



## EU Exit - Current position and what the future holds

The EU exit amendment regulations 2019 has had effect and EU reg. no 608/2013 has now been incorporated into UK domestic law as part of what is known as UK-EU retained law.

**"New UK customs enforcement system would largely adopt the existing EU AFA framework."**<sup>1</sup>

The new UK Border Operating Model means that the implementation period incorporates a grace period (3 stages up to 1 July 2021).

### The UK - EU Trade and Cooperation Agreement is divided into 7 sections.

#### 1 Common and Institutional Provisions

- New relationship based on international law - not EU law.
- New Partnership Council - role is to ensure the political requirements are maintained and ensure strategic direction going forward. Any agreement is by mutual consent.

#### 2 Trade, Transport, Fisheries and other agreements

Trading agreement - general provisions and commitment

**National treatment** = non discriminatory treatment (UK and EU goods have the same status).

**"Zero tariffs and zero quotas"** if and where goods meet the 'rules of origin'.

#### 3 Law enforcement & judicial cooperation in criminal matters

There's a specific dispute settlement mechanism in relation to the exchange of law enforcement and judicial information.

The dispute must reach a mutually agreed solution or if not it could result in a suspension of provisions.

#### Applied examples of cumulation of originating materials:

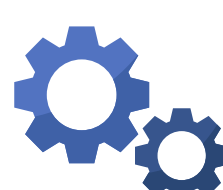
HS Code: 2002.90

Product: Chopped tomatoes



HS code: 8408

Product: Diesel engine



HS code: 620520

Product: Cotton men's shirts



For more information about how EU Exit could affect trading standards, and to take the EU Exit training course, visit [www.tradingstandards.uk/euexit](http://www.tradingstandards.uk/euexit)



Department for  
Business, Energy  
& Industrial Strategy



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<sup>1</sup> The Customs (Enforcement of Intellectual Property Rights) (Amendment) (EU Exit) Regulations 2019.



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### 4 Thematic Cooperation

Enables bilateral action in response to significant threats.  
The threats are:

#### Health security



#### Cyber security



There are provisions to enable close working between UK & EU. For example if there was another COVID-19 pandemic or threat of significant cyber attack, the UK and the EU could work together to mitigate the risk.

### 5 Participation in union programmes, sound financial management and financial provisions

We've now left the EU and lost access to programmes like the Erasmus scheme.

Within the agreement the UK may be able to be included in some EU programmes going forward if mutually acceptable, beneficial and agreed on both parts.

### 6

#### Dispute settlement & horizontal provisions

There is a fully reciprocal dispute mechanism UK - EU.

The complaining party can seek resolution within the terms of the TCA itself or under WTO Rules.

### 7

#### Final provisions Defines territorial scope.

There will be an ongoing review process after five years from entry and then every five years thereafter.

## Conclusion

- UK is now an independent sovereign nation
- UK has its own legal framework (incorporating EU retained law)
- UK & EU have mutually agreed Trade & Co-op Agreement - TCA\*  
\*Subject to ratification in EU Parliament in January
- TCA - 5 yearly review process

