STATUTORY INSTRUMENTS

## 2019 No. 449

# **EXITING THE EUROPEAN UNION CUSTOMS**

The Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019

Made	-	-	-	-
Laid befo	ore t	he H	louse	of
Common	S	-	-	
Comina	into	form	~	

at 5.04 p.m. on 4th March 2019

*Coming into force* 

5th March 2019 6th March 2019

# THE TRADE REMEDIES (INCREASE IN IMPORTS CAUSING SERIOUS INJURY TO UK PRODUCERS) (EU EXIT) REGULATIONS 2019

#### PART 1

#### Introductory

- 1. Citation, commencement and effect
- 2. Interpretation

#### PART 2

#### Increased quantities

- Purpose of Part 2 3.
- 4. Increased quantities
- 5. Significant increase in the importation of the goods concerned
- 6. Foreseeability

#### PART 3

#### Serious injury and causation

- Serious injury 7.
- Determination of serious injury 8.
- 9 Causation and non-attribution

### PART 4

Determination of an adequate amount to prevent or remove serious injury and remedies

10. Determination and assessment of an adequate amount to prevent or remove serious injury

#### PART 5

Initiation and conduct of an investigation

## CHAPTER 1

#### General provisions and the use of information

- 11. Purpose of Part 5
- 12. General provisions
- 13. Revision of scope of an investigation
- 14. Deemed service
- 15. Public file
- 16. Confidential information
- 17. Permitted disclosure
- 18. The use of information and facts available to the TRA from secondary sources
- 19. Acceptance or rejection of information
- 20. Non-cooperation

#### CHAPTER 2

#### Initiation of an investigation

- 21. Application
- 22. Market share requirement
- 23. Assessment of an application

### CHAPTER 3

#### Conduct of an investigation

- 24. Registration of interest and the issuing of questionnaires
- 25. Form of questionnaires and deficiency notice
- 26. Limited examination
- 27. Authentication visit and authentication visit report
- 28. Hearing
- 28A Alternative options for final affirmative determination
- 29. Disclosure

#### CHAPTER 4

#### Termination of an investigation

30. Termination

## CHAPTER 5

Content of notices, preliminary adjustment plans and adjustment plans

- 31. Content of notices
- 32. Form and content of a preliminary adjustment plan or an adjustment plan

#### PART 6

#### Reviews

- 33. Purpose of Part 6
- 33A Early review
- 34. Mid-term review
- 35. Extension review
- 35A Discontinuation review
- 35B Tariff rate quota review
- 36. The conduct of reviews
- 36A Meaning of "varied"
- 37. TRA's recommendation to the Secretary of State
- 38. Powers of the Secretary of State in relation to the TRA's recommendation
- 38A Power to request assistance etc from TRA

#### PART 7

#### Suspension

- 39. Suspension of a definitive safeguarding remedy
- 40. Application for suspension
- 41. Period of suspension
- 42. Reinstatement of a definitive safeguarding remedy
- 42ZA Power to request assistance etc from TRA

#### PART 7A

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

#### General

- 42A Investigation in light of an international dispute decision
- 42B Suspension of a definitive safeguarding remedy

#### Investigation

- 42C Initiation
- 42D Conduct
- 42E Determination

#### Determination

- 42F Determination to maintain
- 42G Determination to vary
- 42H Determination to revoke

#### Recommendation

- 42I Powers of the Secretary of State in relation to TRA's recommendation
- 42J Power to request assistance etc from TRA

#### PART 8

#### Supplementary

- 43. Developing country exception
- 44. Other exception

#### PART 9

#### **Transitional Provisions**

- 45. Interpretation for Part 9
- 45A Investigation before replacement day
- 45B Application before replacement day
- 46. The Secretary of State's determination
- 47. Notification etc of determination
- 48. Treatment of tariff rate quotas under this Part etc
- 49. Review of specified tariff rate quotas
- 50. Determinations of the TRA
- 51. TRA's recommendations to the Secretary of State
- 52. Acceptance or rejection of the TRA's recommendation by the Secretary of State

