

## SCHEDULES

### SCHEDULE 1

#### Amendments to Title 1: General provisions

### PART 2

#### Amendments to Chapter 2: Provisions concerning cooperation and exchanges of data

##### 2. Before Article 2 insert—

##### *“Article A2*

##### *Performance of obligations dependent on Member State information*

1. This Article applies where, in the view of the competent authority of the United Kingdom, performance of an obligation under this Regulation by an institution in the United Kingdom is wholly or partly dependent on information held by an institution or authority in a Member State.

2. The institution in the United Kingdom must take all reasonable steps to obtain the information from the institution or authority in the Member State.

3. If the institution in the United Kingdom complies with the duty in paragraph 2 but is unable to obtain the information and the institution considers that the claimant could provide the information, it must inform the claimant that it has been unable to obtain the information and ask the claimant:

- (a) to take reasonable steps to obtain the information from the institution or authority in the Member State; or
- (b) where it is not possible for the claimant to obtain the information from the institution or authority in the Member State, to provide such relevant information or evidence as the claimant has.

4. The institution in the United Kingdom is not required to perform the obligation if it complies with the duty in paragraphs 2 or 3 but is unable to obtain the information and:

- (a) the claimant does not provide it within a reasonable time; or
- (b) the claimant does provide it but the institution is of the view that the information is not accurate or is incomplete.”

##### 3. In Article 2—

- (a) in paragraph 1 for “Member States” substitute “States”;
- (b) in paragraph 2—
  - (i) for “shall without delay” substitute “in the United Kingdom may take reasonable steps to”;

*Status: This is the original version (as it was originally made).*

- (ii) after “applies” insert “, including the establishing and determining of those rights and obligations by a Member State applying the basic regulation as it applies in the European Union”;
  - (iii) for “Such” substitute “Any such data”;
  - (iv) for “Member States” substitute “States”;
- (c) in paragraph 3—
- (i) for “territory of a Member State other than that in which the institution designated in accordance with the implementing Regulation is situated” substitute “United Kingdom instead of the institution in the Member State designated in accordance with the implementing Regulation”;
  - (ii) for “former institution” substitute “institution in the United Kingdom”;
  - (iii) omit from “That date” to the end of paragraph 3;
  - (iv) after paragraph 3 insert—

**“3A.** Where a person has mistakenly submitted information, documents or claims to an institution in a Member State and the implementing Regulation designated the United Kingdom, the date on which they were submitted to the institution in the Member State shall be binding on the institution in the United Kingdom to whom they should have been submitted. An institution in the United Kingdom shall not, however, be held liable, or deemed to have taken a decision, by virtue of its failure to act as a result of the late transmission of information, documents or claims by Members States’ institutions.”;
- (d) in paragraph 4—
- (i) for “Member State of destination” substitute “United Kingdom”;
  - (ii) for “that Member State” substitute “the United Kingdom”.
- 4.** In Article 3—
- (a) in paragraph 1 for “Member States” substitute “An institution in the United Kingdom”;
  - (b) in paragraph 3 for “Member States” substitute “an institution in the United Kingdom”;
  - (c) in paragraph 4—
    - (i) for “relevant institutions” substitute “relevant institution in the United Kingdom”;
    - (ii) for “Member State in question” substitute “United Kingdom”;
    - (iii) for “another Member State” substitute “a Member State”.
- 5.** Omit Article 4.
- 6.** In Article 5—
- (a) in the heading for “another Member State” substitute “a Member State”;
  - (b) in paragraph 1 for “other Member States” substitute “United Kingdom”;
  - (c) in paragraph 2—
    - (i) for “Member State that receives the document” substitute “United Kingdom”;
    - (ii) for “shall reconsider” substitute “may reconsider”;
  - (d) in paragraph 3 for “shall, insofar as this is possible,” substitute “may”;
  - (e) omit paragraph 4.

7. Omit Article 6(1).
8. In Article 7(1)—
  - (a) after “competent institution” insert “in the United Kingdom”;
  - (b) for “another Member State” substitute “a Member State”.

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(1) Paragraph 1(b) and (c) of Article 6 were substituted by [Regulation \(EU\) No 465/2012](#) of the European Parliament and of the Council of 22 May 2012 (“[Regulation \(EU\) 465/2012](#)”).