

## SCHEDULES

### SCHEDULE 6

Section 20(1)

#### INSTRUMENTS WHICH ARE EXEMPT EU INSTRUMENTS

##### *EU decisions*

- 1 (1) An EU decision is “an exempt EU instrument” so far as it is, in accordance with a relevant Protocol, not applicable to the United Kingdom immediately before exit day.
- (2) If any decision under Title V or former Title V of the Treaty on European Union is a decision within the meaning of Article 288 of the Treaty on the Functioning of the European Union (and accordingly falls within the definition of “EU decision” in section 20(1)), it is “an exempt EU instrument”.
- (3) In sub-paragraph (2), the reference to former Title V of the Treaty on European Union is a reference to that Title as it had effect at any time before the coming into force of the Treaty of Lisbon.

##### *EU regulations*

- 2 An EU regulation is “an exempt EU instrument” so far as it is, in accordance with a relevant Protocol, not applicable to the United Kingdom immediately before exit day.

##### *EU tertiary legislation*

- 3 EU tertiary legislation is “an exempt EU instrument” so far as it is made under—
  - (a) an EU decision or EU regulation which is an exempt EU instrument, or
  - (b) an EU directive so far as it is, in accordance with a relevant Protocol, not applicable to the United Kingdom immediately before exit day.

##### *Interpretation*

- 4 The following are “relevant Protocols” for the purposes of this Schedule—
  - (a) Protocol 15 to the Treaty on European Union and the Treaty on the Functioning of the European Union (protocol on certain provisions relating to the United Kingdom);
  - (b) Protocol 19 to the Treaty on European Union and the Treaty on the Functioning of the European Union (protocol on the Schengen acquis integrated into the framework of the European Union);
  - (c) the former Protocol integrating the Schengen acquis into the framework of the European Union annexed, in accordance with the Treaty of Amsterdam, to the Treaty on European Union and the Treaty establishing the European Community;
  - (d) Protocol 21 to the Treaty on European Union and the Treaty on the Functioning of the European Union (protocol on the position of the United

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**Status:** This is the original version (as it was originally enacted).

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Kingdom and Ireland in respect of the area of freedom, security and justice);

- (e) the former Protocol on the position of the United Kingdom and Ireland annexed, in accordance with the Treaty of Amsterdam, to the Treaty on European Union and the Treaty establishing the European Community (protocol in respect of Title IV of Part 3 of the Treaty establishing the European Community);
- (f) Article 10 of Title VII of Protocol 36 to the Treaty on European Union and the Treaty on the Functioning of the European Union (transitional provision with respect to acts of the Union in the field of police co-operation and judicial co-operation in criminal matters adopted before the coming into force of the Treaty of Lisbon).