

SENATE

ORDINARY SESSION 2018-2019

Registered at the Presidency of the Senate on October 3, 2018

LAW PROJECT

(ACCELERATED PROCEDURE)

*empowering the Government to make by **order** the **measures** for the **withdrawal** of the **United Kingdom** from the **European Union** ,*

PRESENT

on behalf of Mr. Édouard PHILIPPE,

Prime Minister

By Mr. Jean-Yves LE DRIAN,

Minister of Europe and Foreign Affairs

(Sent to the special commission.)

EXPLANATORY STATEMENT

In the referendum on United Kingdom membership of the European Union on 23 June 2016, 51.89% of voters voted in favor of the UK's withdrawal from the European Union.

In accordance with this vote, the British Prime Minister formally notified, by letter dated 29 March 2017 to the President of the European Council, the intention of the United Kingdom to withdraw from the European Union and Euratom on the basis of Article 50 of the Treaty on European Union (TEU) ¹ (*). The United Kingdom was the first State to make use of this provision of the TEU, which defines the procedure for withdrawing a Member State.

In accordance with Article 50 TEU, this notification triggered a two-year period in which the United Kingdom's membership of the European Union should in principle be terminated. The withdrawal date is thus set at midnight (Brussels time) on 30 March 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend this period in accordance with Article 50 (1). 3, TEU. From the date of withdrawal, the United Kingdom will become a non-member State to the European Union.

This deadline must allow the United Kingdom and the European Union to negotiate, on the basis of Article 50 TEU, an agreement organizing the modalities for withdrawal from the United Kingdom. This agreement is concluded on behalf of the European Union alone and not of its Member States: as such, it is not subject to a national ratification procedure.

The stipulations which will define future relations between the European Union and the United Kingdom will be negotiated on a separate legal basis, relating to international agreements that the Union may conclude with third countries (Article 216 et seq. Of the

Treaty on the Functioning of the European Union). the European Union ^{2 (*)}), only once will the United Kingdom become a third State. On the other hand, Article 50 of the TEU specifies that the withdrawal agreement is negotiated with the State wishing to withdraw, " *taking into account the framework of its future relations with the Union* ". The framework for future relations must be the subject of a declaration of a political nature to which the withdrawal agreement will refer.

In order to guarantee the cohesion of the 27 Member States, the Council of the European Union has entrusted the Commission with the task of conducting negotiations on its behalf (declaration by the 27 Heads of State or Government of 15 December 2016). ^{3 (*)}, confirmed by the guidelines of the European Council of 29 April 2017). The Commission systematically reports to the European Council, the Council and its preparatory bodies on the implementation of the mandate entrusted to it and also regularly informs the European Parliament, which will have to approve the withdrawal agreement.

In accordance with the procedure laid down in Article 50 TEU, the Union has defined its negotiating principles and objectives in the guidelines of the European Council of 29 April 2017 ^{4 (*)} and the directives adopted by the Council (General Affairs) on May 22 next ^{5 (*)}.

Negotiations for the withdrawal of the United Kingdom from the European Union were formally opened on 19 June 2017. In accordance with the guidelines of the European Council of 29 April 2017, they take place according to a sequenced approach.

The first phase of the negotiations, which took place from 19 June to 15 December 2017, focused on the withdrawal agreement and aimed at providing legal certainty for citizens and businesses, and setting the terms for separation and freedom from the rights and obligations of the United Kingdom as a Member State. In this respect, a limited number of subjects were considered strictly necessary for an orderly withdrawal from the United Kingdom, in particular the acquired rights of citizens, the single financial regulation and the special situation of Ireland.

The European Council, meeting at twenty-seven on 15 December 2017 ^{6 (*)}, considered that sufficient progress had been achieved on issues related to the withdrawal of the United Kingdom, on the basis of the progress made in the joint negotiators' report adopted on 8 December. ^(*). As a result, it decided to move to the second phase of the negotiations, in addition to finalizing the withdrawal agreement, defining a transition period (for which additional negotiating directives were adopted on 29 January 2018 ^{8 (*)}) and the framework of future relations.

The European Council, meeting at 27 March 23, 2018, welcomed the agreement reached by the negotiators on 19 March on the parts of the withdrawal agreement covering the rights of citizens, the Financial Regulation, a number of other issues relating to withdrawal and transition.

Negotiations are still under way to settle the pending issues of the Withdrawal Agreement. They should be completed in the autumn of 2018, to allow time for ratification by both the European Union and the United Kingdom.

If this withdrawal agreement is signed and ratified, it will enter into force, in principle, on March 30, 2019 (Article 168 of the draft withdrawal agreement in its version of March 19, 2018). In such a case, a transitional period would start from that date until 31 December 2020, during which the entire Union acquis will continue to apply in the United Kingdom without the UK being able to however, continue to participate in the decision-making process of the Union. The agreement on future relations between the European Union and the United Kingdom will be negotiated during this period on the basis of Article 218 TFEU, the United Kingdom having become a third country.

In this case, the adoption of national contingency measures will not be necessary from the date of the withdrawal of the United Kingdom from the European Union. On the one hand, the withdrawal agreement preserves the rights of citizens as they benefit in accordance with EU law at the date of withdrawal; on the other hand, the provisions relating to the transitional period provide in substance for the United Kingdom to be treated as a Member State, except for certain exhaustively enumerated provisions of Community law relating to civil rights, for the entire duration of the transitional period. transition period. Thus, the provisions of national law referring to the Member States must be understood, until the end of the transitional period, as also referring to the United Kingdom.

If the European Union remains committed to securing an orderly withdrawal from the United Kingdom by concluding a satisfactory agreement for this purpose, the assumption of an impossibility for the withdrawal agreement to enter into force at the end of the period provided for in Article 50 TEU can not however be excluded. This situation could result from several circumstances, such as the failure of negotiations between the European and British negotiators or the lack of ratification of this agreement by the Union (lack of qualified majority in the Council, lack of approval of the European Parliament) or by the British Parliament.

Whatever happens, the Member States, the EU institutions and all relevant actors must be prepared for the changes that will result from the withdrawal of the United Kingdom from the European Union, as the Council has pointed out.

In particular, a withdrawal from the United Kingdom without an agreement would require the adoption by both the Union and the Member States in their area of competence of contingency measures.

At Union level, a team dedicated to this preparatory work has been specifically set up, within this perspective, within the Commission's General Secretariat. Similarly, the United Kingdom announced on 23 August that it would adopt unilateral measures in the

event of withdrawal without agreement and has begun the publication for this purpose of notices aimed at informing economic operators and British citizens.

While pursuing the search for a negotiated exit, the French Government has also embarked on the preparation of an exit from the United Kingdom, with or without agreement.

In this context, the purpose of this authorization, which includes four articles, is to enable the French authorities to react to all eventualities related to the withdrawal of the United Kingdom, by adopting by order the measures within the field of competence of the Member States which come under the domain of the law.

It should be stressed that the content of the measures finally adopted will depend primarily on the outcome of the current negotiations, which it is not possible at this stage to anticipate. The Government may, in particular, waive the adoption of such measures if conditions are not met for their adoption, depending on the circumstances and in particular the reciprocal measures adopted by the United Kingdom. These measures are also not intended to replace the contingency measures that will be taken by the European Union and can not, in any case, intervene in a field of competence of the European Union.

In addition, the adoption of such measures will be the subject of close consultation with the European Commission, in full respect of the principle of sincere cooperation resulting from Article 4 (3) TEU, as well as from coordination with the other Member States of the Union.

In this context, all the measures provided for in the first article of the authorization aim to draw the consequences of a British withdrawal without agreement for British natural and legal persons who are subject to French law, in particular by adapting the law to deal with current situations and, where appropriate, provide for derogations. Provisions adopted by order on its basis must be made within twelve months of its publication.

