
STATUTORY INSTRUMENTS

2018 No. 1391

**The European Institutions and Consular Protection
(Amendment etc.) (EU Exit) Regulations 2018**

PART 2

Cessation and saving of retained EU rights, etc.

Cessation of rights etc. on exit day

3.—(1) Subject to regulations 4 to 8, any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

- (a) continue by virtue of section 4(1) of the EUWA; and
- (b) are derived from the provisions set out in paragraph (2),

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

(2) Paragraph (1) applies to the following provisions of the TFEU—

- (a) Articles 20(2)(c) and Article 23, first paragraph;
- (b) Articles 15(3), 24, 227, 228, 339, 340;
- (c) Articles 3 and 4, the fifth paragraph of Article 19, and Articles 42, 56 and 57 of Protocol 3;
- (d) Article 7, first paragraph, and Articles 8 and 9 of Protocol 7;
- (e) Article 11(a) and (b) of Protocol 7 to the extent that it applies, by virtue of Article 20 of Protocol 7, to the Judges, the Advocates-General, the Registrars, Assistant Rapporteurs of the CJEU, and to their spouses and dependent members of their families;
- (f) Article 286(8), to the extent that it applies Articles 11(a) and (b) of Protocol 7 to the Members of the Court of Auditors, and to their spouses and dependent members of their families.

Saving of non-disclosure provision relating to information obtained prior to exit day

4. The obligations and restrictions derived from Article 339 of the TFEU continue to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly) in respect of information obtained prior to exit day.

Saving of immunities of judges from legal proceedings in respect of acts performed by them in their official capacity

5. The rights, powers, obligations and procedures derived from Article 3(1) and (3) of Protocol 3 continue to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly) after exit day in respect of acts performed by judges in their official capacity before exit day.

Saving of immunities of agents, advisers and lawyers that appeared before the Court of Justice before exit day

6. The rights derived from the fifth paragraph of Article 19 of Protocol 3 continue to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly) after exit day in respect of duties exercised by agents, advisers and lawyers in cases before the CJEU before exit day.

Saving of immunities of Members of the European Parliament in relation to the performance of their duties before exit day

7. The rights and restrictions derived from Article 8 of Protocol 7 continue to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly) in respect of opinions expressed or votes cast by Members of the European Parliament in the performance of their duties before exit day.

Saving of immunities of Judges, etc. in relation to acts performed by them in an official capacity before exit day

8. The rights and restrictions derived from Article 11(a) of Protocol 7 as applied by Article 20 of Protocol 7 and by Article 286(8) of the TFEU continue to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly) after exit day in respect of acts performed by Judges, the Advocates-General, Registrars, the Assistant Rapporteurs of the CJEU and Members of the Court of Auditors in their official capacity before exit day (including their words spoken or written).