#### PART 10

#### Transitional provisions relating to the TRA

#### CHAPTER 1

#### General modifications

53. Unless otherwise specified in this Part, these Regulations have effect...

#### CHAPTER 2

#### Further modifications

- 54. Further modifications to Part 1
- 55. Further modifications to Part 4
- 56. Further modifications to Part 5
- 57. Regulation 13 (revision of scope of an investigation) has effect...
- 58. Regulation 16 (confidential information) has effect as if-
- 59. Regulation 17 (permitted disclosure) has effect as if-
- 60. Regulation 21 (application) has effect as if, for "paragraph (7)(6)(b)...
- 61. Regulation 23 (assessment of an application) has effect as if—...
- 62. Regulation 24 (registration of interest and the issuing of questionnaires)...
- 63. Regulation 28 (hearing) has effect as if, in paragraph (1)(b),...
- 64. Regulation 31 (content of notices) has effect as if paragraphs...
- 65. Regulation 32 (form and content of a preliminary adjustment plan...
- 66. Further modifications to Part 6
- 67. Regulation 35 (extension review) has effect as if-
- 67A Regulation 35A (discontinuation review) has effect as if—
- 67B Regulation 35B (tariff rate quota review) has effect as if-...

- 68. Regulation 37 (TRA's recommendation to the Secretary of State) has...
- 69. Regulation 38 (acceptance or rejection of the TRA's recommendation by...
- 70. Further modifications to Part 7
- 70A Further modifications to Part 7A
- 71. Further modifications to Part 8
- 72. Regulation 44 (other exception) has effect as if-
- 73. Further modifications to Part 9
- 74. Regulation 49 (review of specified tariff rate quotas) has effect...
- 75. Regulation 50 (determinations of the TRA) has effect as if-...
- 76. Regulations 51 (TRA's recommendations to the Secretary of State) and...
- 77. Further modifications to the Schedule
- 78. Paragraph 3 (notice of a provisional affirmative determination with no...
- 79. Paragraph 4 (notice of the Secretary of State accepting or...
- 80. Paragraph 5 (notice of a final affirmative determination with no...
- 81. Paragraph 6 (notice of the Secretary of State accepting or...
- 82. Paragraphs 10 (notice of the Secretary of State accepting or...
- 83. Paragraph 12 (notice of termination of a review) of the...
- 84. Paragraph 13 (notice of the Secretary of State accepting or...
- 85. Paragraph 14 (notice of the Secretary of State accepting or...
- 86. Paragraph 15 (notice of the Secretary of State accepting or...
- 86A Paragraph 17 of the Schedule (notice of determination on an... Signature

SCHEDULE —

- 1. Content of an application for the initiation of an investigation
- 2. Notice of initiation of an investigation
- 3. Notice of a provisional affirmative determination with no recommendation regarding a provisional safeguarding remedy
- 4. Notice of the Secretary of State accepting or rejecting a recommendation by the TRA regarding a provisional safeguarding remedy
- 5. Notice of a final affirmative determination with no recommendation regarding a definitive safeguarding remedy
- 6. Notice of the Secretary of State accepting or rejecting a recommendation by the TRA on a definitive safeguarding remedy
- 7. Notice of a final negative determination
- 8. Notice of termination
- 9. Notice of initiation of a review
- 10. Notice of the Secretary of State accepting or rejecting a recommendation by the TRA on the variation of a definitive safeguarding remedy
- 11. Notice of the Secretary of State accepting or rejecting a recommendation by the TRA to revoke the application of a definitive safeguarding remedy
- 12. Notice of termination of a review
- 13. Notice of the Secretary of State accepting or rejecting a recommendation by the TRA regarding suspension of a definitive safeguarding remedy
- 14. Notice of the Secretary of State accepting or rejecting a recommendation by the TRA regarding extension of the period of suspension
- 15. Notice of the Secretary of State accepting or rejecting a recommendation by the TRA regarding reinstatement of a definitive safeguarding remedy
- 16. Notice of initiation of international dispute investigation
- 17. Notice of determination to maintain the application of a definitive safeguarding remedy in an international dispute investigation

18. Notice of the Secretary of State accepting or rejecting a recommendation by the TRA relating to an international dispute investigation

Explanatory Note

**Changes to legislation:** There are currently no known outstanding effects for the The Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019.