The Government is very attentive to the situation and rights of French nationals living in the United Kingdom. The Government will take appropriate measures relating to the situation of British nationals in France. It will take into account the status granted by the United Kingdom to our nationals on its territory.

These measures concern the following areas:

1 ° the right of entry and the right of residence in France of British nationals

In the event of withdrawal from the United Kingdom without agreement, British nationals who enjoy the right of free movement and free establishment throughout the European Union, as well as members of their family, will become nationals of third parties and will therefore in principle be subject to common law, that is to say to the

requirement to present a visa to enter the French territory and to justify a residence permit to stay there. Under national law, the code on the entry and residence of foreigners and the right of asylum provides for the obligation, subject to France's international commitments, for any foreigner wishing to enter France in order to reside there for a longer than three months to apply to the French diplomatic and consular authorities for a long-stay visa (Article L. 211-2-1 of the Code on the Entry and Stay of Foreigners and the Right of Asylum).

In case of exit without agreement, the British wishing to enter France to stay for more than three months would be subject to this requirement. Moreover, in case of withdrawal from the United Kingdom of the European Union without agreement, British nationals currently residing in France and their family members would be staying illegally for lack of one of the residence documents provided for in Article L. 311-1 of the Code of Entry and Stay of Foreigners and the Right of Asylum.

(2) the employment of British nationals lawfully exercising at the date of withdrawal a paid professional activity in France.

In the event of withdrawal without agreement, British nationals with employment contracts under French law with an employer in France may be required to obtain a permit equivalent to a work permit in France, as provided for in the regulations on the employment of foreigners in the Code of Employment. job. Without the possession of such a document, the employer could be held criminally liable for the employment of foreigners not authorized to work, which constitutes an offense under Article L. 8251-1 of the Labor Code.

3 ° the exercise, by a natural or legal person legally exercising in France on the date of withdrawal, of an activity or profession the access or exercise of which is subject to compliance with conditions.

A British withdrawal without agreement would have consequences for the exercise of certain professions, in particular those of doctor, pharmacist or tobacconist, which is subject to the condition of holding the nationality of a Member State of the European Union or from a State Party to the European Economic Area. This condition of nationality could be opposed to British nationals exercising these professions in France.

It would also have consequences for the operating structures of activities subject to a legislative or regulatory status, or whose title is protected. This point concerns in particular the composition of the capital of exercise companies and holding companies (SPFPL), which may be held, directly or indirectly, by professionals established in another Member State of the European Union, as well as the social form chosen for the group exercise, the French regulation authorizing for certain professions the exercise in France within a branch of a company whose head office is located in another Member State.

4 ° the rules applicable to civil servants and trainees in the public service of British nationality

Act No. 83-634 of 13 July 1983 on the rights and obligations of public servants, known as the "Le Pors Act", provides that the status of civil servant may be restricted to nationals of French nationality (Article 5) or, under certain conditions, nationals of Member States of the European Union or of another State Party to the Agreement on the European Economic Area other than France (Article 5a).

Consequently, when the United Kingdom becomes a third State, its nationals can no longer claim the status of official within the meaning of French law.

It is therefore necessary to adopt a legislative provision to govern the situation of public servants and trainees in the public service of British nationality.

(5) the application to British nationals lawfully resident in France on the date of the withdrawal of the social rights and social benefits legislation

In the event of withdrawal from the United Kingdom without agreement, the social security coordination rules set out in Regulation 883/04 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and its regulation application 987/09 will no longer apply between the United Kingdom and the Member States, including France. The withdrawal will therefore have consequences for the opening and determination of the social rights of British nationals and their dependents, as well as for the determination of their eligibility for social minima.

Legislative adaptations are necessary to draw the consequences. They may also provide for the contribution of British nationals and their dependents to certain benefits, the assumption of which will no longer be the subject of financial compensation by British social schemes.

