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## ~~Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community~~

### 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,

~~RECALLING that 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 (the 'Withdrawal Agreement'), which is based on Article 50 TEU, does not aim at establishing a permanent future relationship between the Union and the United Kingdom;~~

~~RECALLING the Union's and the United Kingdom's intention to replace the backstop solution on Northern Ireland by a subsequent agreement that establishes alternative arrangements for ensuring the absence of a hard border on the island of Ireland on a permanent footing;~~

~~HAVING REGARD to the Union's and to the United Kingdom's common objective of a close future relationship, which will establish ambitious customs arrangements that build on the single customs territory provided for in this Protocol, in full respect of their respective legal orders;~~

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

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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, ~~and bearing in mind that any future arrangements must be compatible with these overarching requirements,~~

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 ~~that~~ 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 ~~–outlines three different scenarios for protecting North-South cooperation and avoiding a hard border, but that this Protocol is based on the third scenario of maintaining full alignment with those rules of the Union's internal market and the customs union which, now or in the future, support North-South cooperation, the all-island economy and the protection of the 1998 Agreement, to apply unless and until an alternative arrangement implementing another scenario is agreed.~~

~~NOTING that, in accordance with Article 132 of the Withdrawal Agreement, the transition period may be extended by mutual consent,~~

RECALLING that the Union and the United Kingdom have carried out a mapping exercise

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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~~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~~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 ~~and relationship to subsequent agreement~~*

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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~~North---South cooperation, to avoid a hard border and to protect the 1998 Agreement in all its dimensions.
4. ~~The objective of the Withdrawal Agreement is not to establish a permanent relationship between the Union and the United Kingdom. The provisions of this Protocol are therefore intended to apply only temporarily, taking into account the commitments of the Union and the United Kingdom set out in Article 2(1). The provisions of this Protocol shall apply unless and until they are superseded, in whole or in part, by a subsequent agreement.~~

## *Article 2*

### **Subsequent agreement**

1. ~~The Union and the United Kingdom shall use their best endeavours to conclude, by 31 December 2020, an agreement which supersedes this Protocol in whole or in part.~~
2. ~~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, notwithstanding Article 20.~~

## *Article 3*

### **Extension of the transition period**

~~The United Kingdom, having had regard to the progress made towards conclusion of the agreement referred to in Articles 1(4) and 2(1) of this Protocol, may at any time before 1 July 2020 request the extension of the transition period referred to in Article 126 of the Withdrawal Agreement. If the United Kingdom makes such a request, the transition period may be extended in accordance with Article 132 of the Withdrawal Agreement.~~

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#### *Article 4*

##### *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 5*

##### *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 6*

##### **Single customs territory, movement of goods**

~~1. Until the future relationship becomes applicable, a single customs territory between the Union and the United Kingdom shall be established (‘the single customs territory’). Accordingly, Northern Ireland is in the same customs territory as Great Britain.~~

~~The single customs territory shall comprise:~~

~~(a) the customs territory of the Union defined in Article 4 of Regulation (EU) No 952/2013 of the~~

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#### 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 1186/2009<sup>1</sup>, brought into Northern Ireland from another part of the United Kingdom.

2. For the purposes of the first and second subparagraph 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

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- (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

~~European Parliament and of the Council<sup>(1)</sup>; and~~

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 ~~customs territory~~nature and value of the ~~United Kingdom~~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.

~~The rules set out in Annex 2 to this Protocol shall apply in respect of all trade in goods between the territories referred to in the second subparagraph, as well as, where so provided, between the single customs territory and third countries. With a view to ensuring the maintenance of the level playing field conditions required for the proper functioning of this paragraph, the provisions set out in Annex 4 to this Protocol shall apply. Where appropriate, the Joint Committee may amend Annex 4 in order to lay down higher standards for these level playing field conditions.~~

<sup>1</sup> Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of

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[reliefs from customs duty \(OJ L 324, 10.12.2009, p. 23\).](#)

~~The Joint Committee shall adopt, before 1 July 2020, the detailed rules relating to trade in goods between the two parts of the single customs territory for the implementation of this paragraph. In the absence of such a decision adopted before 1 July 2020, Annex 3 to this Protocol shall apply.~~

~~By way of derogation from the third subparagraph, 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>(2)</sup> ('fishery and aquaculture products'), shall be covered neither by the rules set out in Annexes 2 and 4 to this Protocol nor by the rules referred to in the fourth subparagraph of this paragraph, unless an agreement on access to waters and fishing opportunities is applicable between the Union and the United Kingdom. In accordance with Article 184 of the Withdrawal Agreement, the Union and the United Kingdom shall use their best endeavours to conclude and ratify such an agreement before 1 July 2020.~~

~~The Joint Committee may adopt decisions amending Annex 3 to this Protocol, where such amendments are necessary for the proper functioning of this paragraph. Such decisions may not amend the essential elements of this Protocol or the Withdrawal Agreement.~~

~~The second subparagraph is without prejudice to the specific arrangements set out in the Protocol relating to the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus.~~

23. 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 \(EU\) 1379/2013 of the European Parliament and of the Council<sup>2</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.

4. The provisions of Union law listed in Annex 52 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.

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~~<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 (OJ L 269, 10.10.2013, p. 1).~~

<sup>2</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).

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 76*

*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 ~~the rest~~other parts of the United ~~Kingdom's~~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 ~~the territories referred to in the second subparagraph of Article 6(1)~~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

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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~~Ireland's integral place in the United ~~Kingdom's~~Kingdom's internal market, the Union and the United Kingdom shall use their best endeavours to facilitate the trade between ~~the part of the territory of the United Kingdom to which Regulation (EU) No 952/2013 applies by virtue of Article 6(2) of this Protocol~~Northern Ireland and other parts ~~of the territory~~ 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 ~~5~~2 to this Protocol.

#### *Article 8*

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

1. Without prejudice to the provisions of Union law referred to in Annex ~~5~~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 ~~15~~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

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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 9*

#### *VAT and excise*

The provisions of Union law listed in Annex [63](#) to this Protocol concerning goods shall apply to and in the United Kingdom in respect of Northern Ireland.

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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, ~~and including~~ as concerns the reductions and exemptions provided for in the provisions referred to in the first paragraph, and shall, where appropriate, ~~shall adopt the necessary~~ 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 ~~10~~9*

### **Agriculture and environment**

~~The provisions of Union law listed in Annex 5 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 11*

### *Single electricity market*

The provisions of Union law governing wholesale electricity markets listed in Annex ~~7~~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 ~~12~~10*

### *State aid*

1. The provisions of Union law listed in Annex ~~8~~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 ~~the part of the territory of the United Kingdom to which Regulation (EU) No 952/2013 applies by virtue of Article 6(2) of this Protocol~~ Northern Ireland and the Union which is subject to this Protocol.

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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 ~~9~~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.

~~The European Commission and the independent authority referred to in Article 9 of Annex 4 shall establish the administrative arrangements necessary for the proper implementation of this Article and Part Four of Annex 4 respectively, and keep those arrangements under review.~~

#### *Article ~~13~~11*

##### *Other areas of ~~North-South~~North--South cooperation*

1. Consistent with the arrangements set out in ~~Article 6(2) and~~ Articles ~~7~~5 to ~~12~~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 ~~14~~12*

##### *Implementation, application, supervision and enforcement*

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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 ~~authorities~~ 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 ~~authorities~~ to carry out control measures in individual cases for duly stated reasons, the authorities of the United Kingdom ~~authorities~~ 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 ~~Article 6(2), the second subparagraph of paragraph 2 of this Article, Article 5 and Articles 8 to 12 of this Protocol, as well as Article 7(1) of Annex 4 to this Protocol in respect of measures of the Member States~~ 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 ~~subparagraphs~~ 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

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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 ~~15~~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 ~~65~~(23) of this Protocol.

~~For the purposes of the first subparagraph of Article 6(1), the term ‘customs territory’ shall have the same meaning as in Article XXIV of the General Agreement on Tariffs and Trade 1994.~~

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. For the purposes of this Protocol, the following definitions shall apply:~~

- ~~— ‘third country’ means a country or territory which does not belong to the customs territories referred to in the second subparagraph of Article 6(1);~~
- ~~— ‘part of the single customs territory’ means either the customs territory of the Union defined in Article 4 of Regulation (EU) No 952/2013 or the customs territory of the United Kingdom.~~

- ~~3~~2. Notwithstanding Article 4(4) and ~~4~~5 of the Withdrawal Agreement, the provisions of this Protocol referring to Union law or to concepts or provisions thereof shall in their

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implementation and application be interpreted in conformity with the relevant case law of the Court of Justice of the European Union.

43. 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.

54. 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.

65. 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 4715 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.

76. Authorities of the United Kingdom shall not act as leading authority for risk assessments,

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examinations, approvals and authorisation procedures provided for in Union law made applicable by this Protocol.

87. 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 ~~16~~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 42 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 ~~17~~15*

*Joint consultative working group*

1. A joint consultative working group on the implementation of this Protocol ('working

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- 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 ~~18~~16*  
*Safeguards*

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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 ~~10~~7 to this Protocol.

#### *Article ~~19~~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 ~~20~~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 made by the United Kingdom on [DATE], 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.

#### **Review**

~~If at any time after the end of the transition period the Union or the United Kingdom considers~~

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~~that this Protocol is, in whole or in part, no longer necessary to achieve the objectives set out in Article 1(3) and should cease to apply, in whole or in part, it may notify the other party, setting out its reasons:~~

~~Within 6 months of such a notification, the Joint Committee shall meet at ministerial level to consider the notification, having regard to all of the objectives specified in Article 1. The Joint Committee may seek an opinion from institutions created by the 1998 Agreement.~~

If, following the consideration<sup>4</sup>, Where the process referred to in ~~the second paragraph, and acting in full respect of Article 5 of the Withdrawal Agreement, the Union~~paragraph 1 has been undertaken and a decision has been reached in accordance with paragraph 2, and the United Kingdom ~~decide jointly within the Joint Committee that the Protocol, in whole or in part, is no longer necessary to achieve its objectives; the Protocol~~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, ~~in whole or in part~~ 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 ~~21~~19*

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## Annexes

Annexes 1 to ~~10~~7 shall form an integral part of this Protocol.

### ~~ANNEX 1~~

#### ~~PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 4(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>
- ~~—~~ — 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>(5)</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>(6)</sup>

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1 OJ L 373, 21.12.2004, p. 37.

2 OJ L 204, 26.7.2006, p. 23.

3 OJ L 180, 19.7.2000, p. 22.

4 OJ L 303, 2.12.2000, p. 16.

5 OJ L 180, 15.7.2010, p. 1.

6 OJ L 6, 10.1.1979, p. 24.

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## ANNEX 2

### *Article 1*

#### **Scope**

1. Subject to the conditions laid down in Article 6(1) of this Protocol, this Annex shall apply to all goods:
  - (a) ~~produced in the customs territory of the Union or the customs territory of the United Kingdom, including those wholly or partially obtained or produced from products coming from third countries which are in free circulation in the customs territory of the Union or the customs territory of the United Kingdom; or~~
  - (b) ~~coming from third countries and in free circulation in the customs territory of the Union or the customs territory of the United Kingdom;~~
  - (c) ~~obtained or produced in the customs territory of the Union or the customs territory of the United Kingdom, in the manufacture of which products coming from third countries that are not in free circulation either in the customs territory of the Union or the customs territory of the United Kingdom were used, provided that the import formalities have been complied with and any customs duties or charges having an equivalent effect which are payable on those goods or on the third country products used in their manufacture have been levied in the exporting part of the single customs territory.~~

~~The term ‘wholly obtained’ in point (a) shall have the same meaning in the customs territory of the United Kingdom as it does in the customs territory of the Union.~~

- ~~2. Goods from third countries shall be considered to be in free circulation in the customs territory of the Union or the customs territory of the United Kingdom if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied by the Union or by the United Kingdom in their respective part of the single customs territory, and if the goods have not benefitted from a total or partial reimbursement of such duties or charges.~~
3. As regards goods obtained or produced in the customs territory of the Union or the customs territory of the United Kingdom, in the manufacture of which products coming from third countries and not in free circulation either in the customs territory of the Union or the customs territory of the United Kingdom were used, but which goods are not covered by point (c) of paragraph 1, the importing part of the single customs territory shall apply the customs legislation applying to goods from third countries.

### *Article 2*

#### **Trade between the parts of the single customs territory**

1. ~~Customs duties on imports and exports, and any charges having equivalent effect, shall be prohibited between the parts of the single customs territory. This prohibition shall also apply to customs duties of a fiscal nature.~~

~~Charges for the performance of customs controls or for any other application of the customs~~

~~legislation between the parts of the single customs territory shall be considered having equivalent effect to customs duties. Charges may however be imposed or costs recovered where specific services are rendered by the customs authorities, in particular the following:~~

- ~~(a) where requested, attendance by customs staff outside official office hours or at premises other than customs premises;~~
- ~~(b) analyses or expert reports on goods and postal fees for the return of goods to an applicant, particularly in respect of decisions taken or information provided upon application;~~
- ~~(c) the examination or sampling of goods for verification purposes, or the destruction of goods, where costs other than the cost of using customs staff are involved;~~
- ~~(d) exceptional control measures, where these are necessary due to the nature of the goods or to a potential risk.~~

~~2. Articles III, V and Article XI of the General Agreement on Tariffs and Trade 1994 ('GATT 1994') are incorporated into and be made part of this Protocol and apply *mutatis mutandis* between the parts of the single customs territory.~~

~~3. The rules set out in this Annex shall not preclude prohibitions or restrictions on imports, exports or goods in transit, where such prohibitions or restrictions are justified on grounds of public morality, public policy or public security, the protection of health and life of humans, animals or plants, the protection of national treasures possessing artistic, historic or archaeological value, the protection of industrial or commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the parts of the single customs territory.~~

~~4. Nothing in this Annex shall be construed:~~

- ~~(a) to require the Union or the United Kingdom to furnish or allow access to any information, the disclosure of which it considers contrary to its essential security interests; or~~
- ~~(b) to prevent the Union or the United Kingdom from taking any action which it considers necessary for the protection of its essential security interests:
  - ~~(i) connected with the production of or trade in arms, munitions or war material or relating to such production of or trade in other goods and materials as is carried out directly or indirectly for the purpose of provisioning a military establishment;~~
  - ~~(ii) relating to fissionable and fusionable materials or the materials from which they are derived; or~~
  - ~~(iii) taken in time of war or other emergency in international relations; or~~~~
- ~~(c) to prevent the Union or the United Kingdom from taking any action for the purpose of maintaining international peace and security.~~

*Article 3*

### **Customs Tariff applicable to trade with third countries**

1. The United Kingdom shall align the tariffs and rules applicable in its customs territory with:
  - (a) the Union's Common Customs Tariff, as set out in Article 56(2) of Regulation (EU) No 952/2013;
  - (b) the Union's rules on the origin of goods, as set out in Chapter 2 of Title II of Regulation (EU) No 952/2013; and
  - (c) the Union's rules on the value of goods for customs purposes, as set out in Chapter 3 of Title II of Regulation (EU) No 952/2013.
2. Under no circumstances may the United Kingdom:
  - (a) apply to its customs territory a customs tariff which is lower than the Common Customs Tariff for any good or import from any third country; or
  - (b) apply or grant in its customs territory tariff preferences to any good on the basis of rules of origin that are different from those governing the granting of such preferences to the same good by the Union in its customs territory.
3. The United Kingdom may not, without prior agreement in the Joint Committee, apply or grant in its customs territory any quotas, tariff rate quotas or duty suspensions.
4. The United Kingdom shall be informed of any decision taken by the Union to amend the Common Customs Tariff, to suspend or reintroduce duties and any decision concerning quotas, tariff rate quotas or duty suspensions in sufficient time for it to align itself with that decision. If necessary, consultations may be held in the Joint Committee.

