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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	14 November 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	ANNEXES to the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN CENTRAL BANK, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN INVESTMENT BANK Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019: a Contingency Action Plan

Delegations will find attached document COM(2018) 880 final.

Encl.: COM(2018) 880 final



Strasbourg, 13.11.2018
COM(2018) 880 final

ANNEXES 1 to 6

ANNEXES

to the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN
CENTRAL BANK, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE,
THE COMMITTEE OF THE REGIONS AND THE EUROPEAN INVESTMENT
BANK**

**Preparing for the withdrawal of the United Kingdom from the European Union on 30
March 2019: a Contingency Action Plan**

ANNEX 1

LEGISLATIVE PROPOSALS FOR THE PURPOSES OF BREXIT PREPAREDNESS

(State of play on 13 November 2018)

Policy area	Legal amendments proposed	State of play
AGRI-TRADE		
Tariff rate quotas	Proposal COM(2018) 312 final adopted on 22.05.2018. The Regulation would allow for the apportionment of tariff rate quotas between the EU27 and the United Kingdom in the absence of an agreement with World Trade Organization (WTO) Members on given tariff rate quotas. The proposal is accompanied by a proposal for a Council decision authorising the Commission to negotiate in the WTO new TRQs on the basis of Article XXVIII of the General Agreement on Tariffs and Trade (GATT).	No mandate adopted yet by Parliament or Council
FISMA		
Banking – agency relocation	Proposal COM(2017) 734 final adopted on 29.11.2017. The proposal confirms the move of the seat of the European Banking Authority from London to Paris.	Adopted on 9 November 2018
GROW		
Internal Market – type approval	Proposal COM(2018) 397 final adopted on 4.6.2018. The proposal will enable manufacturers holding type-approvals issued by the United Kingdom type approval authority to apply for the same types with EU27 approval authorities	Mandate to start trilogues adopted by the Council in October 2018 Mandate to start trilogues expected to be adopted by the Parliament at its plenary session on 12-15 November 2018

MOVE		
Trans-European networks	Proposal COM(2018) 568 final adopted on 1.8.2018. The proposal designs a new maritime route to link Ireland with the continental part of the North Sea- Mediterranean corridor.	No mandate adopted yet by Parliament or Council
Maritime transport – ship inspections	Proposal COM(2018) 567 final adopted on 1.8.2018. The proposal addresses the transfer of sponsorship from the United Kingdom to an EU27 Member State in order to facilitate the periodic assessments of recognised organisations carried out under Article 8 of Regulation (EC) No 391/2009.	No mandate adopted yet by Parliament or Council
SANTE		
Medicinal products – agency relocation	Proposal COM(2017) 735 final adopted on 29.11.2017. The proposal confirms the move of the seat of the European Medicines Agency from London to Amsterdam.	Adopted on 9 November 2018
ENER		
Energy Efficiency – targets	Proposal COM(2018) 744 final adopted on 13.11.2018. The proposal amends Directive 2012/27/EU on energy efficiency (COM(2016) 761) and Proposal for a regulation on the Governance of the Energy Union (COM(2016) 759 final/2).	
HOME		
Visas	Proposal COM(2018) 745 final adopted on 13.11.2018. The proposal amends Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.	

ANNEX 2

LIST OF PLANNED PREPAREDNESS MEASURES

(other than the legislative proposals listed in Annex 1)

