

2019 No.

EXITING THE EUROPEAN UNION

CUSTOMS

**The Customs (Revocation of Retained Direct EU Legislation,
etc.) (EU Exit) Regulations 2019**

Sift requirements satisfied ***
Made - - - - - ***
Laid before Parliament ***
Coming into force in accordance with regulation 1(2)

The Commissioners for Her Majesty’s Revenue and Customs make these Regulations exercising their powers in 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.

The Commissioners for Her Majesty’s Revenue and Customs consider these Regulations appropriate to prevent, remedy or mitigate (a) any failure of retained EU law to operate effectively, or (b) any other deficiency in retained EU law, in either case arising from the withdrawal of the United Kingdom from the EU.

Citation and commencement

1.—(1) These Regulations may be cited as the Customs (Revocation of Retained Direct EU Legislation, etc.) (EU Exit) Regulations 2019.

(2) They come into force on exit day(b).

Revocation of retained direct EU legislation

2. The retained direct EU legislation listed in the Schedule is revoked.

(a) 2018 c. 16. Section 20(1) provides that, in the Act, the Commissioners for Her Majesty’s Revenue and Customs are included in the expression “Minister of the Crown”.
(b) The meaning of “exit day” is assigned by the Interpretation Act 1978 (c. 30), Schedule 1 as amended by the European Union (Withdrawal) Act 2018, Schedule 8, paragraphs 18 and 22(e) and S.I. 2018/808, and assigned by section 20(1) to (5) of the latter Act.

Statistics of trade: Channel Islands

3. In 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, Article 3(1) first indent, after “exports of goods” insert “, except from or to the Channel Islands”.

Name 1

Name 2

Date

Two of the Commissioners for Her Majesty's Revenue and Customs

SCHEDULE

Regulation 2

Revocations

PART 1

Legislation relating to EU customs agreements

Regulations

1. Council Regulation (EC) No 764/2000 of 10 April 2000 regarding the implementation of measures to intensify the EC-Turkey customs union.

Decisions

2. Council Decision 97/541/EC of 21 May 1997 concerning the conclusion of the Agreement between the European Community and the United States of America on customs cooperation and mutual assistance in customs matters.

3. Council Decision 97/833/EC of 11 December 1997 laying down the procedure for adopting the Community's position in the Customs Union Joint Committee set up by Decision No 1/95 of the EC-Turkey Association Council on implementation of the final phase of the Customs Union.

4. Council Decision 98/18/EC of 27 November 1997 concerning the conclusion of the Agreement between the European Community and Canada on customs cooperation and mutual assistance in customs matters.

5. Council Decision 2003/315/EC of 6 February 2003 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Malta adding a Protocol on mutual administrative assistance in customs matters to the Agreement establishing an association between the European Economic Community and Malta.

6. Council Decision 2004/633/EC of 30 March 2004 concerning the conclusion of the Agreement between the European Community and the Republic of India on customs cooperation and mutual administrative assistance in customs matters.

7. Council Decision 2004/634/EC of 30 March 2004 concerning the conclusion of the Agreement between the European Community and the United States of America on intensifying and broadening the Agreement on customs cooperation and mutual assistance in customs matters to include cooperation on container security and related matters.

8. Council Decision 2004/889/EC of 16 November 2004 on the conclusion of an Agreement between the European Community and the Government of the People's Republic of China on cooperation and mutual administrative assistance in customs matters.

9. Council Decision 2008/202/EC of 28 January 2008 concerning the conclusion of the Agreement between the European Community and the Government of Japan on cooperation and mutual administrative assistance in customs matters.

10. Council Decision 2009/556/EC of 25 June 2009 concerning the provisional application and conclusion of the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures.

11. Council Decision 2011/90/EU of 18 January 2011 on the signing, on behalf of the European Union, and provisional application of the Protocol extending to customs security measures the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality of Andorra.

12. Commission Decision 2011/409/EU of 11 July 2011 on the position to be taken by the European Union, within the EU-Switzerland Joint Committee, on the rules of procedure to be adopted by it in accordance with Article 19(4) of the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures.

13. Council Decision 2012/71/EU of 23 January 2012 on the position to be taken by the European Union within the EU-Chile Special Committee on Customs Cooperation and Rules of Origin relating to Annex III to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, concerning the definition of the concept of originating products and methods of administrative cooperation.

14. Council Decision 2012/643/EU of 24 September 2012 on the signing, on behalf of the Union, of the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security.

15. Council Decision 2014/941/EU of 27 June 2013 on the conclusion of the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security.

16. Council Decision (EU) 2017/2433 of 18 December 2017 on the position to be adopted on behalf of the European Union within the Customs Sub-Committee established by 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, as regards the replacement of Protocol I to that Agreement, concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation, by a new protocol which refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin.

17. Council Decision (EU) 2018/600 of 10 October 2016 on the signing, on behalf of the European Union, of the Agreement between the European Union and New Zealand on cooperation and mutual administrative assistance in customs matters.