#### *Article 4*

### **Commercial policy**

1. The single customs territory shall comply with the relevant provisions of Article XXIV of the GATT 1994. To this end, the United Kingdom shall harmonise the commercial policy applicable to its customs territory with the common commercial policy of the Union to the extent necessary to give effect to Article 6(1) of this Protocol and Article 3 of this Annex, and by applying regulations of commerce other than duties, in particular measures falling under Article XI:1 of the GATT 1994, which are substantially the same as those of the Union.
2. The United Kingdom shall ensure that, for the products covered by Article 6(1) of this Protocol, its Schedules of Concessions referred to in Article II of the GATT 1994 are fully aligned with those of the Union, and commitments on tariff rate quotas are compatible with those of the Union and comply with the provisions of Article 3 of this Annex. The Union and the United Kingdom agree to cooperate on WTO matters on the apportionment of WTO tariff rate quotas and to the extent necessary for the functioning of the single customs territory.
3. The Union's trade defence regime, as well as the Union's Generalised Scheme of Preferences



~~(‘GSP’), shall cover both parts of the single customs territory. The Union shall consult the United Kingdom on any trade defence measures or actions under the GSP regime which it considers taking. At least 6 months before the end of the transition period, the Joint Committee shall set up the procedures for the application of this paragraph.~~

#### *Article 5*

### **Administrative cooperation**

- ~~1. In addition to the specific cooperation provided for in Annex 3 to this Protocol, the administrative authorities of the Union, including its Member States, and of the United Kingdom responsible for implementing the provisions of this Annex shall provide each other with mutual administrative assistance so as to ensure compliance with those provisions for trade in goods between the parts of the single customs territory or with third countries.~~
- ~~2. At least 6 months before the end of the transition period, the Joint Committee shall adopt the appropriate provisions on mutual administrative assistance referred to in paragraph 1, including as regards the recovery of debts.~~

#### *Article 6*

### **Specific remedies**

- ~~1. By way of derogation from Articles 170 to 179 of the Withdrawal Agreement, Article 6(1) of this Protocol and Article 2 of this Annex, in case of non-compliance by the United Kingdom with the obligations set out in Articles 1, 3 and 4 of this Annex with respect to goods and products from third countries, the Union may, where it considers it necessary to protect the integrity of the single market, impose tariffs or other restrictions on the movement of the relevant goods into or out of the customs territory of the Union. These goods shall not be considered as being within the scope of this Annex, as set out in Article 1(1).~~
- ~~2. Where the Union has made a finding, based on objective information, of the existence of an error in the customs territory of the United Kingdom in the implementation of Annex 3 to this Protocol, and that this error leads to consequences in terms of import duties, the Union shall request the Joint Committee to determine the appropriate measures with a view to resolving the situation.~~
- ~~3. Part Six of the Withdrawal Agreement shall apply to any dispute relating to the application of this Article.~~

## **ANNEX 3**

### *Article 1*

### **Application of Customs Codes**

~~Without prejudice to the provisions set out in Annex 2 to this Protocol, the Union Customs Code and any other measures and controls which are applicable in the customs territory of the Union, and the United Kingdom Taxation (Cross-border Trade) Act 2018 and its implementing provisions, as well as other relevant legislation which is applicable in the customs territory of~~

~~the United Kingdom, shall apply in trade in goods between the two parts of the single customs territory under the conditions laid down in this Protocol and this Annex.~~

#### *Article 2*

### **Formalities in respect of point (c) of Article 1(1) of Annex 2**

- ~~1. For the implementation of point (c) of Article 1(1) of Annex 2 to this Protocol, import formalities shall be considered as having been complied with in the exporting part of the single customs territory by the validation of the document necessary to prove that the good is within the scope of Annex 2, as set out in Article 1(1) thereof.~~
- ~~2. The validation referred to in paragraph 1 shall cause the customs duties or charges having equivalent effect, where such duties or charges are payable on the goods concerned or on the third country products used in their manufacture in accordance with Article 3 of Annex 2 to this Protocol, to be levied in the exporting part of the single customs territory. It shall also give rise to the application of the commercial policy measures described in Article 4 of Annex 2 and to which the goods may be subject.~~
- ~~3. The moment when the customs duties or charges having equivalent effect referred to in paragraph 2 are to be levied shall be deemed to be the moment when the competent customs authorities accept the export declaration relating to the goods in question.~~
- ~~4. The debtor shall be the declarant. In the event of indirect representation, the person on whose behalf the declaration is made shall also be a debtor.~~

#### *Article 3*

### **Documentary evidence**

~~Without prejudice to Article 5, proof that a good is within the scope of Annex 2 to this Protocol, as set out in Article 1(1) thereof, shall be provided by documentary evidence issued at the exporter's request by the customs authorities in the parts of the single customs territory.~~

#### *Article 4*

### **A. UK. movement certificate**

- ~~1. The documentary evidence referred to in Article 3 shall be the A. UK. movement certificate. The Union shall draw up the specimen of the A. UK. movement certificate and explanatory notes and inform the Joint Committee thereof. The use of that specimen shall be mandatory.~~
- ~~2. The A. UK. movement certificate may be used only where:~~
  - ~~(a) the goods have not, after exportation and prior to being declared for importation, been altered, transformed in any way or subjected to operations other than to preserve them in good condition or than adding or affixing marks, labels, seals or any other documentation to ensure compliance with specific domestic requirements of the importing part of the single customs territory;~~
  - ~~(b) the goods have been stored or exhibited in a third country provided that the goods~~

~~remain under customs supervision in that third country.~~

- ~~3. Without prejudice to paragraph 2, the splitting of consignments may take place in a third country if it is carried out by the exporter or under its responsibility and provided that they remain under customs supervision in that third country.~~
- ~~4. Paragraph 2 shall be considered to be complied with unless the customs authorities in the importing part of the single customs territory have reason to believe the contrary. In such cases, the customs authorities may request the declarant to provide evidence of compliance, which may be given by any means.~~
- ~~5. An A. UK. movement certificate shall be endorsed by the customs authorities in the exporting part of the single customs territory when goods to which it relates are exported. It shall be made available to the exporter as soon as the actual exportation has been effected or ensured.~~
- ~~6. An A. UK. movement certificate may be endorsed only where it can serve as the documentary evidence required for the purpose of determining that a good is within the scope of Annex 2 to this Protocol, as set out in Article 1(1) thereof.~~
- ~~7. The exporter applying for the issue of an A. UK. movement certificate shall be prepared to submit at any time, at the request of the customs authorities in the exporting part of the single customs territory where the A. UK. movement certificate is issued, all appropriate documents proving the status of the products concerned as well as the fulfilment of the other requirements of this Protocol and of Annex 2 to this Protocol.~~
- ~~8. The issuing customs authorities shall take any steps necessary to verify the status of the products and the fulfilment of the other requirements of this Protocol and of this Annex. For this purpose, they shall have the right to call for any reasonable evidence and to carry out any control considered appropriate. The issuing customs authorities shall also ensure that the certificates are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.~~
- ~~9. An A. UK. movement certificate must be submitted, within four months of the date of issue by the customs authorities in the exporting part of the single customs territory, to the customs authorities in the importing part of the single customs territory.~~
- ~~10. A. UK. movement certificates submitted to the customs authorities in the importing part of the single customs territory after the final date for presentation specified in paragraph 9 may be accepted where the failure to submit these documents by the final date set is due to exceptional circumstances.~~
- ~~11. In other cases of belated presentation, the customs authorities in the importing part of the single customs territory shall accept A. UK. movement certificates where the related goods were presented to those authorities before the final date for presentation specified in paragraph 9.~~

#### *Article 5*

#### **A. UK. movement certificates issued retrospectively**

1. ~~Notwithstanding Article 4(5), an A. UK. movement certificate may exceptionally be issued after the actual exportation has been effected or ensured of the goods to which it relates if:
  - (a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
  - (b) it is demonstrated to the satisfaction of the customs authorities that an A. UK. movement certificate was issued but was not accepted at importation for technical reasons.~~
2. ~~For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the A. UK. movement certificate relates, and state the reasons for his request.~~
3. ~~The customs authorities may issue an A. UK. movement certificate retrospectively only where the customs authorities are satisfied a certificate has been applied for in accordance with the provisions of this Article.~~

#### *Article 6*

#### **Submission of A. UK. movement certificates**

1. ~~A. UK. movement certificates shall be submitted to customs authorities in the importing part of the single customs territory in accordance with the procedures laid down in that part of the single customs territory. Those authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the goods are within the scope of Annex 2 to this Protocol, as set out in Article 1(1) thereof.~~
2. ~~The discovery of slight discrepancies between the statements made in the A. UK. movement certificate and those made in the document submitted to the customs authorities for the purpose of carrying out the import formalities for the goods shall not ipso facto render the certificates null and void if it is duly established that the certificates correspond to the goods presented.~~
3. ~~Obvious formal errors such as typing errors on A. UK. movement certificates should not cause those certificates to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in these certificates.~~

#### *Article 7*

#### **Replacement of A. UK. movement certificates**

~~When goods are placed under the control of a customs office in either part of the single customs territory, it shall be possible to replace the original A. UK. movement certificate by one or more A. UK. movement certificates for the purpose of sending all or some of these goods elsewhere within the single customs territory. The replacement A. UK. movement certificate(s) shall be issued by the customs office under whose control the products are placed.~~

#### *Article 8*

#### **Administrative cooperation**

- ~~1. The customs authorities of the Member States and of the United Kingdom shall provide each other, through the European Commission, with specimen impressions of stamps used in their customs offices for the issue of A. UK. movement certificates and with the addresses of the customs authorities responsible for verifying those certificates.~~
- ~~2. In order to ensure the proper application of this Protocol, the Union and United Kingdom shall assist each other, through the competent customs administrations, in checking the authenticity of A. UK. movement certificates and the correctness of the information given in them.~~

#### *Article 9*

#### **Verification of A. UK. movement certificates**

- ~~1. Subsequent verifications of A. UK. movement certificates shall be carried out at random or whenever the customs authorities in the importing part of the single customs territory have reasonable doubts as to the authenticity of the certificates, the status of the products concerned or the fulfilment of the other requirements of this Protocol and its Annexes, providing such verification is sought no later than 3 years after the issuing of the A. UK. movement certificate by the customs authorities in the exporting part of the single customs territory.~~
- ~~2. For the purposes of the provisions of paragraph 1, the customs authorities in the importing part of the single customs territory shall send the A. UK. movement certificate to the customs authorities in the exporting part of the single customs territory, and the invoice, if it has been submitted, or a copy of these documents, giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the A. UK. movement certificate is incorrect shall be forwarded in support of the request for verification.~~
- ~~3. The verification shall be carried out by the customs authorities in the exporting part of the single customs territory. For this purpose, they shall have the right to call for any reasonable evidence and to carry out any inspection of the exporter's accounts or any other check that they consider appropriate.~~
- ~~4. If the customs authorities in the importing part of the single customs territory decide to refuse for the products concerned, the treatment provided for in Annex 2 while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.~~
- ~~5. The customs authorities requesting the verification shall be informed of the results of this verification within a maximum of 10 months. These results must indicate clearly whether the documents are authentic and whether the products concerned were within the scope of Annex 2 to this Protocol, as set out in Article 1(1) thereof, and fulfil the other requirements of this Protocol and its Annexes.~~
- ~~6. If, in cases of reasonable doubt, there is no reply within 10 months or the reply does not contain sufficient information to determine the authenticity of the document in question or the true status of the product, the requesting customs authorities shall, except in exceptional circumstances, refuse the treatment provided for in this Protocol and its Annexes.~~

#### *Article 10*

### **Disputes relating to the verification procedure**

- ~~1. Where disputes arise in relation to the verification procedures set out in Article 9 which cannot be settled between the customs authorities requesting a verification and the customs authorities responsible for carrying out this verification, or where they raise a question as to the interpretation of this Annex, those disputes shall be submitted to the Joint Committee.~~
- ~~2. At the request of the Union or the United Kingdom, consultations shall be held in the Joint Committee within a period of 90 days from the date of submission referred to in paragraph 1, with a view to resolving those differences. The period for consultation may be extended on a case by case basis by mutual written agreement. After this period the customs authority of the importing part of the single customs territory may make its decision on the status of the goods concerned.~~
- ~~3. In all cases, disputes between the importer and the customs authorities of the importing part of the single customs territory shall be settled under the legislation of that part of the single customs territory.~~

#### *Article 11*

### **Penalties**

~~Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining the treatment provided for in this Protocol and Annex 2 to this Protocol. Such penalties shall be effective, proportionate and dissuasive.~~

#### *Article 12*

### **Provisions concerning goods brought by travellers**

~~Provided that they are not intended for commercial use, goods brought by travellers from one part of the single customs territory to the other part of the single customs territory shall benefit from the treatment provided for in Annex 2 to this Protocol without being the subject of the certificate provided for in Articles 3 to 11 of this Annex when those goods are declared as goods within the scope of Annex 2, as set out in Article 1(1) thereof, and there is no doubt as to the accuracy of the declaration.~~

~~The Joint Committee shall regularly discuss the implementation of this Article, and where appropriate, adopt the necessary measures for its proper application.~~

#### *Article 13*

### **Postal consignments**

~~Postal consignments, including postal packages, shall benefit from the treatment provided for in Annex 2 to this Protocol without being the subject of the certificate provided for in Articles 3 to 11 of this Annex, provided there is no indication on the packing or on the accompanying documents that the goods contained therein are not within the scope of Annex 2 to this Protocol,~~

~~as set out in Article 1(1) thereof. Such indication shall consist of a label to be affixed in all cases of this kind by the competent authorities of the exporting part of the single customs territory.~~

~~The Union shall draw up the specimen of the label referred to in the first subparagraph and inform the Joint Committee thereof. The use of the label based on that specimen shall be mandatory.~~

~~The Joint Committee shall regularly discuss the implementation of this Article, and where appropriate, adopt the necessary measures for its proper application.~~

## ~~ANNEX 4~~

### ~~**PART ONE**~~

### ~~**TAXATION**~~

#### ~~*Article 1*~~

#### ~~**Taxation**~~

~~1. The Union and the United Kingdom recognise and commit themselves to implementing the principles of good governance in the area of taxation, including the global standards on transparency and exchange of information, fair taxation, and the OECD standards against Base Erosion and Profit Shifting (BEPS). The Union and the United Kingdom will promote good governance in tax matters, improve international cooperation in the tax area and facilitate the collection of tax revenues.~~

~~2. In the context of the Union's and the United Kingdom's commitments set out in paragraph 1, the United Kingdom shall continue to apply provisions of its domestic law transposing the following provisions of Union law, as applicable at the end of the transition period:~~

~~(a) Council Directive 2011/16/EU<sup>(1)</sup>;~~

~~(b) Council Directive (EU) 2016/1164<sup>(2)</sup>; and~~

~~(c) Article 89 of Directive 2013/36/EU of the European Parliament and of the Council<sup>(3)</sup>.~~

~~3. The Union and the United Kingdom, reflecting the direction set by the G20 OECD BEPS Action Plan, reaffirm their commitment to curb harmful tax measures.~~

~~In this context, the United Kingdom reaffirms its commitment to the Code of Conduct for business taxation set out in the conclusions of the Council of Ministers of 1 December 1997 as reflected in the mandate and criteria established by those conclusions, as well as the guidance relating to the Code of Conduct, as applicable at the end of the transition period.~~

~~4. The Joint Committee may determine the measures necessary for the implementation of paragraph 2 and shall discuss all matters related to the implementation of paragraph 3.~~

~~5. Articles 170 to 181 of the Withdrawal Agreement shall not apply in respect of disputes regarding the interpretation and application of paragraphs 1, 3 and 4 of this Article.~~

