
STATUTORY INSTRUMENTS

2020 No. 730

**The Trade Remedies (Amendment)
(EU Exit) (No. 2) Regulations 2020**

PART 2

**Amendment of the Trade Remedies (Increase in Imports Causing
Serious Injury to UK Producers) (EU Exit) Regulations 2019**

**Amendment of the Trade Remedies (Increase in Imports Causing Serious Injury to UK
Producers) (EU Exit) Regulations 2019**

2. The Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019(1) are amended in accordance with this Part.

Substitution of regulation 35B(8) (TRA determination to vary tariff rate quota)

3. In regulation 35B(2), for paragraph (8), substitute—

“(8) The TRA must not vary a tariff rate quota by—

- (a) reducing the rate of import duty that applies to goods subject to that quota; or
- (b) varying the period for which goods are subject to that quota.”.

Amendment of regulation 42B (suspension of a definitive safeguarding remedy)

4. In regulation 42B(3), for paragraph (3), substitute—

“(3) The suspension ends the day after the day on which—

- (a) the TRA publishes notice under—
 - (i) regulation 42F(2); or
 - (ii) regulation 42G(3); or
- (b) the Secretary of State publishes notice under—
 - (i) paragraph 22(4)(a) of Schedule 5 to the Act; or
 - (ii) regulation 42I(4)(a).”.

Amendment of regulation 44 (safeguarding: other exception)

5. In regulation 44, in paragraph (1), for “must”, substitute “may”.

(1) S.I. 2019/449, amended by S.I. 2019/1076, S.I. 2019/1319, and S.I. 2020/99.

(2) Regulation 35B was inserted by regulation 6 of the Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99).

(3) Regulation 42B was inserted by regulation 10 of the Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99).

Amendment of regulation 45 (interpretation for Part 9)

6. In regulation 45,—

(a) for the definition of “EU Regulation”(4), substitute—

““EU Regulation” means Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products(5);”; and

(b) in the definition of “replacement day”(6), for “on”, substitute “and time at”.

Amendment of regulation 47 (notification etc of determination)

7. In regulation 47,—

(a) in paragraph (2), after “must” insert “, subject to regulation 52(3A),”; and

(b) in paragraph (3),—

(i) in subparagraph (a), omit “in accordance with regulation 46 (the Secretary of State’s determination)”;

(ii) in subparagraph (c), for “EU Regulation.”, substitute “EU Regulation; and”; and

(iii) after subparagraph (c), insert—

“(d) be made no later than the end of the day before replacement day.”.

Amendment of regulation 49 (review of tariff rate quotas under this Part)

8.—(1) In the heading to regulation 49, for “tariff rate quotas under this Part”, substitute “specified tariff rate quotas”.

(2) In regulation 49,—

(a) in paragraph (1)(a), for “tariff rate quotas applicable to goods under this Part”, substitute “specified tariff rate quotas”;

(b) in paragraph (3),—

(i) for subparagraph (a), substitute—

“(a) the information referred to in subparagraphs (a) to (c) of regulation 47(3);”; and

(ii) in subparagraph (b), after “referred to in”, insert “subparagraphs (d) to (n) of”;

(c) in paragraph (5)(d), after “reduce”, insert “or extend”;

(d) after paragraph (5), insert—

“(5A) For the purpose of considering whether it is appropriate to reduce or extend the period for which goods are subject to the quota (see paragraph (5)(d)), the TRA may consider the importation into the United Kingdom of goods belonging to each specified

(4) The definition of “EU Regulation” was amended by regulation 3(1) of the Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1319).

(5) OJ No. L 31, 1.2.2019, p. 27; relevant amending instruments are Commission Implementing Regulation (EU) 2019/1590 of 26 September 2019 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products (OJ No. L 248, 27.9.2019, p. 28), Commission Implementing Regulation (EU) 2020/35 of 15 January 2020 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products (OJ No. L 12, 16.1.2020, p. 13), and Commission Implementing Regulation (EU) 2020/894 of 29 June 2020 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products (OJ No. L 206, 30.6.2020, p. 27).

