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STATUTORY INSTRUMENTS

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**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 7

Investigation in light of an international dispute decision

*General*

**Investigation in light of an international dispute decision**

**38.** The Secretary of State may direct the TRA to investigate whether the application to goods of a definitive bilateral safeguarding remedy should be maintained, varied, or revoked in light of an international dispute decision.

*Investigation*

**Initiation**

- 39.**—(1) The TRA must publish notice of its initiation of an international dispute investigation.  
(2) The notice must contain the information set out in [paragraph 14 of Schedule 1](#).

**Conduct**

**40.** Parts 2 to 5 apply to the international dispute investigation to the extent the TRA considers relevant.

*Determination*

**Determination**

**41.**—(1) The TRA must determine whether the application to goods of the definitive bilateral 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 to maintain**

**42.**—(1) This regulation applies if the TRA proposes to determine that the application to goods of a definitive bilateral safeguarding remedy should be maintained.

(2) Where the TRA proposes to make a determination referred to in paragraph (1) the TRA must notify the Secretary of State of its proposed determination.

(3) Where the Secretary of State has been notified in accordance with paragraph (2), the Secretary of State may, within the relevant period (and subject to paragraph (4)), request that the TRA reassess its proposed determination by reference to any matter specified in the request.

(4) The Secretary of State may only make a request under paragraph (3) where the Secretary of State considers that—

- (a) there is information that the TRA did not take into account in its investigation that is relevant to the proposed determination,
- (b) the TRA has made an error in relation to its proposed determination, or
- (c) exceptional circumstances make the request appropriate.

(5) The TRA must comply with a request under paragraph (3).

(6) The TRA may not make a determination that the application to goods of a definitive bilateral safeguarding remedy should be maintained until—

- (a) the relevant period has ended, or
- (b) if the Secretary of State informs the TRA within the relevant period that the Secretary of State will not make a request under paragraph (3), the time when the TRA receives that information.

(7) For the purposes of paragraphs (3) and (6), the “relevant period” is the period of 21 days beginning with the day on which the TRA notifies the Secretary of State that it proposes to make the determination in question.

(8) If the TRA determines that the application to goods of a definitive bilateral safeguarding remedy should be maintained, the TRA must notify the Secretary of State of the determination.

(9) The notice must contain the information set out in paragraph 15 of Schedule 1.

(10) The Secretary of State must notify interested parties that no change will be made to the definitive bilateral safeguarding remedy.

### **Determination to vary**

**43.**—(1) If the TRA determines that the application to goods of a definitive bilateral safeguarding remedy should be varied, the TRA must make a recommendation to the Secretary of State to that effect.

(2) 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.

(3) 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 bilateral 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.

(4) 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, it must give the Secretary of State its reasons for reaching that conclusion.

(5) 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.

(6) 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 bilateral safeguarding remedy in accordance with its recommendation, or in accordance with each option given under [paragraph \(2\)](#), as the case may be, would meet the economic interest test.

#### **Determination to revoke**

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

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

#### *Recommendation*

#### **Powers of the Secretary of State in relation to the TRA's recommendation**

**45.**—(1) The Secretary of State must—

- (a) accept or reject a recommendation made under [regulation 43\(1\)](#) or [44\(2\)](#), or
- (b) request that the TRA reassess its recommendation, by reference to any matters specified in the request, with a view to amending or replacing the recommendation.

(2) Where the Secretary of State accepts a recommendation which contains options given in reliance on [regulation 43\(2\)](#), the Secretary of State must decide which of those options to adopt.

(3) The Secretary of State may reject a recommendation made under [regulation 43\(1\)](#), or [regulation 44\(2\)](#), only if the Secretary of State is satisfied it is not in the public interest to accept the recommendation.

(4) In considering the public interest under [paragraph \(3\)](#) in relation to a recommendation made under [regulation 43\(1\)](#), the Secretary of State must have regard to the TRA's advice on whether the variation of the application of a definitive bilateral safeguarding remedy in accordance with the recommendation, or in accordance with each option, as the case may be, would meet the economic interest test.

(5) [Paragraph \(6\)](#) applies if—

- (a) the TRA makes a recommendation to vary the application of a definitive bilateral safeguarding remedy, and
- (b) the Secretary of State rejects the recommendation.

(6) If the Secretary of State considers that it is in the public interest to do so, the Secretary of State may decide that the application of the definitive bilateral safeguarding remedy should be varied other than in accordance with the recommendation, or revoked.

(7) If the Secretary of State rejects a recommendation and does not make a decision under [paragraph \(6\)](#), the Secretary of State must—

- (a) publish notice of the Secretary of State's decision not to vary or revoke the definitive bilateral safeguarding remedy containing the information set out in [paragraph 16 of Schedule 1](#), and
- (b) notify interested parties.

(8) The Secretary of State may only make a request under [paragraph \(1\)\(b\)](#) where the Secretary of State considers that—

- (a) there is information that the TRA did not take into account in its investigation that is relevant to the recommendation,
  - (b) the TRA made an error in relation to its recommendation, or
  - (c) exceptional circumstances make the request appropriate.
- (9) Before making a request under paragraph (1)(b), the Secretary of State must consult the TRA.
- (10) Where the Secretary of State makes a request under paragraph (1)(b), the TRA must—
- (a) comply with the request, and
  - (b) in reassessing its recommendation, have regard to any particular considerations which the Secretary of State may specify in the request.

#### **Power to request assistance etc from TRA**

**46.**—(1) The Secretary of State may request that the TRA give advice, information or other support to the Secretary of State for the purpose of allowing the Secretary of State to decide whether to make a decision under [regulation 45\(6\)](#).

(2) The Secretary of State may include in a request under paragraph (1) a requirement that the TRA investigate and provide a report on any matter specified in the request.

(3) Before making a request under paragraph (1), the Secretary of State must consult the TRA.

(4) The TRA must comply with a request under paragraph (1).

#### **International dispute investigations: reports and updates**

**47.**—(1) This regulation applies where the TRA conducts or has conducted an international dispute investigation, in accordance with this Part.

(2) The Secretary of State may—

(a) produce and publish a report or update in relation to the international dispute investigation concerned, or

(b) request that the TRA produces such a report or update.

(3) Where the Secretary of State makes a request under paragraph (2)(b)—

(a) the TRA must produce a report or update, as the case may be, in accordance with the request, and

(b) the Secretary of State may publish the report or update.