<sup>1</sup>~~Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).~~

<sup>2</sup>~~Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market (OJ L 193, 19.7.2016, p. 1).~~

<sup>3</sup>~~Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).~~

## PART TWO

### ***ENVIRONMENTAL PROTECTION***

#### *Article 2*

#### **Non-regression in the level of environmental protection**

1. ~~With the aim of ensuring the proper functioning of the single customs territory, the Union and the United~~

~~Kingdom shall ensure that the level of environmental protection provided by law, regulations and practices is not reduced below the level provided by the common standards applicable within the Union and the United Kingdom at the end of the transition period in relation to access to environmental information, public participation and access to justice in environmental matters; environmental impact assessment and strategic environmental assessment; industrial emissions; air emissions and air quality targets and ceilings; nature and biodiversity conservation; waste management; the protection and preservation of the aquatic environment; the protection and preservation of the marine environment; the prevention, reduction and elimination of risks to human health or the environment arising from the production, use, release and disposal of chemical substances; and climate change.~~

2. ~~Reflecting their common principles at the end of the transition period and their commitment to the 1992 Rio Declaration on Environment and Development, in giving effect to the obligations set out in this Article the Union and the United Kingdom shall respect the following principles in their respective environmental legislation:~~

~~(a) the precautionary principle;~~

~~(b) the principle that preventive action should be taken;~~

~~(c) the principle that environmental damage should as a priority be rectified at source; and~~

~~(d) the ‘polluter pays’ principle.~~

3. ~~Having regard to the common standards referred to in paragraph 1, the Joint Committee shall adopt decisions laying down minimum commitments for:~~

~~(a) the reduction of national emissions of certain atmospheric pollutants;~~



~~(b) the maximum sulphur content of marine fuels which may be used in the territorial seas, exclusive economic zones, including in the SO<sub>x</sub> Emission Control Area (SO<sub>x</sub>-ECA) designated in the North Sea and Baltic Sea area, and in the ports of the Member States of the Union and of the United Kingdom; and~~

~~(c) those best available techniques, including emission limit values, in relation to industrial emissions.~~

~~These decisions shall apply as from the end of the transition period.~~

~~4. The Union and the United Kingdom shall take the necessary measures to meet their respective commitments to international agreements to address climate change, including those which implement the United Nations Framework Conventions on Climate Change, such as the Paris Agreement of 2015.~~

~~5. The United Kingdom shall implement a system of carbon pricing of at least the same effectiveness and scope as that provided by Directive 2003/87/EC of the European Parliament and of the Council<sup>(4)</sup>.~~

~~6. The Union and the United Kingdom reaffirm their commitment to implement effectively the multilateral environmental agreements to which they are party in their laws, regulations and practices.~~

~~7. Articles 170 to 181 of the Withdrawal Agreement shall not apply in respect of disputes regarding the interpretation and application of this Article.~~

### *Article 3*

#### **Monitoring and enforcement related to environmental protection**

~~1. Noting that within the Union the effective application of Union law reflecting the common standards referred to in Article 2(1) is ensured by the Commission and the Court of Justice of the European Union acting under the Treaties, the United Kingdom shall ensure effective enforcement of Article 2 and of its laws, regulations and practices reflecting those common standards, without prejudice to Article 2(7).~~

~~The United Kingdom shall ensure that administrative and judicial proceedings are available in order to permit effective and timely action by public authorities and members of the public against violations of its laws, regulations and practices, and provide for effective remedies, including interim measures, ensuring that any sanctions are effective, proportionate and dissuasive and have a real and deterrent effect.~~

~~2. The United Kingdom shall implement a transparent system for the effective domestic monitoring, reporting, oversight and enforcement of its obligations pursuant to this Article and to Article 2 by an independent and adequately resourced body or bodies ('the independent body').~~

~~The independent body shall have powers to conduct inquiries on its own initiative concerning alleged breaches by public bodies and authorities of the United Kingdom, and to receive complaints for the purposes of conducting such inquiries. It shall have all powers necessary to carry out its functions, including the power to request information. The independent body shall have the right to bring a legal action before a competent court or~~

tribunal in the United Kingdom in an appropriate judicial procedure, with a view to seeking an adequate remedy.

~~<sup>4</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 (OJ L 275, 25.10.2003, p. 32).~~

### ~~PART THREE~~

#### ~~**LABOUR AND SOCIAL STANDARDS**~~

##### ~~*Article 4*~~

#### ~~**Non-regression of labour and social standards**~~

- ~~1. With the aim of ensuring the proper functioning of the single customs territory, the Union and the United Kingdom shall ensure that the level of protection provided for by law, regulations and practices is not reduced below the level provided by the common standards applicable within the Union and the United Kingdom at the end of the transition period in the area of labour and social protection and as regards fundamental rights at work, occupational health and safety, fair working conditions and employment standards, information and consultation rights at company level, and restructuring.~~
- ~~2. Articles 170 to 181 of the Withdrawal Agreement shall not apply in respect of disputes regarding the interpretation and application of this Article.~~

##### ~~*Article 5*~~

#### ~~**Multilateral labour and social standards and agreements**~~

- ~~1. Taking into account the importance of international cooperation and agreements on labour affairs and of high levels of labour and social protection coupled with their effective protection, the Union and the United Kingdom shall protect and promote social dialogue on labour matters among workers and employers, and their respective organisations, and governments.~~
- ~~2. The Union and the United Kingdom reaffirm their commitment to implement effectively in their laws, regulations and practices the International Labour Organisation Conventions, and the provisions of the Council of Europe European Social Charter, as ratified and accepted by the United Kingdom and the Member States respectively.~~
- ~~3. The Union and the United Kingdom shall exchange information on the respective situations and advances of the Member States and of the United Kingdom regarding the ratification of International Labour Organisation Conventions that are classified as up to date by the International Labour Organisation and of the revised European Social Charter and related Protocols.~~
- ~~4. Articles 170 to 181 of the Withdrawal Agreement shall not apply in respect of disputes regarding the interpretation and application of this Article.~~

##### ~~*Article 6*~~

## **Monitoring and enforcement of labour and social standards**

~~Noting that within the Union the effective application of Union law reflecting the common standards referred to in Article 4(1) is ensured by the Commission and the Court of Justice of the European Union acting under the Treaties, the United Kingdom shall ensure effective enforcement of Article 4 and of its laws, regulations and practices reflecting those common standards in its whole territory, without prejudice to Article 4(2).~~

~~The United Kingdom shall maintain an effective system of labour inspections, ensure that administrative and judicial proceedings are available in order to permit effective action against violations of its laws, regulations and practices, and provide for effective remedies, ensuring that any sanctions are effective, proportionate and dissuasive and have a real and deterrent effect.~~

### **PART FOUR**

#### ***STATE AID***

##### *Article 7*

#### **State aid**

- ~~1. With a view to preserving a robust and comprehensive framework for State aid control that prevents undue distortions of trade and competition, the Union State aid law provisions listed in Annex 8 to this Protocol shall apply to the United Kingdom, in respect of measures which affect that trade between the parts of the single customs territory which is subject to Annex 2. However, in respect of such measures of the United Kingdom authorities, references to the European Commission in those provisions of Union law shall be read as referring to the independent authority referred to in Article 9.~~
- ~~2. Notwithstanding paragraph 1, the provisions of Union law referred to in that paragraph shall not apply with respect to measures of the United Kingdom authorities to support the production of and trade in agricultural products in the customs territory of the United Kingdom 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 set by the Joint Committee and governed by the procedures set out in Article 8 of this Annex.~~
- ~~3. This Article is without prejudice to Article 12 of this Protocol and to Article 14(4) and (5) of this Protocol as regards Article 12 thereof.~~

##### *Article 8*

#### **Procedures referred to in Article 7(2)**

~~The Joint Committee shall determine the initial maximum exempted overall annual level of support and the initial minimum percentage referred to in Article 7(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 by the annual average of the total amount of expenditure incurred in the customs territory of the United Kingdom 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 one year of the entry into force of a future Multiannual Financial Framework, as the case may be, the application of Article 7(2) shall be suspended until the Joint Committee has determined or adjusted the level of support and percentage.~~

#### *Article 9*

### **Independent authority**

- ~~1. The United Kingdom shall establish or maintain an operationally independent authority ('the independent authority'). In performing its duties and exercising its powers, the independent authority shall have the necessary guarantees of independence from political or other external influence and shall act impartially.~~
- ~~2. In respect of measures of the United Kingdom authorities that are subject to Article 7(1), the independent authority shall have powers and functions equivalent to those of the European Commission acting under the Union State aid law provisions listed in Annex 8 to this Protocol. The independent authority shall be appropriately equipped with the resources necessary for the full application and the effective enforcement, in accordance with Article 7(1), of the Union State aid law provisions listed in Annex 8 to this Protocol. These resources include human, technical and financial resources, premises and infrastructure.~~
- ~~3. Decisions of the independent authority shall produce in respect of and in the United Kingdom the same legal effects as those which comparable decisions of the European Commission acting under the Union State aid law provisions listed in Annex 8 to this Protocol produce within the Union and its Member States.~~

#### *Article 10*

### **Cooperation**

- ~~1. With a view to ensuring consistent surveillance in the field of State aid throughout the single customs territory, the European Commission and the independent authority shall cooperate.~~
- ~~2. The European Commission and the independent authority shall:
  - ~~(a) exchange information and views on the implementation, application and interpretation~~~~

of the Union State aid law provisions listed in Annex 8 to this Protocol, and

~~(b) provide on a case by case basis information and exchange views on individual State aid cases which affect that trade between the parts of the single customs territory which is subject to Annex 2 to this Protocol. The European Commission and the independent authority shall exchange this information taking into account the limitations imposed by the requirements of professional and business secrecy.~~

~~3. If the independent authority decides to open the procedure referred to in the first and second subparagraphs of Article 108(2) of the TFEU in respect of measures of the United Kingdom authorities that are subject to Article 7(1), the independent authority shall communicate that decision to the European Commission and give it the opportunity to submit its comments in accordance with the applicable time limits set in Council Regulation (EU) 2015/1589<sup>(5)</sup>.~~

~~4. The independent authority shall consult the European Commission on all draft decisions it intends to adopt in accordance with Article 7(1) and Article 9. The European Commission shall have up to 3 months to communicate its opinion, and the independent authority shall take the utmost account of that opinion before adopting the decision. In cases of urgency, the independent authority may invite the Commission to communicate its opinion as soon as possible.~~

~~Where the European Commission considers, during the period referred to in the first subparagraph, that it requires further information before it is able to formulate its opinion, it may address a request for additional information to the independent authority. That period shall be suspended from the date of the European Commission's request, and shall start afresh from the date of receipt of the independent authority's response.~~

~~The independent authority shall not adopt the draft decision until the European Commission has communicated its opinion in accordance with the first subparagraph.~~

#### *Article 11*

### **Courts and tribunals of the United Kingdom**

~~1. Noting that the Court of Justice of the European Union has jurisdiction under the Treaties in respect of acts of the European Commission in the area of State aid, in respect of measures of the United Kingdom authorities that are subject to Article 7(1) of this Annex, the United Kingdom shall ensure that courts or tribunals in the United Kingdom are competent to:~~

~~(a) review and enforce compliance by the United Kingdom's authorities with the obligation under Article 108(3) of the TFEU to notify and not to put a proposed measure in effect until the independent authority has authorised it;~~

~~(b) review the compliance of the decisions taken by the independent authority with the Union State aid law provisions listed in Annex 8 to this Protocol;~~

~~(c) review and enforce compliance with a decision of the independent authority by the United Kingdom's authorities, and impose penalties in case of non-compliance;~~

~~(d) decide on actions for a failure of the independent authority to act, and order the independent authority to act; and~~

~~(e) decide on actions for private damages and award such damages.~~

~~2. The European Commission and interested parties shall have legal standing before courts or tribunals in the United Kingdom to bring such cases.~~

~~<sup>5</sup>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 (OJ L 248, 24.9.2015, p. 9).~~

~~The term ‘interested parties’ in the first subparagraph shall have the same meaning as it does under Union State aid law provisions listed in Annex 8 to this Protocol.~~

~~3. The European Commission shall have the right to intervene in cases referred to in paragraph 1 brought before courts or tribunals in the United Kingdom by the independent authority or any interested party.~~

#### *Article 12*

### **Transparency**

~~Without prejudice to the Union State aid law provisions listed in Annex 8 to this Protocol, the United Kingdom shall maintain a system of transparency of aid granted for individual State aid grants above EUR 500 000.~~

#### *Article 13*

### **Consultations**

~~1. If the Union considers that the application or implementation by the United Kingdom of Article 7 and Articles 9 to 12 threatens to seriously undermine the equal conditions of competition between the parts of the single customs territory, it may request a consultation within the Joint Committee with a view to finding a commonly acceptable solution.~~

~~2. The consultation shall take place on the basis of a written request that includes an explanation of the Union’s reasons for requesting the consultation. A meeting of the Joint Committee shall be held within 30 days of the request.~~

~~3. If a commonly agreed solution has not been found in the Joint Committee within 30 days \_\_\_\_\_ of \_\_\_\_\_ the \_\_\_\_\_ meeting \_\_\_\_\_ of the Joint Committee referred to in paragraph 2, the Union may adopt interim measures in accordance with Article 14.~~

#### *Article 14*

### **Interim measures**

~~1. The Union shall be entitled, after giving notice to the United Kingdom, to take appropriate remedial measures:~~

~~(a) in accordance with Article 13(3); or~~

~~(b) where the Union considers that the United Kingdom has failed to comply with its~~

~~obligations under Article 7 and Articles 9 to 12 of this Annex and the Union has commenced consultation in the Joint Committee in accordance with Article 169 of the Withdrawal Agreement, provided that the Union considers that the United Kingdom's failure to comply threatens to undermine the equal conditions of competition between the parts of the single customs territory.~~

- ~~2. In the case referred to in point (b) of paragraph 1, the appropriate remedial measures taken by the Union may take effect at the earliest 30 days after the Union has given the United Kingdom notice.~~
- ~~3. The appropriate remedial measures taken by the Union shall cease to apply when:
  - ~~(a) the Union is satisfied that the risk to the equal conditions of competition between the parts of the single customs territory has been remedied; or~~
  - ~~(b) in cases submitted to arbitration in accordance with Article 170 of the Withdrawal Agreement, the arbitration panel has decided that the United Kingdom has not failed to comply with its obligations under Article 7 and Articles 9 to 12 of this Annex.~~~~

#### *Article 15*

### **Coordination**

- ~~1. The exercise of its powers under Article 9 of this Annex by the independent authority in respect of measures of the United Kingdom authorities that are subject to Article 7(1) of this Annex is without prejudice to the European Commission's powers under Article 14(4) of this Protocol as regards Article 12 thereof.~~

~~In particular:~~

- ~~(a) a decision by the independent authority shall not give rise to legitimate expectations under Union law as regards the application of Article 12 of this Protocol;~~
  - ~~(b) where the European Commission, acting under Article 12 of this Protocol, and the independent authority, acting under Article 7(1) and Article 9 of this Annex, take decisions concerning the same measure of the United Kingdom authorities, the decision of the independent authority is without prejudice to the legal effects in the United Kingdom of the decision of the European Commission pursuant to Article 14(5) of this Protocol.~~
- ~~2. Where the independent authority learns, by any means, of a measure by the United Kingdom authorities that may be subject to both Article 12(1) of this Protocol and Article 7(1) of this Annex, it may informally consult the European Commission on whether the latter considers the measure in question to be subject to Article 12(1) of this Protocol.~~

## PART FIVE

### **COMPETITION**

#### *Article 16*

### **Principles**

~~The Union and the United Kingdom recognise the importance of free and undistorted competition in their trade and investment relations. The Union and the United Kingdom acknowledge that anti-competitive business practices, concentrations of undertakings and State interventions have the potential to distort the proper functioning of markets and undermine the benefits of trade liberalisation.~~

~~This Part is without prejudice to the specific provisions applicable in the Union to agricultural products in accordance with Article 42 of the TFEU, and equivalent laws, regulations and practices applicable in the United Kingdom.~~

### *Article 17*

#### **Agreements between undertakings**

~~1. The following shall be prohibited insofar as they may affect trade between the Union and the United Kingdom: all agreements between undertakings, decisions by associations of undertakings and concerted practices which have as their object or effect the prevention, restriction or distortion of competition, and in particular those which:~~

- ~~(a) directly or indirectly fix purchase or selling prices or any other trading conditions;~~
- ~~(b) limit or control production, markets, technical development or investment;~~
- ~~(c) share markets or sources of supply;~~
- ~~(d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;~~
- ~~(e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.~~

~~2. Any agreements or decisions prohibited pursuant to this Article shall automatically be void.~~

~~3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of:~~

- ~~— any agreement or category of agreements between undertakings,~~
- ~~— any decision or category of decisions by associations of undertakings,~~
- ~~— any concerted practice or category of concerted practices,~~

~~which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:~~

- ~~(a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;~~
- ~~(b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.~~



*Article 18*

**Abuse of a dominant position**

~~Any abuse by one or more undertakings of a dominant position in the territories of the Union and the United Kingdom as a whole or in a substantial part thereof shall be prohibited, insofar as it may affect trade between the Union and the United Kingdom.~~

~~Such abuse may, in particular, consist in:~~

- ~~(a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;~~
- ~~(b) limiting production, markets or technical development to the prejudice of consumers;~~
- ~~(c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;~~
- ~~(d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.~~

*Article 19*

**Concentrations of undertakings**

~~Concentrations between undertakings which are notifiable to the United Kingdom or the Union or to one or more of its Member States and which threaten to significantly impede effective competition or to substantially lessen competition, in particular as a result of the creation or strengthening of a dominant position, shall be declared incompatible, insofar as they affect trade between the Union and the United Kingdom, unless remedies are offered or imposed to address adequately the identified competition concerns.~~

*Article 20*

**Public undertakings, undertakings granted special or exclusive rights or privileges, and designated monopolies**

- ~~1. In the case of public undertakings and undertakings to which the Member States or the United Kingdom grant special or exclusive rights, the Union and the United Kingdom shall ensure that there are neither enacted nor maintained in force any measures contrary to the rules contained in Articles 17, 18 and 19.~~
- ~~2. Undertakings entrusted with the operation of services of general economic interest or having the character of revenue producing monopoly shall be subject to the rules contained in Articles 17, 18 and 19, insofar as the application of those rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the Union and the United Kingdom.~~

*Article 21*

## **Interpretation**

~~The Union and the United Kingdom shall implement and apply Articles 17 to 20 of this Annex, insofar as they reflect concepts of Union law, using as sources of interpretation the criteria arising from the application of Articles 101, 102 and 106 TFEU, as well as all relevant acts adopted by the institutions, bodies, offices or agencies of the Union, including frameworks, guidelines, notices and other acts applicable in the Union.~~

### *Article 22*

## **Implementation**

~~1. The Union and the United Kingdom shall take all appropriate measures to ensure that their respective competition rules address in an effective manner all of the practices set out in Articles 17 to 20.~~

~~In particular, the United Kingdom shall adopt or maintain a competition law which addresses, in an effective manner, all of the practices set out in Article 17 to 20.~~

~~2. The Union and the United Kingdom shall enforce the rules referred to in the first subparagraph of paragraph 1 in their respective territories.~~

~~For the purposes of the first subparagraph, the United Kingdom shall establish or maintain an operationally independent authority or authorities ('the independent authority'). The independent authority shall have the necessary guarantees of independence from political or other external influence and shall be able to perform its duties and exercise its powers impartially. It shall be appropriately equipped with all the powers and resources necessary for the full application and the effective enforcement of the competition law referred to in paragraph 1.~~

~~3. The United Kingdom shall apply the competition law referred to in paragraph 1 in a transparent and nondiscriminatory manner, respecting the principles of procedural fairness and rights of defence of the undertakings concerned, irrespective of their nationality or ownership status.~~

### *Article 23*

## **Cooperation**

~~1. In order to enhance effective competition enforcement, the Union and the United Kingdom acknowledge that it is in their common interest to promote cooperation with regard to competition policy development and the investigation of antitrust and merger cases.~~

~~2. For the purposes of paragraph 1, the competition authorities of the Union and the United Kingdom will endeavour to coordinate, where this is possible and appropriate, their enforcement activities relating to the same or related cases.~~

~~3. To facilitate the cooperation referred to in paragraph 1, the competition authorities of the \_\_\_\_\_ Union \_\_\_\_\_ and \_\_\_\_\_ the United Kingdom may exchange information.~~

~~4. In implementing the objectives of this Article, the Union and the United Kingdom, or the~~

~~competition authorities of the Union and the United Kingdom, may enter into a separate agreement or agree upon a separate framework regarding cooperation between the competition authorities.~~

*Article 24*

**Monitoring and dispute settlement**

- ~~1. Noting that in the Union effective enforcement is ensured by the Commission and the Court of Justice acting under the Treaties, the United Kingdom shall ensure effective enforcement of the provisions in Articles 17 to 20 and shall not reduce the effectiveness of public and private enforcement of its competition laws, regulations and practices. In particular, the United Kingdom shall ensure that administrative and judicial proceedings are available in order to permit effective and timely action against violations, and provide for effective remedies, including interim measures, ensuring that any sanctions are effective, proportionate and dissuasive and have a real and deterrent effect.~~
- ~~2. Articles 170 to 181 of the Withdrawal Agreement shall not apply in respect of disputes regarding the interpretation and application of Articles 16 to 23 of this Annex.~~

PART SIX

***STATE-OWNED UNDERTAKINGS, UNDERTAKINGS GRANTED SPECIAL RIGHTS  
AND  
PRIVILEGES, AND DESIGNATED MONOPOLIES***

*Article 25*

**Neutral regulation**

- ~~1. The Union and the United Kingdom shall respect and make best use of relevant international standards including, *inter alia*, the OECD Guidelines on Corporate Governance of State-Owned Undertakings.~~
- ~~2. Any regulatory body or function that is established or maintained in the Union or the United Kingdom shall:
  - (a) be independent from and not accountable to any of the undertakings that it regulates, in order to ensure the effectiveness of the regulatory function, and
  - (b) act impartially in like circumstances with respect to all undertakings that it regulates.~~
- ~~3. The Union and the United Kingdom shall ensure the enforcement of laws and regulations in a consistent and non-discriminatory manner.~~

**PROVISIONS**

**~~OF UNION LAW REFERRED TO IN ARTICLES 6(2) AND 10~~**

1. General ~~customs~~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~~Union's financial interests

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>(5)</sup>1999<sup>5</sup>
- Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests<sup>(6)</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>(7)</sup>91<sup>7</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>8</sup>

<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.

<sup>5</sup> OJ L 248, 18.9.2013, p. 1.

<sup>6</sup> OJ L 312, 23.12.1995, p. 1.

<sup>7</sup> OJ L 102, 7.4.2004, p. 1.

<sup>8</sup> [OJ L 152, 16.6.2009, p. 23.](#)

~~repealing Council Regulation (EC) No 1172/95<sup>(8)</sup>~~

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>(9)</sup>~~2008<sup>9</sup>
- ~~—~~ Regulation (EU) 2015/479 of the European Parliament and of the Council of 11 March 2015 on common rules for exports~~(<sup>10</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>11</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>12</sup>)~~
- ~~—~~ 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~~Union's Stabilisation and Association process (Western Balkans)~~(<sup>13</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>14</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>15</sup>)~~

- ~~—~~ 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>16</sup>

<sup>9</sup> [OJ L 303, 31.10.2012, p. 1.](#)

<sup>10</sup> [OJ L 83, 27.3.2015, p. 34.](#)

<sup>11</sup> [OJ L 160, 25.6.2015, p. 1.](#)

<sup>12</sup> [OJ L 130, 19.5.2017, p. 1.](#)

- <sup>13</sup> [OJ L 328, 15.12.2009, p. 1.](#)
- <sup>14</sup> [OJ L 254, 30.9.2017, p. 1.](#)
- <sup>15</sup> [OJ L 176, 30.6.2016, p. 21.](#)
- <sup>16</sup> [OJ L 176, 30.6.2016, p. 55.](#)

<sup>8</sup> ~~OJ L 152, 16.6.2009, p. 23.~~

<sup>9</sup> ~~OJ L 303, 31.10.2012, p. 1.~~

<sup>10</sup> ~~OJ L 83, 27.3.2015, p. 34.~~

<sup>11</sup> ~~OJ L 160, 25.6.2015, p. 1.~~

<sup>12</sup> ~~OJ L 180 0, 19.5.2017, p. 1.~~

<sup>13</sup> ~~OJ L 328, 15.12.2009, p. 1.~~

<sup>14</sup> ~~OJ L 254, 30.9.2017, p. 1.~~

<sup>15</sup> ~~OJ L 176, 30.6.2016, p. 21.~~

Union<sup>(+6)</sup>

- ~~—~~ Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports<sup>(17)</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>(18)</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~~[anti-dumping](#) and anti-subsidy matters<sup>(19)</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 ~~antidumping~~[anti-dumping](#) or anti-subsidy measures with safeguard measures<sup>(20)</sup>

## 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~~[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~~[Community's](#) rights under international trade rules, in particular those established under the auspices of the World Trade Organization<sup>(21)</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>(22)</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>(23)</sup>

- 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>(24)</sup>
  
- Regulation (EU) No 332/2014 of the European Parliament and of the Council of 11 March

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<sup>17</sup> [OJ L 83, 27.3.2015, p.](#)

<sup>18</sup> [OJ L 123, 19.5.2015,](#)

<sup>19</sup> [OJ L 83, 27.3.2015, p.](#)

<sup>20</sup> [OJ L 83, 27.3.2015, p.](#)

<sup>21</sup> [OJ L 189, 27.6.2014,](#)

<sup>22</sup> [OJ L 191, 17.7.2015,](#)

<sup>23</sup> [OJ L 83, 27.3.2015, p.](#)

<sup>2014</sup> <sup>16</sup> [OJ L 176, 30.6.2016, p. 55.](#)

<sup>17</sup> [OJ L 83, 27.3.2015, p. 16.](#)

<sup>18</sup> [OJ L 123, 19.5.2015, p. 33.](#)

<sup>19</sup> [OJ L 83, 27.3.2015, p. 6.](#)

<sup>20</sup> [OJ L 83, 27.3.2015, p. 11.](#)

<sup>21</sup> [OJ L 189, 27.6.2014, p. 50.](#)

<sup>22</sup> [OJ L 191, 17.7.2015, p. 1.](#)

<sup>23</sup> [OJ L 83, 27.3.2015, p. 1.](#)

<sup>24</sup> [OJ L 160, 25.6.2015, p. 57.](#)

~~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>(25)</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>(26)</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>(27)</sup>

— 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>(28)</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>(29)</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>(30)</sup>

— 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>(31)</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

<sup>24</sup> [OJ L 160, 25.6.2015, p. 57.](#)

<sup>25</sup> [OJ L 103, 5.4.2014, p. 10.](#)

<sup>26</sup> [OJ L 123, 19.5.2015, p. 16.](#)

<sup>27</sup> [OJ L 17, 19.1.2013, p. 1.](#)

<sup>28</sup> [OJ L 17, 19.1.2013, p. 13.](#)

<sup>29</sup> [OJ L 77, 23.3.2016, p. 53.](#)

<sup>30</sup> [OJ L 77, 23.3.2016, p. 62.](#)

<sup>31</sup> [OJ L 160, 25.6.2015, p. 76.](#)



<sup>25</sup> ~~OJL 103, 5.4.2014, p. 10.~~

<sup>26</sup> ~~OJL 123, 19.5.2015, p. 16.~~

<sup>27</sup> ~~OJL 17, 19.1.2013, p. 1.~~

<sup>28</sup> ~~OJL 17, 19.1.2013, p. 13.~~

<sup>29</sup> ~~OJL 77, 23.3.2016, p. 53.~~

<sup>30</sup> ~~OJL 77, 23.3.2016, p. 62.~~

<sup>31</sup> ~~OJL 160, 25.6.2015, p. 76.~~

Herzegovina, of the other part<sup>(32)</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>(33)</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>(34)</sup>
- 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<sup>\*35</sup> of the other part<sup>(35)</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>(36)</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>(37)</sup>

~~\* 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.~~

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>(38)</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

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<sup>32</sup> OJ L 160, 25.6.2015, p. 69.

<sup>33</sup> OJ L 160, 25.6.2015, p. 62.

<sup>34</sup> OJ L 145, 31.5.2011, p. 19.

<sup>35</sup> OJ L 57, 3.3.2017, p. 59.

<sup>36</sup> OJ L 185, 8.7.2016, p. 1.

<sup>37</sup> OJ L 183 7, 9.6.2006, p. 1.

<sup>32</sup> [OJ L 160, 25.6.2015, p. 69.](#)

<sup>33</sup> [OJ L 160, 25.6.2015, p. 62.](#)

<sup>34</sup> [OJ L 145, 31.5.2011, p. 19.](#)

<sup>\*</sup> [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.

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[OJ L 57, 3.3.2017, p. 59.](#)

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[OJ L 185, 8.7.2016, p. 1.](#)

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[OJ L 157, 9.6.2006, p. 1.](#)

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[OJ L 241, 17.9.2015, p. 1.](#)

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>(39)</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>(40)</sup>93<sup>40</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>(41)</sup>
- ~~—~~ 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>(42)</sup>
- ~~—~~ Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety<sup>(43)</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>(44)</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>(45)</sup>

<sup>38</sup> ~~OJL 241, 17.9.2015, p. 1.~~

<sup>39</sup> ~~OJL 316, 14.11.2012, p. 12.~~

<sup>40</sup> ~~OJL 218, 13.8.2008, p. 30.~~

<sup>41</sup> ~~OJL 218, 13.8.2008, p. 82.~~

<sup>42</sup> ~~OJL 218, 13.8.2008, p. 21.~~

<sup>43</sup> ~~OJL 11, 15.1.2002, p. 4.~~

<sup>44</sup> ~~OJL 337, 12.12.1998, p. 8.~~

<sup>45</sup> ~~OJL 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>(46)</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>(47)</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>(48)</sup>

<sup>39</sup> [OJ L 316, 14.11.2012, p. 12.](#)  
<sup>40</sup> [OJ L 218, 13.8.2008, p. 30.](#)  
<sup>41</sup> [OJ L 218, 13.8.2008, p. 82.](#)  
<sup>42</sup> [OJ L 218, 13.8.2008, p. 21.](#)  
<sup>43</sup> [OJ L 11, 15.1.2002, p. 4.](#)  
<sup>44</sup> [OJ L 337, 12.12.1998, p. 8.](#)  
<sup>45</sup> [OJ L 210, 7.8.1985, p. 29.](#)  
<sup>46</sup> [OJ L 42, 23.2.1970, p. 16.](#)  
<sup>47</sup> [OJ L 158, 27.5.2014, p. 131.](#)  
<sup>48</sup> [OJ L 310, 25.11.2005, p. 10.](#)

- 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>(49)</sup>
- 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>(50)</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>(51)</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>(52)</sup>
- Regulation (EC) No 78/2009 of the European Parliament and of the Council of 14 January 2009 on the ~~type-approval~~[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>(53)</sup>
- Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning ~~type-approval~~[type-approval](#) requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor<sup>(54)</sup>
- Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on ~~type-approval~~[type-approval](#) of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC<sup>(55)</sup>
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on ~~type-approval~~[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>(56)</sup>

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<sup>46</sup> OJ L 42, 23.2.1970, p. 16.

