



Treaty Series No. 3 (2020)

# Agreement

on the Withdrawal of the United Kingdom of Great Britain and  
Northern Ireland from the European Union and the European  
Atomic Energy Community

Brussels and London, 24 January 2020

[The Agreement shall enter into force in accordance with Article 185 of the Agreement]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
January 2020*



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# PROTOCOLS

## PROTOCOL ON IRELAND/NORTHERN IRELAND

The Union and the United Kingdom,

HAVING REGARD to the historic ties and enduring nature of the bilateral relationship between Ireland and the United Kingdom,

RECALLING that the United Kingdom's withdrawal from the Union presents a significant and unique challenge to the island of Ireland, and reaffirming that the achievements, benefits and commitments of the peace process will remain of paramount importance to peace, stability and reconciliation there,

RECOGNISING that it is necessary to address the unique circumstances on the island of Ireland through a unique solution in order to ensure the orderly withdrawal of the United Kingdom from the Union,

AFFIRMING that the Good Friday or Belfast Agreement of 10 April 1998 between the Government of the United Kingdom, the Government of Ireland and the other participants in the multi-party negotiations (the "1998 Agreement"), which is annexed to the British-Irish Agreement of the same date (the "British-Irish Agreement"), including its subsequent implementation agreements and arrangements, should be protected in all its parts,

RECOGNISING that cooperation between Northern Ireland and Ireland is a central part of the 1998 Agreement and is essential for achieving reconciliation and the normalisation of relationships on the island of Ireland, and recalling the roles, functions and safeguards of the Northern Ireland Executive, the Northern Ireland Assembly and the North-South Ministerial Council (including cross-community provisions), as set out in the 1998 Agreement,

NOTING that Union law has provided a supporting framework for the provisions on Rights, Safeguards and Equality of Opportunity of the 1998 Agreement,

RECOGNISING that Irish citizens in Northern Ireland, by virtue of their Union citizenship, will continue to enjoy, exercise and have access to rights, opportunities and benefits, and that this Protocol should respect and be without prejudice to the rights, opportunities and identity that come with citizenship of the Union for the people of Northern Ireland who choose to assert their right to Irish citizenship, as defined in Annex 2 of the British-Irish Agreement "Declaration on the Provisions of Paragraph (vi) of Article 1 in Relation to Citizenship",

EMPHASISING that in order to ensure democratic legitimacy, there should be a process to ensure democratic consent in Northern Ireland to the application of Union law under this Protocol,

RECALLING the commitment of the United Kingdom to protect North-South cooperation and its guarantee of avoiding a hard border, including any physical infrastructure or related checks and controls,

NOTING that nothing in this Protocol prevents the United Kingdom from ensuring unfettered market access for goods moving from Northern Ireland to the rest of the United Kingdom's internal market,

UNDERLINING the Union's and the United Kingdom's shared aim of avoiding controls at the ports and airports of Northern Ireland, to the extent possible in accordance with applicable legislation and taking into account their respective regulatory regimes as well as the implementation thereof,

RECALLING the commitments of the Union and the United Kingdom reflected in the Joint Report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union of 8 December 2017,

RECALLING that the Union and the United Kingdom have carried out a mapping exercise which shows that North-South cooperation relies to a significant extent on a common Union legal and policy framework,

NOTING that therefore the United Kingdom's withdrawal from the Union gives rise to substantial challenges to the maintenance and development of North-South cooperation,

RECALLING that the United Kingdom remains committed to protecting and supporting continued North-South and East-West cooperation across the full range of political, economic, security, societal and agricultural contexts and frameworks for cooperation, including the continued operation of the North-South implementation bodies,

ACKNOWLEDGING the need for this Protocol to be implemented so as to maintain the necessary conditions for continued North-South cooperation, including for possible new arrangements in accordance with the 1998 Agreement,

RECALLING the Union's and the United Kingdom's commitments to the North South PEACE and INTERREG funding programmes under the current multi-annual financial framework and to the maintaining of the current funding proportions for the future programme,

AFFIRMING the commitment of the United Kingdom to facilitate the efficient and timely transit through its territory of goods moving from Ireland to another Member State or to a third country, and vice versa,

DETERMINED that the application of this Protocol should impact as little as possible on the everyday life of communities in both Ireland and Northern Ireland,

UNDERLINING their firm commitment to no customs and regulatory checks or controls and related physical infrastructure at the border between Ireland and Northern Ireland,

RECALLING that Northern Ireland is part of the customs territory of the United Kingdom and will benefit from participation in the United Kingdom's independent trade policy,

HAVING REGARD to the importance of maintaining the integral place of Northern Ireland in the United Kingdom's internal market,

MINDFUL that the rights and obligations of Ireland under the rules of the Union's internal market and customs union must be fully respected,

HAVE AGREED UPON the following provisions, which shall be annexed to the Withdrawal Agreement:

## ARTICLE 1

### Objectives

1. This Protocol is without prejudice to the provisions of the 1998 Agreement in respect of the constitutional status of Northern Ireland and the principle of consent, which provides that any change in that status can only be made with the consent of a majority of its people.
2. This Protocol respects the essential State functions and territorial integrity of the United Kingdom.
3. This Protocol sets out arrangements necessary to address the unique circumstances on the island of Ireland, to maintain the necessary conditions for continued North-South cooperation, to avoid a hard border and to protect the 1998 Agreement in all its dimensions.



## ARTICLE 2

### Rights of individuals

1. The United Kingdom shall ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union, including in the area of protection against discrimination, as enshrined in the provisions of Union law listed in Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms.
2. The United Kingdom shall continue to facilitate the related work of the institutions and bodies set up pursuant to the 1998 Agreement, including the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland and the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland, in upholding human rights and equality standards.

## ARTICLE 3

### Common Travel Area

1. The United Kingdom and Ireland may continue to make arrangements between themselves relating to the movement of persons between their territories (the "Common Travel Area"), while fully respecting the rights of natural persons conferred by Union law.

2. The United Kingdom shall ensure that the Common Travel Area and the rights and privileges associated therewith can continue to apply without affecting the obligations of Ireland under Union law, in particular with respect to free movement to, from and within Ireland for Union citizens and their family members, irrespective of their nationality.

## ARTICLE 4

### Customs territory of the United Kingdom

Northern Ireland is part of the customs territory of the United Kingdom.

Accordingly, nothing in this Protocol shall prevent the United Kingdom from including Northern Ireland in the territorial scope of any agreements it may conclude with third countries, provided that those agreements do not prejudice the application of this Protocol.

In particular, nothing in this Protocol shall prevent the United Kingdom from concluding agreements with a third country that grant goods produced in Northern Ireland preferential access to that country's market on the same terms as goods produced in other parts of the United Kingdom.

Nothing in this Protocol shall prevent the United Kingdom from including Northern Ireland in the territorial scope of its Schedules of Concessions annexed to the General Agreement on Tariffs and Trade 1994.

## ARTICLE 5

### Customs, movement of goods

1. No customs duties shall be payable for a good brought into Northern Ireland from another part of the United Kingdom by direct transport, notwithstanding paragraph 3, unless that good is at risk of subsequently being moved into the Union, whether by itself or forming part of another good following processing.

The customs duties in respect of a good being moved by direct transport to Northern Ireland other than from the Union or from another part of the United Kingdom shall be the duties applicable in the United Kingdom, notwithstanding paragraph 3, unless that good is at risk of subsequently being moved into the Union, whether by itself or forming part of another good following processing.

No duties shall be payable by, as relief shall be granted to, residents of the United Kingdom for personal property, as defined in point (c) of Article 2(1) of Council Regulation (EC) No 1186/2009<sup>1</sup>, brought into Northern Ireland from another part of the United Kingdom.

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<sup>1</sup> Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty (OJ L 324, 10.12.2009, p. 23).

2. For the purposes of the first and second subparagraphs of paragraph 1, a good brought into Northern Ireland from outside the Union shall be considered to be at risk of subsequently being moved into the Union unless it is established that that good:

- (a) will not be subject to commercial processing in Northern Ireland; and
- (b) fulfils the criteria established by the Joint Committee in accordance with the fourth subparagraph of this paragraph.

For the purposes of this paragraph, "processing" means any alteration of goods, any transformation of goods in any way, or any subjecting of goods to operations other than for the purpose of preserving them in good condition or for adding or affixing marks, labels, seals or any other documentation to ensure compliance with any specific requirements.

Before the end of the transition period, the Joint Committee shall by decision establish the conditions under which processing is to be considered not to fall within point (a) of the first subparagraph, taking into account in particular the nature, scale and result of the processing.

Before the end of the transition period, the Joint Committee shall by decision establish the criteria for considering that a good brought into Northern Ireland from outside the Union is not at risk of subsequently being moved into the Union. The Joint Committee shall take into consideration, inter alia:

- (a) the final destination and use of the good;

- (b) the nature and value of the good;
- (c) the nature of the movement; and
- (d) the incentive for undeclared onward-movement into the Union, in particular incentives resulting from the duties payable pursuant to paragraph 1.

The Joint Committee may amend at any time its decisions adopted pursuant to this paragraph.

In taking any decision pursuant to this paragraph, the Joint Committee shall have regard to the specific circumstances in Northern Ireland.

3. Legislation as defined in point (2) of Article 5 of Regulation (EU) No 952/2013 shall apply to and in the United Kingdom in respect of Northern Ireland (not including the territorial waters of the United Kingdom). However, the Joint Committee shall establish the conditions, including in quantitative terms, under which certain fishery and aquaculture products, as set out in Annex I to Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>1</sup>, brought into the customs territory of the Union defined in Article 4 of Regulation (EU) No 952/2013 by vessels flying the flag of the United Kingdom and having their port of registration in Northern Ireland are exempted from duties.

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<sup>1</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

4. The provisions of Union law listed in Annex 2 to this Protocol shall also apply, under the conditions set out in that Annex, to and in the United Kingdom in respect of Northern Ireland.

5. Articles 30 and 110 TFEU shall apply to and in the United Kingdom in respect of Northern Ireland. Quantitative restrictions on exports and imports shall be prohibited between the Union and Northern Ireland.

6. Customs duties levied by the United Kingdom in accordance with paragraph 3 are not remitted to the Union.

Subject to Article 10, the United Kingdom may in particular:

(a) reimburse duties levied pursuant to the provisions of Union law made applicable by paragraph 3 in respect of goods brought into Northern Ireland;

(b) provide for circumstances in which a customs debt which has arisen is to be waived in respect of goods brought into Northern Ireland;

(c) provide for circumstances in which customs duties are to be reimbursed in respect of goods that can be shown not to have entered the Union; and

(d) compensate undertakings to offset the impact of the application of paragraph 3.

In taking decisions under Article 10, the European Commission shall take the circumstances in Northern Ireland into account as appropriate.

7. No duties shall be payable on consignments of negligible value, on consignments sent by one individual to another or on goods contained in travellers' personal baggage, under the conditions set out in the legislation referred to in paragraph 3.

## ARTICLE 6

### Protection of the UK internal market

1. Nothing in this Protocol shall prevent the United Kingdom from ensuring unfettered market access for goods moving from Northern Ireland to other parts of the United Kingdom's internal market. Provisions of Union law made applicable by this Protocol which prohibit or restrict the exportation of goods shall only be applied to trade between Northern Ireland and other parts of the United Kingdom to the extent strictly required by any international obligations of the Union. The United Kingdom shall ensure full protection under international requirements and commitments that are relevant to the prohibitions and restrictions on the exportation of goods from the Union to third countries as set out in Union law.

2. Having regard to Northern Ireland's integral place in the United Kingdom's internal market, the Union and the United Kingdom shall use their best endeavours to facilitate the trade between Northern Ireland and other parts of the United Kingdom, in accordance with applicable legislation and taking into account their respective regulatory regimes as well as the implementation thereof. The Joint Committee shall keep the application of this paragraph under constant review and shall adopt appropriate recommendations with a view to avoiding controls at the ports and airports of Northern Ireland to the extent possible.

3. Nothing in this Protocol shall prevent a product originating from Northern Ireland from being presented as originating from the United Kingdom when placed on the market in Great Britain.

4. Nothing in this Protocol shall affect the law of the United Kingdom regulating the placing on the market in other parts of the United Kingdom of goods from Northern Ireland that comply with or benefit from technical regulations, assessments, registrations, certificates, approvals or authorisations governed by provisions of Union law referred to in Annex 2 to this Protocol.



## ARTICLE 7

### Technical regulations, assessments, registrations, certificates, approvals and authorisations

1. Without prejudice to the provisions of Union law referred to in Annex 2 to this Protocol, the lawfulness of placing goods on the market in Northern Ireland shall be governed by the law of the United Kingdom as well as, as regards goods imported from the Union, by Articles 34 and 36 TFEU.
2. Where provisions of Union law made applicable by this Protocol provide for the indication of a Member State, including in abbreviated form, in markings, labelling, tags, or by any other means, the United Kingdom in respect of Northern Ireland shall be indicated as "UK(NI)" or "United Kingdom (Northern Ireland)". Where provisions of Union law made applicable by this Protocol provide for the indication in the form of a numeric code, the United Kingdom in respect of Northern Ireland shall be indicated with a distinguishable numeric code.

3. By way of derogation from Article 13(1) of this Protocol and from Article 7 of the Withdrawal Agreement, in respect of the recognition in one Member State of technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of another Member State, or by a body established in another Member State, references to Member States in provisions of Union law made applicable by this Protocol shall not be read as including the United Kingdom in respect of Northern Ireland as regards technical regulations, assessments, registrations, certificates, approvals and authorisations issued or carried out by the authorities of the United Kingdom or by bodies established in the United Kingdom.

The first subparagraph shall not apply to registrations, certifications, approvals and authorisations of sites, installations or premises in Northern Ireland issued or carried out by competent authorities of the United Kingdom, where the registration, certification, approval or authorisation may require an inspection of the sites, installations or premises.

The first subparagraph shall not apply to veterinary certificates or official labels for plant reproductive material that are required by provisions of Union law made applicable by this Protocol.

The first subparagraph is without prejudice to the validity, in Northern Ireland, of assessments, registrations, certificates, approvals and authorisations issued or carried out, on the basis of provisions of Union law made applicable by this Protocol, by the competent authorities of the United Kingdom or by bodies established in the United Kingdom. Any conformity marking, logo or similar required by the provisions of Union law made applicable by this Protocol which is affixed by economic operators based on the assessment, registration, certificate, approval or authorisation issued by competent authorities of the United Kingdom or by bodies established in the United Kingdom shall be accompanied by the indication "UK(NI)".

The United Kingdom in respect of Northern Ireland may not initiate objection, safeguard or arbitration procedures provided for in provisions of Union law made applicable by this Protocol to the extent that those procedures concern the technical regulations, standards, assessments, registrations, certificates, approvals and authorisations issued or carried out by competent authorities of the Member States or by bodies established in Member States.

The first subparagraph does not prevent the test and release by a qualified person in Northern Ireland of a batch of a medicinal product imported into or manufactured in Northern Ireland.

## ARTICLE 8

### VAT and excise

The provisions of Union law listed in Annex 3 to this Protocol concerning goods shall apply to and in the United Kingdom in respect of Northern Ireland.

In respect of Northern Ireland, the authorities of the United Kingdom shall be responsible for the application and the implementation of the provisions listed in Annex 3 to this Protocol, including the collection of VAT and excise duties. Under the conditions set out in those provisions, revenues resulting from transactions taxable in Northern Ireland shall not be remitted to the Union.

By way of derogation from the first paragraph, the United Kingdom may apply to supplies of goods taxable in Northern Ireland VAT exemptions and reduced rates that are applicable in Ireland in accordance with provisions listed in Annex 3 to this Protocol.

The Joint Committee shall regularly discuss the implementation of this Article, including as concerns the reductions and exemptions provided for in the provisions referred to in the first paragraph, and shall, where appropriate, adopt measures for its proper application, as necessary.

The Joint Committee may review the application of this Article, taking into account Northern Ireland's integral place in the United Kingdom's internal market, and may adopt appropriate measures as necessary.

## ARTICLE 9

### Single electricity market

The provisions of Union law governing wholesale electricity markets listed in Annex 4 to this Protocol shall apply, under the conditions set out in that Annex, to and in the United Kingdom in respect of Northern Ireland.

## ARTICLE 10

### State aid

1. The provisions of Union law listed in Annex 5 to this Protocol shall apply to the United Kingdom, including with regard to measures supporting the production of and trade in agricultural products in Northern Ireland, in respect of measures which affect that trade between Northern Ireland and the Union which is subject to this Protocol.

2. Notwithstanding paragraph 1, the provisions of Union law referred to in that paragraph shall not apply with respect to measures taken by the United Kingdom authorities to support the production of and trade in agricultural products in Northern Ireland up to a determined maximum overall annual level of support, and provided that a determined minimum percentage of that exempted support complies with the provisions of Annex 2 to the WTO Agreement on Agriculture. The determination of the maximum exempted overall annual level of support and the minimum percentage shall be governed by the procedures set out in Annex 6.

3. Where the European Commission examines information regarding a measure by the United Kingdom authorities that may constitute unlawful aid that is subject to paragraph 1, it shall ensure that the United Kingdom is kept fully and regularly informed of the progress and outcome of the examination of that measure.

## ARTICLE 11

### Other areas of North-South cooperation

1. Consistent with the arrangements set out in Articles 5 to 10, and in full respect of Union law, this Protocol shall be implemented and applied so as to maintain the necessary conditions for continued North-South cooperation, including in the areas of environment, health, agriculture, transport, education and tourism, as well as in the areas of energy, telecommunications, broadcasting, inland fisheries, justice and security, higher education and sport.

In full respect of Union law, the United Kingdom and Ireland may continue to make new arrangements that build on the provisions of the 1998 Agreement in other areas of North-South cooperation on the island of Ireland.

2. The Joint Committee shall keep under constant review the extent to which the implementation and application of this Protocol maintains the necessary conditions for North-South cooperation. The Joint Committee may make appropriate recommendations to the Union and the United Kingdom in this respect, including on a recommendation from the Specialised Committee.

## ARTICLE 12

### Implementation, application, supervision and enforcement

1. Without prejudice to paragraph 4, the authorities of the United Kingdom shall be responsible for implementing and applying the provisions of Union law made applicable by this Protocol to and in the United Kingdom in respect of Northern Ireland.

2. Without prejudice to paragraph 4 of this Article, Union representatives shall have the right to be present during any activities of the authorities of the United Kingdom related to the implementation and application of provisions of Union law made applicable by this Protocol, as well as activities related to the implementation and application of Article 5, and the United Kingdom shall provide, upon request, all relevant information relating to such activities. The United Kingdom shall facilitate such presence of Union representatives and shall provide them with the information requested. Where the Union representative requests the authorities of the United Kingdom to carry out control measures in individual cases for duly stated reasons, the authorities of the United Kingdom shall carry out those control measures.

The Union and the United Kingdom shall exchange information on the application of Article 5 (1) and (2) on a monthly basis.

3. The practical working arrangements relating to the exercise of the rights of Union representatives referred to in paragraph 2 shall be determined by the Joint Committee, upon proposal from the Specialised Committee.

4. As regards the second subparagraph of paragraph 2 of this Article, Article 5 and Articles 7 to 10, the institutions, bodies, offices, and agencies of the Union shall in relation to the United Kingdom and natural and legal persons residing or established in the territory of the United Kingdom have the powers conferred upon them by Union law. In particular, the Court of Justice of the European Union shall have the jurisdiction provided for in the Treaties in this respect. The second and third paragraphs of Article 267 TFEU shall apply to and in the United Kingdom in this respect.



5. Acts of the institutions, bodies, offices, and agencies of the Union adopted in accordance with paragraph 4 shall produce in respect of and in the United Kingdom the same legal effects as those which they produce within the Union and its Member States.

6. When representing or assisting a party in relation to administrative procedures arising from the exercise of the powers of the institutions, bodies, offices, and agencies of the Union referred to in paragraph 4, lawyers authorised to practise before the courts or tribunals of the United Kingdom shall in every respect be treated as lawyers authorised to practise before courts or tribunals of Member States who represent or assist a party in relation to such administrative procedures.

7. In cases brought before the Court of Justice of the European Union pursuant to paragraph 4:

- (a) the United Kingdom may participate in the proceedings before the Court of Justice of the European Union in the same way as a Member State;
- (b) lawyers authorised to practise before the courts or tribunals of the United Kingdom may represent or assist a party before the Court of Justice of the European Union in such proceedings and shall in every respect be treated as lawyers authorised to practise before courts or tribunals of Member States representing or assisting a party before the Court of Justice of the European Union.

## ARTICLE 13

### Common provisions

1. For the purposes of this Protocol, any reference to the United Kingdom in the applicable provisions of the Withdrawal Agreement shall be read as referring to the United Kingdom or to the United Kingdom in respect of Northern Ireland, as the case may be.

Notwithstanding any other provisions of this Protocol, any reference to the territory defined in Article 4 of Regulation (EU) No 952/2013 in the applicable provisions of the Withdrawal Agreement and of this Protocol, as well as in the provisions of Union law made applicable to and in the United Kingdom in respect of Northern Ireland by this Protocol, shall be read as including the part of the territory of the United Kingdom to which Regulation (EU) No 952/2013 applies by virtue of Article 5(3) of this Protocol.

Titles I and III of Part Three and Part Six of the Withdrawal Agreement shall apply without prejudice to the provisions of this Protocol.

2. Notwithstanding Article 4(4) and (5) of the Withdrawal Agreement, the provisions of this Protocol referring to Union law or to concepts or provisions thereof shall in their implementation and application be interpreted in conformity with the relevant case law of the Court of Justice of the European Union.

3. Notwithstanding Article 6(1) of the Withdrawal Agreement, and unless otherwise provided, where this Protocol makes reference to a Union act, that reference shall be read as referring to that Union act as amended or replaced.

4. Where the Union adopts a new act that falls within the scope of this Protocol, but which neither amends nor replaces a Union act listed in the Annexes to this Protocol, the Union shall inform the United Kingdom of the adoption of that act in the Joint Committee. Upon the request of the Union or the United Kingdom, the Joint Committee shall hold an exchange of views on the implications of the newly adopted act for the proper functioning of this Protocol, within 6 weeks after the request.

As soon as reasonably practical after the Union has informed the United Kingdom in the Joint Committee, the Joint Committee shall either:

- (a) adopt a decision adding the newly adopted act to the relevant Annex to this Protocol; or
- (b) where an agreement on adding the newly adopted act to the relevant Annex to this Protocol cannot be reached, examine all further possibilities to maintain the good functioning of this Protocol and take any decision necessary to this effect.

If the Joint Committee has not taken a decision referred to in the second subparagraph within a reasonable time, the Union shall be entitled, after giving notice to the United Kingdom, to take appropriate remedial measures. Such measures shall take effect at the earliest 6 months after the Union informed the United Kingdom in accordance with the first subparagraph, but in no event shall such measures take effect before the date on which the newly adopted act is implemented in the Union.

