



EUROPEAN COMMISSION

DIRECTORATE-GENERAL TAXATION AND CUSTOMS UNION
DIRECTORATE-GENERAL ENVIRONMENT
DIRECTORATE-GENERAL INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP, SMEs
DIRECTORATE-GENERAL TRADE
DIRECTORATE-GENERAL CLIMATE ACTION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS
DIRECTORATE-GENERAL HEALTH AND FOOD SAFETY
SERVICE FOR FOREIGN POLICY INSTRUMENTS

Brussels, 25 January 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF IMPORT/EXPORT LICENCES FOR CERTAIN GOODS

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, stakeholders engaged in shipments of goods which are subject to import/export licences or which may become subject to import/export licences as of the withdrawal date are reminded of legal repercussions, which need to be considered when the United Kingdom itself becomes a third country.^{4 5}

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, for shipments of goods to/from third countries, including the United Kingdom, the following applies with regard to import/export licences:

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ For a movement of goods that has started before and ends on or after the withdrawal date, ("sailing goods"), the EU is trying to agree solutions with the United Kingdom in the withdrawal agreement. The essential principles of the EU's position on Customs related matters needed for an orderly withdrawal of the UK from the Union are available here: https://ec.europa.eu/commission/publications/position-paper-customs-related-matters-needed-orderly-withdrawal-uk-union_en.

⁵ This notice does not address rules based on the EURATOM Treaty.

1. IMPORT/EXPORT LICENCES REQUIRED UNDER UNION LAW

Different areas of Union law provide, for certain goods, a mandatory authorisation/approval/notification of shipments from a third country to the European Union or *vice versa* (hereafter "import/export licences"). In most cases, such licence is not required for intra-Union shipments, or the requirements differ. Usually, import/export licences are issued by national competent authorities, and compliance is controlled as part of customs controls in the European Union.

As of the withdrawal date, where the import/export of goods is subject to a licensing requirement under Union law, shipments from the EU-27 to the United Kingdom and *vice versa* will require such an import/export licence.

2. IMPORT/EXPORT LICENCES ISSUED BY THE UNITED KINGDOM AS AN EU MEMBER STATE ON THE BASIS OF UNION LAW

Union law may provide for the possibility of import/export licences to be issued by a Member State other than the Member State where the good enters or exits the European Union.

As of the withdrawal date, import/export licences issued by the United Kingdom as an EU Member State on the basis of Union law are no long valid for shipments to the EU-27 from third countries or *vice versa*.

3. GOODS CONCERNED

Import/export licences exist in a wide range of policy areas and for a wide variety of goods, including the following:

- Waste⁶ (Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste⁷);
- Certain hazardous chemicals⁸ (Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals⁹);
- Ozone-depleting substances¹⁰ (Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer¹¹);

⁶ For more information, please refer to the thematic website: <http://ec.europa.eu/environment/waste/shipments/index.htm>.

⁷ OJ L 190, 12.7.2006, p. 1.

⁸ For more information, please refer to the thematic website: http://ec.europa.eu/environment/chemicals/trade_dangerous/index_en.htm.

⁹ OJ L 201, 27.7.2012, p. 60.

¹⁰ For more information, please refer to the thematic website: https://ec.europa.eu/clima/policies/ozone/ods_en.

- Mercury and certain mixtures of mercury¹² (Regulation (EU) No 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury¹³);
- Drug precursors¹⁴ (Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors¹⁵);
- Genetically-modified organisms¹⁶ (Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms¹⁷);
- Specimens of endangered species¹⁸ (Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein¹⁹);
- Cultural goods²⁰ (Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods²¹);
- Rough diamonds²² (Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds²³);
- "Dual use goods"²⁴ (Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items²⁵);

¹¹ OJ L 286, 31.10.2009, p. 1.

¹² For more information, please refer to the thematic website: http://ec.europa.eu/environment/chemicals/mercury/regulation_en.htm.

¹³ OJ L 137, 24.5.2017, p. 1.

¹⁴ For more information, please refer to the thematic website: https://ec.europa.eu/taxation_customs/business/customs-controls/drug-precursors-control_en.

¹⁵ OJ L 22, 26.1.2005, p. 1.

¹⁶ For more information, please refer to the thematic website: https://ec.europa.eu/food/plant/gmo/transboundary_en.

¹⁷ OJ L 287, 5.11.2003, p. 1.

¹⁸ For more information, please refer to the thematic website: http://ec.europa.eu/environment/cites/index_en.htm.

¹⁹ OJ L 61, 3.3.1997, p. 1.

²⁰ For more information, please refer to the thematic website: https://ec.europa.eu/taxation_customs/business/customs-controls/cultural-goods_en.

²¹ OJ L 39, 10.2.2009, p. 1.

²² For more information, please refer to the thematic website: http://ec.europa.eu/dgs/fpi/what-we-do/kimberley_process_en.htm.

²³ OJ L 358, 31.12.2002, p. 28.

- Firearms and ammunition²⁶ (Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition²⁷);
- Military technology and equipment²⁸ (Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment²⁹);
- Certain goods which could be used for capital punishments/torture³⁰ (Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment³¹).

Stakeholders concerned may want to consider taking the necessary steps in order to prepare for possible changes.

The aforementioned websites of the Commission Services provide for general information concerning import/export licences. These pages will be updated with further information, where necessary.

European Commission

Directorate-General Taxation and Customs Union

Directorate-General Environment

Directorate-General Internal Market, Industry, Entrepreneurship and SMEs

Directorate-General Trade

Directorate-General Climate Action

Directorate-General Migration and Home Affairs

Directorate-General Health and Food Safety

Service for Foreign Policy Instruments

²⁴ For more information, please refer to the thematic website: <http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>

²⁵ OJ L 134, 29.5.2009, p. 1.

²⁶ For more information, please refer to the thematic website: https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-firearms_en.

²⁷ OJ L 94, 30.3.2012, p. 1.

²⁸ The EU Common Military List acts as a reference point for Member States' national military technology and equipment lists, but shall not directly replace them. The latest version of the EU Common Military List was published in OJ C 97, 28.3.2017, p. 1.

²⁹ OJ L 335, 13.12.2008, p. 99.

³⁰ For more information, please refer to the thematic website: http://ec.europa.eu/dgs/fpi/what-we-do/anti-torture_measures_en.htm.

³¹ OJ L 200, 30.7.2005, p. 1.