



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL TAXATION AND CUSTOMS UNION  
DIRECTORATE-GENERAL ENVIRONMENT  
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, 15 May 2020  
REV1 – replaces the notice  
("import/export licences") dated  
25 January 2018

### NOTICE TO STAKEHOLDERS

#### **WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF PROHIBITIONS AND RESTRICTIONS OF IMPORTS AND EXPORTS, IN PARTICULAR IMPORT/EXPORT LICENCES**

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a "third country".<sup>1</sup> The Withdrawal Agreement<sup>2</sup> provides for a transition period ending on 31 December 2020.<sup>3</sup> Until that date, EU law in its entirety applies to and in the United Kingdom.<sup>4</sup>

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the end of the transition period. In any event, such an agreement would create a relationship which in terms of market access conditions will be very different from the United Kingdom's participation in the internal market,<sup>5</sup> in the EU Customs Union, and in the VAT and excise duty area.

Therefore, all interested parties, and especially economic operators, are reminded of the legal situation applicable after the end of the transition period (Part A below). This notice also explains certain relevant separation provisions of the Withdrawal Agreement (Part B below), as well as the rules applicable in Northern Ireland after the end of the transition period (Part C below).

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<sup>1</sup> A third country is a country not member of the EU.

<sup>2</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 ("Withdrawal Agreement").

<sup>3</sup> The transition period may, before 1 July 2020, be extended once for up to 1 or 2 years (Article 132(1) of the Withdrawal Agreement). The UK government has so far ruled out such an extension.

<sup>4</sup> Subject to certain exceptions provided for in Article 127 of the Withdrawal Agreement, none of which is relevant in the context of this notice.

<sup>5</sup> In particular, a free trade agreement does not provide for internal market concepts (in the area of goods and services) such as mutual recognition, the "country of origin principle", and harmonisation. Nor does a free trade agreement remove customs formalities and controls, including those concerning the origin of goods and their input, as well as prohibitions and restrictions for imports and exports.

**Advice to stakeholders:**

To address the consequences set out in this notice, stakeholders are in particular advised to take the necessary steps to ensure compliance, after the end of the transition period, with prohibitions and restrictions, including import/export licences.

**Please note:**

This notice gives a general overview of “prohibitions and restrictions”, with a specific focus on import/export licences (a subset of prohibitions and restrictions).

This notice should be read in conjunction with the notice on customs-related matters, as well as the notices on specific prohibition and restrictions, which are in preparation or have been published.<sup>6</sup>

This notice does not address EU rules on intellectual property rights. For these aspects, other notices are in preparation or have been published.<sup>7</sup>

**A. LEGAL SITUATION AFTER THE END OF THE TRANSITION PERIOD**

Different areas of EU law provide, for certain goods, prohibitions and restrictions of their import from or export to third countries.<sup>8</sup> After the end of the transition period, the EU rules in the field of prohibitions and restrictions no longer apply in the United Kingdom.<sup>9</sup> This has in particular the following consequences:

**1. PROHIBITIONS AND RESTRICTIONS**

The import/export of certain goods may be subject to prohibitions and restrictions under EU law. EU customs legislation, i.e. in particular Articles 134 and 267 of the Union Customs Code,<sup>10</sup> gives customs authorities the “tools” to implement prohibitions and restrictions (customs declarations, presentation of goods, etc.), which are set out in sectorial EU legislation.

Prohibitions and restrictions can take very different forms, such as:

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<sup>6</sup> [https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/preparing-end-transition-period\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/preparing-end-transition-period_en)

<sup>7</sup> [https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/preparing-end-transition-period\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/preparing-end-transition-period_en)

<sup>8</sup> Prohibitions and restrictions may refer to goods “entering” or “leaving” the customs territory, the “shipment” or “movement” of a good to or from the EU, or the release for free circulation or another customs procedure. For this notice, the term “import” and “export” shall be used to capture these different approaches in sectorial legislation.