Policy area	Type of act	Commission action
AGRI		
Tariff Rate Quotas	Implementing act	Commission Implementing Regulation to apportion tariff rate quotas included in the WTO schedule of the Union
Tariff Rate Quotas	Implementing act	Commission Implementing Regulation modifying the quantities for each tariff rate quota managed ‘first come first serve’
Tariff Rate Quotas	Implementing act	Commission Implementing act modifying the quantities for each tariff rate quota managed by licences concerned and providing for transitional rules
Programme of Options Specifically Relating to Remoteness and Insularity (POSEI)	Implementing act	Commission Implementing Regulation modifying Annexes II-VI to Implementing Regulation EU (No) 180/2014 to reflect trade flows between the EU outermost regions and the United Kingdom
CLIMA		
Fluorinated greenhouse gases	Implementing act	Commission Implementing Decision amending Implementing Regulation (EU) 1191/2014 to split (EU27/UK) the reporting of the sales of fluorinated greenhouse gases
Emissions Trading System	Delegated act	Commission Delegated Regulation amending Regulation (EU) 389/2013 regarding the marking of UK allowances
Emission Trading System – aviation	Autonomous Commission act	Commission Regulation amending Regulation (EC) No 748/2009 to reattribute the roles of administering Member State, where this role is currently held by the United Kingdom
STATISTICS		
Balance of payment statistics	Delegated act	Commission Delegated Regulation amending Regulation 184/2005 to update the composition of EU aggregates
Tourism statistics	Delegated act	Commission Delegated Regulation amending Regulation 692/2011 on reporting and presentation of tourism statistics
GROW		
Common commercial Policy	Council decision	Commission proposal for a Council Decision establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement on the accession of the United Kingdom to the Agreement on Government Procurement
Galileo	Implementing act	Commission Implementing Decision amending Decision 2016/413 to relocate the ground stations currently in Falkland Islands and Ascension

RESEARCH		
European Research Infrastructure Consortia	Implementing act	Commission Implementing Decisions amending the decisions setting up the European Research Infrastructure Consortia (ERICs) to relate headquarters currently in the United Kingdom
SANTE		
Medicinal products for human use	Implementing acts	Commission Implementing Decisions amending marketing authorisations for medicinal products to update the marketing authorisation, if functions currently exercised in the United Kingdom have to be exercised in the EU
Veterinary medicines	Implementing acts	Commission Implementing Decisions amending marketing authorisations for veterinary medicinal products to update the marketing authorisation, if functions currently exercised in the United Kingdom have to be exercised in the EU
GMOs	Implementing acts	Commission Implementing Decisions amending marketing authorisations for the placing on the market of genetically modified food and feed, where the authorisation holder is currently established in the United Kingdom
Biocidal products	Delegated act	Commission Delegated Regulation amending Regulation 1062/2014 to reattribute the role of the evaluating competent authority, if this role is currently with the United Kingdom
Plant Protection Products	Implementing act	Commission Implementing Regulation amending Commission Implementing Regulation (EU) No 686/2012 to reattribute the role of the rapporteur Member State, if this role is currently with the United Kingdom
Feed additives	Implementing acts	Commission Implementing Regulations amending marketing authorisations for feed additives, where the authorisation holder is currently established in the United Kingdom

ANNEX 3

LIST OF COMMISSION STAKEHOLDER NOTICES

Brexit preparedness notices published by Commission services per topic¹
(as of 13 November 2018)

Topic	
GOODS	
1	Industrial products
2	Pharmaceuticals (human/veterinary)
3	Q&A on Pharmaceuticals
4	Plant protection products
5	Q & A on Plant protection products and pesticides residues
6	Biocidal products
7	Q & A on Biocidal products
8	Automotive vehicles
9	Agricultural and forestry vehicles, two- or three-wheeled vehicles and quadricycles, non-road mobile machinery
10	Industrial chemicals (REACH) (<i>published by ECHA</i>)
11	Detergents
12	Fertilisers
13	Pyrotechnic articles
14	Explosives for civil use
15	Ecolabel
16	Waste
FOOD, FEED, PLANTS, VETERINARY	
17	Food and organic production
18	Animal feed
19	GMOs
20	Natural mineral waters
21	Plant reproductive material
22	Animal breeding/zootechnics
23	Animal health
24	Plant health
CUSTOMS AND INDIRECT TAXATION, IMPORT/EXPORT LICENCES	
25	VAT, excise, customs
26	Rules of origin
27	VAT
28	Import/export licences
29	Specimen of endangered species (CITES)
30	Timber import
31	Customs enforcement of intellectual property rights
FINANCIAL SERVICES	
32	Statutory audit
33	Credit rating agencies
34	Asset management

¹ The notices are published on the following webpage: https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en

