

Draft Regulations laid before Parliament under paragraph 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No. XXXX

ELECTRONIC INFORMATION

The Internal Market Information System
Regulation (Amendment etc.) Regulations 2021

Made - - - - *******
Coming into force - - *******

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

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament in accordance with paragraph 8F(1) of Schedule 7 to that Act.

PART 1

Introductory Provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Internal Market Information System Regulation (Amendment etc.) Regulations 2021.

- (2) These Regulations come into force on the day after the day on which they are made.
- (3) This Part and Chapter 1 of Part 3 extend to England and Wales, Scotland and Northern Ireland.
- (4) Part 2 extends to Northern Ireland only.
- (5) Chapter 2 of Part 3 extends to England and Wales and Scotland only.

(1) 2018 c. 16. The European Union (Withdrawal) Act 2018 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1): section 8 was amended by section 27, section 8C was inserted by section 21, paragraph 8F of Schedule 7 was inserted by section 41(4) and paragraph 51 of Schedule 5, and paragraph 21 of Schedule 7 was amended by section 41(4) and paragraph 53(2) of Schedule 5.

Interpretation

2. In these Regulations, “the IMI Regulation” means [Regulation \(EU\) No 1024/2012](#) of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission [Decision 2008/49/EC](#).

PART 2

Amendment of the IMI Regulation in respect of Northern Ireland

3.—(1) The IMI Regulation as it has effect in Northern Ireland is amended in accordance with this Part.

(2) In Article 3—

(a) for paragraph 1, substitute—

“1. IMI shall be used for exchanges of information, including of personal data, among the IMI actors and for the processing of that information for the purposes of administrative cooperation required in accordance with the provisions of the legislation listed in the Annex.”;

(b) omit paragraph 2.

(3) Omit Article 4.

(4) In Article 5—

(a) for the first paragraph, substitute “For the purposes of this Regulation, the definitions laid down in the UK GDPR as supplemented by the Data Protection Act 2018(2) shall apply.”;

(b) in point (b), for “Union law” substitute “the legislation listed in the Annex”;

(c) omit point (c);

(d) in point (e), after “Member State” insert “or the United Kingdom”;

(e) in point (f), for “national law or Union acts listed in the Annex in one or more internal market areas” substitute “the legislation listed in the Annex”;

(f) omit point (i);

(g) after point (k) insert—

“(l) ‘the Information Commissioner’ means the Information Commissioner provided for under section 114 of the Data Protection Act 2018;

(m) ‘the UK GDPR’ has the meaning given in section 3(10) of the Data Protection Act 2018.”.

(5) In Article 6—

(a) in paragraph 1—

(i) for “Each Member State” substitute “The Secretary of State”;

(ii) in point (b), for “Member States” substitute “United Kingdom”;

(iii) in point (d), for “Member States” substitute “United Kingdom”;

(iv) in point (e), for “Member States” substitute “United Kingdom”;

(b) in paragraph 2, for “Each Member State” substitute “The Secretary of State”;

(c) for paragraph 3, substitute—

“3. The Secretary of State shall inform the Commission of the IMI coordinators appointed in accordance with paragraphs 1 and 2 and of the tasks for which they are responsible.”.

(6) In Article 7—

(a) in paragraph 1—

(i) for “Union act” substitute “legislation listed in the Annex”;

(ii) for “the deadline set by that act” substitute “any deadline set by that legislation”;

(b) in paragraph 2, for “its own country” substitute “the United Kingdom”.

(7) Omit Article 8.

(8) In Article 9—

(a) for paragraph 2, substitute—

“2. The Secretary of State shall designate the IMI coordinators and competent authorities and the areas in which they have competence.”;

(b) in paragraph 3—

(i) after “IMI actor” insert “of the United Kingdom”;

(ii) omit “internal market”;

(c) in paragraph 4—

(i) for “Member States, the Commission and Union” substitute “Secretary of State and United Kingdom”;

(ii) after “IMI users” insert “of the United Kingdom”;

(iii) omit “internal market”;

(d) in paragraph 5, for “national law in accordance with Union law” substitute “domestic law”.

(9) In Article 10—

(a) for paragraph 1 substitute—

“1. IMI actors and IMI users of the United Kingdom shall be subject to the rules of professional secrecy or other equivalent duties of confidentiality in accordance with the law of the United Kingdom.”;

(b) in paragraph 2, after “IMI actors” insert “of the United Kingdom”.

(10) For Article 11, substitute—

“IMI shall be based on administrative cooperation procedures implementing the provisions of the legislation listed in the Annex.”.

(11) Omit Article 12.

(12) In Article 13—

(a) after “IMI actors” insert “of the United Kingdom”;

(b) for “the Union acts” substitute “any legislation”.