5. By way of derogation from paragraph 1 of this Article and from Article 7 of the Withdrawal Agreement, unless the Union considers that full or partial access by the United Kingdom or the United Kingdom in respect of Northern Ireland, as the case may be, is strictly necessary to enable the United Kingdom to comply with its obligations under this Protocol, including where such access is necessary because access to the relevant information cannot be facilitated by the working group referred to in Article 15 of this Protocol or by any other practical means, in respect of access to any network, information system or database established on the basis of Union law, references to Member States and competent authorities of Member States in provisions of Union law made applicable by this Protocol shall not be read as including the United Kingdom or the United Kingdom in respect of Northern Ireland, as the case may be.

6. Authorities of the United Kingdom shall not act as leading authority for risk assessments, examinations, approvals and authorisation procedures provided for in Union law made applicable by this Protocol.

7. Articles 346 and 347 TFEU shall apply to this Protocol as regards measures taken by a Member State or by the United Kingdom in respect of Northern Ireland.

8. Any subsequent agreement between the Union and the United Kingdom shall indicate the parts of this Protocol which it supersedes. Once a subsequent agreement between the Union and the United Kingdom becomes applicable after the entry into force of the Withdrawal Agreement, this Protocol shall then, from the date of application of such subsequent agreement and in accordance with the provisions of that agreement setting out the effect of that agreement on this Protocol, not apply or shall cease to apply, as the case may be, in whole or in part.

## ARTICLE 14

### Specialised Committee

The Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland established by Article 165 of the Withdrawal Agreement ("Specialised Committee") shall:

(a) facilitate the implementation and application of this Protocol;

- (b) examine proposals concerning the implementation and application of this Protocol from the North-South Ministerial Council and North-South Implementation bodies set up under the 1998 Agreement;
- (c) consider any matter of relevance to Article 2 of this Protocol brought to its attention by the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland, and the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland;
- (d) discuss any point raised by the Union or the United Kingdom that is of relevance to this Protocol and gives rise to a difficulty; and
- (e) make recommendations to the Joint Committee as regards the functioning of this Protocol.

## ARTICLE 15

### Joint consultative working group

1. A joint consultative working group on the implementation of this Protocol ("working group") is hereby established. It shall serve as a forum for the exchange of information and mutual consultation.

2. The working group shall be composed of representatives of the Union and the United Kingdom and shall carry out its functions under the supervision of the Specialised Committee, to which it shall report. The working group shall have no power to take binding decisions other than the power to adopt its own rules of procedure referred to in paragraph 6.

3. Within the working group:

- (a) the Union and the United Kingdom shall, in a timely manner, exchange information about planned, ongoing and final relevant implementation measures in relation to the Union acts listed in the Annexes to this Protocol;
- (b) the Union shall inform the United Kingdom about planned Union acts within the scope of this Protocol, including Union acts that amend or replace the Union acts listed in the Annexes to this Protocol;
- (c) the Union shall provide to the United Kingdom all information the Union considers relevant to allow the United Kingdom to fully comply with its obligations under the Protocol; and
- (d) the United Kingdom shall provide to the Union all information that Member States are required to provide to one another or to the institutions, bodies, offices or agencies of the Union pursuant to the Union acts listed in the Annexes to this Protocol.

4. The working group shall be co-chaired by the Union and the United Kingdom.
  
5. The working group shall meet at least once a month, unless otherwise decided by the Union and the United Kingdom by mutual consent. Where necessary, the Union and the United Kingdom may exchange information referred to in points (c) and (d) of paragraph 3 between meetings.
  
6. The working group shall adopt its own rules of procedure by mutual consent.
  
7. The Union shall ensure that all views expressed by the United Kingdom in the working group and all information provided by the United Kingdom in the working group, including technical and scientific data, are communicated to the relevant institutions, bodies, offices and agencies of the Union without undue delay.



## ARTICLE 16

### Safeguards

1. If the application of this Protocol leads to serious economic, societal or environmental difficulties that are liable to persist, or to diversion of trade, the Union or the United Kingdom may unilaterally take appropriate safeguard measures. Such safeguard measures shall be restricted with regard to their scope and duration to what is strictly necessary in order to remedy the situation. Priority shall be given to such measures as will least disturb the functioning of this Protocol.
  
2. If a safeguard measure taken by the Union or the United Kingdom, as the case may be, in accordance with paragraph 1 creates an imbalance between the rights and obligations under this Protocol, the Union or the United Kingdom, as the case may be, may take such proportionate rebalancing measures as are strictly necessary to remedy the imbalance. Priority shall be given to such measures as will least disturb the functioning of this Protocol.
  
3. Safeguard and rebalancing measures taken in accordance with paragraphs 1 and 2 shall be governed by the procedures set out in Annex 7 to this Protocol.

## ARTICLE 17

### Protection of financial interests

The Union and the United Kingdom shall counter fraud and any other illegal activities affecting the financial interests of the Union or the financial interests of the United Kingdom.

## ARTICLE 18

### Democratic consent in Northern Ireland

1. Within 2 months before the end of both the initial period and any subsequent period, the United Kingdom shall provide the opportunity for democratic consent in Northern Ireland to the continued application of Articles 5 to 10.
2. For the purposes of paragraph 1, the United Kingdom shall seek democratic consent in Northern Ireland in a manner consistent with the 1998 Agreement. A decision expressing democratic consent shall be reached strictly in accordance with the unilateral declaration concerning the operation of the 'Democratic consent in Northern Ireland' provision of the Protocol on Ireland/Northern Ireland made by the United Kingdom on 17 October 2019, including with respect to the roles of the Northern Ireland Executive and Assembly.
3. The United Kingdom shall notify the Union before the end of the relevant period referred to in paragraph 5 of the outcome of the process referred to in paragraph 1.

4. Where the process referred to in paragraph 1 has been undertaken and a decision has been reached in accordance with paragraph 2, and the United Kingdom notifies the Union that the outcome of the process referred to in paragraph 1 is not a decision that the Articles of this Protocol referred to in that paragraph should continue to apply in Northern Ireland, then those Articles and other provisions of this Protocol, to the extent that those provisions depend on those Articles for their application, shall cease to apply 2 years after the end of the relevant period referred to in paragraph 5. In such a case the Joint Committee shall address recommendations to the Union and to the United Kingdom on the necessary measures, taking into account the obligations of the parties to the 1998 Agreement. Before doing so, the Joint Committee may seek an opinion from institutions created by the 1998 Agreement.

5. For the purposes of this Article, the initial period is the period ending 4 years after the end of the transition period. Where the decision reached in a given period was on the basis of a majority of Members of the Northern Ireland Assembly, present and voting, the subsequent period is the 4 year period following that period, for as long as Articles 5 to 10 continue to apply. Where the decision reached in a given period had cross-community support, the subsequent period is the 8-year period following that period, for as long as Articles 5 to 10 continue to apply.

6. For the purposes of paragraph 5, cross-community support means:

(a) a majority of those Members of the Legislative Assembly present and voting, including a majority of the unionist and nationalist designations present and voting; or

- (b) a weighted majority (60 %) of Members of the Legislative Assembly present and voting, including at least 40 % of each of the nationalist and unionist designations present and voting.

## ARTICLE 19

### Annexes

Annexes 1 to 7 shall form an integral part of this Protocol.

PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 2(1)

- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services<sup>1</sup>
  
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation<sup>2</sup>
  
- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>3</sup>
  
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>4</sup>

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<sup>1</sup> OJ L 373, 21.12.2004, p. 37.

<sup>2</sup> OJ L 204, 26.7.2006, p. 23.

<sup>3</sup> OJ L 180, 19.7.2000, p. 22.

<sup>4</sup> OJ L 303, 2.12.2000, p. 16.

- Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC<sup>1</sup>
  
  - Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security<sup>2</sup>
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<sup>1</sup> OJ L 180, 15.7.2010, p. 1.

<sup>2</sup> OJ L 6, 10.1.1979, p. 24.

PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 5(4)

1. General customs aspects<sup>1</sup>
  - Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code<sup>2</sup>
  - Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters<sup>3</sup>
  - Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures<sup>4</sup>
2. Protection of the Union's financial interests

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<sup>1</sup> The headings and subheadings in this Annex are purely indicative.

<sup>2</sup> OJ L 269, 10.10.2013, p. 1.

<sup>3</sup> OJ L 82, 22.3.1997, p. 1.

<sup>4</sup> OJ L 84, 31.3.2010, p. 1.

For the purpose of the application of the acts listed in this section, the proper collection of customs duties by the United Kingdom in respect of Northern Ireland shall be considered as part of the protection of the financial interests of the Union.

- Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999<sup>1</sup>
- Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests<sup>2</sup>

### 3. Trade statistics

- Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91<sup>3</sup>
- Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95<sup>4</sup>

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<sup>1</sup> OJ L 248, 18.9.2013, p. 1.

<sup>2</sup> OJ L 312, 23.12.1995, p. 1.

<sup>3</sup> OJ L 102, 7.4.2004, p. 1.

<sup>4</sup> OJ L 152, 16.6.2009, p. 23.



#### 4. General trade related aspects

- Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008<sup>1</sup>
- Regulation (EU) 2015/479 of the European Parliament and of the Council of 11 March 2015 on common rules for exports<sup>2</sup>
- Regulation (EU) 2015/936 of the European Parliament and of the Council of 9 June 2015 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules<sup>3</sup>
- Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas<sup>4</sup>

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<sup>1</sup> OJ L 303, 31.10.2012, p. 1.

<sup>2</sup> OJ L 83, 27.3.2015, p. 34.

<sup>3</sup> OJ L 160, 25.6.2015, p. 1.

<sup>4</sup> OJ L 130, 19.5.2017, p. 1.

- Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process (Western Balkans)<sup>1</sup>
  - Regulation (EU) 2017/1566 of the European Parliament and of the Council of 13 September 2017 on the introduction of temporary autonomous trade measures for Ukraine supplementing the trade concessions available under the Association Agreement<sup>2</sup>
  - Obligations stemming from the international agreements concluded by the Union, or by Member States acting on its behalf, or by the Union and its Member States acting jointly, insofar as they relate to trade in goods between the Union and third countries
5. Trade defence instruments
- Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union<sup>3</sup>

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<sup>1</sup> OJ L 328, 15.12.2009, p. 1.

<sup>2</sup> OJ L 254, 30.9.2017, p. 1.

<sup>3</sup> OJ L 176, 30.6.2016, p. 21.

- Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union<sup>1</sup>
- Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports<sup>2</sup>
- Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries<sup>3</sup>
- Regulation (EU) 2015/476 of the European Parliament and of the Council of 11 March 2015 on the measures that the Union may take following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters<sup>4</sup>
- Regulation (EU) 2015/477 of the European Parliament and of the Council of 11 March 2015 on measures that the Union may take in relation to the combined effect of anti-dumping or anti-subsidy measures with safeguard measures<sup>5</sup>

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<sup>1</sup> OJ L 176, 30.6.2016, p. 55.

<sup>2</sup> OJ L 83, 27.3.2015, p. 16.

<sup>3</sup> OJ L 123, 19.5.2015, p. 33.

<sup>4</sup> OJ L 83, 27.3.2015, p. 6.

<sup>5</sup> OJ L 83, 27.3.2015, p. 11.

6. Regulations on bilateral safeguards

- Regulation (EU) No 654/2014 of the European Parliament and of the Council of 15 May 2014 concerning the exercise of the Union's rights for the application and enforcement of international trade rules and amending Council Regulation (EC) No 3286/94 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization<sup>1</sup>
- Regulation (EU) 2015/1145 of the European Parliament and of the Council of 8 July 2015 on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation<sup>2</sup>
- Regulation (EU) 2015/475 of the European Parliament and of the Council of 11 March 2015 on the safeguard measures provided for in the Agreement between the European Economic Community and the Republic of Iceland<sup>3</sup>

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<sup>1</sup> OJ L 189, 27.6.2014, p. 50.

<sup>2</sup> OJ L 191, 17.7.2015, p. 1.

<sup>3</sup> OJ L 83, 27.3.2015, p. 1.

- Regulation (EU) 2015/938 of the European Parliament and of the Council of 9 June 2015 on the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Norway<sup>1</sup>
- Regulation (EU) No 332/2014 of the European Parliament and of the Council of 11 March 2014 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part<sup>2</sup>
- Regulation (EU) 2015/752 of the European Parliament and of the Council of 29 April 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part<sup>3</sup>
- Regulation (EU) No 19/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part<sup>4</sup>

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<sup>1</sup> OJ L 160, 25.6.2015, p. 57.

<sup>2</sup> OJ L 103, 5.4.2014, p. 10.

<sup>3</sup> OJ L 123, 19.5.2015, p. 16.

<sup>4</sup> OJ L 17, 19.1.2013, p. 1.

- Regulation (EU) No 20/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other<sup>1</sup>
  
- Regulation (EU) 2016/400 of the European Parliament and of the Council of 9 March 2016 implementing the safeguard clause and the anti-circumvention mechanism provided for in the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part<sup>2</sup>
  
- Regulation (EU) 2016/401 of the European Parliament and of the Council of 9 March 2016 implementing the anti-circumvention mechanism provided for in the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part<sup>3</sup>

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<sup>1</sup> OJ L 17, 19.1.2013, p. 13.

<sup>2</sup> OJ L 77, 23.3.2016, p. 53.

<sup>3</sup> OJ L 77, 23.3.2016, p. 62.

- Regulation (EU) 2015/941 of the European Parliament and of the Council of 9 June 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part<sup>1</sup>
- Regulation (EU) 2015/940 of the European Parliament and of the Council of 9 June 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part<sup>2</sup>
- Regulation (EU) 2015/939 of the European Parliament and of the Council of 9 June 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part<sup>3</sup>
- Regulation (EU) No 511/2011 of the European Parliament and of the Council of 11 May 2011 implementing the bilateral safeguard clause of the Free Trade Agreement between the European Union and its Member States and the Republic of Korea<sup>4</sup>

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<sup>1</sup> OJ L 160, 25.6.2015, p. 76.

<sup>2</sup> OJ L 160, 25.6.2015, p. 69.

<sup>3</sup> OJ L 160, 25.6.2015, p. 62.

<sup>4</sup> OJ L 145, 31.5.2011, p. 19.

- Regulation (EU) 2017/355 of the European Parliament and of the Council of 15 February 2017 on certain procedures for applying the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo\* of the other part<sup>1</sup>
- Regulation (EU) 2016/1076 of the European Parliament and of the Council of 8 June 2016 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, economic partnership agreements<sup>2</sup>

## 7. Others

- Regulation (EC) No 816/2006 of the European Parliament and of the Council of 17 May 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems<sup>3</sup>

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.

<sup>1</sup> OJ L 57, 3.3.2017, p. 59.

<sup>2</sup> OJ L 185, 8.7.2016, p. 1.

<sup>3</sup> OJ L 157, 9.6.2006, p. 1.



8. Goods - general provisions

- Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services<sup>1</sup>, with the exception of provisions relating to rules on information society services
- Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council<sup>2</sup>
- Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93<sup>3</sup>
- Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC<sup>4</sup>

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<sup>1</sup> OJ L 241, 17.9.2015, p. 1.

<sup>2</sup> OJ L 316, 14.11.2012, p. 12.

<sup>3</sup> OJ L 218, 13.8.2008, p. 30.

<sup>4</sup> OJ L 218, 13.8.2008, p. 82.

- Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC<sup>1</sup>
  
- Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety<sup>2</sup>
  
- Council Regulation (EC) No 2679/98 of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the Member States<sup>3</sup>
  
- Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products<sup>4</sup>

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<sup>1</sup> OJ L 218, 13.8.2008, p. 21.

<sup>2</sup> OJ L 11, 15.1.2002, p. 4.

<sup>3</sup> OJ L 337, 12.12.1998, p. 8.

<sup>4</sup> OJ L 210, 7.8.1985, p. 29.

9. Motor vehicles, including agricultural and forestry tractors
- Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles<sup>1</sup>
  - Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC<sup>2</sup>
  - Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC<sup>3</sup>
  - Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC<sup>4</sup>

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<sup>1</sup> OJ L 42, 23.2.1970, p. 16.

<sup>2</sup> OJ L 158, 27.5.2014, p. 131.

<sup>3</sup> OJ L 310, 25.11.2005, p. 10.

<sup>4</sup> OJ L 161, 14.6.2006, p. 12.

- Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information<sup>1</sup>
  
- Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)<sup>2</sup>
  
- Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC<sup>3</sup>
  
- Regulation (EC) No 78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC<sup>4</sup>

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<sup>1</sup> OJ L 171, 29.6.2007, p. 1.

<sup>2</sup> OJ L 263, 9.10.2007, p. 1.

<sup>3</sup> OJ L 151, 14.6.2018, p. 1.

<sup>4</sup> OJ L 35, 4.2.2009, p. 1.

- Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor<sup>1</sup>
  
- Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC<sup>2</sup>
  
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC<sup>3</sup>
  
- Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles<sup>4</sup>

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<sup>1</sup> OJ L 200, 31.7.2009, p. 1.

<sup>2</sup> OJ L 35, 4.2.2009, p. 32.

<sup>3</sup> OJ L 188, 18.7.2009, p. 1.

<sup>4</sup> OJ L 60, 2.3.2013, p. 52.

- Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC<sup>1</sup>
  
- Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emissions performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles<sup>2</sup>
  
- Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles<sup>3</sup>
  
- Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles<sup>4</sup>

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<sup>1</sup> OJ L 123, 19.5.2015, p. 77.

<sup>2</sup> OJ L 140, 5.6.2009, p. 1.

<sup>3</sup> OJ L 145, 31.5.2011, p. 1.

<sup>4</sup> OJ L 60, 2.3.2013, p. 1.

## 10. Lifting and mechanical handling appliances

- Council Directive 73/361/EEC of 19 November 1973 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the certification and marking of wire-ropes, chains and hooks<sup>1</sup>
- Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts<sup>2</sup>

## 11. Gas appliances

- Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels<sup>3</sup>
- Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC<sup>4</sup>

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<sup>1</sup> OJ L 335, 5.12.1973, p. 51.

<sup>2</sup> OJ L 96, 29.3.2014, p. 251.

<sup>3</sup> OJ L 167, 22.6.1992, p. 17.

<sup>4</sup> OJ L 81, 31.3.2016, p. 99.

## 12. Pressure vessels

- Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers<sup>1</sup>
- Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC<sup>2</sup>
- Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment<sup>3</sup>
- Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels<sup>4</sup>

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<sup>1</sup> OJ L 147, 9.6.1975, p. 40.

<sup>2</sup> OJ L 165, 30.6.2010, p. 1.

<sup>3</sup> OJ L 189, 27.6.2014, p. 164.

<sup>4</sup> OJ L 96, 29.3.2014, p. 45.



### 13. Measuring instruments

- Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and methods of metrological control<sup>1</sup>
- Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers<sup>2</sup>
- Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products<sup>3</sup>
- Council Directive 80/181/EEC of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC<sup>4</sup>
- Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC<sup>5</sup>

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<sup>1</sup> OJ L 106, 28.4.2009, p. 7.

<sup>2</sup> OJ L 42, 15.2.1975, p. 14.

<sup>3</sup> OJ L 46, 21.2.1976, p. 1.

<sup>4</sup> OJ L 39, 15.2.1980, p. 40.

<sup>5</sup> OJ L 247, 21.9.2007, p. 17.

- Directive 2011/17/EU of the European Parliament and of the Council of 9 March 2011 repealing Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC regarding metrology<sup>1</sup>
  
  - Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments<sup>2</sup>
  
  - Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments<sup>3</sup>
14. Construction products, machinery, cableways, personal protective equipment
- Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC<sup>4</sup>

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<sup>1</sup> OJ L 71, 18.3.2011, p. 1.

<sup>2</sup> OJ L 96, 29.3.2014, p. 107.

<sup>3</sup> OJ L 96, 29.3.2014, p. 149.

<sup>4</sup> OJ L 88, 4.4.2011, p. 5.

- Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC<sup>1</sup>
- Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC<sup>2</sup>
- Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC<sup>3</sup>
- Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC<sup>4</sup>
- Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors<sup>5</sup>

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<sup>1</sup> OJ L 81, 31.3.2016, p. 51.

<sup>2</sup> OJ L 81, 31.3.2016, p. 1.

<sup>3</sup> OJ L 157, 9.6.2006, p. 24.

<sup>4</sup> OJ L 252, 16.9.2016, p. 53.

<sup>5</sup> OJ L 162, 3.7.2000, p. 1.

15. Electrical and radio equipment

- Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility<sup>1</sup>
- Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres<sup>2</sup>
- Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits<sup>3</sup>
- Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC<sup>4</sup>

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<sup>1</sup> OJ L 96, 29.3.2014, p. 79.

<sup>2</sup> OJ L 96, 29.3.2014, p. 309.

<sup>3</sup> OJ L 96, 29.3.2014, p. 357.

<sup>4</sup> OJ L 153, 22.5.2014, p. 62.

16. Textiles, footwear

- Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council<sup>1</sup>
- Directive 94/11/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws, regulation and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer<sup>2</sup>

17. Cosmetics, toys

- Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products<sup>3</sup>
- Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys<sup>4</sup>

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<sup>1</sup> OJ L 272, 18.10.2011, p. 1.

<sup>2</sup> OJ L 100, 19.4.1994, p. 37.

<sup>3</sup> OJ L 342, 22.12.2009, p. 59.

<sup>4</sup> OJ L 170, 30.6.2009, p. 1.

18. Recreational craft

- Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC<sup>1</sup>

19. Explosives and pyrotechnic articles

- Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses<sup>2</sup>
- Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles<sup>3</sup>
- Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors<sup>4</sup>

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<sup>1</sup> OJ L 354, 28.12.2013, p. 90.

<sup>2</sup> OJ L 96, 29.3.2014, p. 1.

<sup>3</sup> OJ L 178, 28.6.2013, p. 27.

<sup>4</sup> OJ L 39, 9.2.2013, p. 1.

## 20. Medicinal products

- Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency<sup>1</sup>

The references to Community in the second subparagraph of Article 2 and in the second subparagraph of Article 48 of that Regulation shall not be read as including the United Kingdom in respect of Northern Ireland.

- Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use<sup>2</sup>

The references to Community in Articles 8(2) and 16b(1) of that Directive as well as the reference to Union in the second subparagraph of Article 104(3) of that Directive shall not be read as including the United Kingdom in respect of Northern Ireland, with the exception of authorisations by the United Kingdom in respect of Northern Ireland.

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<sup>1</sup> OJ L 136, 30.4.2004, p. 1.

<sup>2</sup> OJ L 311, 28.11.2001, p. 67.

A medicinal product authorised in the United Kingdom in respect of Northern Ireland shall not be considered as a reference medicinal product in the Union.

- Regulation (EC) No 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for paediatric use and amending Regulation (EEC) No 1768/92, Directive 2001/20/EC, Directive 2001/83/EC and Regulation (EC) No 726/2004<sup>1</sup>, with the exception of Article 36
- Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products<sup>2</sup>
- Regulation (EC) No 1394/2007 of the European Parliament and of the Council of 13 November 2007 on advanced therapy medicinal products and amending Directive 2001/83/EC and Regulation (EC) No 726/2004<sup>3</sup>
- Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products<sup>4</sup>

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<sup>1</sup> OJ L 378, 27.12.2006, p. 1.