18. Council Decision (EU) 2018/601 of 16 April 2018 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and New Zealand on cooperation and mutual administrative assistance in customs matters.

PART 2

Legislation relating to EU acceptance of changes to conventions and membership of international bodies

19. Council Decision 82/456/EEC of 14 June 1982 accepting on behalf of the Community a recommendation of the Customs Cooperation Council concerning technical cooperation in customs matters.

20. Council Decision 82/457/EEC of 14 June 1982 accepting on behalf of the Community the recommendation of the Customs Cooperation Council concerning customs requirements regarding commercial invoices.

21. Council Decision 85/187/EEC of 7 March 1985 accepting, on behalf of the Community, the recommendation of the Customs Cooperation Council of 15 June 1983 concerning action against customs fraud relating to containers.

22. Council Decision 85/250/EEC of 22 April 1985 accepting on behalf of the Community the Recommendation of the Customs Cooperation Council concerning the establishment of links between customs transit systems and of the Resolution of the Inland Transport Committee of the Economic Commission for Europe concerning the same subject.

23. Council Decision 86/6/EEC of 20 January 1986 accepting on behalf of the Community, the Customs Cooperation Council recommendation of 16 June 1982 concerning the production of goods declarations by means of computer or other automatic printers.

24. Council Decision 86/257/EEC of 18 June 1986 accepting, on behalf of the Community, the recommendation of the Customs Cooperation Council of 16 June 1982 concerning the use of a code for the representation of modes of transport.

25. Council Decision 87/595/EEC of 30 November 1987 accepting, on behalf of the Community, the Recommendation of the Customs Cooperation Council of 22 May 1984 concerning the use of codes for the representation of data elements and four of its Annexes.

26. Council Decision 2000/641/JHA of 17 October 2000 establishing a secretariat for the joint supervisory data-protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention).

27. Council Decision 2007/668/EC of 25 June 2007 on the exercise of rights and obligations akin to membership ad interim by the European Community in the World Customs Organisation.

PART 3

Legislation relating to technical customs matters

Regulations

28. Regulation (EU) No 1294/2013 of the European Parliament and of the Council of 11 December 2013 establishing an action programme for customs in the European Union for the period 2014-2020 (Customs 2020) and repealing Decision No 624/2007/EC.

29. Commission Implementing Regulation (EU) 2017/2089 of 14 November 2017 on technical arrangements for developing, maintaining and employing electronic systems for the exchange of information and for the storage of such information under the Union Customs Code.

Decisions

30. Commission Decision 93/15/EEC of 16 December 1992 establishing specific common programmes for the vocational training of customs officials, with regard to inward processing, temporary admission and transit (Matthaeus programme).

31. Commission Decision 93/23/EEC of 11 December 1992 setting out the application arrangements of Council Decision 91/341/EEC providing for the adoption of a programme of community action for the vocational training of customs officials (Matthaeus Programme).

32. Commission Decision 94/844/EC of 19 December 1994 establishing specific common programmes for the vocational training of customs officials, with regard to preferential systems,

the control of containers, processing under customs control, and warehouse regimes (Matthaeus programme).

33. Decision No 210/97/EC of the European Parliament and of the Council of 19 December 1996 adopting an action programme for customs in the Community (Customs 2000).

34. Commission Decision 2005/93/EC of 2 February 2005 as regards transitional provisions concerning the introduction and the storage period for consignments of certain products of animal origin in customs warehouses in the Community.

35. Council Decision 2007/764/EC of 8 November 2007 concerning the accession of Bulgaria and Romania to the Convention, drawn up on the basis of Article K.3 of the Treaty on European Union, on the use of information technology for customs purposes.

36. Council Decision 2008/39/JHA of 6 December 2007 concerning the accession of Bulgaria and Romania to the Convention of 18 December 1997, drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations.

37. Decision No 70/2008/EC of the European Parliament and of the Council of 15 January 2008 on a paperless environment for customs and trade.

38. Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes.

39. Commission Implementing Decision (EU) 2016/578 of 11 April 2016 establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code.

40. Council Decision (EU) 2016/979 of 20 May 2016 concerning the accession of Croatia to the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations.

41. Commission Decision No 2018/C 201/04 of 7 June 2018 formalising the Commission Customs Policy expert group.

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) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under sections 8(2)(a), 8(2)(b), 8(2)(g) and 8(3)(a)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation in the field of customs and trade statistics.

The Regulations revoke legislation in the field of customs and, in particular, legislation relating to EU customs agreements, EU acceptance of amendments to conventions, membership of international bodies and technical matters relating to membership of the EU customs union. They also exclude the Channel Islands from the compilation of certain trade statistics.

This instrument is covered by an overarching HMRC impact assessment (third edition) which will be published before 29th March 2019 and will be available on the website at:

<https://www.gov.uk/government/collections/customs-vat-and-excise-regulations-leaving-the-eu-with-no-deal>.