(6) The definition of “replacement day” was inserted by regulation 3(1) of the Trade Remedies (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1076).

category of steel products since the investigation period considered by the European Commission .”;

- (e) in paragraph (8), after “replacement day”, insert “, in which case the review continues on and after replacement day only in relation to the tariff rate quotas made applicable to goods in provision by public notice made under regulation 47(2)”; and

- (f) for paragraphs (9) and (10), substitute—

“(9) The TRA may terminate the transition review only if regulation 47(5) applies (see regulation 47(4)).

(10) If the TRA terminates the transition review, the TRA must publish a notice containing the information referred to in paragraph 12 of the Schedule.”.

Amendment of regulation 50 (determinations of the TRA)

9. In regulation 50,—

- (a) in paragraph (2),—

- (i) after “quantities”, insert “or were not being produced by UK producers(7)”; and
(ii) omit “under this Part”;

- (b) in paragraph (6)(d), after “reducing”, insert “or extending”; and

- (c) for paragraph (7), substitute—

“(7) A determination of the TRA referred to in paragraph (6) may include a determination to extend the period for which a tariff rate quota applies to goods only if the TRA considers that—

- (a) the tariff rate quota continues to be necessary to prevent serious injury to UK producers; and
(b) there is evidence of UK producers adjusting to the importation of the goods.”.

Amendment of regulation 52 (acceptance or rejection of the TRA’s recommendation by the Secretary of State)

10. In regulation 52,—

- (a) after paragraph (3), insert—

“(3A) Where the Secretary of State accepts the TRA’s recommendation before having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota,—

- (a) regulation 47(2) applies in relation to the relevant tariff rate quota as if the obligation to make provision by public notice to give effect to the determination were an obligation to make provision by public notice to give effect to the recommendation;

- (b) the Secretary of State must notify interested parties.”; and

- (b) in paragraph (4), after “TRA’s recommendation”, insert “after having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota”.

(7) The term “UK producers” is defined in regulation 2 of the Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019 (S.I. 2019/449).

Amendment of regulation 70A (modifications to Part 7A)

11. In regulation 70A(8), in paragraph (c), for “42B(3)(b)(iii)”, substitute “42B(3)(b)(ii)”.

Substitution of regulation 74 (modifications to regulation 49)

12. For regulation 74, substitute—

“74. Regulation 49 (review of specified tariff rate quotas) has effect as if for paragraphs (1) to (3) of that regulation there were substituted—

“(1) The Secretary of State must conduct a review (referred to in this Part as the “transition review”) of the specified tariff rate quotas.

(2) The Secretary of State may initiate the transition review within any time period the Secretary of State considers appropriate.

(3) Upon initiating the transition review, the Secretary of State must publish a notice of initiation of the review in which must contain the information referred to in—

(a) subparagraphs (a) to (c) of regulation 47(3); and

(b) subparagraphs (d) to (n) of paragraph 9 of the Schedule.”.”.

Amendment of regulation 76 (modifications to regulations 51 and 52)

13. In regulation 76, in the text which has effect as if substituted for regulations 51 and 52,—

- (a) after paragraph (3) of that text, insert—

“(3A) Where the Secretary of State decides to give effect to the preliminary decision before having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota,—

(a) regulation 47(2) applies in relation to the relevant tariff rate quota as if the obligation to make provision by public notice to give effect to the determination were an obligation to make provision by public notice to give effect to the preliminary decision; and

(b) the Secretary of State must notify interested parties.”; and

- (b) in paragraph (4), after “preliminary decision”, insert “ after having made provision by public notice under regulation 47(2) in relation to the relevant tariff rate quota”.

Omission of regulation 86A (further modifications to paragraph 17 of the Schedule)

14. Omit regulation 86A(9).

Amendment of the Schedule

15.—(1) In paragraph 9 of the Schedule, in the words before subparagraph (a), after “49(3)(b)”, insert “(in which case only subparagraphs (d) to (n) apply)”;

(2) In paragraph 12, in the words before subparagraph (a), for “49(10)(c)”, substitute “49(10)”.

(8) Regulation 70A was inserted by regulation 14 of the Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99).
(9) Regulation 86A was inserted by regulation 15 of the Trade Remedies (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/99).