

2019 No. 0000

EXITING THE EUROPEAN UNION

DEFENCE

**The Preparatory Action on Defence Research and European
Defence Industrial Development Programme (EU Exit)
Regulations 2019**

Made - - - - ***

Laid before Parliament ***

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

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

Citation and commencement

1.—(1) These Regulations may be cited as the Preparatory Action on Defence Research and European Defence Industrial Development Programme (EU Exit) Regulations 2019 and come into force on exit day.

Revocation of retained direct EU legislation

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

Transitional provisions relating to the revocation of retained direct EU legislation

3.—(1) Where paragraph (3) applies to a person, the Secretary of State may grant and provide financial assistance to that person.

(2) Financial assistance may be provided in such form, for such duration and on such terms as the Secretary of State considers appropriate.

(3) This paragraph applies to a person if—

(a) that person has made an application on or before 31 December 2020 under—

(i) the European Commission’s Preparatory Action on Defence Research programme as established by the EU instruments listed in paragraphs (a) to (c) of the Schedule;

- (ii) the European Defence Industrial Development Programme as established by the EU instruments listed in paragraphs (d) to (e) of the Schedule;
- (b) that application has been approved by or on behalf of the European Commission; and
- (c) the Secretary of State is satisfied that the person would have been entitled to receive a payment in respect of that application if the United Kingdom had not withdrawn from the European Union and the European Commission has declined to make further payments to that person.

Name
Parliamentary Under Secretary of State
Ministry of Defence

Date

SCHEDULE

Regulation 2

The following instruments are revoked—

- (a) Commission Decision of 11.4.17 on the financing of the ‘Preparatory action on Defence Research’ and the use of unit costs for the year 2017;
- (b) Commission Decision of 9.3.18 on the adoption of the work programme for 2018 and on the financing of the ‘Preparatory action on Defence Research’, and authorising the use of unit costs under the preparatory action;
- (c) Commission Decision of 19.3.19 on the financing of the ‘Preparatory action on Defence research’ and the adoption of the work programme for 2019;
- (d) Regulation (EU) No 2018/1092 of the European Parliament and of the Council of 18 July 2018 establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovation capacity of the Union’s defence industry; and
- (e) Commission Implementing Decision of 19.3.2019 on the financing of the European Defence Industrial Development Programme and the adoption of the work programme for the years 2019 and 2020.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) and paragraph 21 of Schedule 7 to 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 paragraph (d) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations are made to address deficiencies in retained EU law concerning defence research and industrial development. The regulations revoke EU instruments relating to the operation of the Preparatory Action on Defence Research programme and the Defence Industrial Development programmes. They also allow the Secretary of State to provide financial assistance where appropriate to companies or individuals who have lost funding under those programmes due to the withdrawal of the United Kingdom from the European Union.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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