

## SCHEDULE

### TRANSITIONAL ETC. PROVISION

#### PART 2

#### PROCUREMENTS PENDING ETC. ON IP COMPLETION DAY

##### **Transitional modification of the Procurement Regulations**

**5.—**(1) In relation to a procedure to which paragraph 3 or 4 applies, the Procurement Regulations are to be read, on and after IP completion day, and so far as the context permits or requires, as if—

- (a) any reference (however expressed) to a member State or EEA state included the United Kingdom;
- (b) any reference (however expressed) to—
  - (i) EU law;
  - (ii) any particular EU Treaty or any part of it;
  - (iii) any EU instrument, or other document of an EU entity or of the EU, or any part of any such instrument or document;
  - (iv) any part of EU law not falling within sub-paragraph (ii) or (iii);
  - (v) any tax, duty, levy or interests of the EU, or
  - (vi) any arrangements involving, or otherwise relating to, the EU of a kind not falling within sub-paragraph (i), (ii), (iii), (iv) or (v),were a reference to any such thing (including any such thing as may have existed previously) so far as it is applicable to and in the United Kingdom by virtue of the relevant withdrawal provisions;
- (c) any reference (however expressed) to the area of the EU or of the EEA included the United Kingdom;
- (d) any reference (however expressed) to a citizen of the EU or a national of the EEA included a United Kingdom national (within the meaning given by Article 2(d) of the withdrawal agreement);
- (e) any reference to an enforceable EU obligation were a reference to an obligation that is enforceable by virtue of section 7A or 7B of the European Union (Withdrawal) Act 2018; and
- (f) such other modifications were made as are necessary for any purpose of the relevant withdrawal provisions and are capable of being ascertained from any such purpose or otherwise from those provisions.

(2) In sub-paragraph (1), “relevant withdrawal provisions” means—

- (a) Title 8 of Part 3 of the withdrawal agreement (ongoing public procurement and similar procedures);
- (b) Title 5 of Part 3 of the EEA EFTA separation agreement (ongoing public procurement and similar procedures).

##### **Commencement Information**

**II** Sch. para. 5 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020, Paragraph 5.