<sup>9</sup> Regarding the applicability of the EU rules on prohibitions and restrictions to Northern Ireland, see Part C of this notice.

<sup>10</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, OJ L 269, 10.10.2013, p. 1

- Total prohibitions or bans;<sup>11</sup>
- Necessary controls at the border by specialised competent authorities (health, food safety, etc.);<sup>12</sup>
- Quantitative restrictions under a quota system;<sup>13</sup>
- An authorisation or registration of the importer<sup>14</sup> or exporter;<sup>15</sup>
- An authorisation/approval by an authority, or a notification to an authority of the shipment (see below, section 2 of Part A of this notice);
- Additional documentation (licences, permits, certificates, etc.) accompanying the consignment;<sup>16</sup> or
- Additional due diligence by the importer.<sup>17</sup>

After the end of the transition period, prohibitions and restrictions of imports apply to imports from the United Kingdom to the EU, while prohibitions and restrictions of exports apply to exports from the EU to the United Kingdom.

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

In some cases, prohibitions and restrictions take the form of a mandatory authorisation/approval/notification of a specific consignment imported from a third

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<sup>11</sup> For example, for seal pups (Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom, OJ L 91, 9.4.1983, p. 30).

<sup>12</sup> For example, for live animals (Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, OJ L 95, 7.4.2017, p. 1).

<sup>13</sup> For example, for hydrofluorocarbons (Regulation (EU) No 517/2014 of 16 April 2014 on fluorinated greenhouse gases, OJ L150, 20.5.2014, p. 195).

<sup>14</sup> For example, for medicinal products for human use (Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use, OJ L 311, 28.11.2001, p. 67) or veterinary medicinal products (Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products, OJ L 311, 28.11.2001, p. 1.), or explosive precursors (Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors OJ L 186, 11.7.2019, p. 1).

<sup>15</sup> For example, for the export of fluorinated greenhouse gases (Article 19 of Regulation (EU) 517/2014, Commission Implementing Regulation (EU) 2017/1375).

<sup>16</sup> For example, eels (Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel, OJ L 248, 22.9.2007, p. 17).

<sup>17</sup> For example, timber (Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market, OJ L 295, 12.11.2010, p. 23).

country to the EU or exported from the EU to a third country (hereafter “import/export licences”),<sup>18</sup> i.e. import/export licenses are a subset of prohibitions and restrictions.

In most cases, such licence is not required for intra-Union shipments, or the requirements differ. Import/export licences are usually issued by competent authorities of a Member State (or, in some cases by the European Commission). Compliance is usually controlled as part of customs controls in the EU.

### **2.1. Requirement of import/export licences for shipments from/to the United Kingdom**

After the end of the transition period, where an import/export licence is required, this also applies to imports from the United Kingdom to the EU, and exports from the EU to the United Kingdom.

### **2.2. Import/export licences issued by the United Kingdom on the basis of EU law**

EU 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 EU.

Import/export licences issued by the United Kingdom on the basis of Union law are no longer valid for imports into the EU or exports from the EU after the end of the transition period.

## **B. RELEVANT SEPARATION PROVISIONS OF THE WITHDRAWAL AGREEMENT**

Article 47(1) of the Withdrawal Agreement provides that, under the conditions set out therein, movements of goods ongoing at the end of the transition period are to be treated as intra-Union movements regarding importation and exportation licencing requirements in EU law.

**Example:** A consignment of waste, the movement of which is ongoing between the EU and the United Kingdom at the end of the transition period can still enter the EU or the United Kingdom on the basis of a licence for intra-EU movements.

## **C. APPLICABLE RULES IN NORTHERN IRELAND AFTER THE END OF THE TRANSITION PERIOD**

After the end of the transition period, the Protocol on Ireland/Northern Ireland (“IE/Ni Protocol”) applies.<sup>19</sup> The IE/Ni Protocol is subject to periodic consent of the Northern Ireland Legislative Assembly, the initial period of application extending to 4 years after the end of the transition period.<sup>20</sup>

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<sup>18</sup> Cf. the annex to this notice.

