

Draft Regulations laid before Parliament under paragraph 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No. XXXX

ELECTRONIC INFORMATION

The Internal Market Information System
Regulation (Amendment etc.) Regulations 2021

Made - - - - ***
Coming into force - - ***

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament in accordance with paragraph 8F(1) of Schedule 7 to that Act.

PART 1

Introductory Provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Internal Market Information System Regulation (Amendment etc.) Regulations 2021.

- (2) These Regulations come into force on the day after the day on which they are made.
- (3) This Part and Chapter 1 of Part 3 extend to England and Wales, Scotland and Northern Ireland.
- (4) Part 2 extends to Northern Ireland only.
- (5) Chapter 2 of Part 3 extends to England and Wales and Scotland only.

(1) 2018 c. 16. The European Union (Withdrawal) Act 2018 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1): section 8 was amended by section 27, section 8C was inserted by section 21, paragraph 8F of Schedule 7 was inserted by section 41(4) and paragraph 51 of Schedule 5, and paragraph 21 of Schedule 7 was amended by section 41(4) and paragraph 53(2) of Schedule 5.

Interpretation

2. In these Regulations, “the IMI Regulation” means [Regulation \(EU\) No 1024/2012](#) of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission [Decision 2008/49/EC](#).

PART 2

Amendment of the IMI Regulation in respect of Northern Ireland

3.—(1) The IMI Regulation as it has effect in Northern Ireland is amended in accordance with this Part.

(2) In Article 3—

(a) for paragraph 1, substitute—

“1. IMI shall be used for exchanges of information, including of personal data, among the IMI actors and for the processing of that information for the purposes of administrative cooperation required in accordance with the provisions of the legislation listed in the Annex.”;

(b) omit paragraph 2.

(3) Omit Article 4.

(4) In Article 5—

(a) for the first paragraph, substitute “For the purposes of this Regulation, the definitions laid down in the UK GDPR as supplemented by the Data Protection Act 2018(2) shall apply.”;

(b) in point (b), for “Union law” substitute “the legislation listed in the Annex”;

(c) omit point (c);

(d) in point (e), after “Member State” insert “or the United Kingdom”;

(e) in point (f), for “national law or Union acts listed in the Annex in one or more internal market areas” substitute “the legislation listed in the Annex”;

(f) omit point (i);

(g) after point (k) insert—

“(l) ‘the Information Commissioner’ means the Information Commissioner provided for under section 114 of the Data Protection Act 2018;

(m) ‘the UK GDPR’ has the meaning given in section 3(10) of the Data Protection Act 2018.”.

(5) In Article 6—

(a) in paragraph 1—

(i) for “Each Member State” substitute “The Secretary of State”;

(ii) in point (b), for “Member States” substitute “United Kingdom”;

(iii) in point (d), for “Member States” substitute “United Kingdom”;

(iv) in point (e), for “Member States” substitute “United Kingdom”;

(b) in paragraph 2, for “Each Member State” substitute “The Secretary of State”;

(c) for paragraph 3, substitute—

(2) [2018 c. 12](#) as amended by [S.I. 2019/419](#).

“3. The Secretary of State shall inform the Commission of the IMI coordinators appointed in accordance with paragraphs 1 and 2 and of the tasks for which they are responsible.”.

(6) In Article 7—

(a) in paragraph 1—

(i) for “Union act” substitute “legislation listed in the Annex”;

(ii) for “the deadline set by that act” substitute “any deadline set by that legislation”;

(b) in paragraph 2, for “its own country” substitute “the United Kingdom”.

(7) Omit Article 8.

(8) In Article 9—

(a) for paragraph 2, substitute—

“2. The Secretary of State shall designate the IMI coordinators and competent authorities and the areas in which they have competence.”;

(b) in paragraph 3—

(i) after “IMI actor” insert “of the United Kingdom”;

(ii) omit “internal market”;

(c) in paragraph 4—

(i) for “Member States, the Commission and Union” substitute “Secretary of State and United Kingdom”;

(ii) after “IMI users” insert “of the United Kingdom”;

(iii) omit “internal market”;

(d) in paragraph 5, for “national law in accordance with Union law” substitute “domestic law”.

(9) In Article 10—

(a) for paragraph 1 substitute—

“1. IMI actors and IMI users of the United Kingdom shall be subject to the rules of professional secrecy or other equivalent duties of confidentiality in accordance with the law of the United Kingdom.”;

(b) in paragraph 2, after “IMI actors” insert “of the United Kingdom”.

(10) For Article 11, substitute—

“IMI shall be based on administrative cooperation procedures implementing the provisions of the legislation listed in the Annex.”.

(11) Omit Article 12.

(12) In Article 13—

(a) after “IMI actors” insert “of the United Kingdom”;

(b) for “the Union acts” substitute “any legislation”.

(13) In Article 14—

(a) in paragraph 1, for “an applicable Union act” substitute “any legislation”;

(b) in paragraph 2—

(i) for “a binding Union act” substitute “any legislation”;

(ii) for “Union act” substitute “legislation”;

(c) omit paragraph 6;