



European Union (Withdrawal) Act 2018

2018 CHAPTER 16

Retention of existing EU law

3 Incorporation of direct EU legislation

- (1) Direct EU legislation, so far as operative immediately before exit day, forms part of domestic law on and after exit day.
- (2) In this Act “direct EU legislation” means—
 - (a) any EU regulation, EU decision or EU tertiary legislation, as it has effect in EU law immediately before exit day and so far as—
 - (i) it is not an exempt EU instrument (for which see section 20(1) and Schedule 6),
 - (ii) it is not an EU decision addressed only to a member State other than the United Kingdom, and
 - (iii) its effect is not reproduced in an enactment to which section 2(1) applies,
 - (b) any Annex to the EEA agreement, as it has effect in EU law immediately before exit day and so far as—
 - (i) it refers to, or contains adaptations of, anything falling within paragraph (a), and
 - (ii) its effect is not reproduced in an enactment to which section 2(1) applies, or
 - (c) Protocol 1 to the EEA agreement (which contains horizontal adaptations that apply in relation to EU instruments referred to in the Annexes to that agreement), as it has effect in EU law immediately before exit day.
- (3) For the purposes of this Act, any direct EU legislation is operative immediately before exit day if—
 - (a) in the case of anything which comes into force at a particular time and is stated to apply from a later time, it is in force and applies immediately before exit day,
 - (b) in the case of a decision which specifies to whom it is addressed, it has been notified to that person before exit day, and

- (c) in any other case, it is in force immediately before exit day.
- (4) This section—
 - (a) brings into domestic law any direct EU legislation only in the form of the English language version of that legislation, and
 - (b) does not apply to any such legislation for which there is no such version, but paragraph (a) does not affect the use of the other language versions of that legislation for the purposes of interpreting it.
- (5) This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation).