Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No. 0000

EXITING THE EUROPEAN UNION

The Prohibition on Quantitative Restrictions (EU Exit) Regulations 2020

Made - - - - ***

Coming into force in accordance with regulation 1

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

In accordance with paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Prohibition on Quantitative Restrictions (EU Exit) Regulations 2020 and come into force on IP completion day.

(2) These Regulations extend to England and Wales and Scotland only.

Cessation of the prohibition on quantitative restrictions

2. Subject to regulation 3, any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

(a) continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018; and

(b) are derived (directly or indirectly) from—

(i) Articles 34, 35 and 36 of the Treaty on the Functioning of the European Union;

(ii) Articles 11,12 and 13 of the EEA agreement;

(iii) Articles 13, 13a and 20 of the Agreement between the European Economic Community and the Swiss Confederation, signed at Brussels on 22nd July 1972(**b**);

(**a**) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) and paragraph 21 of Schedule 7 was amended by section 41(4) and Schedule 5, paragraph 53(2) of that Act.

(**b**) OJ L 300, 31.12.1972, p. 189-280. This agreement is a Treaty for the purposes of section 2(1) of the European Communities Act 1972 (c.68). Article 13a was inserted by the Supplementary Protocol to the Agreement between the European Economic Community and the Swiss Confederation concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect, *see* OJ L 295, 13.10.1989, p. 29–34. There are other amendments not relevant to these Regulations.

(iv) Articles 5, 6 and 7 of Decision No. 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union(**a**) as provided for under Articles 5 and 10 of the Agreement establishing an Association between the European Economic Community and Turkey signed at Ankara on 12th September 1963(**b**),

cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

Saving

3. The cessation of the rights, powers, liabilities, obligations, restrictions, remedies and procedures under regulation 2 does not apply to anything to which regulation 2(1) of the Intellectual Property (Exhaustion of Rights) (EU Exit) Regulations 2019(**c**) applies.

Name
Parliamentary Under Secretary of State
Date Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations provide that provisions on the prohibitions on quantitative restrictions on imports and exports which continue as directly effective rights in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018, should cease in England, Wales and Scotland. Those provisions derive from the Treaty on the Functioning of the EU, the Agreement on the European Economic Area, the Agreement between the European Economic Community and the Swiss Confederation signed at Brussels and the Agreement establishing an Association between the European Economic Community and Turkey signed at Ankara. The Regulations make an exception allowing for the continuation of rights under the doctrine of exhaustion of intellectual property rights (see the Intellectual Property (Exhaustion of Rights) (EU Exit) Regulations 2019).

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

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(**a**) OJ L 035, 13.02.1996, p.1-47.
(**b**) This Agreement was concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963, and is a pre-accession treaty falling within paragraph 7 of Part I of Schedule 1 to the European Communities Act 1972 (c. 68).
(**c**) S.I. 2019/265.

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