<sup>47</sup> OJ L 158, 27.5.2014, p. 131.

<sup>48</sup> OJ L 310, 25.11.2005, p. 10.

<sup>49</sup> OJ L 161, 14.6.2006, p. 12.

<sup>50</sup> OJ L 171, 29.6.2007, p. 1.

<sup>51</sup> OJ L 263, 9.10.2007, p. 1.

<sup>52</sup> OJ L 151, 14.6.2018, p. 1.

<sup>53</sup> OJ L 35, 4.2.2009, p. 1.

- [49](#) [OJ L 161, 14.6.2006, p. 12.](#)
- [50](#) [OJ L 171, 29.6.2007, p. 1.](#)
- [51](#) [OJ L 263, 9.10.2007, p. 1.](#)
- [52](#) [OJ L 151, 14.6.2018, p. 1.](#)
- [53](#) [OJ L 35, 4.2.2009, p. 1.](#)
- [54](#) [OJ L 200, 31.7.2009, p. 1.](#)
- [55](#) [OJ L 35, 4.2.2009, p. 32.](#)
- [56](#) [OJ L 188, 18.7.2009, p. 1.](#)

- 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>(57)</sup>
- Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning ~~type-approval~~type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC<sup>(58)</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~~Community's integrated approach to reduce CO2 emissions from light-duty vehicles<sup>(59)</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~~Union's integrated approach to reduce CO2 emissions from light-duty vehicles<sup>(60)</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>(61)</sup>

#### 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>(62)</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>(63)</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>(64)</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>(65)</sup>

<sup>54</sup> OJL 200, 31.7.2009, p. 1.

<sup>55</sup> OJL 35, 4.2.2009, p. 32.

<sup>56</sup> OJL 188, 18.7.2009, p. 1.

<sup>57</sup> OJL 60, 2.3.2013, p. 52.

<sup>58</sup> OJL 123, 19.5.2015, p. 77.

<sup>59</sup> OJL 140, 5.6.2009, p. 1.

<sup>60</sup> OJL 145, 31.5.2011, p. 1.

<sup>61</sup> OJL 60, 2.3.2013, p. 1.

<sup>62</sup> OJL 335, 5.12.1973, p. 51.



- [57](#) [OJ L 60, 2.3.2013, p. 52.](#)
- [58](#) [OJ L 123, 19.5.2015, p. 77.](#)
- [59](#) [OJ L 140, 5.6.2009, p. 1.](#)
- [60](#) [OJ L 145, 31.5.2011, p. 1.](#)
- [61](#) [OJ L 60, 2.3.2013, p. 1.](#)
- [62](#) [OJ L 335, 5.12.1973, p. 51.](#)
- [63](#) [OJ L 96, 29.3.2014, p. 251.](#)
- [64](#) [OJ L 167, 22.6.1992, p. 17.](#)
- [65](#) [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>(66)</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>(67)</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>(68)</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>(69)</sup>

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>(70)</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>(71)</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~~making---up by weight or by volume of certain prepackaged products<sup>(72)</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>(73)</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>(74)</sup>
- 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>(75)</sup>

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<sup>63</sup> OJL 96, 29.3.2014, p. 251.

<sup>64</sup> OJL 167, 22.6.1992, p. 17.

<sup>65</sup> OJL 81, 31.3.2016, p. 99.

<sup>66</sup> OJL 147, 9.6.1975, p. 40.

<sup>67</sup> OJL 165, 30.6.2010, p. 1.

<sup>68</sup> OJL 189, 27.6.2014, p. 164.

<sup>69</sup> OJL 96, 29.3.2014, p. 45.

<sup>70</sup> OJL 106, 28.4.2009, p. 7.

<sup>71</sup> OJL 42, 15.2.1975, p. 14.

- [66](#) [OJ L 147, 9.6.1975, p. 40.](#)
- [67](#) [OJ L 165, 30.6.2010, p. 1.](#)
- [68](#) [OJ L 189, 27.6.2014, p. 164.](#)
- [69](#) [OJ L 96, 29.3.2014, p. 45.](#)
- [70](#) [OJ L 106, 28.4.2009, p. 7.](#)
- [71](#) [OJ L 42, 15.2.1975, p. 14.](#)
- [72](#) [OJ L 46, 21.2.1976, p. 1.](#)
- [73](#) [OJ L 39, 15.2.1980, p. 40.](#)
- [74](#) [OJ L 247, 21.9.2007, p. 17.](#)
- [75](#) [OJ L 71, 18.3.2011, p. 1.](#)

~~—~~ 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>76</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>77</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>78</sup>)~~

~~—~~ 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>79</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>80</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>81</sup>)~~

~~<sup>72</sup> OJ L 46, 21.2.1976, p. 1.~~

~~<sup>73</sup> OJ L 39, 15.2.1980, p. 40.~~

~~<sup>74</sup> OJ L 247, 21.9.2007, p. 17.~~

~~<sup>75</sup> OJ L 71, 18.3.2011, p. 1.~~

~~<sup>76</sup> OJ L 96, 29.3.2014, p. 107.~~

~~<sup>77</sup> OJ L 96, 29.3.2014, p. 149.~~

~~<sup>78</sup> OJ L 88, 4.4.2011, p. 5.~~

~~<sup>79</sup> OJ L 81, 31.3.2016, p. 51.~~

~~<sup>80</sup> OJ L 81, 31.3.2016, p. 1.~~

~~<sup>81</sup> OJ L 157, 9.6.2006, p. 24.~~

<sup>76</sup> [OJ L 96, 29.3.2014, p. 107.](#)

<sup>77</sup> [OJ L 96, 29.3.2014, p. 149.](#)

<sup>78</sup> [OJ L 88, 4.4.2011, p. 5.](#)

<sup>79</sup> [OJ L 81, 31.3.2016, p. 51.](#)

<sup>80</sup> [OJ L 81, 31.3.2016, p. 1.](#)

<sup>81</sup> [OJ L 157, 9.6.2006, p. 24.](#)

<sup>82</sup> [OJ L 252, 16.9.2016, p. 53.](#)

<sup>83</sup> [OJ L 162, 3.7.2000, p. 1.](#)

<sup>84</sup> [OJ L 96, 29.3.2014, p. 79.](#)

- ~~—~~ 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>82</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>83</sup>)~~
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>84</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>85</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>86</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>87</sup>)~~
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>88</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>89</sup>)~~

~~<sup>82</sup> OJ L 252, 16.9.2016, p. 53.~~

~~<sup>83</sup> OJ L 162, 3.7.2000, p. 1.~~

~~<sup>84</sup> OJ L 96, 29.3.2014, p. 79.~~

~~<sup>85</sup> OJ L 96, 29.3.2014, p. 309.~~

~~<sup>86</sup> OJ L 96, 29.3.2014, p. 357.~~

~~<sup>87</sup> OJ L 153, 22.5.2014, p. 62.~~

~~<sup>88</sup> OJ L 272, 18.10.2011, p. 1.~~

~~<sup>89</sup> OJ L 100, 19.4.1994, p. 37.~~

17.       Cosmetics, toys
- ~~—~~ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products<sup>(90)</sup>
  - ~~—~~ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys<sup>(91)</sup>
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>(92)</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>(93)</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>(94)</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>(95)</sup>
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>(96)</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>(97)</sup>

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<sup>90</sup> OJ L 342, 22.12.2009, p. 59.

<sup>91</sup> OJ L 170, 30.6.2009, p. 1.

<sup>92</sup> OJ L 354, 28.12.2013, p. 90.

<sup>93</sup> OJ L 96, 29.3.2014, p. 1.

<sup>94</sup> OJ L 178, 28.6.2013, p. 27.

<sup>95</sup> OJ L 39, 9.2.2013, p. 1.

<sup>96</sup> OJ L 136, 30.4.2004, p. 1.

<sup>97</sup> OJ L 311, 28.11.2001, p. 67.

<sup>85</sup> [OJ L 96, 29.3.2014, p. 309.](#)

<sup>86</sup> [OJ L 96, 29.3.2014, p. 357.](#)

- [87](#) [OJ L 153, 22.5.2014, p. 62.](#)
- [88](#) [OJ L 272, 18.10.2011, p. 1.](#)
- [89](#) [OJ L 100, 19.4.1994, p. 37.](#)
- [90](#) [OJ L 342, 22.12.2009, p. 59.](#)
- [91](#) [OJ L 170, 30.6.2009, p. 1.](#)
- [92](#) [OJ L 354, 28.12.2013, p. 90.](#)

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.

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>(98)</sup>2004<sup>98</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>(99)</sup>

[16 December 1999 on orphan medicinal products<sup>99</sup>](#)

<sup>93</sup> [OJ L 96, 29.3.2014, p. 1.](#)

<sup>94</sup> [OJ L 178, 28.6.2013, p. 27.](#)

<sup>95</sup> [OJ L 39, 9.2.2013, p. 1.](#)

<sup>96</sup> [OJ L 136, 30.4.2004, p. 1.](#)

<sup>97</sup> [OJ L 311, 28.11.2001, p. 67.](#)

<sup>98</sup> [OJ L 378, 27.12.2006, p. 1.](#)

<sup>99</sup> [OJ L 18, 22.1.2000, p. 1.](#)



— 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>(+99)</sup>2004<sup>100</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>101</sup>)~~

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>102</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>103</sup>)~~

— 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>104</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>105</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>106</sup>)~~

## 21. Medical devices

— Council Directive 93/42/EEC of 14 June 1993 concerning medical devices~~(<sup>107</sup>)~~

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<sup>98</sup> OJ L 378, 27.12.2006, p. 1.

<sup>99</sup> OJ L 18, 22.1.2000, p. 1.

<sup>100</sup> OJ L 324, 10.12.2007, p. 121.

<sup>101</sup> OJ L 311, 28.11.2001, p. 1.

<sup>102</sup> OJ L 152, 16.6.2009, p. 11.

<u>100</u>	<u><a href="#">OJ L 324, 10.12.2007, p. 121.</a></u>
<u>101</u>	<u><a href="#">OJ L 311, 28.11.2001, p. 1.</a></u>
<u>102</u>	<u><a href="#">OJ L 152, 16.6.2009, p. 11.</a></u>
<u>103</u>	<u><a href="#">OJ L 121, 1.5.2001, p. 34.</a></u>
<u>104</u>	<u><a href="#">OJ L 158, 27.5.2014, p. 1.</a></u>
<u>105</u>	<u><a href="#">OJ L 109, 30.4.2009, p. 10.</a></u>
<u>106</u>	<u><a href="#">OJ L 135, 24.5.2016, p. 39.</a></u>
<u>107</u>	<u><a href="#">OJ L 169, 12.7.1993, p. 1.</a></u>

- Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices<sup>(108)</sup>
- 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>(109)</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>(110)</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>(111)</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>(112)</sup>
- 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>(113)</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>(114)</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>(115)</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>(116)</sup>

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<sup>103</sup> OJ L 121, 1.5.2001, p. 34.

<sup>104</sup> OJ L 158, 27.5.2014, p. 1.

<sup>105</sup> OJ L 109, 30.4.2009, p. 10.

<sup>106</sup> OJ L 135, 24.5.2016, p. 39.

<sup>107</sup> OJ L 169, 12.7.1993, p. 1.

<sup>108</sup> OJ L 331, 7.12.1998, p. 1.

<sup>109</sup> OJ L 189, 20.7.1990, p. 17.

<sup>110</sup> OJ L 117, 5.5.2017, p. 1.

<sup>111</sup> OJ L 117, 5.5.2017, p. 176.

<sup>112</sup> OJ L 33, 8.2.2003, p. 30.

<a href="#"><u>108</u></a>	<a href="#"><u>OJ L 331, 7.12.1998, p. 1.</u></a>
<a href="#"><u>109</u></a>	<a href="#"><u>OJ L 189, 20.7.1990, p. 17.</u></a>
<a href="#"><u>110</u></a>	<a href="#"><u>OJ L 117, 5.5.2017, p. 1.</u></a>
<a href="#"><u>111</u></a>	<a href="#"><u>OJ L 117, 5.5.2017, p. 176.</u></a>
<a href="#"><u>112</u></a>	<a href="#"><u>OJ L 33, 8.2.2003, p. 30.</u></a>
<a href="#"><u>113</u></a>	<a href="#"><u>OJ L 102, 7.4.2004, p. 48.</u></a>
<a href="#"><u>114</u></a>	<a href="#"><u>OJ L 207, 6.8.2010, p. 14.</u></a>
<a href="#"><u>115</u></a>	<a href="#"><u>OJ L 304, 21.11.2003, p. 1.</u></a>
<a href="#"><u>116</u></a>	<a href="#"><u>OJ L 50, 20.2.2004, p. 44.</u></a>
<a href="#"><u>117</u></a>	<a href="#"><u>OJ L 50, 20.2.2004, p. 28.</u></a>

- ~~—~~ 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>117</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>118</sup>)~~
- ~~—~~ Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents ~~(<sup>119</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>120</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>121</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>122</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>123</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>124</sup>)~~

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~~113 OJ L 102, 7.4.2004, p. 48.~~

~~114 OJ L 207, 6.8.2010, p. 14.~~

~~115 OJ L 304, 21.11.2003, p. 1.~~

~~116 OJ L 50, 20.2.2004, p. 44.~~

~~117 OJ L 50, 20.2.2004, p. 28.~~

~~118 OJ L 174, 1.7.2011, p. 88.~~

~~119 OJ L 104, 8.4.2004, p. 1.~~

~~120 OJ L 158, 30.4.2004, p. 7.~~

~~121 OJ L 201, 27.7.2012, p. 60.~~

~~122 OJ L 137, 24.5.2017, p. 1.~~

— 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>(125)</sup>2006<sup>125</sup>

— Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors~~(126)~~

#### 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~~(127)~~

— 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~~(128)~~

—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~~(129)~~

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~~(130)~~

~~123 OJ L 266, 26.9.2006, p. 1.~~

~~124 OJ L 396, 30.12.2006, p. 1.~~

~~125 OJ L 353, 31.12.2008, p. 1.~~

~~126 OJ L 47, 18.2.2004, p. 1.~~

~~127 OJ L 309, 24.11.2009, p. 1.~~

~~128 OJ L 70, 16.3.2005, p. 1.~~

~~129 OJ L 167, 27.6.2012, p. 1.~~

118 OJ L 174, 1.7.2011, p. 88.

119 OJ L 104, 8.4.2004, p. 1.

120 OJ L 158, 30.4.2004, p. 7.

121 OJ L 201, 27.7.2012, p. 60.

122 OJ L 137, 24.5.2017, p. 1.

123 OJ L 266, 26.9.2006, p. 1.

124 OJ L 396, 30.12.2006, p. 1.

125 OJ L 353, 31.12.2008, p. 1.

126 OJ L 47, 18.2.2004, p. 1.

127 OJ L 309, 24.11.2009, p. 1.

- ~~—~~ Directive 94/62/EC of the European Parliament and of the Council 20 December 1994 on packaging and packaging waste<sup>(131)</sup>
- ~~—~~ 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>(132)</sup>
- ~~—~~ Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel<sup>(133)</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>(134)</sup>
- ~~—~~ Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture<sup>(135)</sup>
- ~~—~~ Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel<sup>(136)</sup>
  - ~~—~~ 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>(137)</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>(138)</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>(139)</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>(140)</sup>

~~128~~ [OJ L 70, 16.3.2005, p. 1.](#)

~~129~~ [OJ L 167, 27.6.2012, p. 1.](#)

~~130~~ [OJ L 190, 12.7.2006, p. 1.](#)

~~131~~ [OJ L 365, 31.12.1994, p. 10.](#)

~~132~~ [OJ L 330, 10.12.2013, p. 1.](#)

