

## SCHEDULE 8

### Transitional and savings provisions

#### Savings

**10.**—(1) This paragraph applies to any EU decision or EU tertiary legislation that—

- (a) was made under the enabling regulation, the procedural regulation or the predecessor legislation;
- (b) was in force immediately before exit day; and
- (c) is to form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.

(2) The EU decision or EU tertiary legislation forms part of domestic law in accordance with section 3 of the European Union (Withdrawal) Act 2018 and continues in force on and after exit day despite the revocations made by regulation 65(1)(d) and (e).

(3) In this paragraph—

“enabling regulation” means Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid (as it had effect immediately before exit day);

“EU decision” has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018;

“EU tertiary legislation” has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018;

“predecessor legislation” means—

- (a) Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid (as it had effect immediately before exit day); and
- (b) Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (as it had effect immediately before exit day); and

“procedural regulation” means Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (as it had effect immediately before exit day).