

UK MINISTERS ACTING IN DEVOLVED AREAS

162 - The Regulation (EU) No 2018/1724 The Single Digital Gateway Regulation (Revocation) (EU Exit) Regulations 2020

Laid in the UK Parliament: 1 July 2020

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	14 July 2020
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known
Date sifting period ends in UK Parliament	20 July 2020
Written statement under SO 30C:	Paper 21
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Not known
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8 of the European Union (Withdrawal) Act 2018.

This instrument is being made in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the UK from the EU.

Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures, and to assistance and problem-solving services, and amending Regulation (EU) No 1024/2012 (“the SDGR”), is a directly applicable European Union (EU) Regulation. Certain provisions of the SDGR will constitute retained EU law in accordance with section 3 of the European Union (Withdrawal) Act 2018.

The SDGR provides online access to the information, administrative procedures and assistance services that citizens and businesses need to live in, or conduct their business in, another EU country. It provides for the creation of a single EU web access point “the Gateway”, which will link EU and national websites and portals, and provide individuals and businesses with information relating to Single Market rights and rules.

The SDGR applies wholly within the EU Single Market and as such, the UK Government’s Explanatory Memorandum to these Regulations states (at paragraph 7.1) that “it would not be in the UK’s interest to be bound by the SDGR once the Transition Period has ended”, when the UK will cease to be part of the Single Market. As such, the purpose of this instrument is to revoke those provisions of the SDGR that will constitute retained EU law on and after 31 December 2020, so that the United Kingdom (UK) is no longer legally bound by the SDGR once the Transition Period ends.

These Regulations also amend Regulation (EU) 1024/2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (‘the IMI Regulation’), to omit paragraph 12 of the Annex, which refers to Regulation EU 2018/1724.

Legal Advisers agree with the statement laid by the Welsh Government dated 3 July 2020 regarding the effect of these Regulations, including the Welsh Government’s conclusions in respect of the Senedd’s legislative competence.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.