~~133~~ [OJ L 337, 5.12.2006, p. 21.](#)

~~134~~ [OJ L 317, 4.11.2014, p. 35.](#)

~~135~~ [OJ L 168, 28.6.2007, p. 1.](#)

~~136~~ [OJ L 27, 30.1.2010, p. 1.](#)

~~130~~ [OJ L 190, 12.7.2006, p. 1.](#)

~~131~~ [OJ L 365, 31.12.1994, p. 10.](#)

~~132~~ [OJ L 330, 10.12.2013, p. 1.](#)

~~133~~ [OJ L 337, 5.12.2006, p. 21.](#)

~~134 OJ L 317, 4.11.2014, p. 35.~~

~~135 OJ L 168, 28.6.2007, p. 1.~~

~~136 OJ L 27, 30.1.2010, p. 1.~~

~~137 OJ L 350, 28.12.1998, p. 58.~~

~~138 OJ L 107, 25.4.2015, p. 26.~~

~~139 OJ L 143, 30.4.2004, p. 87.~~

- ~~—~~ — 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>141</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>142</sup>)~~ 2006<sup>142</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>143</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>144</sup>)~~ 2008<sup>144</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>145</sup>)~~
- ~~—~~ — 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>146</sup>)~~
- ~~—~~ — Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products ~~(<sup>147</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>148</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>149</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>150</sup>)~~

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137 [OJ L 350, 28.12.1998, p. 58.](#)

138 [OJ L 107, 25.4.2015, p. 26.](#)

139 [OJ L 143, 30.4.2004, p. 87.](#)

140 [OJ L 295, 12.11.2010, p. 23.](#)

141 [OJ L 347, 30.12.2005, p. 1.](#)

142 [OJ L 150, 20.5.2014, p. 195.](#)

143 [OJ L 286, 31.10.2009, p. 1.](#)

144 [OJ L 137, 24.5.2017, p. 1.](#)



- [145 OJ L 61, 3.3.1997, p. 1.](#)
- [146 OJ L 308, 9.11.1991, p. 1.](#)
- [147 OJ L 286, 31.10.2009, p. 36.](#)
- ~~[140 OJ L 295, 12.11.2010, p. 23.](#)~~
- ~~[141 OJ L 347, 30.12.2005, p. 1.](#)~~
- ~~[142 OJ L 150, 20.5.2014, p. 195.](#)~~
- ~~[143 OJ L 286, 31.10.2009, p. 1.](#)~~
- ~~[144 OJ L 137, 24.5.2017, p. 1.](#)~~
- ~~[145 OJ L 61, 3.3.1997, p. 1.](#)~~
- ~~[146 OJ L 308, 9.11.1991, p. 1.](#)~~
- ~~[147 OJ L 286, 31.10.2009, p. 36.](#)~~
- ~~[148 OJ L 343, 27.12.2007, p. 1.](#)~~
- ~~[149 OJ L 91, 9.4.1983, p. 30.](#)~~
- ~~[150 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>(151)</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>(152)</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>(153)</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>(154)</sup>
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>(155)</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>(156)</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.
- 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>(157)</sup>2004<sup>157</sup>

<sup>148</sup> [OJ L 343, 27.12.2007, p. 1.](#)

<sup>149</sup> [OJ L 91, 9.4.1983, p. 30.](#)

<sup>150</sup> [OJ L 39, 13.2.2008, p. 1.](#)

<sup>151</sup> [OJ L 342, 22.12.2009, p. 46.](#)

<sup>152</sup> [OJ L 285, 31.10.2009, p. 10.](#)

<sup>153</sup> [OJ L 198, 28.7.2017, p. 1.](#)

<sup>154</sup> [OJ L 257, 28.8.2014, p. 146.](#)

<sup>155</sup> [OJ L 138, 26.5.2016, p. 44.](#)

<sup>156</sup> [OJ L 31, 1.2.2002, p. 1.](#)

- ~~151 OJL 342, 22.12.2009, p. 46.~~
- ~~152 OJL 285, 31.10.2009, p. 10.~~
- ~~153 OJL 198, 28.7.2017, p. 1.~~
- ~~154 OJL 257, 28.8.2014, p. 146.~~
- ~~155 OJL 138, 26.5.2016, p. 44.~~
- ~~156 OJL 31, 1.2.2002, p. 1.~~
- ~~157 OJL 304, 22.11.2011, p. 18.~~

- ~~—~~ Regulation (EC) 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods~~(<sup>158</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>159</sup>)~~
  - ~~—~~ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs~~(<sup>160</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>161</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>162</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>163</sup>)~~97<sup>163</sup>
  - ~~—~~ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives~~(<sup>164</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>165</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>166</sup>)~~

157 [OJ L 304, 22.11.2011, p. 18.](#)

158 [OJ L 404, 30.12.2006, p. 9.](#)

159 [OJ L 139, 30.4.2004, p. 55.](#)

160 [OJ L 139, 30.4.2004, p. 1.](#)

161 [OJ L 40, 11.2.1989, p. 34.](#)

162 [OJ L 354, 31.12.2008, p. 1.](#)

163 [OJ L 354, 31.12.2008, p. 7.](#)

~~158~~ [OJ L 404, 30.12.2006, p. 9.](#)

~~159~~ [OJ L 139, 30.4.2004, p. 55.](#)

~~160~~ [OJ L 139, 30.4.2004, p. 1.](#)

~~161 OJ L 40, 11.2.1989, p. 34.~~

~~162 OJ L 354, 31.12.2008, p. 1.~~

~~163 OJ L 354, 31.12.2008, p. 7.~~

~~164 OJ L 354, 31.12.2008, p. 16.~~

~~165 OJ L 354, 31.12.2008, p. 34.~~

~~166 OJ L 183, 12.7.2002, p. 51.~~

— 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>(167)</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>(168)</sup>

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>(169)</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>(170)</sup>2001<sup>170</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>(171)</sup>2009<sup>171</sup>

— Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts<sup>(172)</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>(173)</sup>

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164 [OJ L 354, 31.12.2008, p. 16.](#)

165 [OJ L 354, 31.12.2008, p. 34.](#)

166 [OJ L 183, 12.7.2002, p. 51.](#)

167 [OJ L 404, 30.12.2006, p. 26.](#)

168 [OJ L 309, 26.11.2003, p. 1.](#)

169 [OJ L 37, 13.2.1993, p. 1.](#)

170 [OJ L 327, 11.12.2015, p. 1.](#)

171 [OJ L 181, 29.6.2013, p. 35.](#)

172 [OJ L 66, 13.3.1999, p. 26.](#)

— Council Directive 2001/110/EC of 20 December 2001 relating to honey<sup>(174)</sup>

— Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars

intended for human consumption~~(<sup>175</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>176</sup>)~~
- ~~—~~ Commission Regulation (EC) No 1295/2008 of 18 December 2008 on the importation of hops from third countries~~(<sup>177</sup>)~~
- ~~—~~ 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>178</sup>)~~
- ~~—~~ Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption~~(<sup>179</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>180</sup>)~~
- ~~—~~ Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption~~(<sup>181</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>182</sup>)~~
- ~~—~~ 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~~2008<sup>183</sup>~~(<sup>183</sup>)~~

~~167 OJ L 404, 30.12.2006, p. 26.~~

~~168 OJ L 309, 26.11.2003, p. 1.~~

~~169 OJ L 37, 13.2.1993, p. 1.~~

~~170 OJ L 327, 11.12.2015, p. 1.~~

~~171 OJ L 181, 29.6.2013, p. 35.~~

~~172 OJ L 66, 13.3.1999, p. 26.~~

~~173 OJ L 197, 3.8.2000, p. 19.~~

~~174 OJ L 10, 12.1.2002, p. 47.~~

~~175 OJ L 10, 12.1.2002, p. 53.~~

173 OJ L 197, 3.8.2000, p. 19.

174 OJ L 10, 12.1.2002, p. 47.

175 OJ L 10, 12.1.2002, p. 53.

176 OJ L 157, 15.6.2011, p. 1.

177 OJ L 340, 19.12.2008, p. 45.

178 OJ L 307 24.11.2007, p. 5.

179 OJ L 10, 12.1.2002, p. 58.

180 OJ L 10, 12.1.2002, p. 67.

181 OJ L 15, 17.1.2002, p. 19.

182 OJ L 314, 1.12.2015, p. 1.



- 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>(184)</sup>2007<sup>184</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 ~~(185)~~

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~~(186)~~

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~~(187)~~
- 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~~(188)~~
- 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~~(189)~~
- 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~~(190)~~

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~~176 OJ L 157, 15.6.2011, p. 1.~~

~~177 OJ L 340, 19.12.2008, p. 45.~~

~~178 OJ L 307, 24.11.2007, p. 5.~~

~~179 OJ L 10, 12.1.2002, p. 58.~~

~~180 OJ L 10, 12.1.2002, p. 67.~~

~~181 OJ L 15, 17.1.2002, p. 19.~~

~~182 OJ L 314, 1.12.2015, p. 1.~~

~~183 OJ L 347, 20.12.2013, p. 549.~~

~~184 OJ L 347, 20.12.2013, p. 671.~~

184 OJ L 347, 20.12.2013, p. 671.

185 OJ L 338, 13.11.2004, p. 4.

186 OJ L 277, 20.10.1984, p. 12.

187 OJ L 66, 13.3.1999, p. 16.

188 OJ L 66, 13.3.1999, p. 24.

189 OJ L 141, 6.6.2009, p. 3.

190 OJ L 164, 26.6.2009, p. 45.

191 OJ L 189, 20.7.2007, p. 1.



— 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>191</sup>)~~91<sup>191</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>192</sup>)~~2007<sup>192</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>193</sup>)~~90<sup>193</sup>

— Council Regulation (EC) No 733/2008 of 15 July 2008 on the conditions governing imports ~~of~~ of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station~~(<sup>194</sup>)~~

#### 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>195</sup>)~~

— Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed~~(<sup>196</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>197</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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~~185 OJ L 338, 13.11.2004, p. 4.~~

~~186 OJ L 277, 20.10.1984, p. 12.~~

~~187 OJ L 66, 13.3.1999, p. 16.~~

~~188 OJ L 66, 13.3.1999, p. 24.~~

~~189 OJ L 141, 6.6.2009, p. 3.~~

~~190 OJ L 164, 26.6.2009, p. 45.~~

~~191 OJ L 189, 20.7.2007, p. 1.~~

~~192 OJ L 150, 14.6.2018, p. 1.~~

~~193 OJ L 13, 20.1.2016, p. 2.~~

— 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>(198)</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>(199)</sup>~~ 12 January 2005 laying down requirements for feed hygiene<sup>199</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>(200)</sup>, with the exception of the second paragraph of Article 32

<u>192</u>	<u><a href="#">OJ L 150, 14.6.2018, p. 1.</a></u>
<u>193</u>	<u><a href="#">OJ L 13, 20.1.2016, p. 2.</a></u>
<u>194</u>	<u><a href="#">OJ L 201, 30.7.2008, p. 1.</a></u>
<u>195</u>	<u><a href="#">OJ L 229, 1.9.2009, p. 1.</a></u>
<u>196</u>	<u><a href="#">OJ L 140, 30.5.2002, p. 10.</a></u>
<u>197</u>	<u><a href="#">OJ L 268, 18.10.2003, p. 29.</a></u>
<u>198</u>	<u><a href="#">OJ L 92, 7.4.1990, p. 42.</a></u>

~~194 OJ L 201, 30.7.2008, p. 1.~~

~~195 OJ L 229, 1.9.2009, p. 1.~~

~~196 OJ L 140, 30.5.2002, p. 10.~~

~~197 OJ L 268, 18.10.2003, p. 29.~~

~~198 OJ L 92, 7.4.1990, p. 42.~~

~~199 OJ L 35, 8.2.2005, p. 1.~~

~~200 OJ L 268, 18.10.2003, p. 1.~~

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.

- 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>(201)</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>(202)</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>(203)</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.

- 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>(204)</sup>
- Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine<sup>(205)</sup>
- Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals<sup>(206)</sup>

199 [OJ L 35, 8.2.2005, p. 1.](#)

200 [OJ L 268, 18.10.2003, p. 1.](#)

201 [OJ L 268, 18.10.2003, p. 24.](#)

202 [OJ L 287, 5.11.2003, p. 1.](#)

203 [OJ L 106, 17.4.2001, p. 1.](#)

204 [OJ L 84, 31.3.2016, p. 1.](#)

~~201 OJ L 268, 18.10.2003, p. 24.~~

~~202 OJ L 287, 5.11.2003, p. 1.~~

~~203 OJ L 106, 17.4.2001, p. 1.~~

~~204 OJ L 84, 31.3.2016, p. 1.~~

~~205 OJ 121, 29.7.1964, p. 1977.~~

~~206 OJ L 46, 19.2.1991, p. 19.~~

- Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae<sup>(207)</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>(208)</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>(209)</sup>
- Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to ~~intra-Community~~intra-Community trade in and imports of semen of domestic animals of the bovine species<sup>(210)</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>(211)</sup>
- Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to ~~intra-Community~~intra-Community trade in and imports of semen of domestic animals of the porcine species<sup>(212)</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>(213)</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>(214)</sup>
  - ~~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>(215)</sup>~~

<sup>205</sup> [OJ L 21, 29.7.1964, p. 1977.](#)

<sup>206</sup> [OJ L 46, 19.2.1991, p. 19.](#)

<sup>207</sup> [OJ L 192, 23.7.2010, p. 1.](#)

<sup>208</sup> [OJ L 343, 22.12.2009, p. 74.](#)

<sup>209</sup> [OJ L 268, 14.9.1992, p. 54.](#)

<sup>210</sup> [OJ L 194, 22.7.1988, p. 10.](#)

<sup>211</sup> [OJ L 302, 19.10.1989, p. 1.](#)

<sup>212</sup> [OJ L 224, 18.8.1990, p. 62.](#)

<sup>213</sup> [OJ L 62, 15.3.1993, p. 49.](#)

<sup>214</sup> [OJ L 328, 24.11.2006, p. 14.](#)

<sup>215</sup> ~~[OJ L 139, 30.4.2004, p. 321.](#)~~

- == [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>215</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>(~~216~~)</sup>
- = Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the ~~non-commercial~~[non-commercial](#) movement of pet animals and repealing Regulation (EC) No 998/~~2003~~<sup>(~~217~~)</sup>[2003](#)<sup>217</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>(~~218~~)</sup>

### 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>(~~219~~)</sup>

<a href="#"><u>215</u></a>	<a href="#"><u>OJ L 139, 30.4.2004, p. 321.</u></a>
<a href="#"><u>216</u></a>	<a href="#"><u>OJ L 18, 23.1.2003, p. 11.</u></a>
<a href="#"><u>217</u></a>	<a href="#"><u>OJ L 178, 28.6.2013, p. 1.</u></a>
<a href="#"><u>218</u></a>	<a href="#"><u>OJ L 300, 14.11.2009, p. 1.</u></a>
<a href="#"><u>219</u></a>	<a href="#"><u>OJ L 147, 31.5.2001, p. 1.</u></a>
<a href="#"><u>220</u></a>	<a href="#"><u>OJ L 145, 13.6.1977, p. 44.</u></a>
<a href="#"><u>221</u></a>	<a href="#"><u>OJ L 15, 19.1.1978, p. 34.</u></a>
<a href="#"><u>222</u></a>	<a href="#"><u>OJ L 306, 22.11.2003, p. 1.</u></a>

~~216 OJ L 18, 23.1.2003, p. 11.~~  
~~217 OJ L 178, 28.6.2013, p. 1.~~  
~~218 OJ L 300, 14.11.2009, p. 1.~~  
~~219 OJ L 147, 31.5.2001, p. 1.~~  
~~220 OJ L 145, 13.6.1977, p. 44.~~  
~~221 OJ L 15, 19.1.1978, p. 34.~~  
~~222 OJ L 306, 22.11.2003, p. 1.~~