<sup>19</sup> Article 185 of the Withdrawal Agreement.

<sup>20</sup> Article 18 of the IE/Ni Protocol.

The IE/Ni Protocol makes certain provisions of EU law applicable also to and in the United Kingdom in respect of Northern Ireland. In the IE/Ni Protocol, the EU and the United Kingdom have furthermore agreed that insofar as EU rules apply to and in the United Kingdom in respect of Northern Ireland, Northern Ireland is treated as if it were a Member State.<sup>21</sup>

The IE/Ni Protocol provides that prohibitions and restrictions in EU law<sup>22</sup> apply to and in the United Kingdom in respect of Northern Ireland.

This means that references to the EU in Parts A and B of this notice have to be understood as including Northern Ireland, whereas references to the United Kingdom have to be understood as referring only to Great Britain.

More specifically, this means *inter alia* the following:

- Prohibitions and restriction of imports do not apply to shipments from Northern Ireland to the EU;
- Prohibitions and restrictions of imports apply to shipments from Great Britain to Northern Ireland;
- Prohibitions and restrictions of imports apply to shipments from any third country to Northern Ireland;
- Prohibitions and restrictions of exports do not apply to shipments from the EU to Northern Ireland;
- Prohibitions and restrictions of exports apply to shipments from Northern Ireland to third countries;
- Prohibitions and restrictions of exports apply to shipments from Northern Ireland to Great Britain only to the extent strictly required by any international obligations of the EU.<sup>23</sup>

Regarding more specifically import/export licences (a subset of prohibitions and restrictions), this means the following:

- Where EU rules provide for Member States to issue import/export licences, the United Kingdom in respect of Northern Ireland is responsible for issuing those import/export licences;
- Import/export licences issued by the United Kingdom before the end of the transition period continue to be valid, in respect of Northern Ireland, after the end of the transition period, provided that the requirements continue to be fulfilled.

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<sup>21</sup> Article 7(1) of the Withdrawal Agreement in conjunction with Article 13(1) of the IE/Ni Protocol.

<sup>22</sup> Article 5(4) and annex 2 to the IE/Ni Protocol. Regarding specifically import/export licences (i.e. a subset of prohibitions and restrictions), see column 4 in the annex to this notice.

<sup>23</sup> Article 6(1) of the IE/Ni protocol. Regarding specifically import/export licences (i.e. a subset of prohibitions and restrictions), see column 3 in the annex to this notice. Commission services are going to publish additional, sectorial information on this matter in due course.

However, the IE/NI Protocol excludes the possibility for the United Kingdom in respect of Northern Ireland to

- participate in the decision-making and decision-shaping of the Union;<sup>24</sup>
- initiate objections, safeguard or arbitration procedures to the extent that they concern regulations, standards, assessments, registrations, certificates, approvals and authorisations issued or carried out by EU Member States;<sup>25</sup>
- act as leading authority for assessments, examinations and authorisations;<sup>26</sup>
- invoke mutual recognition of licences issued by the United Kingdom in respect of Northern Ireland.<sup>27</sup>

More specifically, this means *inter alia* the following:

- An export licence issued by the United Kingdom in respect of Northern Ireland cannot be invoked for shipments from the EU to a third country;
- An import licence issued by the United Kingdom in respect of Northern Ireland cannot be invoked for shipments from a third country to the EU; and
- The United Kingdom in respect of Northern Ireland cannot issue EU certificates.<sup>28</sup>

The websites listed in the annex 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 Trade  
Directorate-General Climate Action  
Directorate-General Migration and Home Affairs  
Directorate-General Health and Food Safety  
Service for Foreign Policy Instruments

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<sup>24</sup> Where an information exchange or mutual consultation is necessary, this will take place in the joint consultative working group established by Article 15 of the IE/NI Protocol.