(6) controls on goods and passengers to and from the United Kingdom and veterinary and phytosanitary controls on import from the United Kingdom.

A withdrawal of the United Kingdom from the European Union without agreement would imply a reinstatement of the checks on goods and passengers to and from the United Kingdom.

It would also involve a reinstatement of veterinary and phytosanitary controls at the borders of the European Union for live animals, plants and animal and plant products from the United Kingdom, or from other third countries but transiting through the European Union. Imports of this kind from third countries to the European Union are indeed controlled at borders because they can be a source of contamination and danger for human health, animal health and plant health (agricultural crops and natural flora).

Veterinary and phytosanitary border controls are governed by European regulations¹⁰ (*) and must be carried out in dedicated installations, the border control posts, which have an approval issued by the European Commission. Veterinary and phytosanitary border controls are governed by a European regulation¹¹ (*) and must be carried out in dedicated installations, the border control posts, which have an approval issued by the European Commission. Should derogations be allowed under European Union law, a legislative provision would be needed to comply with these derogations.

7 ° the carrying out of road transport operations of goods or persons on French territory, including transit, by natural or legal persons established in the United Kingdom.

The consequences of a withdrawal of the United Kingdom from the European Union without agreement would be particularly important in the road transport of persons and goods, whose rules of access to the profession and access to markets are defined by the law of the European Union.

As regards access to the goods and passenger transport market, Community licenses and authorizations would have no effect in the event of exit without an agreement, and carriers would no longer be able to use them to operate on the territory of the Community. Cabotage would also be prohibited.

If the Union does not adopt unilateral contingency measures in this case, the provisions of EU law do not prevent a Member State from adopting measures with regard to a third State. subject not to affect the law of the Union.

Legislation would be needed to take such national measures. These national measures would be conditional on the adoption by the United Kingdom of reciprocal measures with regard to national operators.

The first article also contains a provision making it possible to adopt by ordinance any other provision that would be necessary to deal with the situation of British nationals residing in France or carrying on business there, as well as legal persons established in the United Kingdom and carrying on business in France.

Lastly, it states that orders may provide that measures which grant British natural or legal persons more favorable treatment than natural or legal persons from third countries are conditional upon the grant of an equivalent status to natural or legal persons.

The set of measures provided for in the second article of the authorization aims at preserving national interests and the situation of French nationals and other persons to

whom Union law prohibits different treatment. Provisions adopted by order on its basis must also be made within twelve months of its publication.

The measure provided for in 1 ° of the second article aims at allowing for the taking into account, for the opening and the determination of the social rights, periods of insurance, activities or professional training exercised or carried out in the United Kingdom before the date of its withdrawal from the European Union. In the event of withdrawal from the United Kingdom without agreement, the social security coordination rules laid down in Regulation 883/04 and its implementing Regulation 987/09 will no longer apply between the United Kingdom and the Member States, whose France.

It follows that nationals, especially French, who leave the United Kingdom to settle in France will no longer be able to be access unemployment insurance rights in France taking into account their periods of activity in the United Kingdom, as is currently the case since they rework a minimum period in France. It is proposed to make the necessary arrangements in this regard.

Similarly, the calculation of French contributory benefits (old age, invalidity, AT-MP) involving periods of insurance (contributions or residence) in the United Kingdom and France can only be based on national periods. Without a device, the French social security will not be able to take into account the British periods and will therefore be obliged to pay a benefit of a smaller amount. In order to allow this consideration for nationals, particularly French nationals, who were insured in both States at the time of the settlement of their pension rights, it is proposed to make the necessary arrangements.