(13) In Article 14—

(a) in paragraph 1, for “an applicable Union act” substitute “any legislation”;

(b) in paragraph 2—

(i) for “a binding Union act” substitute “any legislation”;

(ii) for “Union act” substitute “legislation”;

(c) omit paragraph 6;

- (d) omit paragraph 7.
- (14) In Article 15, in paragraph 1, after “IMI users” insert “of the United Kingdom”.
- (15) Omit Article 16.
- (16) In Article 17—
 - (a) omit paragraphs 1 to 3;
 - (b) in paragraph 4—
 - (i) after “IMI actors” insert “of the United Kingdom”;
 - (ii) for “Article 17 of [Directive 95/46/EC](#)” substitute “Articles 5(1)(f), 28 and 32 of the UK GDPR.”.
- (17) In Article 18—
 - (a) in paragraph 1—
 - (i) after “IMI actors” insert “of the United Kingdom”;
 - (ii) for “Article 10 or 11 of [Directive 95/46/EC](#) and national legislation which is in accordance with that Directive” substitute “Articles 13 and 14 of the UK GDPR”;
 - (b) omit paragraph 2.
- (18) In Article 19, in paragraph 1—
 - (a) after “IMI actors” insert “of the United Kingdom”;
 - (b) for “national legislation” substitute “any enactment”.
- (19) Omit Article 20.
- (20) In Article 21—
 - (a) for paragraph 1, substitute—

“1. The Information Commissioner shall independently monitor the lawfulness of the processing of personal data by the IMI actors of the United Kingdom and, in particular, shall ensure that the rights of data subjects set out in this Chapter are protected in accordance with this Regulation.”;
 - (b) omit paragraphs 2 and 3.
- (21) Omit Articles 22 to 30.
- (22) For the Annex to the IMI Regulation, substitute—

“Provisions on administrative cooperation in legislation that are implemented by means of IMI, referred to in Article 3.

1. Article 8 of Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No. 764/2008⁽³⁾.

2. Articles 5 and 7 of [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](#)⁽⁴⁾.

3. Article 18 of Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons⁽⁵⁾.”.

(3) OJ L 91, 29.3.2019, p. 1.

(4) OJ L 159, 28.5.2014, p. 1.

(5) OJ L 115, 6.4.2021, p. 1.

PART 3

CHAPTER 1

Revocation of retained EU law in respect of England and Wales, Scotland and Northern Ireland

Revocation of retained EU law

4.—(1) This Chapter has effect in relation to England and Wales, Scotland and Northern Ireland.

(2) Commission Implementing [Decision 2014/89/EU](#) of 14 February 2014 on a pilot project to implement the administrative cooperation obligations set out in [Directive 2007/59/EC](#) of the European Parliament and of the Council by means of the Internal Market Information System is revoked.

(3) Commission Implementing [Decision \(EU\) 2018/743](#) of 16 May 2018 on a pilot project to implement the administrative cooperation provisions set out in Regulation (EU) 2016/679 of the European Parliament and of the Council by means of the Internal Market Information System is revoked.

(4) Commission Implementing [Decision \(EU\) 2019/2212](#) of 20 December 2019 on a pilot project to implement certain administrative cooperation provisions set out in Regulation (EU) 2017/2394 of the European Parliament and of the Council on cooperation between authorities responsible for the enforcement of consumer protection laws by means of the Internal Market Information System is revoked.

CHAPTER 2

Revocation of retained EU law in respect of England and Wales and Scotland

Revocation of the IMI Regulation

5. The IMI Regulation is revoked in relation to England and Wales and Scotland.

Revocation of retained EU law

6. Commission Delegated Regulation (EU) 2019/686 of 16 January 2019 laying down the detailed arrangements under Council [Directive 91/477/EEC](#) for the systematic exchange, by electronic means, of information relating to the transfer of firearms within the Union is revoked in relation to England and Wales and Scotland⁽⁶⁾.

7. Commission Implementing Decision (EU) 2019/689 of 16 January 2019 on a pilot project to implement certain administrative cooperation provisions set out in Council [Directive 91/477/EEC](#) by means of the Internal Market Information System is revoked in relation to England and Wales and Scotland⁽⁷⁾.

Date _____

Name
Title
Department for Business, Energy & Industrial
Strategy

⁽⁶⁾ OJ L 116, 3.5.2019, p. 1.

⁽⁷⁾ OJ L 116, 3.5.2019, p. 75.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) and 8C(1) and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16). They address failures of retained EU law to operate effectively arising from the withdrawal of the UK from the European Union (and in particular the deficiencies under paragraphs (a), (b), (c) and (g) of section 8(2) of that Act).

These Regulations amend Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') as it forms part of the law of Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018.

Part 2 applies to Northern Ireland and is made in order to amend the IMI Regulation to allow for compliance with the Commission Decision of 16 October 2020 C(2020) 7126 granting the United Kingdom acting in respect of Northern Ireland access to networks, information systems or databases established on the basis of Union law ('the Decision') and made under Article 13(5) of the Northern Ireland Protocol relating to use of the internal market information ('IMI') system.

This allows the IMI system to continue to be available in the UK in respect of Northern Ireland to allow administrative cooperation with the EU in relation to certain IMI modules relating to the mutual recognition of goods (through SOLVIT: the Internal Market Problem Solving Network), the return of cultural objects to the EU and firearms transfer authorisations as provided for in the Annex to the Decision.

Chapter 1 of Part 3 revokes redundant EU tertiary legislation for England and Wales, Scotland and Northern Ireland. Chapter 2 of Part 3 revokes the IMI Regulation in respect of England and Wales and Scotland. This chapter also revokes retained EU law in respect of England and Wales and Scotland relating to firearms transfer authorisations.

The Decision can be found at <https://ec.europa.eu/transparency/regdoc/rep/3/2020/EN/C-2020-7126-F1-EN-MAIN-PART-1.PDF>.

The Annex to the Decision is at <https://ec.europa.eu/transparency/regdoc/rep/3/2020/EN/C-2020-7126-F1-EN-ANNEX-1-PART-1.PDF>.

A hard copy of the Decision is available on request from the Trade, International, the Union and Analysis Directorate, Department of Business, Energy and Industrial Strategy, 1 Victoria Street London SW1H 0ET.

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