<sup>25</sup> Fifth subparagraph of Article 7(3) of the IE/NI Protocol.

<sup>26</sup> Article 13(6) of the IE/NI Protocol.

<sup>27</sup> First subparagraph of Article 7(3) of the IE/NI Protocol.

<sup>28</sup> For example, as provided for in Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds.

**ANNEX: GOODS SUBJECT TO IMPORT/EXPORT LICENCES**

<b>Goods</b>	<b>Legislation, (Directorate-General <i>chef de file</i>)</b>	<b>Other comments</b>	<b>Reference in Annex 2 to the IE/NI protocol</b>
<b>Environment, climate, and biodiversity</b>			
Waste <sup>29</sup>	Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste <sup>30</sup> (DG ENV)	Implements the Basel Convention	Section 25
Certain hazardous chemicals <sup>31</sup>	Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals <sup>32</sup> (DG ENV)	Implements the Rotterdam and Stockholm Convention	Section 23
Ozone-depleting substances <sup>33</sup>	Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer <sup>34</sup> (DG CLIMA)	Implements the Montreal Protocol	Section 26
Mercury and	Regulation (EU) No 2017/852 of the European Parliament and of the	Implements the Minamata	Section 26

<sup>29</sup> For more information, please refer to the thematic website: <http://ec.europa.eu/environment/waste/shipments/index.htm>.

<sup>30</sup> OJ L 190, 12.7.2006, p. 1.

<sup>31</sup> For more information, please refer to the thematic website: [http://ec.europa.eu/environment/chemicals/trade\\_dangerous/index\\_en.htm](http://ec.europa.eu/environment/chemicals/trade_dangerous/index_en.htm).

<sup>32</sup> OJ L 201, 27.7.2012, p. 60.

<sup>33</sup> For more information, please refer to the thematic website: [https://ec.europa.eu/clima/policies/ozone/ods\\_en](https://ec.europa.eu/clima/policies/ozone/ods_en).

<sup>34</sup> OJ L 286, 31.10.2009, p. 1.

certain mixtures of mercury <sup>35</sup>	Council of 17 May 2017 on mercury <sup>36</sup> (DG ENV)	Convention	
Genetically-modified organisms <sup>37</sup>	Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms <sup>38</sup> (DG SANTE)	Implements the Cartagena Protocol	Section 35
Specimens of endangered species <sup>39</sup>	Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein <sup>40</sup> (DG ENV)	Implements the Washington Convention	Section 26
Radioactive waste and spent fuel	Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel <sup>41</sup> (DG ENER)		Section 25

<sup>35</sup> For more information, please refer to the thematic website: [http://ec.europa.eu/environment/chemicals/mercury/regulation\\_en.htm](http://ec.europa.eu/environment/chemicals/mercury/regulation_en.htm).

<sup>36</sup> OJ L 137, 24.5.2017, p. 1.

<sup>37</sup> For more information, please refer to the thematic website: [https://ec.europa.eu/food/plant/gmo/transboundary\\_en](https://ec.europa.eu/food/plant/gmo/transboundary_en).

<sup>38</sup> OJ L 287, 5.11.2003, p. 1.

<sup>39</sup> For more information, please refer to the thematic website: [http://ec.europa.eu/environment/cites/index\\_en.htm](http://ec.europa.eu/environment/cites/index_en.htm).

<sup>40</sup> OJ L 61, 3.3.1997, p. 1.

<sup>41</sup> L 337, 5.12.2006, p. 21..

	Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste <sup>42</sup> (DG ENER)		
<b>Security</b>			
Drug precursors <sup>43</sup>	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 precursors <sup>44</sup> (DG TAXUD)	Implements the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	A listing of this Regulation in section 23 is being proposed by the Commission <sup>45</sup>
“Dual use items” <sup>46</sup>	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 items <sup>47</sup> (DG TRADE)		Section 47
Firearms and ammunition <sup>48</sup>	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	Implements the United Nations’ Protocol against the illicit manufacturing of	Section 47

<sup>42</sup> OJ L 199, 2. 8. 2011, p. 48.