The measure provided for in 2 ° of the second article aims to allow the taking into account of diplomas and professional qualifications acquired or in the course of acquisition in the United Kingdom on the date of its withdrawal from the European Union and professional experience acquired in the United Kingdom. In the absence of an agreement, diplomas and professional qualifications acquired or in the process of being acquired in the United Kingdom on the date of withdrawal, in particular by French nationals, may no longer be recognized. In such a case, these nationals could no longer exercise on French territory. Legislation is required to allow for the recognition of these professional qualifications, diplomas and professional experience gained in the United Kingdom.

The measure provided for in 3 ° of the second Article aims to allow the beneficiaries of licenses and authorizations for the transfer of products and materials to the United Kingdom, issued pursuant to Articles L. 2335-10 and L. 2335-18 of the Code. before the withdrawal of the United Kingdom, to continue the supply of these products and equipment until the expiry of the term fixed by these licenses and authorizations.

In the event of withdrawal from the United Kingdom without agreement, individual licenses and global transfer licenses issued to the United Kingdom pursuant to Article L.

2335-10 of the Defense Code before withdrawal from the United Kingdom Kingdom, will no longer be valid from that date. Indeed, flows to that country will no longer fall under the regime of Article L. 2335-9 of the Defense Code, but that of Article L. 2335-2 of the same Code. The change in the legal basis of these licenses will therefore be necessary. However, such measures are outside the scope of modifications that the administrative authority may make to licenses in progress (on the basis of Article L. 2335-12).

Given the estimated number of licenses that will be in effect at that date, ranging from 1,000 to 1,500, the economic impact of a break in these exchanges, and the administrative burden imposed by a new simultaneous adoption of all licenses to the United Kingdom, the order will seek to transform all these intra-Community transfer licenses into export licenses, until the end of their initial validity.

In addition, in the event of withdrawal without agreement, transfer authorizations issued before the withdrawal of the United Kingdom to the latter pursuant to Article L. 2335-18 of the Defense Code, concerning space equipment, will also no longer be valid from the exit of the United Kingdom from the European Union. A similar transformation will therefore be necessary.

The measure provided for in point 4 of the second Article aims firstly to allow French entities access to the interbank payment and settlement systems of third countries, including the United Kingdom as of its withdrawal, by ensuring the definitive settlement using these systems. Where applicable, certain UK specific payment systems (CLS, CHAPS and CREST) will benefit from the protections provided by Directive 98/26 / EC of the European Parliament and of the Council of 19 May 1998 on final settlement in payment and securities settlement systems.

This measure is also intended to allow the continuity of the use of the framework agreements in the field of financial services and the securing of the conditions of execution of the contracts concluded prior to the loss of the recognition of the authorizations of the British entities in France.

The International Association of Swaps and Derivatives (ISDA) has sought one or more EU rights to twenty-seven in which to draft its model contract to deal with the legal consequences of withdrawal from the United Kingdom. The High Local Legal Committee worked on the conditions of development of the standard contract in French law, and highlighted the need to modify the law on some very specific points: (i) in French law, the scope of operations eligible for the clearing-termination does not cover spot FX transactions and the sale, purchase, delivery of precious metals or CO2 quota transactions, which is identified as a brake on the development of the contract in French law; (ii) the second amendment concerns the possibility for two parties to a derivative contract to charge capitalized overdue arrears in the event of default. This capitalization possibility (called "anatocism" in law) is open to date only for arrears that have been outstanding for at least one year, contrary to what is the case in the Anglo-Saxon framework contract. It is therefore proposed to remedy this, by providing specifically for

ISDA-type financial agreements (and therefore excluding current contracts, such as consumer credit), that the capitalization of interest is possible when interest is due for a period of less than one full year.

In addition, as of the UK withdrawal, UK financial sector institutions will become "third country enterprises". The institutions that benefited from it will lose their "European passport", which is an unprecedented situation. It should be emphasized that for the vast majority of contracts in progress, this does not raise any legal difficulties as they should be transferred to entities governed by EU law, in accordance with the solution recommended by the European regulators. It is also possible for the subject to be dealt with at Union level. Nevertheless, in the event that operational difficulties would slow transfers, legislative measures may be necessary to secure transfers or secure the conditions for the execution of contracts in progress.

