

EXPLANATORY MEMORANDUM TO
THE EURATOM RESEARCH AND TRAINING PROGRAMME (REVOCATION)
(EU EXIT) REGULATIONS 2019

2019 No. XXXX

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Act.
- 1.2 This memorandum contains information for the Sifting Committees.

2. Purpose of the instrument

- 2.1 This instrument intends to address deficiencies in the operation of retained European Union (“EU”) law arising from the UK’s withdrawal from the EU and the European Atomic Energy Community (“Euratom”).
- 2.2 This instrument revokes redundant provisions deriving from four EU instruments¹ related to the Euratom Research and Training Programme and the associated Fusion for Energy (F4E) Joint Undertaking which have become retained EU law under the European Union (Withdrawal) Act 2018 (“the Act”).

Explanations

What did any relevant EU law do before exit day?

- 2.3 The EU law relates to the establishment and operation of, and participation in, the Euratom Research & Training Programme (2019-20) and F4E, the EU’s Joint Undertaking for the International Thermonuclear Experimental Reactor project (“ITER”).

- 2.4 ***Why is it being changed?***

Retaining this EU legislation in UK domestic law serves no purpose, as the nature of the UK’s interaction with the Euratom Research & Training Programme and F4E after exit day will be determined by the relevant provisions in EU law.

- 2.5 ***What will it now do?***

This legislation will continue to exist in EU law, enabling the Euratom Research & Training Programme (2019-20) and F4E to continue to operate. UK engagement with these programmes will be subject to the applicable provisions of the programmes for third country participation after exit. This instrument will not affect that interaction,

¹ COUNCIL REGULATION (Euratom) No. 2018/1563 on the Research and Training Programme of the European Atomic Energy Community (2019–2020) complementing the Horizon 2020 Framework Programme for Research and Innovation, and repealing Regulation (Euratom) No 1314/2013;
COUNCIL DECISION No. 2007/198/Euratom (as amended) establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it;
COUNCIL DECISION No. 2013/791/Euratom amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it; and
COUNCIL DECISION No. 2015/224/Euratom amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it.

nor will it affect any ambition for the UK to associate to the proposed post-2020 successor programmes.

3. Matters of special interest to Parliament

Matters of special interest to the Sifting Committees

- 3.1 This instrument is being laid for sifting by the Sifting Committees.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is the United Kingdom.
4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

- 5.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 Section 8(1) of the Act provides for the Secretary of State to deal with deficiencies in retained EU law arising from withdrawal of the United Kingdom from the EU. This includes law which continues to form part of domestic law under sections 2 and 3 (namely, saving for EU-derived domestic legislation and the incorporation of direct EU legislation).

7. Policy background

What is being done and why?

- 7.1 Information on the background of and necessity for this instrument can be found in section 2 of this Explanatory Memorandum.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument is being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In accordance with the requirements of that Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

- 9.1 This instrument does not involve consolidation.

10. Consultation outcome

- 10.1 Consultation was not viewed as necessary because this instrument makes purely technical changes to retained EU law and is policy neutral.
- 10.2 Nuclear research is a reserved matter but this instrument was shared with the Devolved Administrations before being laid in Parliament. They had no objections.

11. Guidance

- 11.1 No guidance is provided alongside this instrument as it does not require action or interpretation in order to be effective.

12. Impact

- 12.1 There is no impact on business, charities or voluntary bodies.
- 12.2 There is no impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because it does not represent a policy change and will have no impact on businesses, charities, voluntary bodies, or the public sector. Businesses will experience no change resulting from the regulatory modification and will therefore face no direct cost. It will also result in no wider impacts or transfers and will not affect consumers, wider society, the environment, or the rest of the economy.

13. Regulating small business

- 13.1 The legislation has no impact on the regulation of small businesses.

14. Monitoring & review

- 14.1 As this instrument is made under the EU Withdrawal Act 2018, no review clause is required.

15. Contact

- 15.1 David Heather at the Department of Business, Energy and Industrial Strategy
Telephone: 0300 038 6251 or email: david.heather@beis.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Steph Hurst, Deputy Director for European Programmes, International Science and Innovation Directorate, at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Chris Skidmore, Minister of State for Universities, Science, Research and Innovation at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.

		23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

1. Sifting statement(s)

- 1.1 The Minister of State for Universities, Science, Research and Innovation, Chris Skidmore, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view *The Euratom Research and Training Programme (Revocation) (EU Exit) Regulations 2019* should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure).”

- 1.2 This is the case because: as detailed in section 2 of this Explanatory Memorandum, the revocations this instrument makes are necessary to address deficiencies arising from the withdrawal of the United Kingdom from the EU. These revocations are of a technical nature and make no changes to policy.

2. Appropriateness statement

- 2.1 The Minister of State for Universities, Science, Research and Innovation, Chris Skidmore, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view *The Euratom Research and Training Programme (Revocation) (EU Exit) Regulations 2019* do no more than is appropriate.”

- 2.2 This is the case because: in addressing the deficiencies in retained EU law the instrument makes changes of a technical nature and does not make policy changes.

3. Good reasons

- 3.1 The Minister of State for Universities, Science, Research and Innovation, Chris Skidmore, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action.”

- 3.2 These reasons, as set out in section 2 of this Explanatory Memorandum, are that once the UK has left the Euratom Treaty the UK would be a third country in relation to the Euratom Research and Training Programme and F4E. This instrument addresses a deficiency in retained EU law by revoking four EU instruments which would otherwise be redundant provisions retained in UK law. Revoking these instruments is purely a technical change to tidy up the UK statute book.

4. Equalities

- 4.1 The Minister of State for Universities, Science, Research and Innovation, Chris Skidmore, has made the following statement(s):

“The draft instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.

- 4.2 The Minister of State for Universities, Science, Research and Innovation, Chris Skidmore, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to the draft instrument, I, Chris Skidmore have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

5. Explanations

- 5.1 The explanations statement has been made in section 2 of the main body of this Explanatory Memorandum.