<sup>2</sup> OJ L 18, 22.1.2000, p. 1.

<sup>3</sup> OJ L 324, 10.12.2007, p. 121.

<sup>4</sup> OJ L 311, 28.11.2001, p. 1.



The references to Community in Article 12(2) and the second paragraph of Article 74 of that Directive shall not be read as including the United Kingdom in respect of Northern Ireland, with the exception of authorisations by the United Kingdom in respect of Northern Ireland.

A veterinary medicinal product authorised in the United Kingdom in respect of Northern Ireland shall not be considered as a reference medicinal product in the Union.

- Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council<sup>1</sup>
  
- Article 13 of Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use<sup>2</sup>

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<sup>1</sup> OJ L 152, 16.6.2009, p. 11.

<sup>2</sup> OJ L 121, 1.5.2001, p. 34.

- Chapter IX of Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC<sup>1</sup>
- Directive 2009/35/EC of the European Parliament and of the Council of 23 April 2009 on the colouring matters which may be added to medicinal products<sup>2</sup>
- Regulation (EU) 2016/793 of the European Parliament and of the Council of 11 May 2016 to avoid trade diversion into the European Union of certain key medicines<sup>3</sup>

## 21. Medical devices

- Council Directive 93/42/EEC of 14 June 1993 concerning medical devices<sup>4</sup>
- Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices<sup>5</sup>

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<sup>1</sup> OJ L 158, 27.5.2014, p. 1.

<sup>2</sup> OJ L 109, 30.4.2009, p. 10.

<sup>3</sup> OJ L 135, 24.5.2016, p. 39.

<sup>4</sup> OJ L 169, 12.7.1993, p. 1.

<sup>5</sup> OJ L 331, 7.12.1998, p. 1.

- Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices<sup>1</sup>
- Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC<sup>2</sup>
- Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU<sup>3</sup>

## 22. Substances of human origin

- Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC<sup>4</sup>

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<sup>1</sup> OJ L 189, 20.7.1990, p. 17.

<sup>2</sup> OJ L 117, 5.5.2017, p. 1.

<sup>3</sup> OJ L 117, 5.5.2017, p. 176.

<sup>4</sup> OJ L 33, 8.2.2003, p. 30.

- Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells<sup>1</sup>
- Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation<sup>2</sup>

### 23. Chemicals and related

- Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers<sup>3</sup>
- Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances<sup>4</sup>

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<sup>1</sup> OJ L 102, 7.4.2004, p. 48.  
<sup>2</sup> OJ L 207, 6.8.2010, p. 14.  
<sup>3</sup> OJ L 304, 21.11.2003, p. 1.  
<sup>4</sup> OJ L 50, 20.2.2004, p. 44.

- Directive 2004/9/EC of the European Parliament and of the Council of 11 February 2004 on the inspection and verification of good laboratory practice (GLP)<sup>1</sup>
- Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment<sup>2</sup>
- Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents<sup>3</sup>
- Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC<sup>4</sup>
- Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals<sup>5</sup>

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<sup>1</sup> OJ L 50, 20.2.2004, p. 28.

<sup>2</sup> OJ L 174, 1.7.2011, p. 88.

<sup>3</sup> OJ L 104, 8.4.2004, p. 1.

<sup>4</sup> OJ L 158, 30.4.2004, p. 7.

<sup>5</sup> OJ L 201, 27.7.2012, p. 60.

- Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008)<sup>1</sup>
- Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC<sup>2</sup>
- Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC<sup>3</sup>
- Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006<sup>4</sup>

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<sup>1</sup> OJ L 137, 24.5.2017, p. 1.

<sup>2</sup> OJ L 266, 26.9.2006, p. 1.

<sup>3</sup> OJ L 396, 30.12.2006, p. 1.

<sup>4</sup> OJ L 353, 31.12.2008, p. 1.

- Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors<sup>1</sup>

#### 24. Pesticides, biocides

- Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC<sup>2</sup>
- Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC<sup>3</sup>

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<sup>1</sup> OJ L 47, 18.2.2004, p. 1.

<sup>2</sup> OJ L 309, 24.11.2009, p. 1.

<sup>3</sup> OJ L 70, 16.3.2005, p. 1.

The reference to Member States in Article 43 of that Regulation shall not be read as including the United Kingdom in respect of Northern Ireland.

- Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products<sup>1</sup>

The references to Member State in Articles 3(3), 15(1) and 28(4) and point (g) of Article 75(1) of that Regulation shall not be read as including the United Kingdom in respect of Northern Ireland.

## 25. Waste

- Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste<sup>2</sup>
- Directive 94/62/EC of the European Parliament and of the Council 20 December 1994 on packaging and packaging waste<sup>3</sup>

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<sup>1</sup> OJ L 167, 27.6.2012, p. 1.

<sup>2</sup> OJ L 190, 12.7.2006, p. 1.

<sup>3</sup> OJ L 365, 31.12.1994, p. 10.



- Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC<sup>1</sup>
- Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel<sup>2</sup>

26. Environment, energy efficiency

- Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species<sup>3</sup>
- Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture<sup>4</sup>
- Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel<sup>5</sup>

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<sup>1</sup> OJ L 330, 10.12.2013, p. 1.

<sup>2</sup> OJ L 337, 5.12.2006, p. 21.

<sup>3</sup> OJ L 317, 4.11.2014, p. 35.

<sup>4</sup> OJ L 168, 28.6.2007, p. 1.

<sup>5</sup> OJ L 27, 30.1.2010, p. 1.

- Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC<sup>1</sup>
  
- Council Directive (EU) 2015/652 of 20 April 2015 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels<sup>2</sup>
  
- Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC<sup>3</sup>
  
- Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market<sup>4</sup>

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<sup>1</sup> OJ L 350, 28.12.1998, p. 58.

<sup>2</sup> OJ L 107, 25.4.2015, p. 26.

<sup>3</sup> OJ L 143, 30.4.2004, p. 87.

<sup>4</sup> OJ L 295, 12.11.2010, p. 23.

- Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community<sup>1</sup>
- Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006<sup>2</sup>
- Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer<sup>3</sup>
- Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008<sup>4</sup>
- Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein<sup>5</sup>

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<sup>1</sup> OJ L 347, 30.12.2005, p. 1.

<sup>2</sup> OJ L 150, 20.5.2014, p. 195.

<sup>3</sup> OJ L 286, 31.10.2009, p. 1.

<sup>4</sup> OJ L 137, 24.5.2017, p. 1.

<sup>5</sup> OJ L 61, 3.3.1997, p. 1.

- Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards<sup>1</sup>
- Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products<sup>2</sup>
- Regulation (EC) No 1523/2007 of the European Parliament and of the Council of 11 December 2007 banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur<sup>3</sup>
- Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom<sup>4</sup>
- Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment<sup>5</sup>

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<sup>1</sup> OJ L 308, 9.11.1991, p. 1.

<sup>2</sup> OJ L 286, 31.10.2009, p. 36.

<sup>3</sup> OJ L 343, 27.12.2007, p. 1.

<sup>4</sup> OJ L 91, 9.4.1983, p. 30.

<sup>5</sup> OJ L 39, 13.2.2008, p. 1.

- Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters<sup>1</sup>
  
- Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products<sup>2</sup>
  
- Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU<sup>3</sup>

## 27. Marine equipment

- Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC<sup>4</sup>

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<sup>1</sup> OJ L 342, 22.12.2009, p. 46.

<sup>2</sup> OJ L 285, 31.10.2009, p. 10.

<sup>3</sup> OJ L 198, 28.7.2017, p. 1.

<sup>4</sup> OJ L 257, 28.8.2014, p. 146.

## 28. Rail transport

- Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union<sup>1</sup>, insofar as conditions and technical specifications for the placing on the market, putting into service and free movement of railway products are concerned

## 29. Food – general

- Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>2</sup>

The reference to Member State in the second subparagraph of Article 29(1) of that Regulation shall not be read as including the United Kingdom in respect of Northern Ireland.

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<sup>1</sup> OJ L 138, 26.5.2016, p. 44.

<sup>2</sup> OJ L 31, 1.2.2002, p. 1.

- Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004<sup>1</sup>
  
- Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods<sup>2</sup>

### 30. Food – hygiene

- Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>3</sup>

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<sup>1</sup> OJ L 304, 22.11.2011, p. 18.

<sup>2</sup> OJ L 404, 30.12.2006, p. 9.

<sup>3</sup> OJ L 139, 30.4.2004, p. 55.

- Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs<sup>1</sup>
- Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption<sup>2</sup>

31. Food – ingredients, traces, residues, marketing standards

- Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings<sup>3</sup>

The reference to Member State in Article 3(1) of that Regulation shall not be read as including the United Kingdom in respect of Northern Ireland.

- Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97<sup>4</sup>

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<sup>1</sup> OJ L 139, 30.4.2004, p. 1.

<sup>2</sup> OJ L 40, 11.2.1989, p. 34.

<sup>3</sup> OJ L 354, 31.12.2008, p. 1.

<sup>4</sup> OJ L 354, 31.12.2008, p. 7.



- Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives<sup>1</sup>
- Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC<sup>2</sup>
- Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements<sup>3</sup>
- Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods<sup>4</sup>
- Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods<sup>5</sup>

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<sup>1</sup> OJ L 354, 31.12.2008, p. 16.

<sup>2</sup> OJ L 354, 31.12.2008, p. 34.

<sup>3</sup> OJ L 183, 12.7.2002, p. 51.

<sup>4</sup> OJ L 404, 30.12.2006, p. 26.

<sup>5</sup> OJ L 309, 26.11.2003, p. 1.

The reference to Member State in Article 7(2) of that Regulation shall not be read as including the United Kingdom in respect of Northern Ireland.

- Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food<sup>1</sup>
- Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001<sup>2</sup>
- Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009<sup>3</sup>

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<sup>1</sup> OJ L 37, 13.2.1993, p. 1.

<sup>2</sup> OJ L 327, 11.12.2015, p. 1.

<sup>3</sup> OJ L 181, 29.6.2013, p. 35.

- Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts<sup>1</sup>
- Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption<sup>2</sup>
- Council Directive 2001/110/EC of 20 December 2001 relating to honey<sup>3</sup>
- Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption<sup>4</sup>
- Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors<sup>5</sup>
- Commission Regulation (EC) No 1295/2008 of 18 December 2008 on the importation of hops from third countries<sup>6</sup>

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<sup>1</sup> OJ L 66, 13.3.1999, p. 26.

<sup>2</sup> OJ L 197, 3.8.2000, p. 19.

<sup>3</sup> OJ L 10, 12.1.2002, p. 47.

<sup>4</sup> OJ L 10, 12.1.2002, p. 53.

<sup>5</sup> OJ L 157, 15.6.2011, p. 1.

<sup>6</sup> OJ L 340, 19.12.2008, p. 45.

- Commission Regulation (EC) No 1375/2007 of 23 November 2007 on imports of residues from the manufacture of starch from maize from the United States of America<sup>1</sup>
- Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption<sup>2</sup>
- Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption<sup>3</sup>
- Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption<sup>4</sup>
- Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC<sup>5</sup>

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<sup>1</sup> OJ L 307, 24.11.2007, p. 5.

<sup>2</sup> OJ L 10, 12.1.2002, p. 58.

<sup>3</sup> OJ L 10, 12.1.2002, p. 67.

<sup>4</sup> OJ L 15, 17.1.2002, p. 19.

<sup>5</sup> OJ L 314, 1.12.2015, p. 1.

- Chapter IV of Title V of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008<sup>1</sup>
  
- Section 1 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007<sup>2</sup>

## 32. Food contact material

- Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC<sup>3</sup>

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<sup>1</sup> OJ L 347, 20.12.2013, p. 549.

<sup>2</sup> OJ L 347, 20.12.2013, p. 671.

<sup>3</sup> OJ L 338, 13.11.2004, p. 4.

The reference to Member State in Article 9(1) of that Regulation shall not be read as including the United Kingdom in respect of Northern Ireland.

- Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs<sup>1</sup>

### 33. Food – other

- Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation<sup>2</sup>
- Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation<sup>3</sup>
- Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients<sup>4</sup>

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<sup>1</sup> OJ L 277, 20.10.1984, p. 12.

<sup>2</sup> OJ L 66, 13.3.1999, p. 16.

<sup>3</sup> OJ L 66, 13.3.1999, p. 24.

<sup>4</sup> OJ L 141, 6.6.2009, p. 3.

- Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters<sup>1</sup>
- Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91<sup>2</sup>
- Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007<sup>3</sup>
- Council Regulation (Euratom) 2016/52 of 15 January 2016 laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency, and repealing Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and (Euratom) No 770/90<sup>4</sup>
- Council Regulation (EC) No 733/2008 of 15 July 2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station<sup>5</sup>

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<sup>1</sup> OJ L 164, 26.6.2009, p. 45.

<sup>2</sup> OJ L 189, 20.7.2007, p. 1.

<sup>3</sup> OJ L 150, 14.6.2018, p. 1.

<sup>4</sup> OJ L 13, 20.1.2016, p. 2.

<sup>5</sup> OJ L 201, 30.7.2008, p. 1.

#### 34. Feed – products and hygiene

- Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC<sup>1</sup>
- Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed<sup>2</sup>
- Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>3</sup>

The references to national reference laboratories in point 6 of Annex II to that Regulation shall not be read as applying to the United Kingdom in respect of Northern Ireland. This shall not prevent a national reference laboratory located in a Member State from fulfilling the functions of a national reference laboratory in respect of Northern Ireland. Information and material exchanged for that purpose between the competent authorities of Northern Ireland and a national reference laboratory in a Member State shall not be subject to further disclosure by the national reference laboratory without the prior consent of those competent authorities.

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<sup>1</sup> OJ L 229, 1.9.2009, p. 1.

<sup>2</sup> OJ L 140, 30.5.2002, p. 10.

<sup>3</sup> OJ L 268, 18.10.2003, p. 29.



- Council Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community<sup>1</sup>
- Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene<sup>2</sup>

### 35. GMOs

- Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed<sup>3</sup>, with the exception of the second paragraph of Article 32

This shall not prevent a national reference laboratory located in a Member State from fulfilling the functions of a national reference laboratory in respect of Northern Ireland. Information and material exchanged for that purpose between the competent authorities of Northern Ireland and a national reference laboratory in a Member State shall not be subject to further disclosure by the national reference laboratory without the prior consent of those competent authorities.

The references to Member State in Articles 10(1) and 22(1) of that Regulation shall not be read as including the United Kingdom in respect of Northern Ireland.

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<sup>1</sup> OJ L 92, 7.4.1990, p. 42.

<sup>2</sup> OJ L 35, 8.2.2005, p. 1.

<sup>3</sup> OJ L 268, 18.10.2003, p. 1.

- Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC<sup>1</sup>
- Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms<sup>2</sup>
- Part C of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC<sup>3</sup>

### 36. Live animals, germinal products and products of animal origin

References to national reference laboratories in the acts listed in this section shall not be read as including the reference laboratory in the United Kingdom. This shall not prevent a national reference laboratory located in a Member State from fulfilling the functions of a national reference laboratory in respect of Northern Ireland. Information and material exchanged for that purpose between the competent authorities of Northern Ireland and a national reference laboratory in a Member State shall not be subject to further disclosure by the national reference laboratory without the prior consent of those competent authorities.

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<sup>1</sup> OJ L 268, 18.10.2003, p. 24.

<sup>2</sup> OJ L 287, 5.11.2003, p. 1.

<sup>3</sup> OJ L 106, 17.4.2001, p. 1.

- Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law')<sup>1</sup>
- Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine<sup>2</sup>
- Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals<sup>3</sup>
- Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae<sup>4</sup>
- Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs<sup>5</sup>
- Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC<sup>6</sup>

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<sup>1</sup> OJ L 84, 31.3.2016, p. 1.

<sup>2</sup> OJ 121, 29.7.1964, p. 1977.

<sup>3</sup> OJ L 46, 19.2.1991, p. 19.

<sup>4</sup> OJ L 192, 23.7.2010, p. 1.

<sup>5</sup> OJ L 343, 22.12.2009, p. 74.

<sup>6</sup> OJ L 268, 14.9.1992, p. 54.

- Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species<sup>1</sup>
- Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species<sup>2</sup>
- Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species<sup>3</sup>
- Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC<sup>4</sup>
- Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals<sup>5</sup>

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<sup>1</sup> OJ L 194, 22.7.1988, p. 10.

<sup>2</sup> OJ L 302, 19.10.1989, p. 1.

<sup>3</sup> OJ L 224, 18.8.1990, p. 62.

<sup>4</sup> OJ L 62, 15.3.1993, p. 49.

<sup>5</sup> OJ L 328, 24.11.2006, p. 14.

- Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC<sup>1</sup>
- Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption<sup>2</sup>
- Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003<sup>3</sup>
- Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)<sup>4</sup>

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<sup>1</sup> OJ L 139, 30.4.2004, p. 321.

<sup>2</sup> OJ L 18, 23.1.2003, p. 11.

<sup>3</sup> OJ L 178, 28.6.2013, p. 1.

<sup>4</sup> OJ L 300, 14.11.2009, p. 1.

37. Animal disease control, zoonosis control

References to national reference laboratories in the acts listed in this section shall not be read as including the reference laboratory in the United Kingdom. This shall not prevent a national reference laboratory located in a Member State from fulfilling the functions of a national reference laboratory in respect of Northern Ireland. Information and material exchanged for that purpose between the competent authorities of Northern Ireland and a national reference laboratory in a Member State shall not be subject to further disclosure by the national reference laboratory without the prior consent of those competent authorities.

- Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies<sup>1</sup>
- Council Directive 77/391/EEC of 17 May 1977 introducing Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle<sup>2</sup>
- Council Directive 78/52/EEC of 13 December 1977 establishing the Community criteria for national plans for the accelerated eradication of brucellosis, tuberculosis and enzootic leukosis in cattle<sup>3</sup>

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<sup>1</sup> OJ L 147, 31.5.2001, p. 1.

<sup>2</sup> OJ L 145, 13.6.1977, p. 44.

<sup>3</sup> OJ L 15, 19.1.1978, p. 34.

- Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC<sup>1</sup>
- Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC<sup>2</sup>
- Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever<sup>3</sup>
- Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness<sup>4</sup>
- Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever<sup>5</sup>
- Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents<sup>6</sup>

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<sup>1</sup> OJ L 306, 22.11.2003, p. 1.

<sup>2</sup> OJ L 10, 14.1.2006, p. 16.

<sup>3</sup> OJ L 316, 1.12.2001, p. 5.

<sup>4</sup> OJ L 157, 10.6.1992, p. 19.

<sup>5</sup> OJ L 192, 20.7.2002, p. 27.

<sup>6</sup> OJ L 325, 12.12.2003, p. 1.

- Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease<sup>1</sup>
- Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease<sup>2</sup>
- Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC<sup>3</sup>
- Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue<sup>4</sup>

### 38. Animal identification

- Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC<sup>5</sup>

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<sup>1</sup> OJ L 260, 5.9.1992, p. 1.

<sup>2</sup> OJ L 62, 15.3.1993, p. 69.

<sup>3</sup> OJ L 325, 12.12.2003, p. 31.

<sup>4</sup> OJ L 327, 22.12.2000, p. 74.

<sup>5</sup> OJ L 5, 9.1.2004, p. 8.



- Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97<sup>1</sup>
- Council Directive 2008/71/EC of 15 July 2008 on the identification and registration of pigs<sup>2</sup>

### 39. Animal breeding

- Article 37 and Article 64(3) of Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation')<sup>3</sup>

### 40. Animal welfare

- Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97<sup>4</sup>

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<sup>1</sup> OJ L 204, 11.8.2000, p. 1.  
<sup>2</sup> OJ L 213, 8.8.2008, p. 31.  
<sup>3</sup> OJ L 171, 29.6.2016, p. 66.  
<sup>4</sup> OJ L 3, 5.1.2005, p. 1.

- Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing<sup>1</sup>

#### 41. Plant health

- Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>2</sup>
- Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC<sup>3</sup>

#### 42. Plant reproductive material

- Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed<sup>4</sup>
- Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine<sup>5</sup>

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<sup>1</sup> OJ L 303, 18.11.2009, p. 1.

<sup>2</sup> OJ L 169, 10.7.2000, p. 1.

<sup>3</sup> OJ L 317, 23.11.2016, p. 4.

<sup>4</sup> OJ 125, 11.7.1966, p. 2309.

<sup>5</sup> OJ L 93, 17.4.1968, p. 15.

- Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material<sup>1</sup>
- Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species<sup>2</sup>
- Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed<sup>3</sup>
- Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed<sup>4</sup>
- Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes<sup>5</sup>
- Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants<sup>6</sup>
- Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production<sup>7</sup>

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<sup>1</sup> OJ L 11, 15.1.2000, p. 17.

<sup>2</sup> OJ L 193, 20.7.2002, p. 1.

<sup>3</sup> OJ L 193, 20.7.2002, p. 12.

<sup>4</sup> OJ L 193, 20.7.2002, p. 33.

<sup>5</sup> OJ L 193, 20.7.2002, p. 60.

<sup>6</sup> OJ L 193, 20.7.2002, p. 74.

<sup>7</sup> OJ L 267, 8.10.2008, p. 8.

#### 43. Official controls, veterinary checks

References to national reference laboratories in the acts listed in this section shall not be read as including the reference laboratory in the United Kingdom. This shall not prevent a national reference laboratory located in a Member State from fulfilling the functions of a national reference laboratory in respect of Northern Ireland. Information and material exchanged for that purpose between the competent authorities of Northern Ireland and a national reference laboratory in a Member State shall not be subject to further disclosure by the national reference laboratory without the prior consent of those competent authorities.

- Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)<sup>1</sup>

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<sup>1</sup> OJ L 95, 7.4.2017, p. 1.

- Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>1</sup>
- Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>2</sup>
- Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC<sup>3</sup>
- Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>4</sup>
- Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market<sup>5</sup>

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<sup>1</sup> OJ L 165, 30.4.2004, p. 1.

<sup>2</sup> OJ L 139, 30.4.2004, p. 206.

<sup>3</sup> OJ L 268, 24.9.1991, p. 56.

<sup>4</sup> OJ L 24, 30.1.1998, p. 9.

<sup>5</sup> OJ L 224, 18.8.1990, p. 29.

- Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market<sup>1</sup>

#### 44. Sanitary and phytosanitary - Other

- Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of  $\beta$ -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC<sup>2</sup>
- Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC<sup>3</sup>

#### 45. Intellectual property

- Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89<sup>4</sup>

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<sup>1</sup> OJ L 395, 30.12.1989, p. 13.

<sup>2</sup> OJ L 125, 23.5.1996, p. 3.

<sup>3</sup> OJ L 125, 23.5.1996, p. 10.

<sup>4</sup> OJ L 39, 13.2.2008, p. 16.

- Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs<sup>1</sup>
- Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91<sup>2</sup>
- Sections 2 and 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007<sup>3</sup>
- Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003<sup>4</sup>

#### 46. Fisheries and aquaculture

- Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish<sup>5</sup>

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<sup>1</sup> OJ L 343, 14.12.2012, p. 1.

<sup>2</sup> OJ L 84, 20.3.2014, p. 14.