The measure provided for in point 5 of the second article aims to ensure the continuity of the flow of passengers and goods transport between France and the United Kingdom through the Channel Tunnel and the respect by France of its commitments as a Licensor of the Channel Tunnel.

Legislative provisions may be necessary to govern the consequences of the non-validity, as of withdrawal without agreement, of United Kingdom safety clearances to transport operators. It should be noted, however, that operators have been invited by the European Commission and the Ministry of Transport to obtain such authorizations from the competent authorities of one of the Member States of the European Union. Provisions would only be necessary if difficulties were identified in this area, and could be strictly limited to services using the Channel Tunnel.

Legislative provisions may also be necessary to address the consequences of the loss of quality, by the Channel Tunnel Intergovernmental Commission, of its status as a national safety authority in the event that a solution is not found with the Commission. European Union and the United Kingdom on the basis of another legal vector. To do this, an amendment to Article L. 2221-1 of the Transport Code would then be necessary.

The measure provided for in the third article of the Enabling Act is intended to allow the application of a particular procedural regime to works for the construction or emergency installation of premises, installations or infrastructures of ports, railways, airports and airports required by the reestablishment of checks of goods and passengers to or from the United Kingdom, whether or not there is a withdrawal agreement. Provisions adopted by order on its basis must be made within six months of its publication.

The withdrawal of the United Kingdom from the European Union will lead to the restoration of veterinary, sanitary, phytosanitary and safety controls and customs formalities. These checks will have to be put in place on the day of withdrawal in case of

exit without agreement, or at the end of the transition period in case of entry into force of the withdrawal agreement.

At present, with regard to the Channel / North Sea seaboard, border posts of veterinary and phytosanitary border inspection services (SIVEP) are present in Le Havre, Dunkirk, Saint Malo and Brest. However, they are not sized to control all the batches coming from the United Kingdom or do not have facilities approved for all types of flows (absence of control facilities for live animals in Le Havre and Dunkirk in particular). In addition, the entry points to, among others, Roscoff, Cherbourg, Caen-Ouistreham, Dieppe and Calais as well as the Channel Tunnel do not have border posts to date.

To fulfill their obligations, these services need the provision by the operators of premises adapted to the nature and volume of the flows introduced from the United Kingdom. In addition, a location in a restricted access zone could be retained in certain entry points, which should be subject to appropriate security.

In addition, carrying out these checks will take a significant amount of time, which will slow down the flow of traffic and may therefore quickly lead to congestion in the port, rail and road infrastructures. In order to maintain the fluidity of the port and ensure the safety of the various convoys, adequate parking areas will have to be created. Improvements may therefore include the construction of roads, car parks, buildings, control areas or the installation of any equipment necessary for carrying out the controls concerned.

They will have to be made before the withdrawal of the United Kingdom and taking into account the arrangements that the other Member States will take.

These tight deadlines require in particular to make applicable to these arrangements directly related to the organization of the controls adjustments or derogations, particularly in terms of planning, urban planning, expropriation for reasons of public interest, preservation of heritage, roads and transport, public ownership, public commissions, rules applicable to seaports, public participation and environmental assessment, in order to adapt them to the urgency of these operations.

Lastly, Article 4 of the Law sets a deadline of six months for draft ratification laws to be tabled in Parliament after the publication of the ordinances.

LAW PROJECT

The Prime Minister,

On the report of the Minister of Europe and Foreign Affairs,

Having regard to Article 39 of the Constitution,

Decrees:

The present draft law authorizing the Government to make by order the measures of preparation to the withdrawal of the United Kingdom from the European Union,

deliberated in council of the ministers after opinion of the Council of State, will be presented to the Senate by the minister of the Europe and Foreign Affairs, which will be responsible for explaining the reasons and supporting the discussion.

