

2018 No. 0000

EXITING THE EUROPEAN UNION

EUROPEAN UNION

**The Protocol 1 to the EEA Agreement (Amendment) (EU Exit)
Regulations 2018**

Sift requirements satisfied

Made - - - -

Laid before Parliament

Coming into force in accordance with article 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018^(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Protocol 1 to the EEA Agreement (Amendment) (EU Exit) Regulations 2018.

(2) These Regulations come into force on exit day.

(3) In these Regulations “Protocol 1” means Protocol 1 to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as it forms part of domestic law by virtue of section 3(2)(c) of the European Union (Withdrawal) Act 2018.

PART 2

Amendment of Protocol 1

2. Protocol 1 is amended as follows.

3. For the unnumbered paragraph before paragraph 1 substitute—

(a) 2018 c. 16.

“A1. APPLICATION AND INTERPRETATION

- (a) The provisions of the acts referred to in the Annexes shall be applicable in accordance with this Protocol, unless otherwise provided in the respective Annex. The specific adaptations necessary for individual acts are set out in the Annex where the act concerned is listed.

- (b) In this Protocol—

“act” means any instrument so far as it contains anything which forms part of domestic law by virtue of section 3(2)(a) of the European Union (Withdrawal) Act 2018;

“the Annexes” means the Annexes to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, so far as those Annexes form part of domestic law by virtue of section 3(2)(b) of the European Union (Withdrawal) Act 2018.”

4. In paragraph 1 (introductory parts of the acts)—

- (a) for “purposes of the Agreement” substitute “purposes of the application of those acts by virtue of the Annexes”;
- (b) for “within the framework of the Agreement” substitute “by virtue of the Annexes”.

5. Omit paragraph 2 (provisions on EC committees).

6. Omit paragraph 3 (provisions for procedures for adapting or amending community acts).

7. Omit paragraph 4 (exchange of information and notification procedures).

8. Omit paragraph 5 (review and reporting procedures).

9. Omit paragraph 6 (publication of information).

10. For paragraph 7 (rights and obligations) substitute—

- “(a) Rights conferred on Member States, their public entities, undertakings or individuals are to be treated as also conferred on Contracting Parties, their competent authorities, public entities, undertakings or individuals.
- (b) Obligations imposed in relation to Member States, their public entities, undertakings or individuals are to be treated as also imposed in relation to Contracting Parties, their competent authorities, public entities, undertakings or individuals.”.

11. In paragraph 8 (references to territories) for “purposes of the Agreement” substitute “purposes of the application of those acts by virtue of the Annexes”.

12. In paragraph 9 (references to nationals of EC Member States) for “purposes of the Agreement” substitute “purposes of the application of those acts by virtue of the Annexes”.

13. Omit paragraph 10 (references to languages).

14. Omit paragraph 11 (entry into force and implementation of acts).

15. Omit paragraph 12 (addressees of the community acts).

Signatory text

Address
Date

Name
Parliamentary Under Secretary of State
Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (the “Act”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(c) and (3)(a)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to Protocol 1 to the EEA agreement, which will form part of domestic law by virtue of section 3(2)(c) of the Act.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

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