<sup>3</sup> OJ L 347, 20.12.2013, p. 671.

<sup>4</sup> OJ L 181, 29.6.2013, p. 15.

<sup>5</sup> OJ L 351, 28.12.1985, p. 63.

- Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products<sup>1</sup>
- Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito<sup>2</sup>
- Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products<sup>3</sup>
- Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms<sup>4</sup>, insofar as it concerns provisions relating to minimum sizes of marine organisms
- Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006<sup>5</sup>, insofar as it concerns provisions relating to marketing standards

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<sup>1</sup> OJ L 212, 22.7.1989, p. 79.

<sup>2</sup> OJ L 163, 17.6.1992, p. 1.

<sup>3</sup> OJ L 334, 23.12.1996, p. 1.

<sup>4</sup> OJ L 125, 27.4.1998, p. 1.

<sup>5</sup> OJ L 343, 22.12.2009, p. 1.



- Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000<sup>1</sup>, insofar as it concerns provisions relating to marketing standards and consumer information
  
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC<sup>2</sup>, insofar as it concerns provisions relating to marketing standards for fishery and aquaculture products
  
- Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999<sup>3</sup>
  
- Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus spp.*<sup>4</sup>

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<sup>1</sup> OJ L 354, 28.12.2013, p. 1.

<sup>2</sup> OJ L 354, 28.12.2013, p. 22.

<sup>3</sup> OJ L 286, 29.10.2008, p. 1.

<sup>4</sup> OJ L 145, 31.5.2001, p. 1.

- Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003<sup>1</sup>
- Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel<sup>2</sup>

47. Other

- Part III of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007<sup>3</sup>, with the exception of Chapter VI
- Council Regulation (EC) No 2964/95 of 20 December 1995 introducing registration for crude oil imports and deliveries in the Community<sup>4</sup>
- Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins<sup>5</sup>

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<sup>1</sup> OJ L 194, 24.7.2010, p. 1.

<sup>2</sup> OJ L 248, 22.9.2007, p. 17.

<sup>3</sup> OJ L 347, 20.12.2013, p. 671.

<sup>4</sup> OJ L 310, 22.12.1995, p. 5.

<sup>5</sup> OJ L 373, 21.12.2004, p. 1.

- Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community<sup>1</sup>
- Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC<sup>2</sup>
- Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods<sup>3</sup>
- Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012<sup>4</sup>
- Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass<sup>5</sup>

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<sup>1</sup> OJ L 309, 25.11.2005, p. 9.

<sup>2</sup> OJ L 127, 29.4.2014, p. 1.

<sup>3</sup> OJ L 39, 10.2.2009, p. 1.

<sup>4</sup> OJ L 159, 28.5.2014, p. 1.

<sup>5</sup> OJ L 326, 29.12.1969, p. 36.

- Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<sup>1</sup>
- Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons<sup>2</sup>
- Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition<sup>3</sup>
- Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community<sup>4</sup>

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<sup>1</sup> OJ L 134, 29.5.2009, p. 1.

<sup>2</sup> OJ L 256, 13.9.1991, p. 51.

<sup>3</sup> OJ L 94, 30.3.2012, p. 1.

<sup>4</sup> OJ L 146, 10.6.2009, p. 1.

- Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment<sup>1</sup>
  
  - Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds<sup>2</sup>
  
  - Restrictive measures in force based on Article 215 TFEU, insofar as they relate to trade in goods between the Union and third countries
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<sup>1</sup> OJ L 200, 30.7.2005, p. 1.

<sup>2</sup> OJ L 358, 31.12.2002, p. 28.

PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 8

1. Value Added Tax<sup>1</sup>

- Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax<sup>2</sup>
- Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State<sup>3</sup>
- Council Regulation (EU) No 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax<sup>4</sup>
- Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures<sup>5</sup>

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<sup>1</sup> The headings and subheadings in this Annex are purely indicative.

<sup>2</sup> OJ L 347, 11.12.2006, p. 1.

<sup>3</sup> OJ L 44, 20.2.2008, p. 23.

<sup>4</sup> OJ L 268, 12.10.2010, p. 1.

<sup>5</sup> OJ L 84, 31.3.2010, p. 1.

- Thirteenth Council Directive 86/560/EEC of 17 November 1986 on the harmonization of the laws of the Member States relating to turnover taxes - Arrangements for the refund of value added tax to taxable persons not established in Community territory<sup>1</sup>
- Council Directive 2007/74/EC of 20 December 2007 on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries<sup>2</sup>
- Council Directive 2009/132/EC of 19 October 2009 determining the scope of Article 143(b) and (c) of Directive 2006/112/EC as regards exemption from value added tax on the final importation of certain goods<sup>3</sup>
- Council Directive 2006/79/EC of 5 October 2006 on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries<sup>4</sup>
- Obligations stemming from the Agreement between the European Union and the Kingdom of Norway on administrative cooperation, combating fraud and recovery of claims in the field of value added tax<sup>5</sup>

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<sup>1</sup> OJ L 326, 21.11.1986, p. 40.

<sup>2</sup> OJ L 346, 29.12.2007, p. 6.

<sup>3</sup> OJ L 292, 10.11.2009, p. 5.

<sup>4</sup> OJ L 286, 17.10.2006, p. 15.

<sup>5</sup> OJ L 195, 1.8.2018, p. 1.

- Obligations stemming from the Cooperation agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests<sup>1</sup>

## 2. Excise

- Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC<sup>2</sup>
- Council Regulation (EU) No 389/2012 of 2 May 2012 on administrative cooperation in the field of excise duties and repealing Regulation (EC) No 2073/2004<sup>3</sup>
- Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures<sup>4</sup>
- Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages<sup>5</sup>

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<sup>1</sup> OJ L 46, 17.2.2009, p. 8.

<sup>2</sup> OJ L 9, 14.1.2009, p. 12.

<sup>3</sup> OJ L 121, 8.5.2012, p. 1.

<sup>4</sup> OJ L 84, 31.3.2010, p. 1.

<sup>5</sup> OJ L 316, 31.10.1992, p. 21.



- Council Directive 92/84/EEC of 19 October 1992 on the approximation of the rates of excise duty on alcohol and alcoholic beverages<sup>1</sup>
- Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco<sup>2</sup>
- Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity<sup>3</sup>
- Council Directive 95/60/EC of 27 November 1995 on fiscal marking of gas oils and kerosene<sup>4</sup>
- Decision No 1152/2003/EC of the European Parliament and of the Council of 16 June 2003 on computerising the movement and surveillance of excisable products<sup>5</sup>

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<sup>1</sup> OJ L 316, 31.10.1992, p. 29.

<sup>2</sup> OJ L 176, 5.7.2011, p. 24.

<sup>3</sup> OJ L 283, 31.10.2003, p. 51.

<sup>4</sup> OJ L 291, 6.12.1995, p. 46.

<sup>5</sup> OJ L 162, 1.7.2003, p. 5.

- Council Directive 2007/74/EC of 20 December 2007 on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries<sup>1</sup>
  
  - Council Directive 2006/79/EC of 5 October 2006 on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries<sup>2</sup>
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<sup>1</sup> OJ L 346, 29.12.2007, p. 6.

<sup>2</sup> OJ L 286, 17.10.2006, p. 15.

PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 9

The following acts shall apply to and in the United Kingdom in respect of Northern Ireland insofar as they apply to the generation, transmission, distribution, and supply of electricity, trading in wholesale electricity or cross-border exchanges in electricity.

Provisions relating to retail markets and consumer protection shall not apply. References to a provision of another Union act in the acts listed in this Annex shall not render the provision referred to applicable where it does not otherwise apply to and in the United Kingdom in respect of Northern Ireland, unless it is a provision governing wholesale electricity markets which applies in Ireland and is necessary for the joint operation of the single wholesale electricity market in Ireland and Northern Ireland.

- Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC<sup>1</sup>

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<sup>1</sup> OJ L 211, 14.8.2009, p. 55.

- Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003<sup>1</sup>
- Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators<sup>2</sup>
- Directive 2005/89/EC of the European Parliament and of the Council of 18 January 2006 concerning measures to safeguard security of electricity supply and infrastructure investment<sup>3</sup>
- Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency<sup>4</sup>

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<sup>1</sup> OJ L 211, 14.8.2009, p. 15.

<sup>2</sup> OJ L 211, 14.8.2009, p. 1.

<sup>3</sup> OJ L 33, 4.2.2006, p. 22.

<sup>4</sup> OJ L 326, 8.12.2011, p. 1.

- Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)<sup>1</sup>
  
  - Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC<sup>2</sup>
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<sup>1</sup> OJ L 334, 17.12.2010, p. 17.

<sup>2</sup> OJ L 275, 25.10.2003, p. 32.

PROVISIONS OF UNION LAW  
REFERRED TO IN ARTICLE 10(1)

1. State Aid rules in the TFEU<sup>1</sup>
  - Articles 107, 108 and 109 TFEU
  - Article 106 TFEU, insofar as it concerns State aid
  - Article 93 TFEU
  
2. Acts referring to the notion of aid
  - Commission notice on the notion of State aid<sup>2</sup>
  - Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest<sup>3</sup>

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<sup>1</sup> The headings and subheadings in this Annex are purely indicative.

<sup>2</sup> OJ C 262, 19.7.2016, p. 1.

<sup>3</sup> OJ C 8, 11.1.2012, p. 4.

- Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees<sup>1</sup>

### 3. Block exemption regulations

#### 3.1 Enabling regulation

- Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid<sup>2</sup>

#### 3.2 General block exemption regulation

- Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty<sup>3</sup>

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<sup>1</sup> OJ C 155, 20.6.2008, p. 10.

<sup>2</sup> OJ L 248, 24.9.2015, p. 1.

<sup>3</sup> OJ L 187, 26.6.2014, p. 1.

### 3.3 Sectorial block exemption regulations

- Commission Regulation (EU) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union<sup>1</sup>
- Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union<sup>2</sup>
- Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70<sup>3</sup>
- Communication from the Commission on interpretative guidelines concerning Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road<sup>4</sup>

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<sup>1</sup> OJ L 193, 1.7.2014, p. 1.

<sup>2</sup> OJ L 369, 24.12.2014, p. 37.

<sup>3</sup> OJ L 315, 3.12.2007, p. 1.

<sup>4</sup> OJ C 92, 29.3.2014, p. 1.



- Commission Decision of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest<sup>1</sup>

### 3.4 *De minimis* aid regulations

- Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid<sup>2</sup>
- Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid granted to undertakings providing services of general economic interest<sup>3</sup>
- Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agriculture sector<sup>4</sup>

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<sup>1</sup> OJ L 7, 11.1.2012, p. 3.

<sup>2</sup> OJ L 352, 24.12.2013, p. 1.

<sup>3</sup> OJ L 114, 26.4.2012, p. 8.

<sup>4</sup> OJ L 352, 24.12.2013, p. 9.

- Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the fishery and aquaculture sector<sup>1</sup>

#### 4. Procedural rules

- Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union<sup>2</sup>
- Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty<sup>3</sup>
- Notice from the Commission — Towards an effective implementation of Commission decisions ordering Member States to recover unlawful and incompatible State aid<sup>4</sup>

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<sup>1</sup> OJ L 190, 28.6.2014, p. 45.

<sup>2</sup> OJ L 248, 24.9.2015, p. 9.

<sup>3</sup> OJ L 140, 30.4.2004, p. 1.

<sup>4</sup> OJ C 272, 15.11.2007, p. 4.

- Commission notice on the determination of the applicable rules for the assessment of unlawful State aid<sup>1</sup>
- Commission notice on the enforcement of State aid law by national courts<sup>2</sup>
- Communication from the Commission on the revision of the method for setting the reference and discount rates<sup>3</sup>
- Communication from the Commission - Code of Best Practice for the conduct of State aid control procedures<sup>4</sup>
- Commission communication C (2003) 4582 of 1 December 2003 on professional secrecy in State aid decisions<sup>5</sup>

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<sup>1</sup> OJ C 119, 22.5.2002, p. 22.

<sup>2</sup> OJ C 85, 9.4.2009, p. 1.

<sup>3</sup> OJ C 14, 19.1.2008, p. 6.

<sup>4</sup> OJ C 253, 19.7.2018, p. 14.

<sup>5</sup> OJ C 297, 9.12.2003, p. 6.

## 5. Compatibility rules

### 5.1 Important Projects of Common European Interest

- Communication from the Commission — Criteria for the analysis of the compatibility with the internal market of State aid to promote the execution of important projects of common European interest<sup>1</sup>

### 5.2 Agricultural aid

- European Union guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 – 2020<sup>2</sup>

### 5.3 Fisheries and aquaculture aid

- Communication from the Commission – Guidelines for the examination of State aid to the fishery and aquaculture sector<sup>3</sup>

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<sup>1</sup> OJ C 188, 20.6.2014, p. 4.

<sup>2</sup> OJ C 204, 1.7.2014, p. 1.

<sup>3</sup> OJ C 217, 2.7.2015, p. 1.

#### 5.4 Regional aid

- Guidelines on regional State aid for 2014-2020<sup>1</sup>

#### 5.5 Research and development and innovation aid

- Communication from the Commission — Framework for State aid for research and development and innovation<sup>2</sup>

#### 5.6 Risk capital aid

- Communication from the Commission — Guidelines on State aid to promote risk finance investments<sup>3</sup>

#### 5.7 Rescue and restructuring aid

- Communication from the Commission – Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty<sup>4</sup>

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<sup>1</sup> OJ C 209, 23.7.2013, p. 1.

<sup>2</sup> OJ C 198, 27.6.2014, p. 1.

<sup>3</sup> OJ C 19, 22.1.2014, p. 4.

<sup>4</sup> OJ C 249, 31.7.2014, p. 1.

## 5.8 Training aid

- Communication from the Commission – Criteria for the analysis of the compatibility of State aid for training subject to individual notification<sup>1</sup>

## 5.9 Employment aid

- Communication from the Commission – Criteria for the analysis of the compatibility of State aid for the employment of disadvantaged and disabled workers subject to individual notification<sup>2</sup>

## 5.10 Temporary rules in response to the economic and financial crisis

- Communication from the Commission on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the financial crisis<sup>3</sup>
- Communication from the Commission on the treatment of impaired assets in the Community banking sector<sup>4</sup>

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<sup>1</sup> OJ C 188, 11.8.2009, p. 1.

<sup>2</sup> OJ C 188, 11.8.2009, p. 6.

<sup>3</sup> OJ C 216, 30.7.2013, p. 1.

<sup>4</sup> OJ C 72, 26.3.2009, p. 1.

- Commission communication on the return to viability and the assessment of restructuring measures in the financial sector in the current crisis under the State aid rules<sup>1</sup>

## 5.11 Export credit insurance

- Communication from the Commission to the Member States on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance<sup>2</sup>

## 5.12 Energy and environment

### 5.12.1 Environment and energy

- Communication from the Commission — Guidelines on State aid for environmental protection and energy 2014-2020<sup>3</sup>
- Communication from the Commission — Guidelines on certain State aid measures in the context of the greenhouse gas emission allowance trading scheme post-2012<sup>4</sup>

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<sup>1</sup> OJ C 195, 19.8.2009, p. 9.

<sup>2</sup> OJ C 392, 19.12.2012, p. 1.

<sup>3</sup> OJ C 200, 28.6.2014, p. 1.

<sup>4</sup> OJ C 158, 5.6.2012, p. 4.

#### 5.12.2 Electricity (stranded costs)

- Commission Communication relating to the methodology for analysis of State aid linked to stranded costs<sup>1</sup>

#### 5.12.3 Coal

- Council Decision of 10 December 2010 on State aid to facilitate the closure of uncompetitive coal mines<sup>2</sup>

#### 5.13 Basic industries and manufacturing (steel)

- Communication from the Commission concerning certain aspects of the treatment of competition cases resulting from the expiry of the ECSC Treaty<sup>3</sup>

#### 5.14 Postal services

- Notice from the Commission on the application of the competition rules to the postal sector and on the assessment of certain State measures relating to postal services<sup>4</sup>

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<sup>1</sup> [http://ec.europa.eu/competition/state\\_aid/legislation/stranded\\_costs\\_en.pdf](http://ec.europa.eu/competition/state_aid/legislation/stranded_costs_en.pdf)

<sup>2</sup> OJ L 336, 21.12.2010, p. 24.

<sup>3</sup> OJ C 152, 26.6.2002, p. 5.

<sup>4</sup> OJ C 39, 6.2.1998, p. 2.



## 5.15 Audiovisual, broadcasting and broadband

### 5.15.1 Audiovisual production

- Communication from the Commission on State aid for films and other audiovisual works<sup>1</sup>

### 5.15.2 Broadcasting

- Communication from the Commission on the application of State aid rules to public service broadcasting<sup>2</sup>

### 5.15.3 Broadband network

- Communication from the Commission - Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks<sup>3</sup>

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<sup>1</sup> OJ C 332, 15.11.2013, p. 1.

<sup>2</sup> OJ C 257, 27.10.2009, p. 1.

<sup>3</sup> OJ C 25, 26.1.2013, p. 1.

## 5.16 Transport and infrastructure

- Communication from the Commission - Community guidelines on State aid for railway undertakings<sup>1</sup>
- Community guidelines on State aid to maritime transport<sup>2</sup>
- Communication from the Commission providing guidance on State aid complementary to Community funding for the launching of the motorways of the sea<sup>3</sup>
- Communication from the Commission providing guidance on State aid to ship-management companies<sup>4</sup>
- Communication from the Commission — Guidelines on State aid to airports and airlines<sup>5</sup>

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<sup>1</sup> OJ C 184, 22.7.2008, p. 13.

<sup>2</sup> OJ C 13, 17.1.2004, p. 3.

<sup>3</sup> OJ C 317, 12.12.2008, p. 10.

<sup>4</sup> OJ C 132, 11.6.2009, p. 6.

<sup>5</sup> OJ C 99, 4.4.2014, p. 3.

### 5.17 Services of general economic interest (SGEI)

- Communication from the Commission — European Union framework for State aid in the form of public service compensation<sup>1</sup>

### 6. Transparency of financial relations between Member States and public undertakings

- Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings<sup>2</sup>

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<sup>1</sup> OJ C 8, 11.1.2012, p. 15.

<sup>2</sup> OJ L 318, 17.11.2006, p. 17.

PROCEDURES REFERRED TO IN ARTICLE 10(2)

The Joint Committee shall determine the initial maximum exempted overall annual level of support and the initial minimum percentage referred to in Article 10(2), taking into account the most recent information available. The initial maximum exempted overall annual level of support shall be informed by the design of the United Kingdom's future agricultural support scheme as well as the annual average of the total amount of expenditure incurred in Northern Ireland under the Common Agricultural Policy under the current MFF 2014-2020. The initial minimum percentage shall be informed by the design of the United Kingdom's agricultural support scheme as well as by the percentage to which the overall expenditure under the Common Agricultural Policy in the Union complied with the provisions of Annex 2 to the WTO Agreement on Agriculture as notified for the period concerned.

The Joint Committee shall adjust the level of support and percentage referred to in the first paragraph informed by the design of the United Kingdom's agricultural support scheme to any variation in the overall amount of support available under the Common Agricultural Policy in the Union in each future Multiannual Financial Framework.

If the Joint Committee fails to determine the initial level of support and percentage in accordance with the first paragraph, or fails to adjust the level of support and percentage in accordance with the second paragraph, by the end of the transition period or within 1 year of the entry into force of a future Multiannual Financial Framework, as the case may be, application of Article 10(2) shall be suspended until the Joint Committee has determined or adjusted the level of support and percentage.

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PROCEDURES REFERRED TO IN ARTICLE 16(3)

1. Where the Union or the United Kingdom is considering taking safeguard measures under Article 16(1) of this Protocol, it shall, without delay, notify the Union or the United Kingdom, as the case may be, through the Joint Committee and shall provide all relevant information.
2. The Union and the United Kingdom shall immediately enter into consultations in the Joint Committee with a view to finding a commonly acceptable solution.
3. The Union or the United Kingdom, as the case may be, may not take safeguard measures until 1 month has elapsed after the date of notification under point 1, unless the consultation procedure under point 2 has been concluded before the expiration of the state limit. When exceptional circumstances requiring immediate action exclude prior examination, the Union or the United Kingdom, as the case may be, may apply forthwith the protective measures strictly necessary to remedy the situation.