Article 1

To draw the consequences of a withdrawal of the United Kingdom from the European Union without an agreement concluded in accordance with Article 50 of the Treaty on European Union, in particular by adapting the ordinary law to deal with current situations and by providing, as the case may be, for derogations, the Government is authorized, under the conditions provided for in Article 38 of the Constitution, to make an order, within twelve months of the publication of this law, measures in the field of law that are necessary because of this withdrawal, in:

1 ° right of entry and residence of British nationals in France;

(2) the employment of British nationals lawfully exercising a salaried professional activity in France at the date of withdrawal from the United Kingdom of the European Union;

(3) the exercise, by a natural or legal person exercising legally on the date of withdrawal from the United Kingdom of the European Union, of an activity or profession the access or exercise of which is subject to compliance with conditions;

4 ° rules applicable to the situation of public servants and trainees in the public service of British nationality;

(5) application to British nationals lawfully resident in France on the date of the withdrawal of the United Kingdom from the European Union from the legislation relating to social rights and social benefits;

6 ° control of goods and passengers to and from the United Kingdom and veterinary and phytosanitary control of imports from the United Kingdom;

(7) the carrying out of road transport operations of goods or persons on the French national territory, including transit, by persons established in the United Kingdom.

Under the conditions of the first paragraph, the Government is also empowered to take any other measure necessary to deal with the situation of British nationals residing in France or carrying on business as well as legal persons established in the United Kingdom and carrying on business in France .

The orders provided for in this Article may provide that measures granting United Kingdom nationals or legal persons established in the United Kingdom treatment more favorable than that of third country nationals or legal persons established in third countries shall cease to have effect if the United Kingdom does not accord equivalent treatment to a date fixed by decree.

Article 2

In order to draw the consequences of a withdrawal of the United Kingdom from the European Union without an agreement concluded in accordance with Article 50 of the Treaty on European Union, in particular with a view to preserving national interests and the situation of French nationals and other persons to whom the law of the Union prohibits different treatment, the Government is authorized, under the conditions

provided for in Article 38 of the Constitution, to make an order within twelve months from the publication of this Act, measures in the area of law that are necessary to permit:

- 1 ° taking into account, for the opening and the determination of the social rights, periods of insurance, activities or professional training exercised or carried out in the United Kingdom before the date of its withdrawal from the European Union;
- 2 ° the taking into account of diplomas and professional qualifications acquired or in the course of acquisition in the United Kingdom on the date of its withdrawal from the European Union and the professional experience acquired in the United Kingdom on the same date;
- 3 ° the pursuit by the beneficiaries of licenses and authorizations for the transfer of products and materials to the United Kingdom, issued pursuant to Articles L. 2335-10 and L. 2335-18 of the Defense Code before the date the withdrawal of the United Kingdom from the European Union, the supply of these products and materials until the expiry of the term fixed by these licenses and authorizations;
- 4 ° the access of French entities to the interbank payment settlement and third country delivery settlement systems, including the United Kingdom, by ensuring the definitive nature of the payments made through these systems, the continuity of the use of framework agreements in matters financial services and securing the conditions of execution of contracts concluded prior to the loss of recognition of UK entity approvals in France;
- 5 ° the continuity of the flows of passengers and goods between France and the United Kingdom through the Channel Tunnel to ensure France's compliance with its commitments as a franchisor of the Channel Tunnel .

Article 3

Under the conditions provided for in Article 38 of the Constitution, the Government is authorized to make an order within six months of the publication of this Law of measures in the area of law rendered necessary by the the prospect of a withdrawal of the United Kingdom from the European Union, in order to provide for the particular procedural regime applicable to works for the construction or emergency management of port, rail, airport and road premises, installations or infrastructures required by the reestablishment of controls of goods and passengers to or from the United Kingdom.