35	Post-trade services
36	Investment services
37	Banking and payment services
38	(Re)insurance
39	Occupational retirement institutions
CIVIL JUSTICE, COMPANY LAW, CONSUMER PROTECTION, DATA PROTECTION	
40	Personal data protection
41	Company law
42	Private international law
43	Consumer protection and passenger rights
INTELLECTUAL PROPERTY	
44	Trademarks and community designs
45	Plant varieties
46	Copyright
47	Supplementary protection certificate
PROFESSIONAL QUALIFICATIONS	
48	Professional qualifications
49	Qualifications of slaughterhouse staff
50	Qualifications of animal transporters
51	Qualifications of seafarers
TRANSPORT	
52	Air transport (access)
53	Aviation safety
54	Aviation and maritime security
55	Road transport
56	Maritime transport (access and safety)
57	Rail transport
58	Inland waterway transport
DIGITAL	
59	.eu top level domain names
60	E-commerce (information society services)
61	Telecommunication
62	Audio-visual media services
63	eIDAS/trust services
64	Network security
65	Geoblocking
ENERGY	
66	Euratom-related matters
67	Electricity and gas market
68	Guarantees of origin
OTHER	
69	Substances of human origin
70	Clinical trials
71	Public procurement
72	EU Eco-Management and Audit Scheme (EMAS)
73	Ship recycling
74	European Citizens' Initiative
75	Fishery's <i>acquis</i>
76	European Works Councils
77	Industrial security (EUCI)
78	Travelling between the European Union and the United Kingdom

ANNEX 4

COMMISSION CONTINGENCY ACTIONS

ACTIONS

- The Commission considers that periods of legal residence of UK citizens in an EU27 Member State before the withdrawal date should be considered as periods of legal residence in a Member State of the European Union in accordance with Directive 2003/109/EC **concerning the status of third-country nationals** who are long-term residents.
- The Commission is assisting Member States in coordinating their action in the areas where they are competent, to ensure a coherent approach to protecting the rights of citizens. Given the scale of the administrative challenges which national and local authorities will face, and to avoid administrative delays, it is recommended that Member States accept that applications for residence permits are submitted in advance of the withdrawal date of the United Kingdom.
- As regards **cleared derivatives**, it appears that there might be risks to financial stability in a no deal scenario, deriving from a disorderly close out of positions of EU clearing members in the UK central counterparties. There might also be potential risks in relation to certain services provided to Union operators by UK central security depositories, which cannot be replaced in the short-term. In these areas, the existing systems of equivalence provide appropriate tools, which can be swiftly deployed. The time remaining until 30 March 2019 should be used in this respect. Should the Commission need to act, it will only do so to the extent necessary to address financial stability risks arising from a withdrawal without an agreement, under strict conditionality and with limited duration. Should no agreement be in place, the Commission will adopt temporary and conditional equivalence decisions in order to ensure that there will be no disruption in central clearing and in depositories services.
- Regarding traffic rights, **the Commission will propose measures** to ensure that air carriers from the United Kingdom are allowed to fly over the territory of the European Union, make technical stops (e.g. refuelling without embarkation/disembarkation of passengers), as well as land in the European Union and fly back to the United Kingdom. Those measures would be subject to the condition that the United Kingdom applies equivalent measures to air carriers from the European Union.
- Regarding **aviation safety**, for certain aeronautical products ('type certificates') and companies ('organisation approvals'), the European Aviation Safety Authority (EASA) will only be able to issue certificates once the United Kingdom has become a third country. The Commission will propose measures **ensuring continued validity of such certificates for a limited period of time**. These measures will be subject to the condition that the United Kingdom applies similar measures. Likewise, the Commission will propose measures **ensuring** that parts and appliances placed on the Union market before the

withdrawal date based on a certificate issued by a legal and natural person certified by the UK Civil Aviation Authority may still be used under certain circumstances. The Commission has **invited EASA to start processing** certain applications from UK entities in preparation of the withdrawal of the United Kingdom.