- Council Directive 77/391/EEC of 17 May 1977 introducing Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle<sup>(220)</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>(221)</sup>
- Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of ~~foot and mouth~~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>(222)</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>223</sup> ~~control of avian influenza and repealing Directive 92/40/EEC~~<sup>(223)</sup>
- Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever<sup>(224)</sup>
- Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness<sup>(225)</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>(226)</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~~food--borne zoonotic agents<sup>(227)</sup>
- Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease<sup>(228)</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>(229)</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>(230)</sup>
- Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue<sup>(231)</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>(232)</sup>

- 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>233</sup> regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97<sup>(233)</sup>
- Council Directive 2008/71/EC of 15 July 2008 on the identification and registration of pigs <sup>(234)</sup>

*223 OJ L 10, 14.1.2006, p. 16.*

*224 OJ L 316, 1.12.2001, p. 5.*

*225 OJ L 157, 10.6.1992, p. 19.*

*226 OJ L 192, 20.7.2002, p. 27.*

*227 OJ L 325, 12.12.2003, p. 1.*

*228 OJ L 260, 5.9.1992, p. 1.*

*229 OJ L 62, 15.3.1993, p. 69.*

*230 OJ L 325, 12.12.2003, p. 31.*

*231 OJ L 327, 22.12.2000, p. 74.*

*232 OJ L 5, 9.1.2004, p. 8.*

[223 OJ L 10, 14.1.2006, p. 16.](#)

[224 OJ L 316, 1.12.2001, p. 5.](#)

[225 OJ L 157, 10.6.1992, p. 19.](#)

[226 OJ L 192, 20.7.2002, p. 27.](#)

[227 OJ L 325, 12.12.2003, p. 1.](#)

[228 OJ L 260, 5.9.1992, p. 1.](#)

[229 OJ L 62, 15.3.1993, p. 69.](#)

[230 OJ L 325, 12.12.2003, p. 31.](#)

[231 OJ L 327, 22.12.2000, p. 74.](#)

[232 OJ L 5, 9.1.2004, p. 8.](#)

[233 OJ L 204, 11.8.2000, p. 1.](#)

#### 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>(235)</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>(236)</sup>97<sup>236</sup>
- Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing<sup>(237)</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

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and against their spread within the Community<sup>(238)</sup>

- Regulation (EU) 2016/2031 of the European Parliament 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>(239)</sup>

42. Plant reproductive material

- Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed<sup>(240)</sup>

~~233 OJ L 204, 11.8.2000, p. 1.~~

~~234 OJ L 213, 8.8.2008, p. 31.~~

~~235 OJ L 171, 29.6.2016, p. 66.~~

~~236 OJ L 3, 5.1.2005, p. 1.~~

~~237 OJ L 303, 18.11.2009, p. 1.~~

~~238 OJ L 169, 10.7.2000, p. 1.~~

~~239 OJ L 317, 23.11.2016, p. 4.~~

~~240 OJ L 125, 11.7.1966, p. 2309.~~

- Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine<sup>(241)</sup>
- Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest ~~reproductive material~~<sup>(242)</sup>
- Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species<sup>(243)</sup>
- Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed<sup>(244)</sup>
- Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed<sup>(245)</sup>
- Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes<sup>(246)</sup>
- Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants<sup>(247)</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>(248)</sup>

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.

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[reproductive material](#)<sup>242</sup>

<u>234</u>	<u><a href="#">OJ L 213, 8.8.2008, p. 31.</a></u>
<u>235</u>	<u><a href="#">OJ L 171, 29.6.2016, p. 66.</a></u>
<u>236</u>	<u><a href="#">OJ L 3, 5.1.2005, p. 1.</a></u>
<u>237</u>	<u><a href="#">OJ L 303, 18.11.2009, p. 1.</a></u>
<u>238</u>	<u><a href="#">OJ L 169, 10.7.2000, p. 1.</a></u>
<u>239</u>	<u><a href="#">OJ L 317, 23.11.2016, p. 4.</a></u>
<u>240</u>	<u><a href="#">OJ 125, 11.7.1966, p. 2309.</a></u>
<u>241</u>	<u><a href="#">OJ L 93, 17.4.1968, p. 15.</a></u>
<u>242</u>	<u><a href="#">OJ L 11, 15.1.2000, p. 17.</a></u>
<u>243</u>	<u><a href="#">OJ L 193, 20.7.2002, p. 1.</a></u>
<u>244</u>	<u><a href="#">OJ L 193, 20.7.2002, p. 12.</a></u>
<u>245</u>	<u><a href="#">OJ L 193, 20.7.2002, p. 33.</a></u>
<u>246</u>	<u><a href="#">OJ L 193, 20.7.2002, p. 60.</a></u>
<u>247</u>	<u><a href="#">OJ L 193, 20.7.2002, p. 74.</a></u>
<u>248</u>	<u><a href="#">OJ L 267, 8.10.2008, p. 8.</a></u>
<u>249</u>	<u><a href="#">OJ L 95, 7.4.2017, p. 1.</a></u>
<u>250</u>	<u><a href="#">OJ L 165, 30.4.2004, p. 1.</a></u>

~~241 OJ L 93, 17.4.1968, p. 15.~~  
~~242 OJ L 11, 15.1.2000, p. 17.~~  
~~243 OJ L 193, 20.7.2002, p. 1.~~  
~~244 OJ L 193, 20.7.2002, p. 12.~~  
~~245 OJ L 193, 20.7.2002, p. 33.~~  
~~246 OJ L 193, 20.7.2002, p. 60.~~  
~~247 OJ L 193, 20.7.2002, p. 74.~~  
~~248 OJ L 267, 8.10.2008, p. 8.~~

- 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>(249)</sup>
  
- 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>(250)</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>(251)</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>(252)</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>(253)</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>(254)</sup>
  
- 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>(255)</sup>

~~241 OJ L 93, 17.4.1968, p. 15.~~  
~~242 OJ L 11, 15.1.2000, p. 17.~~  
~~243 OJ L 193, 20.7.2002, p. 1.~~  
~~244 OJ L 193, 20.7.2002, p. 12.~~  
~~245 OJ L 193, 20.7.2002, p. 33.~~  
~~246 OJ L 193, 20.7.2002, p. 60.~~

- ~~247 OJ L 193, 20.7.2002, p. 74.~~
- ~~248 OJ L 267, 8.10.2008, p. 8.~~
- 242 OJ L 11, 15.1.2000, p. 17.
- 243 OJ L 193, 20.7.2002, p. 1.
- 244 OJ L 193, 20.7.2002, p. 12.
- 245 OJ L 193, 20.7.2002, p. 33.
- 246 OJ L 193, 20.7.2002, p. 60.
- 247 OJ L 193, 20.7.2002, p. 74.
- 248 OJ L 267, 8.10.2008, p. 8.
- 249 OJ L 95, 7.4.2017, p. 1.
- 250 OJ L 165, 30.4.2004, p. 1.

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 ~~β-agonists~~β-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC<sup>(256)</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>(257)</sup>

- ~~249 OJ L 95, 7.4.2017, p. 1.~~
- ~~250 OJ L 165, 30.4.2004, p. 1.~~
- ~~251 OJ L 139, 30.4.2004, p. 206.~~
- ~~252 OJ L 268, 24.9.1991, p. 56.~~
- ~~253 OJ L 24, 30.1.1998, p. 9.~~
- ~~254 OJ L 224, 18.8.1990, p. 29.~~
- ~~255 OJ L 395, 30.12.1989, p. 13.~~
- ~~256 OJ L 125, 23.5.1996, p. 3.~~
- ~~257 OJ L 125, 23.5.1996, p. 10.~~

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>(258)</sup>89<sup>258</sup>
- ~~—~~ — 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>(259)</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

- 251 OJ L 139, 30.4.2004, p. 206.
- 252 OJ L 268, 24.9.1991, p. 56.
- 253 OJ L 24, 30.1.1998, p. 9.
- 254 OJ L 224, 18.8.1990, p. 29.
- 255 OJ L 395, 30.12.1989, p. 13.
- 256 OJ L 125, 23.5.1996, p. 3.
- 257 OJ L 125, 23.5.1996, p. 10.
- 258 OJ L 39, 13.2.2008, p. 16.

~~— 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 aromatized wine products and repealing Council Regulation (EEC) No 1601/91 <sup>(~~260~~)</sup>[91](#)<sup>260</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>(~~261~~)</sup>[2007](#)<sup>261</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>(~~262~~)</sup>[2003](#)<sup>262</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>(~~263~~)</sup>~~

~~— 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 types~~[sardine---type](#) products <sup>(~~264~~)</sup>~~

~~— Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito <sup>(~~265~~)</sup>~~

~~— Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products <sup>(~~266~~)</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>(~~267~~)</sup>, insofar as it concerns provisions relating to minimum sizes of marine organisms~~

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[260](#) [OJ L 84, 20.3.2014, p. 14.](#)

[261](#) [OJ L 347, 20.12.2013, p. 671.](#)

[262](#) [OJ L 181, 29.6.2013, p. 15.](#)

[263](#) [OJ L 351, 28.12.1985, p. 63.](#)

[264](#) [OJ L 212, 22.7.1989, p. 79.](#)

[265](#) [OJ L 163, 17.6.1992, p. 1.](#)

[266](#) [OJ L 334, 23.12.1996, p. 1.](#)

[267](#) [OJ L 125, 27.4.1998, p. 1.](#)

[268](#) [OJ L 343, 22.12.2009, p. 1.](#)

~~[258](#) [OJ L 39, 13.2.2008, p. 16.](#)~~

~~[259](#) [OJ L 343, 14.12.2012, p. 1.](#)~~

~~[260](#) [OJ L 84, 20.3.2014, p. 14.](#)~~

~~[261](#) [OJ L 347, 20.12.2013, p. 671.](#)~~

~~[262](#) [OJ L 181, 29.6.2013, p. 15.](#)~~

~~[263](#) [OJ L 351, 28.12.1985, p. 63.](#)~~

~~[264](#) [OJ L 212, 22.7.1989, p. 79.](#)~~

~~[265](#) [OJ L 163, 17.6.1992, p. 1.](#)~~

~~[266](#) [OJ L 334, 23.12.1996, p. 1.](#)~~

- 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>(268)</sup>2006<sup>268</sup>, insofar as it concerns provisions relating to marketing standards
- 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>(269)</sup>2000<sup>269</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>(270)</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>(271)</sup>1999<sup>271</sup>
- Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus spp.*<sup>(272)</sup>
- 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>(273)</sup>2003<sup>273</sup>
- Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel<sup>(274)</sup>

#### 47. Other

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- ~~267 OJ L 125, 27.4.1998, p. 1.~~
  - ~~268 OJ L 343, 22.12.2009, p. 1.~~
  - ~~269 OJ L 354, 28.12.2013, p. 1.~~
  - ~~270 OJ L 354, 28.12.2013, p. 22.~~
  - ~~271 OJ L 286, 29.10.2008, p. 1.~~
  - ~~272 OJ L 145, 31.5.2001, p. 1.~~
  - ~~273 OJ L 194, 24.7.2010, p. 1.~~
  - ~~274 OJ L 248, 22.9.2007, p. 17.~~

- = 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>(275)</sup>2007<sup>275</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~~(276)~~
- = Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins~~(277)~~
- = 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~~(278)~~
- = 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~~(279)~~
- = Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods~~(280)~~
- = 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>(281)</sup>2012<sup>281</sup>

269 [OJ L 354, 28.12.2013, p. 1.](#)  
270 [OJ L 354, 28.12.2013, p. 22.](#)  
271 [OJ L 286, 29.10.2008, p. 1.](#)  
272 [OJ L 145, 31.5.2001, p. 1.](#)  
273 [OJ L 194, 24.7.2010, p. 1.](#)  
274 [OJ L 248, 22.9.2007, p. 17.](#)  
275 [OJ L 347, 20.12.2013, p. 671.](#)  
276 [OJ L 310, 22.12.1995, p. 5.](#)  
277 [OJ L 373, 21.12.2004, p. 1.](#)  
~~275 OJ L 347, 20.12.2013, p. 671.~~  
~~276 OJ L 310, 22.12.1995, p. 5.~~  
~~277 OJ L 373, 21.12.2004, p. 1.~~  
~~278 OJ L 309, 25.11.2005, p. 9.~~  
~~279 OJ L 127, 29.4.2014, p. 1.~~  
~~280 OJ L 39, 10.2.2009, p. 1.~~  
~~281 OJ L 159, 28.5.2014, p. 1.~~  
~~282 OJ L 326, 29.12.1969, p. 36.~~  
~~283 OJ L 134, 29.5.2009, p. 1.~~  
~~284 OJ L 256, 13.9.1991, p. 51.~~

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- = Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass<sup>(282)</sup>
- = 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>(283)</sup>
- = Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons<sup>(284)</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<sup>21</sup> 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>(285)</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>(286)</sup>
- = 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>(287)</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>(288)</sup>
- = Restrictive measures in force based on Article 215 TFEU, insofar as they relate to trade in goods between the Union and third countries

[278](#) [OJ L 309, 25.11.2005, p. 9.](#)  
[279](#) [OJ L 127, 29.4.2014, p. 1.](#)  
[280](#) [OJ L 39, 10.2.2009, p. 1.](#)  
[281](#) [OJ L 159, 28.5.2014, p. 1.](#)  
[282](#) [OJ L 326, 29.12.1969, p. 36.](#)  
[283](#) [OJ L 134, 29.5.2009, p. 1.](#)  
[284](#) [OJ L 256, 13.9.1991, p. 51.](#)  
[285](#) [OJ L 94, 30.3.2012, p. 1.](#)  
[286](#) [OJ L 146, 10.6.2009, p. 1.](#)  
[287](#) [OJ L 200, 30.7.2005, p. 1.](#)

~~285 OJ L 94, 30.3.2012, p. 1.~~

~~286 OJ L 146, 10.6.2009, p. 1.~~

~~287 OJ L 200, 30.7.2005, p. 1.~~

288 OJ L 358, 31.12.2002, p. 28.

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PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 9 ANNEX 3

~~ANNEX 6~~

~~PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 9~~

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>
  - 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>(6)</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>(7)</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>(8)</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>(9)</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>(10)</sup>

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1 The headings and subheadings in this Annex are purely indicative.

2 OJ L 347, 11.12.2006, p. 1.

3 OJ L 44, 20.2.2008, p. 23.

4 OJ L 268, 12.10.2010, p. 1.

5 OJ L 84, 31.3.2010, p. 1.

6 OJ L 326, 21.11.1986, p. 40.

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- 7 OJ L 346, 29.12.2007, p. 6.
- 8 OJ L 292, 10.11.2009, p. 5.
- 9 OJ L 286, 17.10.2006, p. 15.
- 10 OJ L 195, 1.8.2018, p. 1.

