STATUTORY INSTRUMENTS

2019 No. 77

EXITING THE EUROPEAN UNION

SCIENTIFIC RESEARCH

The European Research Infrastructure Consortium (Amendment) (EU Exit) Regulations 2019

Made - - - - 16th January 2019

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(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

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

Citation and commencement

1. These Regulations may be cited as the European Research Infrastructure Consortium (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

Amendments to Council Regulation (EC) No. 723/2009

2.—(1) Council Regulation (EC) No. 723/2009 on the Community legal framework for a European Research Infrastructure Consortium is amended as follows.

(2) Omit Article 1.

(3) In Article 2 (definitions) for points (a) to (c) substitute—

"(a) "Continuing ERIC Regulation" means Council Regulation (EC) No. 723/2009 as it applies in the European Union(**b**);

(b) "ERIC" means a European Research Infrastructure Consortium set up under the Continuing ERIC Regulation.".

(4) Omit Articles 3 to 6.

(5) In Article 7 (status of an ERIC)—

(a) in paragraph 1 after "setting up the ERIC" insert "under the Continuing ERIC Regulation".

(b) in paragraph 2—

(i) for "each Member State" substitute "the United Kingdom";

(**a**) 2018 c.16; see section 20(1) for the definition of "Minister of the Crown".
(**b**) OJ No. L 206, 8.8.2009, p.1 as amended by Council Regulation (EU) 1261/2013 (OJ No. L 326, 6.12.2013, p.1).

(ii) for "that Member State" substitute "England and Wales, Scotland and Northern Ireland";

(c) in paragraph 3 for "within the meaning of Article 15(c) of Directive 2004/18/EC"(**a**) substitute "for the purposes of regulation 9 of the Public Contracts Regulations 2015(**b**) and regulation 10 of the Public Contracts (Scotland) Regulations 2015(**c**)".

(6) Omit Articles 8 to 13.

(7) In Article 14 (liability and insurance) omit paragraph 3.

(8) In Article 15 (applicable law and jurisdiction)—

(a) in paragraph 1(a), for the words "this Regulation" to the end substitute "the Continuing ERIC Regulation and the decisions under that Regulation setting up the ERIC and approving an amendment to the Statutes of the ERIC";

(b) omit paragraph 3.

(9) Omit Articles 16 to 20.

(10) After Article 21 omit the sentence starting "This Regulation shall be binding".

Claire Perry
Minister of State for Universities, Science, Research and Innovation
Department for Business, Energy and Industrial Strategy

16th January 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions deriving from EU legislation relating to European research infrastructure consortia which have been retained in domestic law under the European Union (Withdrawal) Act 2018 as retained EU law. The amendments address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d), (e) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An explanatory memorandum is available alongside this instrument on the Legislation UK website at www.legislation.gov.uk.

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(**a**) Under Article 91 of Directive 2014/24/EU (OJ No. L 94, 28.03.2014, p.65) the reference to Article 15(c) of Directive 2004/18/EC is to be read as a reference to Article 9 of Directive 2014/24/EU.
(**b**) S.I. 2015/102 to which there are amendments not relevant to these Regulations.
(**c**) S.S.I. 2015/446 to which there are amendments not relevant to these Regulations.

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