In particular, the Government is authorized to make adaptations or derogations applicable to the operations referred to in the first paragraph directly related to the organization of such controls, in particular as regards planning, urban planning and expropriation for cause. of public utility, preservation of heritage, roads and transport, public ownership, public commissions, rules applicable to seaports, public participation and environmental assessment, in order to adapt them to the urgency of these operations.

Article 4

A ratification bill is tabled in Parliament within six months of the publication of the ordinances.

Done at Paris, 3rd October 2018
Signed: EDOUARD PHILIPPE
By the Prime Minister:
The Minister of Europe and Foreign Affairs
Signed: JEAN-YVES THE DRIAN

* ¹ Article 50 of the Treaty on European Union:

"1. Any Member State may decide, in accordance with its constitutional rules, to withdraw from the Union.

2. The Member State which decides to withdraw shall notify its intention to the European Council. In the light of the guidelines of the European Council, the Union shall negotiate and conclude with that State an agreement setting out the modalities for its withdrawal, taking into account the framework of its future relations with the Union. This agreement is negotiated in accordance with Article 218 (3) of the Treaty on the Functioning of the European Union. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

3. Treaties shall cease to be applicable to the State concerned from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council in agreement with the Member State concerned, unanimously decides to extend this deadline.

4. For the purposes of paragraphs 2 and 3, the member of the European Council and of the Council representing the withdrawing Member State shall not participate in the deliberations and decisions of the European Council and of the Council which concern it. Qualified majority is defined in accordance with Article 238 (3) (b) of the Treaty on the Functioning of the European Union.

5. If the State which has withdrawn from the Union requests to re-join, its application shall be subject to the procedure referred to in Article 49. '

* ² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

* ³ <http://www.consilium.europa.eu/media/24159/15-euco-statement-en.pdf>

* ⁴ <http://www.consilium.europa.eu/media/21749/29-euco-art50-guidelines-en.pdf>

* ⁵ <http://data.consilium.europa.eu/doc/document/XT-21016-2017-ADD-1-REV-2/en/pdf>

* ⁶ <http://www.consilium.europa.eu/media/32244/15-euco-art50-guidelines-en.pdf>

* ⁷ https://ec.europa.eu/commission/sites/beta-political/files/joint_report.pdf

* ⁸ <http://www.consilium.europa.eu/media/32504/xt21004-ad01re02en18.pdf>

* ⁹ " Member States, EU institutions and all stakeholders to step up their work to prepare, at all levels, for all that will happen " (<http://www.consilium.europa.eu/media/35998/29-euco-art50-conclusions-en.pdf>)

* ¹⁰ This concerns in particular the following texts: Regulation (EC) No 136/2004 laying down the procedures for veterinary checks at border inspection posts in the Community when importing products from third countries;

- Regulation (EC) No 882/2004 amended on official controls carried out to ensure compliance with feed and food law and with the provisions on animal health and animal welfare (OJ of 28/05/2004) ;

- Directive 91/496 / EEC amended laying down the principles governing the organization of veterinary checks for animals coming from third countries introduced into the Community and amending Directives 89/662 / EEC, 90/425 / EEC and 90/675 / EEC;
 - Directive 97/78 / EC amended laying down the principles governing the organization of veterinary checks for products coming from third countries introduced into the Community;
 - Directive 2000/29 / EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.
- *¹¹ This concerns in particular the following texts: Regulation (EC) No 136/2004 laying down the procedures for veterinary checks at border inspection posts in the Community when importing products from third countries;
- Regulation (EC) No 882/2004 amended on official controls carried out to ensure compliance with feed and food law and with the provisions on animal health and animal welfare (OJ of 28/05/2004) ;
 - Directive 91/496 / EEC amended laying down the principles governing the organization of veterinary checks for animals coming from third countries introduced into the Community and amending Directives 89/662 / EEC, 90/425 / EEC and 90/675 / EEC;
 - Directive 97/78 / EC amended laying down the principles governing the organization of veterinary checks for products coming from third countries introduced into the Community;
 - Directive 2000/29 / EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.