- The Commission will take action to ensure that passengers and their cabin baggage flying from the United Kingdom and transiting via EU27 airports continue to be exempted from a second security screening, by applying the so-called **‘One Stop Security’ system**.
- The Commission calls on Member States to take all necessary steps to be in a position to apply the Union Customs Code and the relevant rules regarding indirect taxation on 30 March 2019, in case of a no deal scenario, **to all imports from and exports to the United Kingdom**. Customs authorities may issue **authorisations for the use of facilitation measures** provided for in the Union Customs Code, when economic operators request them, and subject to relevant requirements being met. Ensuring a level-playing field and smooth trade flows will be particularly challenging in the areas with the densest goods traffic with the United Kingdom. The Commission is working with Member States to help find solutions in full respect of the current legal framework.
- On the basis of the EU veterinary legislation, the Commission will – if justified – swiftly ‘list’ the United Kingdom, if all applicable conditions are fulfilled, so as to allow the entry of live animals and animal products from the United Kingdom into the European Union.
- The Commission will amend UK companies' reference values as a basis for the allocation or their 2019 annual quotas for fluorinated greenhouse gases based on their declared EU27 activities, thereby excluding quotas based on their declared UK domestic activities.

ANNEX 5

MINIMUM TIMELINES FOR ADOPTION OF SECOND-LEVEL LEGAL ACTS

Implementing acts

Normal procedure : approximately one month		
Step 1: Submission of a draft act to the relevant committee and vote – draft submitted not less than 14 days before vote (only in cases of extreme urgency under 5 days)	Step 2: adoption by the Commission	Step 3: By 30 March 2019, publication in the Official Journal and entry into force
Urgency procedure (if provided by the basic act): absolute minimum 2 days		
Step 1: Adoption by the Commission (without need for prior consultation and vote by the relevant committee)	Step 2: By 30 March 2019, publication in the Official Journal and entry into force	Step 3: Must be repealed following a negative committee vote ex post

Delegated acts

Normal procedure: approximately 3 months			
Step 1: Consultation of Member State experts on draft act (2 to 3 weeks, can be shortened in duly justified cases)	Step 2: adoption by the Commission.	Step 3: Scrutiny by European Parliament and Council – normally 2 months (can be much shorter in practice if early non-objection, but may also be prolonged)	Step 4: By 30 March 2019, publication in the Official Journal and entry into force
Urgency procedure (if provided by the basic act): absolute minimum 3 days			
Step 1: Consultation of Member State experts on draft act	Step 2: Adoption by the Commission.	Step 3: By 30 March 2019, publication in the Official Journal and entry into force	Step 4: Can be objected to by Parliament and Council ex post

Regulatory procedure with scrutiny

Normal procedure : approximately 4 months			
Step 1: Submission of a draft act to the committee and vote – draft submitted not less than 14 days before vote (only in cases of extreme urgency under 5 days)	Step 2: Scrutiny by European Parliament and Council – 3 months (can be much shorter in practice if early non-objection)	Step 3: Adoption by the Commission.	Step 4: By 30 March 2019, publication in the Official Journal and entry into force
Urgency procedure (if provided by the basic act): absolute minimum 3 days			
Step 1: Submission of a draft act to the committee and vote	Step 2: Adoption by the Commission.	Step 3: By 30 March 2019, publication in the Official Journal and entry into force	Step 4: Can be objected to by Parliament and Council ex post

ANNEX 6

LIST OF SECTORIAL PREPAREDNESS SEMINARS WITH EU27 MEMBER STATES

Date	Topic
15 November	<ul style="list-style-type: none">Financial services
22 November	<ul style="list-style-type: none">Air Transport
	<ul style="list-style-type: none">Other modes of transport (road; rail; maritime; inland waterways)
27 November	<ul style="list-style-type: none">Citizens, social security coordination and border controls
	<ul style="list-style-type: none">Professional qualifications; intellectual property; civil justice; company law; consumer protection; personal data protection
29/11 to 06/12 (exact date tbc)	<ul style="list-style-type: none">Meeting of Brexit preparedness coordinators
6 December	<ul style="list-style-type: none">Sanitary and phytosanitary requirements
	<ul style="list-style-type: none">Customs and import/export licencesIndirect taxation / direct taxation
12 December	<ul style="list-style-type: none">Fisheries, climate, environment
	<ul style="list-style-type: none">Industrial goods (including pharmaceuticals); clinical trials; substances of human origin
20 December	<ul style="list-style-type: none">Police and judicial cooperation in criminal matters; international agreements
	<ul style="list-style-type: none">Union budget; other aspects (digital and telecommunications, public procurement, consular protection, energy, etc.)