

## SCHEDULES

### SCHEDULE 19

#### DUMPING, SUBSIDISATION AND SAFEGUARDING REMEDIES

##### PART 2

##### SAFEGUARDING REMEDIES

###### *Notification etc*

- 9 (1) In paragraph 7 (initiation of a safeguarding investigation)—
- (a) after sub-paragraph (4) insert—
    - “(4A) Where the TRA receives an application under sub-paragraph (1) (a)(i), the TRA must notify the Secretary of State of the application before the end of the second working day after the day on which it receives the application”;
  - (b) in sub-paragraph (6), in the words before paragraph (a), after “must” insert “notify the Secretary of State that it intends to initiate a safeguarding investigation and, after the relevant interval, must take the following steps in the order in which they are set out”;
  - (c) after sub-paragraph (6) insert—
    - “(6A) In sub-paragraph (6), the “relevant interval” is the period of two working days beginning with the first working day after the day on which the TRA notifies the Secretary of State of its intention to initiate the safeguarding investigation.”;
  - (d) after sub-paragraph (7) insert—
    - “(8) In this paragraph, “working day” means any day other than a Saturday, a Sunday or a day that is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”
- (2) In paragraph 9 (provisional affirmative determinations and final affirmative or negative determinations), in sub-paragraph (5), at the end insert “(but see paragraph 10A for a requirement to give notice to the Secretary of State in certain cases)”.
- (3) In paragraph 10 (termination of a safeguarding investigation)—
- (a) in paragraph (b), at the end insert “(and see paragraph 10A for a requirement to give notice to the Secretary of State before making the determination)”;
  - (b) in paragraph (c), after “20(3)(a)” insert “or the Secretary of State publishes notice of a decision under paragraph 19(2C) or 20(2C)”;
- (4) After paragraph 10 insert—

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*Status: This is the original version (as it was originally enacted).*

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*“Requirement to give notice to the Secretary of State in certain cases*

- 10A (1) This paragraph applies where the TRA—
- (a) proposes to make a final negative determination, or
  - (b) proposes to make a final affirmative determination in relation to goods and to determine that there is not a recommendation which it could make under paragraph 16(3) in relation to them.
- (2) The TRA must notify the Secretary of State of its proposed determination.
- (3) Where the Secretary of State has been notified in accordance with sub-paragraph (2), the Secretary of State may, within the relevant period (and subject to sub-paragraph (4)), request that the TRA reassess its proposed determination by reference to any matters specified in the request.
- (4) The Secretary of State may only make a request under sub-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 sub-paragraph (3).
- (6) The TRA may not make its proposed determination 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 sub-paragraph (3), the time when the TRA receives that information.
- (7) For the purposes of this paragraph, 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.”