
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (the Act) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of State aid. The main amendments made by these Regulations are revoking direct EU legislation and Treaty provisions that will become retained EU law on IP completion day. This will not affect the application of EU State aid law under Article 10 and Annex 5 of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement which will have effect in domestic law under section 7A of the Act.

Regulation 3 provides that the rights, powers, liabilities, obligations, remedies and procedures relating to State aid which continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018 cease to be recognised and available in domestic law.

Regulation 4 revokes Annex 15 of the EEA agreement, regulations 5 and 6 revoke direct EU regulations and decisions insofar as they form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.

Regulation 7 introduces Schedules 1 and 2 which make consequential amendment to other retained EU law and UK domestic legislation and regulation 8 introduces Schedule 3 which makes transitional provision and savings.

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