

SCHEDULES

SCHEDULE 4

Regulation 23

Trade Preference Safeguard Measure

Application of a trade preference safeguard measure

1. A “trade preference safeguard measure” means a measure suspending or varying the GSP rate on GSP imports where the Secretary of State determines that—

- (a) there are increased quantities of GSP imports; and
- (b) those imports are causing or threaten to cause, serious difficulties to United Kingdom producers of like goods or directly competing goods.

2. In determining whether increased quantities of GSP imports are causing, or threatening to cause, serious difficulties for United Kingdom producers of like goods or directly competing goods the Secretary of State must take into account whether—

- (a) any such producers have suffered a deterioration in their economic or financial situation, which has had or is likely to have an effect upon their—
 - (i) market share;
 - (ii) production;
 - (iii) stocks;
 - (iv) production capacity;
 - (v) solvency;
 - (vi) profitability; or
 - (vii) capacity utilisation; or
- (b) employment in the United Kingdom is adversely affected.

3. For the purposes of this Schedule—

“directly competing goods” means goods that are regarded by the Secretary of State as competing in the same market in the United Kingdom as the GSP imports in question in terms of the characteristics, intended use and price of the goods;

“GSP imports” means GSP goods originating from one or more qualifying GSP countries, that are imported into the United Kingdom;

“increased quantities” means an increase in the volume of imports, whether in absolute terms or relative to the total production in the United Kingdom of like goods and directly competing goods;

“like goods” means—

- (a) goods which are like the GSP imports in question in all respects; or
- (b) goods which, although not alike in all respects, have characteristics closely resembling those of the GSP imports in question; and

“persons affected” means persons involved in the production, distribution or sale of like or directly competing goods.

Status: This is the original version (as it was originally made).

Trade preference safeguard notice

4. A trade preference safeguard notice must contain—
 - (a) the goods and countries to which the trade preference safeguard measure applies;
 - (b) the fact that the GSP rate is to be suspended or varied on those goods;
 - (c) where appropriate, the GSP rate as varied;
 - (d) the day the suspension or variation of the GSP rate begins;
 - (e) the day the suspension or variation ends; and
 - (f) a statement that the application of the measure can be extended by a further trade preference safeguard notice, in accordance with paragraph 8.
5. Before determining whether or not to publish a trade preference safeguard notice, the Secretary of State must follow the warning and assessment procedure specified in regulation 26.
6. Paragraph 5 does not apply to an “urgent trade preference safeguard notice”.
7. The Secretary of State may publish an urgent trade preference safeguard notice where—
 - (a) the Secretary of State determines that publication of an assessment notice in accordance with paragraph 5 may, having regard to the matters specified in paragraph (—
 - (i) cause damage to United Kingdom producers that may be difficult to repair; or
 - (ii) affect employment in the United Kingdom; and
 - (b) the period of suspension or variation specified does not exceed 12 months.
8. The Secretary of State may publish a further trade preference safeguard notice to extend a measure contained in an existing trade preference safeguard notice, but must follow the warning and assessment procedure specified in regulation 26 before so doing, where—
 - (a) the measure being extended had been imposed by an urgent trade preference safeguard notice; or
 - (b) the extension would mean that the total period for which a trade safeguard measure had been imposed would exceed 3 years.