4. The Union or the United Kingdom, as the case may be, shall, without delay, notify the measures taken to the Joint Committee and shall provide all relevant information.
  5. The safeguard measures taken shall be the subject of consultations in the Joint Committee every 3 months from the date of their adoption with a view to their abolition before the date of expiry envisaged, or to the limitation of their scope of application. The Union or the United Kingdom, as the case may be, may at any time request the Joint Committee to review such measures.
  6. Points 1 to 5 shall apply, *mutatis mutandis*, to rebalancing measures referred to in Article 16(2) of this Protocol.
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PROTOCOL RELATING TO THE SOVEREIGN BASE AREAS OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND IN CYPRUS

The Union and the United Kingdom,

RECALLING that the Joint Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus annexed to the Final Act of the Treaty concerning the Accession of the United Kingdom to the European Communities provided that the arrangements applicable to relations between the European Economic Community and the Sovereign Base Areas will be defined within the context of any agreement between the Community and the Republic of Cyprus,

CONFIRMING that the arrangements applicable to relations between the Union and the Sovereign Base Areas after the withdrawal of the United Kingdom from the Union should continue to be defined within the framework of the Republic of Cyprus' membership of the Union,

TAKING ACCOUNT of the provisions concerning the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia ("the Sovereign Base Areas") set out in the Treaty concerning the Establishment of the Republic of Cyprus and the associated Exchanges of Notes dated 16 August 1960 ("the Treaty of Establishment"),



CONFIRMING that the withdrawal of the United Kingdom from the Union should not affect the rights and obligations of the Republic of Cyprus under Union law or the rights and obligations of the parties to the Treaty of Establishment,

RECALLING that, from the date of accession of the Republic of Cyprus to the Union, Union law applies in the Sovereign Base Areas only to the extent necessary to ensure the implementation of the arrangements set out in Protocol No 3 on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus annexed to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded ("Protocol No 3"),

NOTING the Exchange of Notes between the Government of the United Kingdom and the Government of the Republic of Cyprus concerning the administration of the Sovereign Base Areas, dated 16 August 1960, and the attached Declaration by the United Kingdom Government that one of the main objects to be achieved is the protection of the interests of those resident or working in the Sovereign Base Areas, and considering in this context that those persons should have, to the extent possible, the same treatment as those resident or working in the Republic of Cyprus,

NOTING the commitment of the United Kingdom to preserving the application of the arrangements made pursuant to the Treaty of Establishment whereby the authorities of the Republic of Cyprus administer a wide range of public services in the Sovereign Base Areas, including in the fields of agriculture, customs and taxation,

WHEREAS the Sovereign Base Areas should remain part of the customs territory of the Union after the withdrawal of the United Kingdom from the Union,

NOTING the provisions of the Treaty of Establishment regarding customs arrangements between the Sovereign Base Areas and the Republic of Cyprus and in particular those of Part I of Annex F to that Treaty,

NOTING the commitment of the United Kingdom not to create customs posts or other frontier barriers between the Sovereign Base Areas and the Republic of Cyprus and not to establish commercial or civilian seaports or airports,

DESIRING to determine appropriate arrangements for achieving the objectives of the arrangements set out in Protocol No 3 after the withdrawal of the United Kingdom from the Union,

CONSIDERING that the arrangements set out in this Protocol should ensure the proper implementation and enforcement of the relevant provisions of Union law in relation to the Sovereign Base Areas after the withdrawal of the United Kingdom from the Union,

CONSIDERING that appropriate arrangements need to be laid down as regards the relief and exemptions from duties and taxes that the armed forces of the United Kingdom and associated personnel can maintain after the withdrawal of the United Kingdom from the Union,

RECOGNISING that it is necessary to provide for specific arrangements for the checks on goods and persons crossing the external borders of the Sovereign Base Areas, as well as to provide for the terms under which the relevant provisions of Union law apply to the line between the areas in which the Government of the Republic of Cyprus does not exercise effective control and the Sovereign Base Area of Dhekelia, as currently provided on the basis of the Protocol No 10 on Cyprus annexed to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded ("Protocol No 10"),

RECOGNISING that cooperation between the Republic of Cyprus and the United Kingdom is essential to ensure the effective implementation of the arrangements laid down in this Protocol,

CONSIDERING that on the basis of the arrangements laid down in this Protocol, Union law will apply in relation to the Sovereign Base Areas in certain policy areas of the Union following the withdrawal of the United Kingdom from the Union,

RECOGNISING the unique arrangements relating to persons living and working in the Sovereign Base Areas under the Treaty of Establishment and the 1960 Declaration and the objective of the consistent application of relevant Union law in both the Republic of Cyprus and the Sovereign Base Areas in order to support those arrangements,

NOTING in this regard that through this Protocol the United Kingdom entrusts the Republic of Cyprus, as a Member State of the Union, with responsibility for implementing and enforcing provisions of Union law in the Sovereign Base Areas as provided for in this Protocol,

RECALLING that the Republic of Cyprus is responsible for the implementation and enforcement of Union law in relation to goods destined for or originating in the Sovereign Base Areas that are entering or leaving through a seaport or airport in the Republic of Cyprus,

UNDERLINING that the arrangements set out in this Protocol are without prejudice to Articles 1 and 2 of the Treaty of Establishment and to the positions of the Republic of Cyprus and the United Kingdom thereon,

CONSIDERING that the arrangements laid down in this Protocol should have the sole purpose of regulating the particular situation of the Sovereign Base Areas and should not apply to any other territory or serve as a precedent,

HAVE AGREED UPON the following provisions, which shall be annexed to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ("Withdrawal Agreement"):

## ARTICLE 1

### General provisions

1. For the purposes of this Protocol, any reference to the United Kingdom in the applicable provisions of the Withdrawal Agreement shall be understood as referring to the United Kingdom in respect of the Sovereign Base Areas. Titles I, II and III of Part Three and Part Six thereof shall apply without prejudice to the provisions of this Protocol.
2. By way of derogation from Article 4(4) and (5) of the Withdrawal Agreement, the provisions of this Protocol referring to Union law or concepts or provisions thereof shall in their implementation and application be interpreted in conformity with the relevant case law of the Court of Justice of the European Union.
3. Notwithstanding Article 71 of the Withdrawal Agreement, in addition to any provisions of Union law on the protection of personal data applicable to and in the Sovereign Base Areas under this Protocol, Regulation (EU) 2016/679 and Directive (EU) 2016/680 shall apply in respect of personal data processed in the Sovereign Base Areas on the basis of this Protocol.

4. By way of derogation from Article 6(1) of the Withdrawal Agreement, where this Protocol makes reference to a Union act, the reference to that act shall be understood as referring to the act as amended or replaced. This paragraph shall not apply in relation to Article 4(3) and (10) of the Council Regulation (EC) 866/2004<sup>1</sup>, to which Article 10(2) shall apply.

5. Where the Union considers, by way of derogation from Articles 7 and 8 of the Withdrawal Agreement, that full or partial access by the United Kingdom, or by the United Kingdom in respect of the Sovereign Base Areas, as the case may be, is strictly necessary to enable the United Kingdom to comply with its obligations under this Protocol, including where such access is necessary because access to the relevant information cannot be facilitated by other practical means, references to Member States and competent authorities of Member States in provisions of Union law made applicable by this Protocol shall be understood as including the United Kingdom or the United Kingdom in respect of the Sovereign Base Areas, as the case may be in relation to access to any network, information system or database established on the basis of Union law.

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<sup>1</sup> Council Regulation (EC) No 866/2004 of 29 April 2004 on a regime under Article 2 of Protocol No 10 of the Act of Accession (OJ L 161, 30.4.2004, p. 128).

## ARTICLE 2

### Customs territory of the Union

1. The Sovereign Base Areas, taking into account the Treaty of Establishment, shall be part of the customs territory of the Union. For this purpose, the provisions of Union law on customs and the common commercial policy, including provisions of Union law providing for customs controls of specific goods or for specific purposes, shall apply to and in the Sovereign Base Areas.
2. Goods produced by producers in the Sovereign Base Areas and placed on the market in the customs territory of the Union shall be considered to be goods in free circulation.
3. All goods intended for use in the Sovereign Base Areas shall enter the island of Cyprus through the civilian airports and seaports of the Republic of Cyprus, and all customs formalities, customs controls and collection of import duties related to them shall be carried out by the authorities of the Republic of Cyprus.
4. All goods intended for export shall exit the island of Cyprus through the civilian airports and seaports of the Republic of Cyprus and all customs export formalities and customs controls related to them shall be carried out by the authorities of the Republic of Cyprus.
5. Customs controls on documents and equipment referred to in paragraph 3 of section 11 of Annex C to the Treaty of Establishment shall be carried out in accordance with the provisions of that section.

6. By way of derogation from paragraphs 3 and 4, and with the sole purpose of supporting the operation of the Sovereign Base Areas as military bases, having regard to the Treaty of Establishment, the following provisions shall apply:

- (a) the following goods may enter or leave the island of Cyprus through a seaport or airport in the Sovereign Base Areas, subject to all customs formalities, customs controls and collection of duties related to those goods being carried out by the authorities of the Sovereign Base Areas:
  - (i) goods imported or exported for official or military purposes;
  - (ii) goods imported or exported in personal baggage, exclusively for their personal use, by or on behalf of United Kingdom personnel, as well as by other persons travelling on defence or official business;
- (b) parcels which are sent or received by United Kingdom personnel or their dependants and transported by the British Forces Post Office may enter or leave the island of Cyprus through a port or airport in the Sovereign Base Areas under the following conditions:
  - (i) incoming parcels addressed to United Kingdom personnel or their dependants shall be transported in a sealed container and conveyed following their arrival to a customs post in the Republic of Cyprus so that the completion of customs formalities, controls and the collection of import duties related to those products can be carried out by the authorities of the Republic of Cyprus;



- (ii) outgoing parcels sent by United Kingdom personnel or their dependants shall be subject to customs control by the authorities of the Sovereign Base Areas.

For the purposes of this paragraph, "United Kingdom personnel or their dependants" means the persons defined in paragraph 1 of Part I of Annex B to the Treaty of Establishment.

The United Kingdom shall share relevant information with the Republic of Cyprus with a view to cooperating closely to prevent the evasion of duties and taxes, including smuggling.

7. Articles 34, 35 and 36 TFEU and other provisions of Union law on goods, in particular measures adopted pursuant to Article 114 TFEU, shall apply to and in the Sovereign Base Areas.

8. Goods arriving from the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control shall cross the line between those areas and the Eastern Sovereign Base Area in accordance with Regulation (EC) No 866/2004.

Without prejudice to Article 6 of this Protocol, the United Kingdom shall be responsible for the implementation and enforcement of Regulation (EC) No 866/2004 in relation to the Sovereign Base Areas in accordance with the provisions of that Regulation. The United Kingdom shall invite the authorities of the Republic of Cyprus to conduct any necessary veterinary, phytosanitary and food safety checks required under that Regulation.

9. The United Kingdom shall be responsible for the implementation and enforcement of the provisions of Union law referred to in paragraph 1 in relation to goods arriving in or leaving the Sovereign Base Areas under paragraph 6.

The United Kingdom shall also be responsible for issuing any licences, authorisations or certificates which may be required in respect of goods covered by paragraph 1 of section 5 of Annex F to the Treaty of Establishment.

10. The Republic of Cyprus shall be responsible for the implementation and enforcement in the Sovereign Base Areas of the provisions of Union law referred to in paragraph 7.

### ARTICLE 3

#### Taxation

1. The provisions of Union law on turnover taxes, excise duties and other forms of indirect taxation adopted pursuant to Article 113 TFEU shall apply to and in the Sovereign Base Areas.

2. Transactions originating in or intended for the Sovereign Base Areas shall be treated as transactions originating in or intended for the Republic of Cyprus for the purposes of value added tax (VAT), excise duties and other forms of indirect taxation.

3. The Republic of Cyprus shall be responsible for the implementation and the enforcement of the provisions of Union law referred to in this Article in the Sovereign Base Areas, including for the collection of duties and taxes payable by civil natural or legal persons residing or established in the Sovereign Base Areas.

## ARTICLE 4

### Duty relief

1. Goods or services received, acquired or imported for use by the armed forces of the United Kingdom or the civilian staff accompanying them, or for supplying their messes or canteens, shall be exempted from customs duties, VAT and excise duties, provided that the persons concerned are eligible for such exemptions in accordance with the Treaty of Establishment. For this purpose, the United Kingdom shall issue exemption certificates upon approval by the Republic of Cyprus in relation to the goods covered by Article 2(3).

2. Any duties that may be collected by the United Kingdom authorities in the Sovereign Base Areas as a result of sale of the goods referred to in paragraph 1 shall be remitted to the authorities of the Republic of Cyprus.

## ARTICLE 5

### Social security

With a view to the continued protection of the rights of persons resident or employed in the territory of the Sovereign Base Areas, the United Kingdom and the Republic of Cyprus shall make further arrangements, where necessary, to ensure the proper implementation of Article 4 of Protocol No 3 after the end of the transition period.

## ARTICLE 6

### Agriculture, fisheries and veterinary and phytosanitary rules

The provisions of Union law on agriculture and fisheries in Title III of Part Three TFEU and acts adopted pursuant to those provisions, as well as the veterinary and phytosanitary rules adopted in particular pursuant to point (b) of Article 168(4) TFEU, shall apply to and in the Sovereign Base Areas.

The Republic of Cyprus shall be responsible for the implementation and enforcement of the provisions of Union law referred to in the first paragraph in the Sovereign Base Areas.

## ARTICLE 7

### Checks on persons crossing the external borders of the Sovereign Base Areas

1. For the purposes of this Article, "external borders of the Sovereign Base Areas" means the sea boundaries and the airports and seaports of the Sovereign Base Areas, but not their land and sea boundaries with the Republic of Cyprus. Subject to paragraph 6, for the purposes of paragraphs 2 and 7, "crossing points" means any crossing point authorised by the authorities of the United Kingdom for the crossing of the external borders of the Sovereign Base Areas.
2. The United Kingdom shall carry out checks on persons crossing the external borders of the Sovereign Base Areas. Those checks shall include the verification of travel documents. All persons shall undergo at least one such check in order to establish their identity. The United Kingdom shall only allow the external borders of the Sovereign Base Areas to be crossed at crossing points.
3. Nationals of third countries and nationals of the United Kingdom shall only be permitted to cross the external borders of the Sovereign Base Areas if they fulfil the following conditions:
  - (a) they possess a valid travel document;
  - (b) they are in possession of a valid visa for the Republic of Cyprus, if required;
  - (c) they are engaged in a defence-related activity or are family members of a person who is engaged in such activity; and

(d) they are not a threat to national security.

The condition specified in point (c) shall not apply to United Kingdom nationals crossing the boundary referred to in paragraph 6.

The United Kingdom may only derogate from the conditions referred to in the first subparagraph on humanitarian grounds, on grounds of national interest or in order to comply with its international obligations.

Members of a force, civilian component and dependants, as defined in Annex C to the Treaty of Establishment, shall be treated as not requiring a visa for the Republic of Cyprus.

4. Any applicant for asylum who first entered the island of Cyprus from outside the Union by one of the Sovereign Base Areas shall be taken back or readmitted to the Sovereign Base Areas at the request of the Member State in whose territory the applicant is present.

The Republic of Cyprus shall continue to cooperate with the United Kingdom with a view to devising practical ways and means of respecting the rights and satisfying the needs of asylum seekers and illegal migrants in the Sovereign Base Areas, bearing in mind humanitarian considerations and in compliance with the relevant Sovereign Base Area Administration legislation.

5. Without prejudice to paragraph 6, there shall be no checks on persons at the land and sea boundaries between the Sovereign Base Areas and the Republic of Cyprus.

6. The boundary between the Eastern Sovereign Base Area and those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control shall be treated as part of the external borders of the Sovereign Base Areas for the purposes of this Article for the duration of the suspension of the application of the acquis according to Article 1 of Protocol No 10. That boundary may only be crossed at the crossing points of Strovilia and Pergamos. With the prior agreement of and in cooperation with the United Kingdom authorities, the Republic of Cyprus may take further measures to combat illegal migration with respect to persons who have crossed that boundary.

7. The United Kingdom authorities shall use mobile units to carry out external border surveillance between border crossing points and at crossing points outside of normal opening hours at the external borders of the Sovereign Base Areas and at the boundary between the Sovereign Base Area of Dhekelia and those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control. That surveillance shall be carried out in such a way as to discourage persons from circumventing the checks at crossing points. The United Kingdom authorities shall deploy enough suitably qualified officers to carry out those checks and surveillance.

8. The United Kingdom authorities shall maintain constant close cooperation with the authorities of the Republic of Cyprus with a view to the effective implementation of the checks and surveillance referred to in paragraphs 6 and 7.

## ARTICLE 8

### Cooperation

The Republic of Cyprus and the United Kingdom shall cooperate to ensure the effective implementation of this Protocol, in particular with a view to countering fraud and any other illegal activities that affect the financial interests of the Union or of the United Kingdom. The Republic of Cyprus and the United Kingdom may make further arrangements concerning the implementation of any of the provisions of this Protocol. The Republic of Cyprus shall inform the European Commission of any such arrangements before their entry into force.

## ARTICLE 9

### Specialised Committee

1. The Specialised Committee on issues related to the implementation of the Protocol related to the Sovereign Base Areas in Cyprus established by Article 165 of the Withdrawal Agreement ("Specialised Committee") shall:
  - (a) facilitate the implementation and application of this Protocol;
  - (b) discuss any point of relevance to this Protocol giving rise to a difficulty and raised by the Union or the United Kingdom; and



- (c) make recommendations to the Joint Committee as regards the functioning of this Protocol, in particular proposals for amendments of the references to Union law in this Protocol.
2. The European Commission shall inform the Specialised Committee of any report submitted under Article 11 of Regulation (EC) No 866/2004 and shall consult the United Kingdom in relation to any Commission proposal to adopt an act amending or replacing that Regulation if the Sovereign Base Areas are affected.

## ARTICLE 10

### Joint Committee

1. The Joint Committee shall amend any references to Union law in this Protocol on a recommendation from the Specialised Committee.
2. If it considers it is necessary in order to maintain the good functioning of this Protocol, the Joint Committee may, on a recommendation from the Specialised Committee, take any decision necessary to replace in relation to this Protocol the provisions referred to in Article 1(4).
3. The Joint Committee may, on a recommendation from the Specialised Committee, amend Article 7(6) in relation to the crossing points identified in that provision.

## ARTICLE 11

### Operation of Article 6 of Protocol No 3 during the transition period

Notwithstanding Article 127(1) of the Withdrawal Agreement, any measures adopted during the transition period under Article 6 of Protocol No 3 shall not apply to or in the Sovereign Base Areas.

## ARTICLE 12

### Supervision and enforcement

1. In respect of the Sovereign Base Areas and in relation to natural and legal persons residing or established in the territory of those Areas, the institutions, bodies, offices and agencies of the Union shall have the powers conferred upon them by Union law in relation to this Protocol and provisions of Union law made applicable by it. In particular, the Court of Justice of the European Union shall have jurisdiction as provided for in the Treaties in this respect.
2. Acts of the institutions, bodies, offices and agencies adopted in accordance with paragraph 1 shall produce the same legal effects with regard to and in the Sovereign Base Areas as those which they produce within the Union and its Member States.

## ARTICLE 13

### Responsibility for implementation

1. Unless otherwise provided in this Protocol, the United Kingdom shall be responsible for the implementation and enforcement of this Protocol in the Sovereign Base Areas. Notwithstanding paragraph 3, the competent authorities of the United Kingdom shall enact the domestic legislation necessary to give effect to this Protocol in the Sovereign Base Areas.
2. The United Kingdom shall retain the exclusive right to implement and enforce this Protocol in respect of its own authorities or on any immovable property owned or occupied by the Ministry of Defence of the United Kingdom, as well as any coercive enforcement power requiring the power to enter a dwelling house or a power of arrest. The United Kingdom shall retain other coercive enforcement powers unless otherwise provided in the legislation referred to in paragraph 1.
3. The Republic of Cyprus is entrusted with the responsibility for implementing and enforcing this Protocol in the Sovereign Base Areas in accordance with Article 2(10) and Articles 3 and 6.

## PROTOCOL ON GIBRALTAR

The Union and the United Kingdom,

RECALLING that the United Kingdom is responsible for Gibraltar's external relations, and that Union law is applicable to Gibraltar to the extent provided in the 1972 Act of Accession by virtue of Article 355(3) TFEU,

RECALLING that this Protocol is to be implemented in accordance with the respective constitutional orders of the Kingdom of Spain and of the United Kingdom,

RECALLING that, pursuant to Article 50 TEU, in conjunction with Article 106a of the Euratom Treaty, and subject to the arrangements laid down in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ("Withdrawal Agreement"), the law of the European Union and of Euratom in its entirety ceases, to apply to the United Kingdom, and therefore to Gibraltar, from the date of entry into force of the Withdrawal Agreement,

CONSIDERING that it is necessary to ensure an orderly withdrawal from the Union in relation to Gibraltar,

STRESSING that the orderly withdrawal of the United Kingdom from the Union in relation to Gibraltar implies that any potential negative effect on the close social and economic relations between Gibraltar and the surrounding area, in particular the territory of the municipalities that make up the Mancomunidad de Municipios del Campo de Gibraltar in the Kingdom of Spain, is adequately addressed,

TAKING NOTE of the commitment of the United Kingdom in respect of Gibraltar to address the payment of benefits in a satisfactory manner by 31 December 2020,

AIMING at continuing to promote balanced economic and social development in the area, in particular in terms of labour conditions, and continuing to ensure the highest levels of environmental protection in accordance with Union law, as well as continuing to strengthen security for the inhabitants of the area, in particular through cooperation in police and customs matters,

ACKNOWLEDGING the benefits for the economic development of the area arising from the free movement of persons under Union law, which will continue to apply during the transition period,

REAFFIRMING in particular the ambition to protect public health, and highlighting the necessity to fight against the serious health, social, and economic consequences of smoking,

EMPHASISING also the need to combat fraud and smuggling and to protect the financial interests of all the parties concerned,

UNDERLINING that this Protocol is without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to sovereignty and jurisdiction,

TAKING NOTE of the Memoranda of Understanding concluded between the Kingdom of Spain and the United Kingdom on 29 November 2018 in relation to citizens' rights, tobacco and other products, cooperation on environmental matters and cooperation in police and customs matters, as well as the agreement reached on 29 November 2018 to conclude a treaty on taxation and the protection of financial interests,

HAVE AGREED UPON the following provisions, which shall be annexed to the Withdrawal Agreement:

## ARTICLE 1

### Citizens' rights

1. The Kingdom of Spain ("Spain") and the United Kingdom in respect of Gibraltar shall closely cooperate with a view to preparing and underpinning the effective implementation of Part Two of the Withdrawal Agreement on citizens' rights, which fully applies, *inter alia*, to frontier workers residing in Gibraltar or in Spain, in particular in the territory of the municipalities that make up the Mancomunidad de Municipios del Campo de Gibraltar, and which, in Articles 24 and 25 provide for specific rights for frontier workers.
2. To that effect, the competent authorities shall exchange up-to-date information on a quarterly basis on persons covered by Part Two of the Withdrawal Agreement who reside in Gibraltar or in the territory of the municipalities that make up the Mancomunidad de Municipios del Campo de Gibraltar, including, in particular, frontier workers.
3. Spain and the United Kingdom shall establish a coordinating committee as a forum for regular discussion between the competent authorities to monitor matters relating to employment and labour conditions. That coordinating committee shall report to the Committee on issues related to the implementation of the Protocol on Gibraltar established by Article 165 of the Withdrawal Agreement ("Specialised Committee") on a regular basis.

## ARTICLE 2

### Air transport law

Union law on air transport which did not apply to the Gibraltar airport before the date of entry into force of the Withdrawal Agreement shall only become applicable to the Gibraltar airport from the date established by the Joint Committee. The Joint Committee shall adopt the decision thereon upon notification by the United Kingdom and Spain that they have reached a satisfactory agreement on the use of the Gibraltar airport.

## ARTICLE 3

### Fiscal matters and protection of financial interests

1. Spain and the United Kingdom in respect of Gibraltar shall establish the forms of cooperation necessary to achieve full transparency in tax matters and in respect of the protection of financial interests of all the parties concerned, in particular by establishing an enhanced system of administrative cooperation to fight against fraud, smuggling and money laundering, and to resolve tax residence conflicts.



2. The international standards of the Group of Twenty (G20) and of the Organisation for Economic Co-operation and Development (OECD) relating to good fiscal governance, transparency, exchanges of information and harmful tax practices and in particular the economic substance criteria established by the OECD Forum on Harmful Tax Practices shall be complied with in Gibraltar, with a view to Gibraltar's participation in the OECD Inclusive Framework on base erosion and profit shifting (BEPS).

3. The United Kingdom shall ensure that its ratification of the Framework Convention on Tobacco Control, adopted in Geneva on 21 May 2003, and the Protocol to Eliminate Illicit Trade in Tobacco Products, adopted in Seoul on 12 November 2012, is extended to Gibraltar by 30 June 2020.

Without prejudice to the first subparagraph, the United Kingdom shall ensure that a system of traceability and security measures relating to tobacco products that is equivalent to the requirements and standards of Union law is in force in Gibraltar by 30 June 2020. That system shall ensure reciprocal access to the information on traceability of cigarettes in Spain and Gibraltar.

4. In order to prevent and deter the smuggling of products subject to excise duties or special taxes, the United Kingdom shall ensure that, in respect of alcohol and petrol, a tax system which aims at preventing fraudulent activities involving those products is in force in Gibraltar.

## ARTICLE 4

### Environment protection and fishing

Spain and the United Kingdom shall establish a coordinating committee as a forum for regular discussion between the competent authorities of issues concerning in particular waste management, air quality, scientific research and fishing. The Union shall be invited to participate in the meetings of that coordinating committee. That coordinating committee shall report to the Specialised Committee on a regular basis.