<sup>43</sup> For more information, please refer to the thematic website: [https://ec.europa.eu/taxation\\_customs/business/customs-controls/drug-precursors-control\\_en](https://ec.europa.eu/taxation_customs/business/customs-controls/drug-precursors-control_en).

<sup>44</sup> OJ L 22, 26.1.2005, p. 1.

<sup>45</sup> Article 164(5)(d) of the Withdrawal Agreement.

<sup>46</sup> For more information, please refer to the thematic website: <http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>

<sup>47</sup> OJ L 134, 29.5.2009, p. 1.

<sup>48</sup> 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](https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-firearms_en).

	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 ammunition <sup>49)</sup> (DG HOME)	and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol)	
Military technology and equipment <sup>50)</sup>	Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment <sup>51)</sup> (EEAS)		
<b>Other</b>			
Arms embargos	Council Decisions (CFSP) adopted pursuant to Article 29 of the TEU (EEAS)  A full list of restrictive measures (sanctions) is available on the EU sanctions map website available at <a href="https://www.sanctionsmap.eu/">https://www.sanctionsmap.eu/</a> .		
Trade restrictions in goods	Council Regulations adopted pursuant to Article 215 of the TFEU (EEAS)  A full list of restrictive measures (sanctions) is available on the EU sanctions map website available at <a href="https://www.sanctionsmap.eu/">https://www.sanctionsmap.eu/</a> .		Section 47

<sup>49)</sup> OJ L 94, 30.3.2012, p. 1.

<sup>50)</sup> 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.

<sup>51)</sup> OJ L 335, 13.12.2008, p. 99.

Cultural goods <sup>52</sup>	Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods <sup>53</sup> (DG TAXUD)		Section 47
	Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods <sup>54</sup> (DG TAXUD)	Applies at the latest from 8 June 2025 (except Article 3(1), which applies from 28 December 2020)	A listing of this Regulation in section 47 is being proposed by the Commission <sup>55</sup>
Rough diamonds <sup>56</sup>	Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds <sup>57</sup> (DG FPI)	Implements the Kimberley Process Certification Scheme	Section 47
Certain goods which could be used for capital	Regulation (EU) 2019/125 of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment <sup>59</sup> (DG FPI)		Section 47

<sup>52</sup> For more information, please refer to the thematic website: [https://ec.europa.eu/taxation\\_customs/business/customs-controls/cultural-goods\\_en](https://ec.europa.eu/taxation_customs/business/customs-controls/cultural-goods_en).

<sup>53</sup> OJ L 39, 10.2.2009, p. 1.

<sup>54</sup> OJ L 151, 7.6.2019, p. 1.

<sup>55</sup> Article 164(5)(d) of the Withdrawal Agreement.

<sup>56</sup> For more information, please refer to the thematic website: [http://ec.europa.eu/dgs/fpi/what-we-do/kimberley\\_process\\_en.htm](http://ec.europa.eu/dgs/fpi/what-we-do/kimberley_process_en.htm).

<sup>57</sup> OJ L 358, 31.12.2002, p. 28.

punishments/ torture <sup>58</sup>			
Export authorisation or restriction in case of shortage of essential products	Regulation (EU) 2015/479 of the European Parliament and of the Council of 11 March 2015 on common rules for exports <sup>60</sup> (DG TRADE)		Section 4

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<sup>59</sup> OJ L 30, 31.1.2019, p. 1.

<sup>58</sup> For more information, please refer to the thematic website: [http://ec.europa.eu/dgs/fpi/what-we-do/anti-torture\\_measures\\_en.htm](http://ec.europa.eu/dgs/fpi/what-we-do/anti-torture_measures_en.htm).

<sup>60</sup> OJ L 83, 27.3.2015, p. 34.