.

Limited examination

25.—(1) The TRA may, where it considers it appropriate for the purpose of making any determination or conducting any analysis under the Act or these Regulations, limit its examination to a sample of—

- (a) categories of goods,
- (b) UK producers,
- (c) transactions for the purchase of the like goods and directly competitive goods in the United Kingdom, or
- (d) anything else the TRA considers it appropriate to examine in order to make its determination.

(2) Where the TRA limits its examination in accordance with this regulation, it may use any reasonable method to determine the sample it considers appropriate.

Authentication visit and authentication report

26.—(1) The TRA may make such arrangements in connection with an authentication visit as it considers appropriate.

(2) Where the TRA conducts an authentication visit, it must—

- (a) provide a written report on the authentication visit (an “authentication report”) to the person subject to that visit,
- (b) require the person subject to an authentication visit to supply the TRA with a version of the authentication report with summarisation of the information that it requests the TRA to treat as confidential (a “non-confidential authentication report”), and
- (c) set a time limit by which the non-confidential authentication report is to be supplied.

(3) In the application of [regulation 16](#) (confidential information) to [this regulation](#), a reference in that regulation to—

- (a) the supply of information is to be taken to include information obtained by the TRA from the person subject to an authentication visit, and
- (b) a non-confidential summary is to be taken to include a non-confidential authentication report.

Hearing

27.—(1) The TRA may conduct a hearing at any time during a bilateral safeguarding investigation either—

- (a) at the request of any interested party, or
- (b) on its own initiative.

(2) The TRA must notify interested parties and contributors of any processes and procedures to be adopted at a hearing in advance of it taking place.

(3) When deciding whether and how to conduct a hearing, the TRA must have regard to—

- (a) the need to preserve the confidentiality of information it is treating as confidential in accordance with [regulation 16\(3\)](#) or (4), and
 - (b) whether holding a hearing and whether such processes and procedures it proposes to adopt at a hearing would be convenient to interested parties and contributors.
- (4) The TRA must allow interested parties and contributors to present their views by written and oral statements (see [regulation 18\(3\)](#)).
- (5) Where the TRA decides to conduct a hearing, it—
- (a) must give sufficient notice of the hearing to interested parties and contributors,
 - (b) must allow interested parties and contributors to attend, and
 - (c) may request that an interested party or a contributor intending to attend supplies the TRA with the information they wish to rely on at the hearing.
- (6) Where the TRA makes a request referred to in [paragraph \(5\)\(c\)](#), it must set a time limit by which such a request must be complied with.
- (7) An interested party or a contributor is not under an obligation to attend a hearing.
- (8) The TRA must not determine that an interested party who fails to attend a hearing is a non-cooperative party (see [regulation 20](#)) or that such failure to attend is otherwise prejudicial to its interests.

Alternative options for final affirmative determination

- 28.** The TRA must consider giving two or more options as part of its recommendation to the Secretary of State under paragraph 16(3) of Schedule 5 to the Act in the following circumstances—
- (a) where the TRA considers that applying a definitive bilateral safeguarding amount, a definitive suspension of tariff rate reduction or making relevant goods subject to a tariff rate quota in accordance with its proposed recommendation would not meet the economic interest test;⁽¹⁾
 - (b) where the TRA otherwise considers that it is appropriate.

(1) “Economic interest test” is set out in paragraph 23 of Schedule 5 to the Act.