## ARTICLE 5

### Cooperation in police and customs matters

Spain and the United Kingdom shall establish a coordination committee as a forum for monitoring and for coordination between the competent authorities of any questions related to cooperation in police and customs matters. The Union shall be invited to participate in the meetings of that coordination committee. That coordinating committee shall report to the Specialised Committee on a regular basis.

## ARTICLE 6

### Tasks of the Specialised Committee

The Specialised Committee shall:

- (a) facilitate the implementation and application of this Protocol;
- (b) discuss any point of relevance to this Protocol giving rise to a difficulty and raised by the Union or the United Kingdom;
- (c) examine the reports from the coordination committees referred to in this Protocol; and
- (d) make recommendations to the Joint Committee as regards the functioning of this Protocol.

## ANNEXES

SOCIAL SECURITY COORDINATION

PART I

DECISIONS AND RECOMMENDATIONS OF THE ADMINISTRATIVE COMMISSION

Applicable legislation (A series):

- Decision A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provisions of benefits under Regulation (EC) No 883/2004 of the European Parliament and of the Council;<sup>1</sup>
- Decision A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State;<sup>2</sup>

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<sup>1</sup> OJ C 106, 24.4.2010, p. 1.

<sup>2</sup> OJ C 106, 24.4.2010, p. 5.

- Decision A3 of 17 December 2009 concerning the aggregation of uninterrupted posting periods completed under the Council Regulation (EEC) No 1408/71 and Regulation (EC) No 883/2004 of the European Parliament and of the Council.<sup>1</sup>

Electronic Data Exchange (E series):

- Decision E2 of 3 March 2010 concerning the establishment of a change management procedure applying to details of the bodies defined in Article 1 of Regulation (EC) No 883/2004 of the European Parliament and of the Council which are listed in the electronic directory which is an inherent part of EESSI;<sup>2</sup>
- Decision E4 of 13 March 2014 concerning the transitional period as defined in Article 95 of Regulation (EC) No 987/2009 of the European Parliament and of the Council;<sup>3</sup>
- Decision E5 of 16 March 2017 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council.<sup>4</sup>

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<sup>1</sup> OJ C 149, 8.6.2010, p. 3.

<sup>2</sup> OJ C 187, 10.7.2010, p. 5.

<sup>3</sup> OJ C 152, 20.5.2014, p. 21.

<sup>4</sup> OJ C 233, 19.7.2017, p. 3.

#### Family benefits (F series):

- Decision F1 of 12 June 2009 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 of the European Parliament and of the Council relating to priority rules in the event of overlapping of family benefits;<sup>1</sup>
- Decision F2 of 23 June 2015 concerning the exchange of data between institutions for the purpose of granting family benefits.<sup>2</sup>

#### Horizontal issues (H series):

- Decision H1 of 12 June 2009 concerning the framework for the transition from Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 to Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council and the application of Decisions and Recommendations of the Administrative Commission for the coordination of social security systems;<sup>3</sup>

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<sup>1</sup> OJ C 106, 24.4.2010, p. 11.

<sup>2</sup> OJ C 52, 11.2.2016, p. 11.

<sup>3</sup> OJ C 106, 24.4.2010, p. 13.

- Decision H3 of 15 October 2009 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council;<sup>1</sup>
- Decision H4 of 22 December 2009 concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems;<sup>2</sup>
- Decision H5 of 18 March 2010 concerning cooperation on combating fraud and error within the framework of Council Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council on the coordination of social security systems;<sup>3</sup>
- Decision H6 of 16 December 2010 concerning the application of certain principles regarding the aggregation of periods under Article 6 of Regulation (EC) No 883/2004 on the coordination of social security systems;<sup>4</sup>

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<sup>1</sup> OJ C 106, 24.4.2010, p. 56.

<sup>2</sup> OJ C 107, 27.4.2010, p. 3.

<sup>3</sup> OJ C 149, 8.6.2010, p. 5.

<sup>4</sup> OJ C 45, 12.2.2011, p. 5.



- Decision H7 of 25 June 2015 on the revision of Decision H3 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council on the coordination of social security systems;<sup>1</sup>
- Decision H8 of 17 December 2015 (updated with minor technical clarifications on 9 March 2016) concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the coordination of social security systems;<sup>2</sup>
- Recommendation H1 of 19 June 2013 concerning the Gottardo judgment, according to which the advantages enjoyed by a State's own nationals under a bilateral convention on social security with a non-member country must also be granted to workers who are nationals of other Member States.<sup>3</sup>

Pensions (P series):

- Decision P1 of 12 June 2009 on the interpretation of Articles 50(4), 58 and 87(5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council for the award of invalidity, old-age and survivors' benefits.<sup>4</sup>

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<sup>1</sup> OJ C 52, 11.2.2016, p. 13.

<sup>2</sup> OJ C 263, 20.7.2016, p. 3.

<sup>3</sup> OJ C 279, 27.9.2013, p. 13.

<sup>4</sup> OJ C 106, 24.4.2010, p. 21.

Recovery (R series):

- Decision R1 of 20 June 2013 concerning the interpretation of Article 85 of Regulation (EC) No 987/2009.<sup>1</sup>

Sickness (S series):

- Decision S1 of 12 June 2009 concerning the European Health Insurance Card;<sup>2</sup>
- Decision S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card;<sup>3</sup>
- Decision S3 of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A)(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council;<sup>4</sup>

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<sup>1</sup> OJ C 279, 27.9.2013, p. 11.

<sup>2</sup> OJ C 106, 24.4.2010, p. 23.

<sup>3</sup> OJ C 106, 24.4.2010, p. 26.

<sup>4</sup> OJ C 106, 24.4.2010, p. 40.

- Decision S5 of 2 October 2009 on interpretation of the concept of "benefits in kind" as defined in Article 1(va) of Regulation (EC) No 883/2004 of the European Parliament and of the Council in the event of sickness or maternity pursuant to Articles 17, 19, 20, 22, 24(1), 25, 26, 27(1, 3, 4 and 5), 28, 34 and 36(1 and 2) of Regulation (EC) No 883/2004 and on calculation of the amounts to be refunded under Articles 62, 63 and 64 of Regulation (EC) No 987/2009 of the European Parliament and of the Council;<sup>1</sup>
- Decision S6 of 22 December 2009 concerning the registration in the Member State of residence under Article 24 of Regulation (EC) No 987/2009 and the compilation of the inventories provided for in Article 64(4) of Regulation (EC) No 987/2009;<sup>2</sup>
- Decision S8 of 15 June 2011 concerning the granting of prostheses, major appliances and other substantial benefits in kind provided for in Article 33 of Regulation (EC) No 883/2004 on the coordination of social security systems;<sup>3</sup>
- Decision S9 of 20 June 2013 concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004;<sup>4</sup>

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<sup>1</sup> OJ C 106, 24.4.2010, p. 54.

<sup>2</sup> OJ C 107, 27.4.2010, p. 6.

<sup>3</sup> OJ C 262, 6.9.2011, p. 6.

<sup>4</sup> OJ C 279, 27.9.2013, p. 8.

- Decision S10 of 19 December 2013 concerning the transition from Regulations (EEC) Nos 1408/71 and 574/72 to Regulations (EC) Nos 883/2004 and 987/2009 and the application of reimbursement procedures;<sup>1</sup>
- Recommendation S1 of 15 March 2012 concerning financial aspects of cross-border living organ donations;<sup>2</sup>
- Recommendation S2 of 22 October 2013 concerning the entitlement to benefits in kind for insured persons and members of their family during a stay in a third country under a bilateral convention between the competent Member State and the third country.<sup>3</sup>

#### Unemployment (U series):

- Decision U1 of 12 June 2009 concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family;<sup>4</sup>

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<sup>1</sup> OJ C 152, 20.5.2014, p. 16.

<sup>2</sup> OJ C 240, 10.8.2012, p. 3.

<sup>3</sup> OJ C 46, 18.2.2014, p. 8.

<sup>4</sup> OJ C 106, 24.4.2010, p. 42.

- Decision U2 of 12 June 2009 concerning the scope of Article 65(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the right to unemployment benefits of wholly unemployed persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment;<sup>1</sup>
- Decision U3 of 12 June 2009 concerning the scope of the concept of "partial unemployment" applicable to the unemployed persons referred to in Article 65(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council;<sup>2</sup>
- Decision U4 of 13 December 2011 concerning the reimbursement procedures under Article 65(6) and (7) of Regulation (EC) No 883/2004 and Article 70 of Regulation (EC) No 987/2009;<sup>3</sup>
- Recommendation U1 of 12 June 2009 concerning the legislation applicable to unemployed persons engaging in part-time professional or trade activity in a Member State other than the State of residence;<sup>4</sup>

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<sup>1</sup> OJ C 106, 24.4.2010, p. 43.

<sup>2</sup> OJ C 106, 24.4.2010, p. 45.

<sup>3</sup> OJ C 57, 25.2.2012, p. 4.

<sup>4</sup> OJ C 106, 24.4.2010, p. 49.

- Recommendation U2 of 12 June 2009 concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State.<sup>1</sup>

## PART II

### ACTS REFERRED TO

Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems,<sup>2</sup> as amended by:

- Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009;<sup>3</sup>
- Commission Regulation (EU) No 1244/2010 of 9 December 2010;<sup>4</sup>
- Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012;<sup>5</sup>

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<sup>1</sup> OJ C 106, 24.4.2010, p. 51.

<sup>2</sup> OJ L 166, 30.4.2004, p. 1.

<sup>3</sup> OJ L 284, 30.10.2009, p. 43.

<sup>4</sup> OJ L 338, 22.12.2010, p. 35.

<sup>5</sup> OJ L 149, 8.6.2012, p. 4.

- Commission Regulation (EU) No 1224/2012 of 18 December 2012;<sup>1</sup>
- Council Regulation (EU) No 517/2013 of 13 May 2013;<sup>2</sup>
- Commission Regulation (EU) No 1372/2013 of 19 December 2013,<sup>3</sup> as amended by Commission Regulation (EU) No 1368/2014 of 17 December 2014;<sup>4</sup>
- Commission Regulation (EU) 2017/492 of 21 March 2017.<sup>5</sup>

Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems<sup>6</sup>, as amended by:

- Commission Regulation (EU) No 1244/2010 of 9 December 2010;<sup>7</sup>

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<sup>1</sup> OJ L 349, 19.12.2012, p. 45.  
<sup>2</sup> OJ L 158, 10.6.2013, p. 1.  
<sup>3</sup> OJ L 346, 20.12.2013, p. 27.  
<sup>4</sup> OJ L 366, 20.12.2014, p. 15.  
<sup>5</sup> OJ L 76, 22.3.2017, p. 13.  
<sup>6</sup> OJ L 284, 30.10.2009, p. 1.  
<sup>7</sup> OJ L 338, 22.12.2010, p. 35.

- Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012;<sup>1</sup>
- Commission Regulation (EU) No 1224/2012 of 18 December 2012;<sup>2</sup>
- Commission Regulation (EU) No 1372/2013 of 19 December 2013;<sup>3</sup>
- Commission Regulation (EU) No 1368/2014 of 17 December 2014;<sup>4</sup>
- Commission Regulation (EU) 2017/492 of 21 March 2017.<sup>5</sup>

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<sup>1</sup> OJ L 149, 8.6.2012, p. 4.

<sup>2</sup> OJ L 349, 19.12.2012, p. 45.

<sup>3</sup> OJ L 346, 20.12.2013, p. 27.

<sup>4</sup> OJ L 366, 20.12.2014, p. 15.

<sup>5</sup> OJ L 76, 22.3.2017, p. 13.



### PART III

#### ADAPTATIONS TO REGULATION (EC) NO 883/2004 AND REGULATION (EC) NO 987/2009

The provisions of Regulation (EC) No 883/2004 shall, for the purposes of this Agreement, be adapted as follows:

- (a) the following shall be added to Annex II:

##### "UNITED KINGDOM-GERMANY

- (a) Article 7(5) and (6) of the Convention on social security of 20 April 1960 (legislation applicable to civilians serving in the military forces);
- (b) Article 5(5) and (6) of the Convention on unemployment insurance of 20 April 1960 (legislation applicable to civilians serving in the military forces).

##### UNITED KINGDOM-IRELAND

Article 19(2) of the Agreement of 14 December, 2004 on social security (concerning the transfer and reckoning of certain disability credits).";

(b) the following shall be added to Annex III:

"UNITED KINGDOM";

(c) the following shall be added to Annex VI:

"UNITED KINGDOM

Employment and Support Allowance (ESA)

(a) For awards granted before 1 April 2016 ESA is a cash sickness benefit for the initial 91 days (Assessment Phase). From the 92nd day ESA (Main Phase) becomes an invalidity benefit.

(b) For awards granted on or after 1 April 2016 ESA is a cash sickness benefit for the initial 365 days (Assessment Phase). From the 366th day ESA (Support Group) becomes an invalidity benefit.

Great Britain legislation: Part 1 of the Welfare Reform Act 2007.

Northern Ireland legislation: Part 1 of the Welfare Reform Act (Northern Ireland) 2007.";

- (d) the following shall be added to Part 1 of Annex VIII:

"UNITED KINGDOM

All applications for retirement pension, state pension pursuant to Part 1 of the Pensions Act 2014, widows' and bereavement benefits, with the exception of those for which during a tax year beginning on or after 6 April 1975:

- (i) the party concerned had completed periods of insurance, employment or residence under the legislation of the United Kingdom and another Member State; and one (or more) of the tax years was not considered a qualifying year within the meaning of the legislation of the United Kingdom;
- (ii) the periods of insurance completed under the legislation in force in the United Kingdom for the periods prior to 5 July 1948 would be taken into account for the purposes of Article 52(1)(b) of the Regulation by application of the periods of insurance, employment or residence under the legislation of another Member State.

All applications for additional pension pursuant to the Social Security Contributions and Benefits Act 1992, section 44, and the Social Security Contributions and Benefits (Northern Ireland) Act 1992, section 44.";

- (e) the following shall be added to Part 2 of Annex VIII:

"UNITED KINGDOM

Graduated retirement benefits paid pursuant to the National Insurance Act 1965, sections 36 and 37, and the National Insurance Act (Northern Ireland) 1966, sections 35 and 36.";

- (f) the following shall be added to Annex X:

"UNITED KINGDOM

(a) State Pension Credit (State Pension Credit Act 2002 and State Pension Credit Act (Northern Ireland) 2002);

(b) Income-based allowances for jobseekers (Jobseekers Act 1995 and Jobseekers (Northern Ireland) Order 1995);

(d) Disability Living Allowance mobility component (Social Security Contributions and Benefits Act 1992 and Social Security Contributions and Benefits (Northern Ireland) Act 1992);

(e) Employment and Support Allowance Income-related (Welfare Reform Act 2007 and Welfare Reform Act (Northern Ireland) 2007).";

(g) the following shall be added to Annex XI:

"UNITED KINGDOM

1. Where, in accordance with United Kingdom legislation, a person may be entitled to a retirement pension if:
  - (a) the contributions of a former spouse are taken into account as if they were that person's own contributions; or
  - (b) the relevant contribution conditions are satisfied by that person's spouse or former spouse, then provided, in each case, that the spouse or former spouse is or had been exercising an activity as an employed or self-employed person, and had been subject to the legislation of two or more Member States, the provisions of Chapter 5 of Title III of this Regulation shall apply in order to determine entitlement under United Kingdom legislation. In this case, references in the said Chapter 5 to "periods of insurance" shall be construed as references to periods of insurance completed by:
    - (i) a spouse or former spouse where a claim is made by:
      - a married woman, or
      - a person whose marriage has terminated otherwise than by the death of the spouse; or

(ii) a former spouse, where a claim is made by:

- a widower who immediately before pensionable age is not entitled to widowed parent's allowance, or
- a widow who immediately before pensionable age is not entitled to widowed mother's allowance, widowed parent's allowance or widow's pension, or who is only entitled to an age-related widow's pension calculated pursuant to Article 52(1)(b) of this Regulation, and for this purpose 'age-related widow's pension' means a widow's pension payable at a reduced rate in accordance with section 39(4) of the Social Security Contributions and Benefits Act 1992.

2. For the purposes of applying Article 6 of this Regulation to the provisions governing entitlement to attendance allowance, carer's allowance and disability living allowance, a period of employment, self-employment or residence completed in the territory of a Member State other than the United Kingdom shall be taken into account insofar as is necessary to satisfy conditions as to required periods of presence in the United Kingdom, prior to the day on which entitlement to the benefit in question first arises.

3. For the purposes of Article 7 of this Regulation, in the case of invalidity, old-age or survivors' cash benefits, pensions for accidents at work or occupational diseases and death grants, any beneficiary under United Kingdom legislation who is staying in the territory of another Member State shall, during that stay, be considered as if he resided in the territory of that other Member State.
  
4. Where Article 46 of this Regulation applies, if the person concerned suffers incapacity for work leading to invalidity while subject to the legislation of another Member State, the United Kingdom shall, for the purposes of Section 30A (5) of the Social Security Contributions and Benefits Act 1992, take account of any periods during which the person concerned has received, in respect of that incapacity for work:
  - (i) cash sickness benefits or wages or salary in lieu thereof; or
  
  - (ii) benefits within the meaning of Chapters 4 and 5 of Title III of this Regulation granted in respect of the invalidity which followed that incapacity for work, under the legislation of the other Member State, as though they were periods of short-term incapacity benefit paid in accordance with Sections 30A (1)-(4) of the Social Security Contributions and Benefits Act 1992.

In applying this provision, account shall only be taken of periods during which the person would have been incapable of work within the meaning of United Kingdom legislation.

5. (1) For the purpose of calculating an earnings factor in order to determine entitlement to benefits under United Kingdom legislation, for each week of activity as an employed person under the legislation of another Member State, and which commenced during the relevant income tax year within the meaning of United Kingdom legislation, the person concerned shall be deemed to have paid contributions as an employed earner, or have earnings on which contributions have been paid, on the basis of earnings equivalent to two-thirds of that year's upper earnings limit.
- (2) For the purposes of Article 52(1)(b)(ii) of this Regulation, where:
  - (a) in any income tax year starting on or after 6 April 1975, a person carrying out activity as an employed person has completed periods of insurance, employment or residence exclusively in a Member State other than the United Kingdom, and the application of point 5(1) above results in that year being counted as a qualifying year within the meaning of United Kingdom legislation for the purposes of Article 52(1)(b)(i) of this Regulation, he shall be deemed to have been insured for 52 weeks in that year in that other Member State;
  - (b) any income tax year starting on or after 6 April 1975 does not count as a qualifying year within the meaning of United Kingdom legislation for the purposes of Article 52(1)(b)(i) of this Regulation, any periods of insurance, employment or residence completed in that year shall be disregarded.



- (3) For the purpose of converting an earnings factor into periods of insurance, the earnings factor achieved in the relevant income tax year within the meaning of United Kingdom legislation shall be divided by that year's lower earnings limit. The result shall be expressed as a whole number, any remaining fraction being ignored. The figure so calculated shall be treated as representing the number of weeks of insurance completed under United Kingdom legislation during that year, provided that such figure shall not exceed the number of weeks during which in that year the person was subject to that legislation."

The provisions of Regulation (EC) No 987/2009 shall, for the purposes of this Agreement, be adapted as follows:

- (a) the following shall be added to Annex 1:

"UNITED KINGDOM-BELGIUM

- (a) The Exchange of Letters of 4 May and 14 June 1976 regarding Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs of administrative checks and medical examinations)

- (b) The Exchange of Letters of 18 January and 14 March 1977 regarding Article 36(3) of Regulation (EEC) No 1408/71 (arrangement for reimbursement or waiving of reimbursement of the costs of benefits in kind provided under the terms of Chapter 1 of Title III of Regulation (EEC) No 1408/71) as amended by the Exchange of Letters of 4 May and 23 July 1982 (agreement for reimbursement of costs incurred under Article 22(1)(a) of Regulation (EEC) No 1408/71)

#### UNITED KINGDOM-DENMARK

The Exchange of Letters of 30 March and 19 April 1977 as modified by an Exchange of Letters of 8 November 1989 and of 10 January 1990 on agreement of waiving of reimbursement of the costs of benefits in kind and administrative checks and medical examinations

#### UNITED KINGDOM-ESTONIA

The Arrangement finalised on 29 March 2006 between the Competent Authorities of the Republic of Estonia and of the United Kingdom under Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 establishing other methods of reimbursement of the costs of benefits in kind provided under this Regulation by both countries with effect from 1 May 2004

## UNITED KINGDOM-IRELAND

The Exchange of Letters of 9 July 1975 regarding Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 (arrangement for reimbursement or waiving of reimbursement of the costs of benefits in kind provided under the terms of Chapter 1 or 4 of Title III of Regulation (EEC) No 1408/71) and Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs of administrative checks and medical examinations)

## UNITED KINGDOM-SPAIN

The Agreement of 18 June 1999 on the reimbursement of costs for benefits in kind granted pursuant to the provisions of Regulations (EEC) No 1408/71 and (EEC) No 574/72

## UNITED KINGDOM-FRANCE

- (a) The Exchange of Letters of 25 March and 28 April 1997 regarding Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs of administrative checks and medical examinations)
- (b) The Agreement of 8 December 1998 on the specific methods of determining the amounts to be reimbursed for benefits in kind pursuant to Regulations (EEC) No 1408/71 and (EEC) No 574/72

#### UNITED KINGDOM-ITALY

The Arrangement signed on 15 December 2005 between the Competent Authorities of the Italian Republic and of the United Kingdom under Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 establishing other methods of reimbursement of the costs of benefits in kind provided under this Regulation by both countries with effect from 1 January 2005

#### UNITED KINGDOM-LUXEMBOURG

The Exchange of Letters of 18 December 1975 and 20 January 1976 regarding Article 105(2) of Regulation (EEC) No 574/72 (waiving of reimbursement of the costs entailed in administrative checks and medical examinations referred to in Article 105 of Regulation (EEC) No 574/72)

#### UNITED KINGDOM-HUNGARY

The Arrangement finalised on 1 November 2005 between the Competent Authorities of the Republic of Hungary and of the United Kingdom under Articles 35(3) and 41(2) of Regulation (EEC) No 883/2004 establishing other methods of reimbursement of the costs of benefits in kind provided under that Regulation by both countries with effect from 1 May 2004

#### UNITED KINGDOM-MALTA

The Arrangement finalised on 17 January 2007 between the Competent Authorities of Malta and of the United Kingdom under Articles 35(3) and 41(2) of Regulation (EEC) No 883/2004 establishing other methods of reimbursement of the costs of benefits in kind provided under that Regulation by both countries with effect from 1 May 2004

#### UNITED KINGDOM-NETHERLANDS

The second sentence of Article 3 of the Administrative Arrangement of 12 June 1956 on the implementation of the Convention of 11 August 1954

#### UNITED KINGDOM-PORTUGAL

The Arrangement of 8 June 2004 establishing other methods of reimbursement of the costs of benefits in kind provided by both countries with effect from 1 January 2003

#### UNITED KINGDOM-FINLAND

The Exchange of Letters 1 and 20 June 1995 concerning Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 (reimbursement or waiving of reimbursement of the cost of benefits in kind) and Article 105(2) of Regulation (EEC) 574/72 (waiving of reimbursement of the cost of administrative checks and medical examinations)

UNITED KINGDOM-SWEDEN

The Arrangement of 15 April 1997 concerning Article 36(3) and Article 63(3) of Regulation (EEC) No 1408/71 (reimbursement or waiving of reimbursement of the cost of benefits in kind) and Article 105(2) of Regulation (EEC) No 574/72 (waiving of refunds of the costs of administrative checks and medical examinations)";

- (b) the following shall be added to Annex 3:

"UNITED KINGDOM".