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PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 11 ANNEX 4

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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>11</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>12</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>13</sup>)~~2004<sup>13</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>14</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>15</sup>)~~

~~—~~

Council Directive 92/84/EEC of 19 October 1992 on the approximation of the rates of excise duty on alcohol and alcoholic beverages~~(<sup>16</sup>)~~

~~—~~

Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco~~(<sup>17</sup>)~~

~~—~~

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity~~(<sup>18</sup>)~~

~~—~~

Council Directive 95/60/EC of 27 November 1995 on fiscal marking of gas oils and kerosene~~(<sup>19</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>20</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>21</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>22</sup> ~~of small consignments of goods of a non-commercial character from third countries~~~~(<sup>22</sup>)~~

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- <sup>11</sup> [OJ L 46, 17.2.2009, p. 8.](#)
- <sup>12</sup> [OJ L 9, 14.1.2009, p. 12.](#)
- <sup>13</sup> [OJ L 121, 8.5.2012, p. 1.](#)
- <sup>14</sup> [OJ L 84, 31.3.2010, p. 1.](#)
- <sup>15</sup> [OJ L 316, 31.10.1992, p. 21.](#)
- <sup>16</sup> [OJ L 316, 31.10.1992, p. 29.](#)
- <sup>17</sup> [OJ L 176, 5.7.2011, p. 24.](#)
- <sup>18</sup> [OJ L 283, 31.10.2003, p. 51.](#)
- <sup>19</sup> [OJ L 291, 6.12.1995, p. 46.](#)
- <sup>20</sup> [OJ L 162, 1.7.2003, p. 5.](#)
- <sup>21</sup> [OJ L 346, 29.12.2007, p. 6.](#)
- <sup>22</sup> [OJ L 286, 17.10.2006, p. 15.](#)

~~<sup>11</sup> OJ L 46, 17.2.2009, p. 8.~~

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

~~<sup>13</sup> OJ L 121, 8.5.2012, p. 1.~~

~~<sup>14</sup> OJ L 84, 31.3.2010, p. 1.~~

~~<sup>15</sup> OJ L 316, 31.10.1992, p. 21.~~

~~<sup>16</sup> OJ L 316, 31.10.1992, p. 29.~~

~~<sup>17</sup> OJ L 176, 5.7.2011, p. 24.~~

~~<sup>18</sup> OJ L 283, 31.10.2003, p. 51.~~

~~<sup>19</sup> OJ L 291, 6.12.1995, p. 46.~~

~~<sup>20</sup> OJ L 162, 1.7.2003, p. 5.~~

~~<sup>21</sup> OJ L 346, 29.12.2007, p. 6.~~

~~<sup>22</sup> OJ L 286, 17.10.2006, p. 15. 216~~

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## ANNEX 7

### **~~PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE 11~~**

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>)~~
- ~~—~~ 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>2</sup>)~~2003<sup>2</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>3</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>4</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>5</sup>)~~

- ~~—~~ 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>6</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>7</sup>)~~

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<sup>1</sup> OJ L 211, 14.8.2009, p. 55.  
<sup>2</sup> OJ L 211, 14.8.2009, p. 15.  
<sup>3</sup> OJ L 211, 14.8.2009, p. 1.  
<sup>4</sup> OJ L 33, 4.2.2006, p. 22.  
<sup>5</sup> OJ L 326, 8.12.2011, p. 1.  
<sup>6</sup> OJ L 334, 17.12.2010, p. 17.  
<sup>7</sup> OJ L 275, 25.10.2003, p. 32.

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## ANNEX 85

### PROVISIONS OF UNION LAW REFERRED TO IN ARTICLE ~~12~~10(1) ~~OF THIS PROTOCOL~~ ~~AND ARTICLE 7(1) OF ANNEX 4~~

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>
  - ~~—~~ — Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees<sup>(4)</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>(5)</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>(6)</sup>

<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.](#)

<sup>4</sup> [OJ C 155, 20.6.2008, p. 10.](#)

<sup>5</sup> [OJ L 248, 24.9.2015, p. 1.](#)

<sup>6</sup> [OJ L 187, 26.6.2014, p. 1.](#)

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### 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>(7)</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>(8)</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>(9)</sup>70<sup>9</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>(10)</sup>
- 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>(11)</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>(12)</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>(13)</sup>

<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.

<sup>4</sup> OJ C 155, 20.6.2008, p. 10.

<sup>5</sup> OJ L 248, 24.9.2015, p. 1.

<sup>6</sup> OJ L 187, 26.6.2014, p. 1.

<sup>7</sup> [OJ L 193, 1.7.2014, p. 1.](#)

<sup>8</sup> [OJ L 369, 24.12.2014, p. 37.](#)

<sup>9</sup> [OJ L 315, 3.12.2007, p. 1.](#)

<sup>10</sup> [OJ C 92, 29.3.2014, p. 1.](#)

<sup>11</sup> [OJ L 7, 11.1.2012, p. 3.](#)

<sup>12</sup> [OJ L 352, 24.12.2013, p. 1.](#)

<sup>13</sup> [OJ L 114, 26.4.2012, p. 8.](#)

~~—~~ 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>14</sup>)~~

~~—~~ 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>15</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>16</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>17</sup>)~~

~~—~~ Notice from the Commission — Towards an effective implementation of Commission decisions ordering Member States to recover unlawful and incompatible State aid~~(<sup>18</sup>)~~

~~—~~ Commission notice on the determination of the applicable rules for the assessment of unlawful State aid~~(<sup>19</sup>)~~

~~—~~ Commission notice on the enforcement of State aid law by national courts~~(<sup>20</sup>)~~

~~—~~ Communication from [the](#) Commission on the revision of the method for setting the reference and discount rates~~(<sup>21</sup>)~~

~~—~~ Communication from the Commission ~~—~~ Code of Best Practice for the conduct of State aid control procedures~~(<sup>22</sup>)~~

~~—~~ Commission communication C (2003) 4582 of 1 December 2003 on professional secrecy in State aid decisions~~(<sup>23</sup>)~~

~~<sup>7</sup> OJ L 193, 1.7.2014, p. 1.~~

~~<sup>8</sup> OJ L 369, 24.12.2014, p. 37.~~

~~<sup>9</sup> OJ L 315, 3.12.2007, p. 1.~~

~~<sup>10</sup> OJ C 92, 29.3.2014, p. 1.~~

~~<sup>11</sup> OJ L 7, 11.1.2012, p. 3.~~

~~<sup>12</sup> OJ L 352, 24.12.2013, p. 1.~~

~~<sup>13</sup> OJ L 114, 26.4.2012, p. 8.~~

~~<sup>14</sup> OJ L 352, 24.12.2013, p. 9.~~

~~<sup>15</sup> OJ L 190, 28.6.2014, p. 45.~~

<sup>14</sup> [OJ L 352, 24.12.2013, p. 9.](#)

<sup>15</sup> [OJ L 190, 28.6.2014, p. 45.](#)

<sup>16</sup> [OJ L 248, 24.9.2015, p. 9.](#)

<sup>17</sup> [OJ L 140, 30.4.2004, p. 1.](#)

<sup>18</sup> [OJ C 272, 15.11.2007, p. 4.](#)

<sup>19</sup> [OJ C 119, 22.5.2002, p. 22.](#)

<sup>20</sup> [OJ C 85, 9.4.2009, p. 1.](#)



- 21 [OJ C 14, 19.1.2008, p. 6.](#)
- 22 [OJ C 253, 19.7.2018, p. 14.](#)
- 23 [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>(24)</sup>

### 5.2 Agricultural aid

- European Union guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 – ~~2020~~<sup>(25)</sup>2020<sup>25</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>(26)</sup>

### 5.4 Regional aid

- Guidelines on regional State aid for 2014-~~2020~~<sup>(27)</sup>2020<sup>27</sup>

### 5.5 Research and development and innovation aid

- Communication from the Commission — Framework for State aid for research and development and innovation<sup>(28)</sup>

### 5.6 Risk capital aid

- Communication from the Commission — Guidelines on State aid to promote risk finance investments<sup>(29)</sup>

### 5.7 Rescue and restructuring aid

- Communication from the Commission – Guidelines on State aid for rescuing and restructuring ~~non-financial~~non-financial undertakings in difficulty<sup>(30)</sup>

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<sup>16</sup> OJ L 248, 24.9.2015, p. 9.

<sup>17</sup> OJ L 140, 30.4.2004, p. 1.

<sup>18</sup> OJ C 272, 15.11.2007, p. 4.

<sup>19</sup> OJ C 119, 22.5.2002, p. 22.

<sup>20</sup> OJ C 85, 9.4.2009, p. 1.

<sup>21</sup> OJ C 14, 19.1.2008, p. 6.

<sup>22</sup> Not yet published in the OJ.

<sup>23</sup> OJ C 297, 9.12.2003, p. 6.

<sup>24</sup> OJ C 188, 20.6.2014, p. 4.

<sup>24</sup> OJ C 188, 20.6.2014, p. 4.

<sup>25</sup> OJ C 204, 1.7.2014, p. 1.

<sup>26</sup> OJ C 217, 2.7.2015, p. 1.

<sup>27</sup> OJ C 209, 23.7.2013, p. 1.

<sup>28</sup> OJ C 198, 27.6.2014, p. 1.

<sup>29</sup> OJ C 19, 22.1.2014, p. 4.

<sup>30</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>(31)</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>(32)</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~~ State aid rules to support measures in favour of banks in the context of the financial crisis<sup>(33)</sup>

— Communication from the Commission on the treatment of impaired assets in the

Community banking sector<sup>(34)</sup>

— 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>(35)</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>(36)</sup>

## 5.12 Energy and environment

### 5.12.1 Environment and energy

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<sup>25</sup> OJ C 204, 1.7.2014, p. 1.

<sup>26</sup> OJ C 217, 2.7.2015, p. 1.

<sup>27</sup> OJ C 209, 23.7.2013, p. 1.

<sup>28</sup> OJ C 198, 27.6.2014, p. 1.

<sup>29</sup> OJ C 19, 22.1.2014, p. 4.

<sup>30</sup> OJ C 249, 31.7.2014, p. 1.

<sup>31</sup> OJ C 188, 11.8.2009, p. 1.

<sup>32</sup> OJ C 188, 11.8.2009, p. 6.

Communication from the Commission — Guidelines on State aid for

environmental protection and energy 2014-~~2020~~<sup>(37)</sup>2020<sup>37</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>(38)</sup>2012<sup>38</sup>

<sup>31</sup> [OJ C 188, 11.8.2009, p. 1.](#)

<sup>32</sup> [OJ C 188, 11.8.2009, p. 6.](#)

<sup>33</sup> [OJ C 216, 30.7.2013, p. 1.](#)

<sup>34</sup> [OJ C 72, 26.3.2009, p. 1.](#)

<sup>35</sup> [OJ C 195, 19.8.2009, p. 9.](#)

<sup>36</sup> [OJ C 392, 19.12.2012, p. 1.](#)

<sup>37</sup> [OJ C 200, 28.6.2014, p. 1.](#)

<sup>38</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>39</sup>)~~

## 5.12.3 Coal

~~—~~ Council Decision of 10 December 2010 on State aid to facilitate the closure of uncompetitive coal mines~~(<sup>40</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>41</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>42</sup>)~~

## 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>43</sup>)~~

### 5.15.2 Broadcasting

~~—~~ Communication from the Commission on the application of State aid rules to public service broadcasting~~(<sup>44</sup>)~~

### 5.15.3 Broadband network

~~—~~ [Communication from the Commission --- Guidelines for the application](#)

~~<sup>33</sup> OJ C 216, 30.7.2013, p. 1.~~

~~<sup>34</sup> OJ C 72, 26.3.2009, p. 1.~~

~~<sup>35</sup> OJ C 195, 19.8.2009, p. 9.~~

~~<sup>36</sup> OJ C 392, 19.12.2012, p. 1.~~

~~<sup>37</sup> OJ C 200, 28.6.2014, p. 1.~~

~~<sup>38</sup> OJ C 158, 5.6.2012, p. 4.~~

~~<sup>39</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>40</sup> OJ L 336, 21.12.2010, p. 24.~~

~~<sup>41</sup> OJ C 152, 26.6.2002, p. 5.~~

~~<sup>39</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>40</sup> [OJ L 336, 21.12.2010, p. 24.](#)~~

~~<sup>41</sup> [OJ C 152, 26.6.2002, p. 5.](#)~~

~~<sup>42</sup> [OJ C 39, 6.2.1998, p. 2.](#)~~

~~<sup>43</sup> [OJ C 332, 15.11.2013, p. 1.](#)~~

~~<sup>44</sup> [OJ C 257, 27.10.2009, p. 1.](#)~~

~~<sup>45</sup> [OJ C 25, 26.1.2013, p. 1.](#)~~

- ~~Guidelines for the application~~ of State aid rules in relation to the rapid deployment of broadband networks<sup>(45)</sup>

#### 5.16 Transport and infrastructure

- ~~Communication from the Commission~~ — ~~Community guidelines on State aid for railway undertakings~~<sup>(46)</sup>
- ~~Community guidelines on State aid to maritime transport~~<sup>(47)</sup>
- ~~Communication from the Commission providing guidance on State aid complementary to Community funding for the launching of the motorways of the sea~~<sup>(48)</sup>
- ~~Communication from the Commission providing guidance on State aid to ship-management companies~~<sup>(49)</sup>
- ~~Communication from the Commission — Guidelines on State aid to airports and airlines~~<sup>(50)</sup>

#### 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>(51)</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>(52)</sup>

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<sup>42</sup> OJ C 39, 6.2.1998, p. 2.

<sup>43</sup> OJ C 332, 15.11.2013, p. 1.

<sup>44</sup> OJ C 257, 27.10.2009, p. 1.

<sup>45</sup> OJ C 25, 26.1.2013, p. 1.

<sup>46</sup> OJ C 184, 22.7.2008, p. 13.

<sup>47</sup> OJ C 13, 17.1.2004, p. 3.

<sup>48</sup> OJ C 317, 12.12.2008, p. 10.

<sup>49</sup> OJ C 132, 11.6.2009, p. 6.

<sup>50</sup> OJ C 99, 4.4.2014, p. 3.

<sup>51</sup> OJ C 8, 11.1.2012, p. 15.

<sup>52</sup> OJ L 318, 17.11.2006, p. 17.

<sup>46</sup> [OJ C 184, 22.7.2008, p. 13.](#)

<sup>47</sup> [OJ C 13, 17.1.2004, p. 3.](#)

<sup>48</sup> [OJ C 317, 12.12.2008, p. 10.](#)

<sup>49</sup> [OJ C 132, 11.6.2009, p. 6.](#)

<sup>50</sup> [OJ C 99, 4.4.2014, p. 3.](#)

<sup>51</sup> [OJ C 8, 11.1.2012, p. 15.](#)

<sup>52</sup> [OJ L 318, 17.11.2006, p. 17.](#)

## **ANNEX 9**

### ***PROCEDURES REFERRED TO IN ARTICLE 12(2)***

The Joint Committee shall determine the initial maximum exempted overall annual level of support and the initial minimum percentage referred to in Article ~~12~~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~~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~~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~~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 ~~12~~10(2) shall be suspended until the Joint Committee has determined or adjusted the level of support and percentage.

## **ANNEX 10**

### ***PROCEDURES REFERRED TO IN ARTICLE 18(3)***

1. Where the Union or the United Kingdom is considering taking safeguard measures under Article ~~18~~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 ~~18~~16(2) of this Protocol.

**Technical adaptations to the Withdrawal Agreement following the revision of the Protocol on Ireland/Northern Ireland as agreed at negotiators' level**

ARTICLE 184

**Negotiations on the future relationship**

The Union and the United Kingdom shall use their best endeavours, in good faith and in full respect of their respective legal orders, to take the necessary steps to negotiate expeditiously the agreements governing their future relationship referred to in the Political Declaration of [XX] October 2019 and to conduct the relevant procedures for the ratification or conclusion of those agreements, with a view to ensuring that those agreements apply, to the extent possible, as from the end of the transition period.

ARTICLE 185

Entry into force and application

[...]

The Protocol on Ireland/Northern Ireland shall apply as from the end of the transition period, with the exception of the following provisions of that Protocol that shall apply as from the entry into force of this Agreement:

- 
- = Article 1;
  - = the third, fourth and sixth subparagraphs of Article 5 (2);
  - = the second sentence of Article 5(3);
  - = the last sentence of Article 10(2);
  - = Article 12(3);
  - = Article 13(8);
  - = Article 14;
  - = Article 15(1) to (4) and (6);
  - = Article 19;
  - = the first paragraph of Annex 6.