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PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 41(4)

1. Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine<sup>1</sup>.
2. Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals<sup>2</sup>.
3. Chapter II of Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae<sup>3</sup>.
4. Chapter II of Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs<sup>4</sup>.
5. Chapter II of Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC<sup>5</sup>.

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<sup>1</sup> OJ 121, 29.7.1964, p. 1977.

<sup>2</sup> OJ L 46, 19.2.1991, p. 19.

<sup>3</sup> OJ L 192, 23.7.2010, p. 1.

<sup>4</sup> OJ L 343, 22.12.2009, p. 74.

<sup>5</sup> OJ L 268, 14.9.1992, p. 54.

6. Chapter II of Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species<sup>1</sup>.
7. Chapter II of Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species<sup>2</sup>.
8. Chapter II of Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species<sup>3</sup>.
9. Chapter III of Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals<sup>4</sup>.
10. Chapter II of Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003<sup>5</sup>.

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<sup>1</sup> OJ L 302, 19.10.1989, p. 1.

<sup>2</sup> OJ L 194, 22.7.1988, p. 10.

<sup>3</sup> OJ L 224, 18.8.1990, p. 62.

<sup>4</sup> OJ L 328, 24.11.2006, p. 14.

<sup>5</sup> OJ L 178, 28.6.2013, p. 1.



TIME LIMITS FOR THE SITUATIONS  
OR CUSTOMS PROCEDURES REFERRED TO IN ARTICLE 49(1)

The time limits set out in this Annex are the relevant end dates for the application of Regulation (EU) No 952/2013.

Situation / procedure	Time limit
<b>1. Temporary storage</b>	<b>90 days</b> , Article 149 of Regulation (EU) No 952/2013
<b>2. Release for free circulation</b>	1 month + 10 days after acceptance of the declaration, Article 146(3) of Delegated Regulation (EU) 2015/2446 <sup>1</sup> concerning the supplementary declaration; "reasonable period of time" as regards verification, Article 194 of Regulation (EU) No 952/2013  <b>Maximum: 60 days</b>

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<sup>1</sup> Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

Situation / procedure	Time limit
<b>3. Special procedures</b>	
Period for discharge is obligatory for inward processing, outward processing, end-use and temporary admission (D.E. 4/17 in Annex A to Delegated Regulation (EU) 2015/2446). Discharge by placing under a subsequent customs procedure, taking out of the customs territory or being destroyed, Article 215(1) of Regulation (EU) No 952/2013.	
(a) Union transit	<b>Maximum: 12 months after release</b>
(b) Customs warehousing	<b>Maximum: 12 months after the end of the transition period</b>
(c) Free zones	<b>At the end of the transition period</b>
(d) Temporary admission	<b>Maximum: 12 months after release</b>
(e) End-use	<b>Maximum: 12 months after release</b>
(f) Inward processing	<b>Maximum: 12 months after release</b>
(g) Outward processing	<b>Maximum: 12 months after release</b>
4. Export	<b>150 days after release</b>
5. Re-export	<b>150 days after release</b>

LIST OF NETWORKS, INFORMATION SYSTEMS  
AND DATABASES REFERRED IN ARTICLES 50, 53, 99 AND 100

1. Backwards compatibility for the United Kingdom and the Union shall be established to ensure that, for any changes that are made to the networks, information systems and databases, as well as for any changes to formats for exchanging information, the Member States and the United Kingdom can continue to accept each other's information in the current format, unless the Union and the United Kingdom agree otherwise.
2. The United Kingdom's access to any given network, information system or database shall be limited in time. The respective time period is indicated for each network, information system or database. Where exchanges of information between customs authorities would be required for the implementation of procedures in accordance with Article 49 once electronic data-processing is no longer possible in accordance with this Annex, alternative means for the exchange and storage of information shall be used.

Part I: Customs

Customs IT system	Type of access	Time limit
<b>ICS</b> (Import Control System)	Lodgement of the pre-arrival declaration limited to: <ul style="list-style-type: none"> <li data-bbox="549 456 1161 633">– Receiving and sending entry summary declaration (ENS) data on declarations lodged before the end of the transition period (in the case of subsequent ports or diversion);</li> <li data-bbox="549 651 1161 759">– Receiving and sending risk data on those declarations lodged before the end of the transition period.</li> </ul>	31 July 2021
<b>NCTS</b> (New Computerised Transit System)	All functionalities applied to ongoing transit operations, i.e. movements released for transit before the end of the transition period. [No release of new transit operations after the end of the transition period.]	31 January 2021

Customs IT system	Type of access	Time limit
<b>ECS</b> (Export Control System)	<p><b>Confirmation of exit for ongoing export operations</b>, i.e. goods released for export before the end of the transition period:</p> <ul style="list-style-type: none"> <li>– For operations with the customs offices of exit in the United Kingdom to confirm in ECS the exit of the goods;</li> <li>– For operations with the customs offices of exit in Member States, i.e. the customs offices of export in the United Kingdom to receive the confirmations of exit from the Member States' customs offices of exit.</li> </ul>	31 January 2021
<b>INF</b> (Information Sheet)	<ul style="list-style-type: none"> <li>– Read only access to INF Specific Trader Portal for United Kingdom traders;</li> <li>– Read/write access to active INFs in INF system for customs offices.</li> </ul>	31 December 2021

Customs IT system	Type of access	Time limit
<b>SURV-RECAPP</b> (Tariff Surveillance System – Receiving Application)	<b>Transmission by the United Kingdom's customs authorities of data elements for release for free circulation (RFC) or export procedures:</b> <ul style="list-style-type: none"> <li>– Surveillance Declaration Records (SDRs) not yet transmitted for RFC or export procedures under which the goods were placed before the end of the transition period;</li> <li>– SDRs elements for RFC ending or discharging an ongoing procedure or situation.</li> </ul>	28 February 2021
<b>EBTI3</b> (European Binding Tariff Information)	<b>Input for the calculation of customs debt:</b> Access to information pertaining to decisions related to BTI or any subsequent event which may affect the original application or decision [full access for consultation].	8 January 2021
<b>TARIC3</b> (Integrated Customs Tariff of the Community)	<b>Input for the calculation of customs debt:</b> Transmissions of daily updates to the United Kingdom after the end of the transition period, with the exception of confidential data (statistical surveillance data).	31 December 2021

Customs IT system	Type of access	Time limit
<b>QUOTA2</b> (System for Managing Tariff Quotas, Ceilings and other Surveillances)	<b>Input for the calculation of customs debt:</b> Management of quotas, cancellation of requests for quotas and returns of unused allocated quantities.	6 January 2021
<b>SMS TRA, EXP</b> (Specimen Management System)	Read-only access to the database with specimens of stamps, seals and certificates.	31 January 2021
<b>SMS QUOTA</b> (Specimen Management System)	Read-only access to the database with certificates of authenticity necessary in order to benefit from the quotas.	6 January 2021
<b>OWNRES</b> (Own Resources reporting of cases of fraud and irregularities involving traditional own resources (TOR) in excess of EUR 10 000, Article 5(1) of Regulation (EU, Euratom) No 608/2014)	Limited access restricted to cases involving the United Kingdom (no access to global analyses).	20 February 2026

<b>Customs IT system</b>	<b>Type of access</b>	<b>Time limit</b>
<b>WOMIS</b> (Write-off management information system for TOR case-reports under Article 13(3) of Regulation (EU, Euratom) No 609/2014)	Full access, as by default already limited to national write-off reports (read-only access as from 1 July 2025 in the framework of the liquidation of the separate account by 31 December 2025).	30 June 2025

<b>Supporting system</b>	<b>Type of access</b>	<b>Time limit</b>
<b>EOS/EORI</b> (Economic Operators System – Economic Operators Registration and Identification)	Read-only access for the related systems.	31 December 2021
<b>CDS</b> (Customs Decisions System)	Read-only access for traders in the United Kingdom and for customs offices in the United Kingdom.	31 January 2021
<b>CS/RD2</b> (Central Services/Reference Data)	Read-only access for Reference Data; Write access for customs offices of NA-UK only.	31 December 2021



<b>Supporting system</b>	<b>Type of access</b>	<b>Time limit</b>
<b>CS/MIS</b> (Central Services/Management Information System)	Write-only access for uploading unavailabilities and business statistics.	31 July 2021
<b>GTP</b> (Generic Trader Portal)	Access to the generic functions of the portal for traders in the United Kingdom until the last Specific Trader Portal is switched off for traders in the United Kingdom.	31 December 2021

<b>Network and infrastructure</b>	<b>Type of access</b>	<b>Time limit</b>
<b>CCN</b> (Common Communication Network)	Linked to the access for the related systems.	31 December 2021 (or longer if required for excise or taxation)
<b>UUM&amp;DS</b> (Uniform User Management and Digital Signatures)	Linked to the access for the related systems.	31 December 2021 (or longer if required for excise or taxation)
<b>CCN2</b> (Common Communication Network 2)	Linked to the access for the related systems.	31 December 2021 (or longer if required for excise or taxation)

Part II: Excise

Excise IT system	Type of access	Time limit
<b>EMCS Core</b> (Excise Movement Control System)	Duty suspension: Transmissions to and from the United Kingdom of reports of receipt / reports of export (IE818).	31 May 2021
<b>EMCS Admin Coop</b> (Excise Movement Control System Administrative Cooperation)	<ul style="list-style-type: none"> <li data-bbox="549 495 1161 674">– Transmissions to and from the United Kingdom of messages relating to open movements (event reports, control reports, administrative cooperation (enquiries on open EMCS movements));</li> <li data-bbox="549 689 1161 869">– Member States and the United Kingdom shall keep EMCS Administrative Cooperation online to allow queries and audits on movements up to the end of the transition period.</li> </ul>	<p data-bbox="1187 495 1362 528">31 May 2021</p> <p data-bbox="1187 689 1442 723">31 December 2024</p>

Supporting system	Type of access	Time limit
<b>SEED</b> (System for the Exchange of Excise Data)	Read only, with United Kingdom's economic operators invalidated.	31 May 2021
<b>CS/MISE</b> (Central Services/Management Information System for EMCS)	Filtered to restrict to movements involving the United Kingdom.	31 May 2021

<b>Network and infrastructure</b>	<b>Type of access</b>	<b>Time limit</b>
<b>CCN</b> (Common Communication Network)	Linked to the access for the related systems.	31 May 2021 (or longer if required for excise or taxation)

Part III: VAT

<b>VAT IT system</b>	<b>Type of access</b>	<b>Time limit</b>
<b>VAT-VIES</b> (VAT Information Exchange System)	<b>Taxable persons registration information:</b> Reciprocal access to the IT systems, by the United Kingdom and the Member States <sup>1</sup> , to exchange, until 31 December 2024, historical registration information of the other party <sup>2</sup> (registration data entered in the system before the end of the transition period) as well as registration information of the other party updated after the transition period (e.g. ending of registration of a taxable person).	31 December 2024 <sup>3</sup>

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<sup>1</sup> For the purposes of this Annex, "reciprocal access" means that the United Kingdom must ensure that Member States have the same access to such data in the United Kingdom as the United Kingdom and the Member States have to such data in the Member States.

<sup>2</sup> For the purposes of this Annex, "other party" means, with respect to the United Kingdom, a Member State and, with respect to a Member State, the United Kingdom.

<sup>3</sup> The United Kingdom's data concerning the VAT identification numbers of its taxable persons must be updated until 31 December 2024.

VAT IT system	Type of access	Time limit
	<p><b>Transactions - turnover information:</b></p> <p>Access to the IT systems, by the United Kingdom and the Member States with reciprocal access, to exchange information contained in recapitulative statements submitted to the other party for transactions that took place<sup>1</sup> before the end of the transition period and where taxable persons of the receiving party are involved;</p> <p>The United Kingdom and the Member States shall have no access to each other's turnover information related to transactions that take place after 31 December 2020.</p>	31 December 2024
VAT Refund	<p>Access to the IT system to:</p> <ul style="list-style-type: none"> <li>– Forward to the Member States the VAT refund applications submitted by taxable persons established in the United Kingdom in accordance with Directive 2008/9/EC and to receive from the Member States the VAT refund applications submitted by taxable persons established in a Member State;</li> </ul>	30 April 2021

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<sup>1</sup> Including transactions covered by Article 51(1).

VAT IT system	Type of access	Time limit
	<ul style="list-style-type: none"> <li>– Handle<sup>1</sup> VAT refund applications received by the United Kingdom and submitted by taxable persons established in a Member State and VAT refund applications received by the Member States and submitted by taxable persons established in the United Kingdom.</li> </ul>	31 January 2022
<b>MOSS</b> (Mini-One-Stop-Shop)	<b>Registration Information:</b> Access to the IT systems, by the United Kingdom and the Member States with reciprocal access, to: <ul style="list-style-type: none"> <li>– Exchange the registration and historical registration information;</li> <li>– Disseminate information relating to new MOSS registrations, for registrations, the effective date of registration of which is before or on 31 December 2020.</li> </ul>	31 December 2024  20 February 2021

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<sup>1</sup> For the purposes of this indent, "handle" means completing all actions in respect of a claim to allow it to be finalised, including notification of any disallowed amounts, along with details of how to appeal, and repayment of any allowable amounts, along with the exchange of any relevant messages with the VAT Refund system.

VAT IT system	Type of access	Time limit
	<p><b>VAT Return:</b></p> <p>Access to the IT systems, by the United Kingdom and the Member States with reciprocal access, to:</p> <ul style="list-style-type: none"> <li>– Exchange MOSS return information, for returns submitted before or on 31 January 2021;</li> <li>– Exchange amendments relating to MOSS VAT returns submitted before or on 20 January 2021;</li> <li>– Exchange VAT return information for transactions where the other party is involved;</li> <li>– The United Kingdom and the Member States shall have no access to each other's VAT return information of transactions that take place after 31 December 2020.</li> </ul>	<p>20 February 2021</p> <p>20 January 2022</p> <p>31 December 2024</p>

VAT IT system	Type of access	Time limit
	<p><b>Payment information:</b></p> <p>Access to the IT systems, by the United Kingdom and the Member States with reciprocal access, to:</p> <ul style="list-style-type: none"> <li>– Exchange payment information relating to payments received from MOSS registered businesses before or on 31 January 2021;</li> <li>– In respect of taxable transactions in the other party, exchange information relating to reimbursements or payments for amendments relating to MOSS VAT returns submitted before or on 31 December 2021.</li> </ul>	<p>20 February 2021</p> <p>20 January 2022</p>

Supporting system	Type of access	Time limit
<p><b>CCN/eFCA</b></p> <p><b>Administrative cooperation VAT</b> (Common Communications Network/eForm Central Application)</p>	<p>Transmissions between the United Kingdom and the Member States of requests – and follow-up to these requests – with regard to administrative cooperation for VAT purposes.</p>	<p>31 December 2024</p>
<p><b>TIC VAT Refund preferences</b></p>	<p>Access by the United Kingdom in order to update the United Kingdom's VAT refund preferences</p>	<p>31 March 2021</p>

Part IV: Tax and duty recovery assistance

Supporting system	Type of access	Time limit
<b>CCN/eFCA</b> <b>Recovery assistance</b>	Transmissions between the United Kingdom and the Member States of requests – and follow-up of these requests – with regard to recovery assistance.	31 December 2025

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## EURATOM

This annex sets out the categories of community equipment and other property related to the provision of safeguards located in the United Kingdom under the Euratom Treaty which shall become property of the United Kingdom at the end of the transition period.

At the end of the transition period, the European Commission shall transmit to the United Kingdom the final inventory of Euratom equipment and other property transferred.

In accordance with Article 84(1) and Article 148, the United Kingdom shall reimburse to the Union the value of that equipment and other property, calculated based on the value assigned to that equipment and other property in the consolidated accounts for the year 2020. The said value shall be communicated by European Commission to the United Kingdom upon its final regulatory approval.

The Euratom equipment is located at:

- **Sellafield**<sup>1</sup>, the UK nuclear fuel reprocessing site;

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<sup>1</sup> Sellafield Ltd, SELLAFIELD CA20 1PG, UNITED KINGDOM

- **Dounreay**<sup>1</sup>, the UK's former centre of fast reactor research and development;
- **Sizewell**<sup>2</sup>, a site with two nuclear power stations, Sizewell A (not in operation) and Sizewell B, a pressurised water reactor still in operation;
- **Capenhurst**<sup>3</sup>, a uranium enrichment plant;
- **Springfields**<sup>4</sup>, a fuel fabrication plant;
- Other reactors, research, medical and other facilities, where safeguards equipment is being used.

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<sup>1</sup> Dounreay Site Restoration Ltd, KW14 7TZ THURSO CAITHNESS, UNITED KINGDOM  
<sup>2</sup> EDF Energy Nuclear Generation Limited - Sizewell B Power Station, SUFFOLK, IP16 4UR LEISTON  
<sup>3</sup> Urenco UK Limited, Capenhurst Works, CHESTER CH1 6ER, UNITED KINGDOM  
<sup>4</sup> Westinghouse Springfields Fuels Ltd, SALWICK PRESTON PR4 OXJ, UNITED KINGDOM

The Euratom equipment comprises various elements consisting of fixed installations and related devices necessary for the use of these fixed installations and forming an inherent part of the whole system installed:

1. Seals:

- Metal seals for single use;
- Fibre optic seals for single and multiple use; and
- Seal readers.

2. Surveillance equipment:

- Digital and analogue single and multiple component safeguards surveillance systems.

3. Measurement equipment (non-destructive assay):

- Various types of gamma detectors with pre-amplifiers and counting electronics for gamma measurements;
- Various types of neutron detectors with pre-amplifiers and counting electronics for neutron measurements; as well as

- Equipment for fresh and spent fuel assembly, Uranium drum and Plutonium can content measurements including rod and fuel assembly scanners, balances and load cells.

4. Laboratory equipment (forming part of the on-site laboratory at Sellafield):

- Mass spectrometer (TIMS);
- gamma and X-ray based measurement instruments (e.g. K-edge densitometry and XRF);  
and
- Gloveboxes with analytical equipment including densitometer and analytical balances.

To facilitate the most effective handover of this equipment, the United Kingdom and the Community shall make the necessary legal arrangements to release the Community from its obligations and liabilities under its agreement dated 25 March 1994 with British Nuclear Fuels PLC (now Sellafield Ltd).

5. Computer and related equipment (in offices and measurements systems):

- Personal computers as well as related equipment including remote data transmission infrastructure (battery packs and power supplies, hardware devices to allow to control multiple computers, network equipment including fibre optics, Ethernet cables and converters, switches, serial servers, virtual private network router, time and domain controller, cabinets); as well as
  
  - Related servers, screens and printers.
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LIST OF ADMINISTRATIVE COOPERATION PROCEDURES  
REFERRED TO IN ARTICLE 98

1. Administrative cooperation between the Member States related to supplier's declarations on the origin of goods, established for the purpose of preferential trade between the Union and certain countries (Articles 61 to 66 of Implementing Regulation (EU) 2015/2447).
2. For the verification of proofs of origin issued by third country authorities or agencies authorised by them (special non-preferential import arrangements) (Article 59 of Implementing Regulation (EU) 2015/2447) and for the verification of proofs of origin issued or made out by third country authorities or exporters (preferential arrangements) (Articles 108 to 111 and 125 of Implementing Regulation (EU) 2015/2447, Article 32 of Annex II to Regulation (EU) 2016/1076 of the European Parliament and of the Council, Article 55 of Annex VI to Council Decision 2013/755/EU and the equivalent provisions in preferential agreements).
3. Mutual assistance in the framework of the recovery of a customs debt (Articles 101(1) and Articles 102(1) of the Regulation (EU) No 952/2013, Article 165 of Implementing Regulation (EU) 2015/2447).

4. Mutual assistance in the framework of transfer of the amount of customs debt by the Member State which has accepted a guarantee to the Member State where the customs debt is incurred (point (c) of Article 92(1) of Regulation (EU) No 952/2013, Article 153 of Implementing Regulation (EU) 2015/2447).
5. Verification of proofs of Union status (and administrative assistance) (Article 153 of Regulation (EU) No 952/2013, Article 212 of Implementing Regulation (EU) 2015/2447).
6. Communication between authorities relating to returned goods (Article 203 of Regulation (EU) No 952/2013, Article 256 of Implementing Regulation (EU) 2015/2447).
7. Administrative cooperation in the framework of the recovery of other charges for goods placed under temporary admission according to the ATA Convention or the Istanbul Convention (point (c) of Article 226(3) of Regulation (EU) No 952/2013, Article 170 of Implementing Regulation (EU) 2015/2447).
8. Mutual assistance for obtaining supplementary information in order to decide on an application for remission or repayment (Articles 22 and 116(1) of Regulation (EU) No 952/2013, Article 175 of Implementing Regulation (EU) 2015/2447).
9. Verification and administrative assistance for post-release controls of the information related to the Union transit operation (Article 48 of Regulation (EU) No 952/2013, Article 292 of Implementing Regulation (EU) 2015/2447).

10. Administrative cooperation in the framework of the recovery of other charges under transit procedures (points (a), (b) and (c) of Article 226(3) of Regulation (EU) No 952/2013, Articles 167 and 169 of Implementing Regulation (EU) 2015/2447).
  11. Notification of recovery of duties and other charges under the Union transit procedure or under transit according to the TIR Convention (points (a) and (b) of Article 226(3) of Regulation (EU) No 952/2013, Article 168 of Implementing Regulation (EU) 2015/2447).
  12. Direct cooperation and exchange of information between Member States concerning export controls on dual-use items (Article 19(2) of Council Regulation (EC) No 428/2009).
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LIST OF ACTS/PROVISIONS REFERRED TO IN ARTICLE 128(6)

1. Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (without prejudice to Article 96(1) of this Agreement).<sup>1</sup>

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<sup>1</sup> OJ L 227, 1.9.1994, p. 1.

2. Titles III and IX of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use,<sup>1</sup> Regulation (EC) No 1901/2006 of the European Parliament and of the Council of 12 December 2006 on medicinal products for paediatric use,<sup>2</sup> Regulation (EC) No 1394/2007 of the European Parliament and of the Council of 13 November 2007 on advanced therapy medicinal products,<sup>3</sup> Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products<sup>4</sup>, Titles III and VII of Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products,<sup>5</sup> Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin,<sup>6</sup> Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency,<sup>7</sup> Commission Implementing Regulation (EU) No 520/2012 of 19 June 2012 on the performance of pharmacovigilance activities provided for in Regulation (EC) No 726/2004 of the European Parliament and of the Council and Directive 2001/83/EC of the European Parliament and of the Council,<sup>8</sup> and Commission Regulation (EC) No 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products.<sup>9</sup>

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<sup>1</sup> OJ L 311, 28.11.2001, p. 67.

<sup>2</sup> OJ L 378, 27.12.2006, p. 1.

<sup>3</sup> OJ L 324, 10.12.2007, p. 121.

<sup>4</sup> OJ L 18, 22.1.2000, p. 1.

<sup>5</sup> OJ L 311, 28.11.2001, p. 1.

<sup>6</sup> OJ L 152, 16.6.2009, p. 11.

<sup>7</sup> OJ L 136, 30.4.2004, p. 1.

<sup>8</sup> OJ L 159, 20.6.2012, p. 5.

<sup>9</sup> OJ L 334, 12.12.2008, p. 7.

3. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency.<sup>1</sup>
4. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures.<sup>2</sup>
5. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market,<sup>3</sup> and Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin.<sup>4</sup>
6. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products.<sup>5</sup>
7. Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use.<sup>6</sup>

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<sup>1</sup> OJ L 396, 30.12.2006, p. 1.

<sup>2</sup> OJ L 353, 31.12.2008, p. 1.

<sup>3</sup> OJ L 309, 24.11.2009, p. 1.

<sup>4</sup> OJ L 70, 16.3.2005, p. 1.

<sup>5</sup> OJ L 167, 27.6.2012, p. 1.

<sup>6</sup> OJ L 158, 27.5.2014, p. 1.

8. Article 16 of Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries.<sup>1</sup>
9. Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations.<sup>2</sup>
10. Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms,<sup>3</sup> point (c) of Article 6(3) of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed.<sup>4</sup>
11. Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods.<sup>5</sup>

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<sup>1</sup> OJ L 334, 12.12.2008, p. 25.

<sup>2</sup> OJ L 131, 28.5.2009, p. 11.

<sup>3</sup> OJ L 106, 17.4.2001, p. 1.

<sup>4</sup> OJ L 268, 18.10.2003, p. 1.

<sup>5</sup> OJ L 404, 30.12.2006, p. 9.

12. Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species.<sup>1</sup>
  
  13. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed.<sup>2</sup>
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<sup>1</sup> OJ L 317, 4.11.2014, p. 35.

<sup>2</sup> OJ L 229, 1.9.2009, p. 1.

**RULES OF PROCEDURE OF THE JOINT COMMITTEE  
AND SPECIALISED COMMITTEES**

**Rule 1**

**Chair**

1. The Joint Committee shall be co-chaired by a Member of the European Commission and a representative of the Government of the United Kingdom at ministerial level, or by high-level officials designated to act as their alternates. The European Union and the United Kingdom shall notify each other in writing of the designated co-chairs and their alternates.
2. The decisions of the co-chairs provided for by these Rules of Procedure shall be taken by mutual consent.
3. A co-chair who is unable to attend a meeting may be replaced for that meeting by a designee. The co-chair, or his or her designee, shall inform in writing the other co-chair and the Secretariat of the Joint Committee of the designation as early as possible.
4. The designee of the co-chair shall exercise the rights of that co-chair to the extent of the designation. Any reference in these Rules of Procedure to the co-chairs shall be understood to include a designee.

## Rule 2

### Secretariat

The Secretariat of the Joint Committee (the "Secretariat") shall be composed of an official of the European Commission and an official of the Government of United Kingdom. The Secretariat shall, under the authority of the co-chairs, perform the tasks conferred on it by these Rules of Procedure.

## Rule 3

### Participation in meetings

1. Before each meeting, the Union and the United Kingdom shall inform each other through the Secretariat of the intended composition of the delegations.
2. Where appropriate and by decision of the co-chairs, experts or other persons who are not members of delegations may be invited to attend meetings of the Joint Committee in order to provide information on a particular subject.

## Rule 4

### Meetings

1. The Joint Committee shall hold its meetings alternately in Brussels and London, unless the co-chairs decide otherwise.

2. By way of derogation from paragraph 1, the co-chairs may decide that a meeting of the Joint Committee be held by videoconference or teleconference.
3. Each meeting of the Joint Committee shall be convened by the Secretariat at a date and place decided by the co-chairs. Where either the Union or the United Kingdom has made a request for a meeting, the Joint Committee shall endeavour to meet within 30 days of such request. In cases of urgency it shall endeavour to meet sooner.

#### Rule 5

##### Documents

Written documents on which the deliberations of the Joint Committee are based shall be numbered and circulated to the Union and the United Kingdom by the Secretariat as documents of the Joint Committee.

#### Rule 6

##### Correspondence

1. The Union and the United Kingdom shall send their correspondence addressed to the Joint Committee to the Secretariat. Such correspondence may be sent in any form of written communication, including by electronic mail.



2. The Secretariat shall ensure that correspondence addressed to the Joint Committee is forwarded to the co-chairs and is circulated, where appropriate, in accordance with Rule 5.
3. All correspondence from or addressed directly to the co-chairs shall be forwarded to the Secretariat and shall be circulated, where appropriate, in accordance with Rule 5.

## Rule 7

### Agenda for the meetings

1. For each meeting a draft provisional agenda shall be drawn up by the Secretariat. It shall be transmitted, together with the relevant documents, to the co-chairs no later than 15 days before the date of the meeting.
2. The provisional agenda shall include those items, the inclusion of which in the agenda has been requested by the Union or the United Kingdom. Any such request, together with any relevant document, shall be submitted to the Secretariat no later than 21 days before the beginning of the meeting.
3. No later than 10 days before the date of the meeting, the co-chairs shall decide on the provisional agenda for a meeting. They may decide to make that provisional agenda, or any part thereof, public before the beginning of the meeting.

4. The agenda shall be adopted by the Joint Committee at the beginning of each meeting. On request by the Union or the United Kingdom an item other than those included in the provisional agenda may be included in the agenda by decision of the Joint Committee.
5. In exceptional cases, the co-chairs may decide to derogate from the time limits specified in paragraphs 1 and 2.

## Rule 8

### Minutes

1. Draft minutes of each meeting shall be drawn up by the Secretariat, within 21 days from the end of the meeting, unless the co-chairs decide otherwise.
2. The minutes shall, as a rule, summarise each item on the agenda, specifying where applicable:
  - (a) the documents submitted to the Joint Committee;
  - (b) any statement that one of the co-chairs requested to be entered in the minutes; and
  - (c) the decisions adopted, recommendations made, joint statements decided upon and operational conclusions adopted on specific items.
3. The minutes shall include a list of the names, titles and capacity of all individuals who attended the meeting.

4. The minutes shall be approved in writing by the co-chairs within 28 days of the date of the meeting or by any other date decided by the co-chairs. Once approved, two authentic versions of the minutes shall be signed by the members of the Secretariat. The Union and the United Kingdom shall each receive one of these authentic versions. The co-chairs may decide that signing and exchanging electronic copies satisfies this requirement.
5. The Secretariat shall also prepare a summary of the minutes. After having approved the summary, the co-chairs may decide to make it public.

## Rule 9

### Decisions and Recommendations

1. In the period between meetings, the Joint Committee may adopt decisions or recommendations by written procedure, if the co-chairs decide to use this procedure. The written procedure shall consist of an exchange of notes between the co-chairs.
2. Where the Joint Committee adopts decisions or recommendations, the words "Decision" or "Recommendation", respectively, shall be inserted in the title of such acts. The Secretariat shall record any decision or recommendation under a serial number and with a reference to the date of its adoption.
3. Decisions adopted by the Joint Committee shall specify the date at which they take effect.

4. Decisions and recommendations adopted by the Joint Committee shall be signed by the co-chairs and shall be sent by the Secretariat to the parties immediately after the signature.

## Rule 10

### Publicity and Confidentiality

1. Unless otherwise decided by the co-chairs, the meetings of the Joint Committee shall be confidential.
2. Where the Union or the United Kingdom submits information considered as confidential or protected from disclosure under its laws and regulations to the Joint Committee or any specialised committee, the other party shall treat that information received as confidential.
3. Without prejudice to paragraph 2, the Union and the United Kingdom may each decide individually on whether to publish, the decisions and recommendations adopted by the Joint Committee in their respective official publication journals.

## Rule 11

### Languages

1. The official languages of the Joint Committee shall be the official languages of the Union and the United Kingdom.

2. The working language of the Joint Committee shall be English. Unless otherwise decided by the co-chairs, the Joint Committee shall base its deliberations on documents prepared in English.

## Rule 12

### Expenses

1. The Union and the United Kingdom shall each meet any expenses they incur as a result of participating in the meetings of the Joint Committee.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Union for meetings held in Brussels, and by the United Kingdom for meetings held in London.
3. Expenditure in connection with interpretation to and from the working language of the Joint Committee at meetings shall be borne by the party requesting such interpretation.

## Rule 13

### Specialised committees

1. Without prejudice to paragraphs 2 to 3 of this Rule, Rules 1 to 12 shall apply *mutatis mutandis* to the specialised committees unless decided otherwise by the Joint Committee.

2. The specialised committees shall be co-chaired by representatives designated by the European Commission and the Government of the United Kingdom. The European Union and the United Kingdom shall notify each other of the designated representatives.
3. All information and reports to be provided by a specialised committee pursuant to Article 165(4) of the Agreement shall be submitted to the Joint Committee without undue delay.

#### Rule 14

##### Annual report

For each calendar year, the annual report on the functioning of the Agreement provided for in Article 164(6) of the Agreement shall be drawn up by the Secretariat by 1 May of the following year. It shall be adopted and signed by the co-chairs.

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RULES OF PROCEDURE

PART A

RULES OF PROCEDURE FOR DISPUTE SETTLEMENT

I. Definitions

1. For the purposes of these Rules of Procedure, the following definitions shall apply:
  - (a) "Party" means the Union or the United Kingdom;
  - (b) "complainant" means any Party that requests the establishment of an arbitration panel under Article 170 of the Agreement;
  - (c) "respondent" means the Party that is alleged to be in violation of a provision of this Agreement;

- (d) "representative of a Party" means a servant of, or any person appointed by a Party who represents that Party for the purposes of a dispute under this Agreement;
- (e) "adviser" means a person designated by a Party to advise or assist that Party in connection with proceedings before an arbitration panel;
- (f) "assistant" means a person who, under the terms of his or her appointment, conducts research for or provides assistance to a member of an arbitration panel under the direction and control of that member.

## II. Notifications

- 2. The following rules shall apply to notifications between the Parties and the arbitration panel:
  - (a) the arbitration panel shall send all requests, notices, written submissions and other documents to both Parties at the same time;
  - (b) where a Party addresses a request, notice, written submission or other document to the arbitration panel, it shall send a copy thereof to the other Party at the same time; and
  - (c) where a Party addresses a request, notice, written submission or other document in relation to the dispute to the other Party, it shall send a copy thereof to the arbitration panel at the same time.



3. Any notification referred to in point 2 shall be made by e-mail or, where appropriate, any other means of telecommunication that provides a record of the sending thereof. Unless proven otherwise, such notification shall be deemed to have been delivered on the date of its sending. All notifications shall be addressed to the Legal Service of the European Commission and to the Legal Adviser of the Foreign and Commonwealth Office of the United Kingdom, respectively.
4. The International Bureau of the Permanent Court of Arbitration shall, upon the written request of the Parties or the arbitration panel, act as a channel of communications between the Parties and the arbitration panel.
5. Minor errors of a clerical nature in any request, notice, written submission or other document related to the proceedings before the arbitration panel may be corrected by delivery of a new document clearly indicating the changes.
6. If the last day for delivery of a document falls on a weekend or legal holiday applicable to the European Commission or to the Foreign and Commonwealth Office of the United Kingdom, as the case may be, the document may be delivered on the next working day. No later than 30 September of each year, the Union and the United Kingdom shall inform each other as well as, in the case referred to in point 4, the International Bureau of the Permanent Court of Arbitration, of the legal holidays applicable to the European Commission and to the Foreign and Commonwealth Office of the United Kingdom, respectively.

### III. Appointment and replacement of members of an arbitration panel

7. If, pursuant to Article 171(5) of the Agreement, one or more members of an arbitration panel are to be selected by lot, the International Bureau of the Permanent Court of Arbitration shall promptly inform the Parties of the date, time and venue of the selection. The Parties may choose to be present during the selection. However, the absence of one or both of the Parties shall not preclude the selection from being carried out.
8. The International Bureau of the Permanent Court of Arbitration shall notify, in writing, each person who has been selected to serve as a member of an arbitration panel of his or her appointment. Each person selected shall, within 5 days from that notification, confirm his or her availability to the International Bureau of the Permanent Court of Arbitration and to both Parties.
9. Where a Party considers that a member of the arbitration panel does not comply with the Code of Conduct set out in Part B and for that reason needs to be replaced, that Party shall notify the other Party within 15 days from the time at which it obtained sufficient evidence of that member's alleged non-compliance.

10. The Parties shall consult each other within 15 days from the notification referred to in point 9. They shall inform the member of the arbitration panel of the alleged non-compliance and may request that member to take steps to remedy the situation. They may also jointly decide to remove that member and to select a new member in accordance with Article 171 of the Agreement.

If the Parties fail to agree on whether to replace a member of the arbitration panel other than its chairperson, either Party may request that this matter be referred to the chairperson of that panel, whose decision shall be final.

If the chairperson of the arbitration panel finds that the member of the arbitration panel does not comply with the Code of Conduct, a new member of the arbitration panel shall be selected in accordance with Article 171 of the Agreement.

11. If the Parties fail to agree on whether to replace the chairperson, either Party may request that this matter be referred to one of the remaining persons who have been jointly proposed by the Union and the United Kingdom to act as chairperson in accordance with the third sentence of Article 171(1) of the Agreement (the "selected person"). The name of the selected person shall be drawn by lot by the Secretary-General of the Permanent Court of Arbitration.

If the selected person finds that the chairperson does not comply with the Code of Conduct, a new chairperson shall be selected in accordance with Article 171 of the Agreement from among the persons who have been jointly proposed by the Union and the United Kingdom to act as chairperson, with the exception of the selected person.

#### IV. Financial issues

12. The Parties shall share equally the expenses arising from the establishment and operation of an arbitration panel, including the remuneration and expenses to be paid to the members of that arbitration panel.
13. The Parties shall agree with the arbitration panel, within 7 days of its establishment, on:
  - (a) the remuneration and expenses to be paid to the members of the arbitration panel, which shall be reasonable and in accordance with WTO standards;
  - (b) the remuneration to be paid to assistants; for each member of the arbitration panel, the total amount of remuneration to be paid to assistants shall be reasonable and in any event shall not exceed one third of the remuneration of that member.

Such agreement may be reached by any means of communication.

V. Timetable and written submissions

14. The arbitration panel shall, after consulting the Parties, establish an indicative timetable of the proceedings within 7 days of its establishment.
15. The complainant shall address its written submission to the arbitration panel no later than 20 days after the date of establishment of the indicative timetable. The respondent shall address its written submission to the arbitration panel no later than 20 days after the date on which it has received a copy of the written submission of the complainant.

VI. Operation of the arbitration panel

16. The chairperson of the arbitration panel shall preside over all its meetings. The arbitration panel may delegate to the chairperson the authority to make administrative and procedural decisions.
17. Unless otherwise provided in this Agreement or in these Rules of Procedure, the arbitration panel may conduct its proceedings and deliberations by any means of communication.
18. Only members of the arbitration panel may take part in the deliberations of the arbitration panel, but the arbitration panel may permit the members' assistants to be present at its deliberations.

19. The drafting of any ruling or decision shall remain the exclusive responsibility of the members of the arbitration panel, and shall not be delegated to any other person.
20. The International Bureau of the Permanent Court of Arbitration shall provide secretariat services and other logistic support to the arbitration panel.
21. Where a procedural question arises that is not covered by this Agreement or by these Rules of Procedure, the arbitration panel may, after consulting the Parties, decide on the procedure to be followed, provided that the latter is compatible with this Agreement and with these Rules of Procedure.
22. If the arbitration panel considers that there is a need to change any of the time periods for the proceedings referred to in these Rules of Procedure or to make any other procedural or administrative adjustment, it shall inform the Parties in writing, after consulting the Parties, of the reasons for the change or adjustment and the time period or adjustment needed.

## VII. Hearings

23. Based upon the indicative timetable established pursuant to point 14, after consulting the Parties and the other members of the arbitration panel, the chairperson shall notify the Parties of the date, time and venue of the hearing. That information shall be made publicly available, unless the hearing is closed to the public.

The arbitration panel may decide, in agreement with the Parties, not to hold a hearing.

24. Unless the Parties agree otherwise, the hearing shall be held in The Hague, in the premises of the Permanent Court of Arbitration.
25. The arbitration panel may convene additional hearings if the Parties so agree.
26. All members of the arbitration panel shall be present during the entirety of the hearing.
27. Unless the Parties agree otherwise, the following persons may attend the hearing, irrespective of whether the hearing is open to the public or not:
  - (a) representatives of a Party;
  - (b) advisers;
  - (c) assistants;
  - (d) interpreters, translators and court reporters of the arbitration panel; and
  - (e) experts, as decided by the arbitration panel.
28. No later than 5 days before the date of a hearing, each Party shall address to the arbitration panel and to the other Party a list of the names of persons who will make oral arguments or presentations at the hearing on behalf of that Party and the names of other representatives and advisers who will be attending the hearing.

29. The arbitration panel shall conduct the hearing in the following manner, ensuring that the complainant and the respondent are afforded equal time in both argument and reply:
  - (a) argument:
    - (i) argument of the complainant;
    - (ii) argument of the respondent;
  - (b) reply:
    - (i) reply of the complainant;
    - (ii) counter-reply of the respondent.
30. The arbitration panel may direct questions to either Party at any time during the hearing.
31. The arbitration panel shall arrange for a transcript of the hearing to be prepared and delivered to the Parties as soon as possible after the hearing. The Parties may comment on the transcript and the arbitration panel may consider those comments.
32. Each Party may address a supplementary written submission to the arbitration panel concerning any matter that arose during the hearing within 10 days after the date of the hearing.



## VIII. Questions in writing

33. The arbitration panel may at any time during the proceedings submit questions in writing to one or both Parties.
34. Each Party shall have an opportunity to provide comments in writing on the other Party's responses to questions submitted by the arbitration panel within 5 days after the date on which it has received a copy of those responses.

## IX. Confidentiality

35. Any information submitted by a Party to the arbitration panel which that Party has designated as confidential shall be treated as confidential by the other Party and by the panel. When a Party submits to the arbitration panel a written submission which contains confidential information, it shall also provide, within 15 days, a submission without the confidential information and which shall be disclosed to the public.
36. Nothing in these Rules of Procedure shall preclude a Party from disclosing its own written submissions, responses to questions submitted by the arbitration panel or transcript of oral argument to the public, provided that, when making reference to information submitted by the other Party, it does not disclose any information designated by the other Party as confidential.

37. Hearings before the arbitration panel shall be open to the public except where the submission and arguments of a Party contain confidential information or where the Parties otherwise agree that the hearing shall be closed to the public. In such case the Parties shall maintain the confidentiality of the hearings of the arbitration panel.

X. Ex parte contacts

38. The arbitration panel shall not meet or otherwise orally communicate with a Party in the absence of the other Party.

XI. Urgent cases

39. In cases of urgency referred to in Article 173(2) of the Agreement, the arbitration panel, after consulting the Parties, shall adjust, as appropriate, the time periods referred to in these Rules of Procedure. The arbitration panel shall notify the Parties of those adjustments.

XII. Translation and interpretation

40. The language of proceedings before the arbitration panel shall be English. Decisions of the arbitration panel shall be issued in English.

41. Each Party shall bear its own costs of the translation of any documents submitted to the arbitration panel which are not originally drafted in English, as well as any costs relating to interpretation during the hearing related to its representatives or advisers.

## PART B

### CODE OF CONDUCT FOR MEMBERS OF ARBITRATION PANELS

#### Definitions

1. For the purposes of this Code of Conduct, the definition of "assistant" set out in the Rules of Procedure shall apply. In addition, "candidate" means a person whose name is on the list referred to in Article 171(1) of the Agreement and who is under consideration for selection as a member of an arbitration panel under that Article.

#### Responsibilities to the process

2. Every candidate and member of an arbitration panel shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement procedure is preserved. Former candidates or members of an arbitration panel shall comply with the obligations set out in points 8, 9 and 10.

## Disclosure obligations

3. Prior to the confirmation of their selection as a member of an arbitration panel under this Agreement, candidates shall disclose to the Parties in writing any interest, relationship or matter of which they are aware that is likely to affect their independence or impartiality, or that might reasonably create an appearance of impropriety or bias in the proceedings before the arbitration panel.
4. Candidates and members of an arbitration panel shall communicate matters concerning actual or potential violations of this Code of Conduct only to the Joint Committee for consideration by the Union and the United Kingdom.
5. Members of an arbitration panel shall at any stage of the proceedings before the arbitration panel disclose to the Parties in writing any interests, relationships or matters of the nature referred to in point 3 of which they are or become aware.

## Due diligence of members of an arbitration panel

6. Upon selection, members of an arbitration panel shall perform their duties thoroughly and expeditiously throughout the course of the proceedings before the arbitration panel, and with fairness and diligence. In particular, they shall:
  - (a) consider only those issues that were raised in the proceedings before the arbitration panel and are necessary for a ruling, and shall not delegate this duty to any other person;

- (b) take all appropriate steps to ensure that their assistants are aware of, and comply with, points 2, 3, 4, 5, 9 and 10.

#### Independence and impartiality of members of an arbitration panel

#### 7. Members of an arbitration panel:

- (a) shall be independent and impartial, and avoid creating an appearance of impropriety or bias, and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to the Union or the United Kingdom, or fear of criticism;
- (b) shall not directly or indirectly incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of their duties;
- (c) shall not use their position as a member of an arbitration panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence them;
- (d) shall not allow financial, business, professional, family or social relationships or responsibilities to influence their conduct or judgement;

- (e) shall avoid entering into any relationship or acquiring any financial interest that is likely to affect their impartiality or that might reasonably create an appearance of impropriety or bias;
- (f) shall not discuss any aspect of the subject matter or the conduct of the proceedings before the arbitration panel with one or both of the Parties in the absence of the other members of the arbitration panel.

#### Obligations of former members of an arbitration panel

8. All former members of an arbitration panel shall avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from any decision or ruling of the arbitration panel.

#### Confidentiality

9. No member or former member of an arbitration panel shall at any time
  - (a) disclose or use any non-public information concerning any proceedings before the arbitration panel or that was acquired during such proceedings, except for the purposes of those proceedings and in any case shall not disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others;

(b) disclose the deliberations of the arbitration panel, or the views of any member of the panel.

10. No member of an arbitration panel shall disclose a ruling of the arbitration panel or parts thereof prior to its publication in accordance with this Agreement.

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