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DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

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

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(1) 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—
  - “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;
  - (d) omit paragraph 7.
- (14) In Article 15, in paragraph 1, after “IMI users” insert “of the United Kingdom”.
- (15) Omit Article 16.
- (16) In Article 17—
- (a) omit paragraphs 1 to 3;
  - (b) in paragraph 4—
    - (i) after “IMI actors” insert “of the United Kingdom”;
    - (ii) for “Article 17 of [Directive 95/46/EC](#)” substitute “Articles 5(1)(f), 28 and 32 of the UK GDPR.”.
- (17) In Article 18—
- (a) in paragraph 1—
    - (i) after “IMI actors” insert “of the United Kingdom”;
    - (ii) for “Article 10 or 11 of [Directive 95/46/EC](#) and national legislation which is in accordance with that Directive” substitute “Articles 13 and 14 of the UK GDPR”;
  - (b) omit paragraph 2.
- (18) In Article 19, in paragraph 1—
- (a) after “IMI actors” insert “of the United Kingdom”;
  - (b) for “national legislation” substitute “any enactment”.
- (19) Omit Article 20.
- (20) In Article 21—
- (a) for paragraph 1, substitute—

“**1.** The Information Commissioner shall independently monitor the lawfulness of the processing of personal data by the IMI actors of the United Kingdom and, in particular, shall ensure that the rights of data subjects set out in this Chapter are protected in accordance with this Regulation.”;
  - (b) omit paragraphs 2 and 3.
- (21) Omit Articles 22 to 30.
- (22) For the Annex to the IMI Regulation, substitute—

**“Provisions on administrative cooperation in legislation that are implemented by means of IMI, referred to in Article 3.**

**1.** Article 8 of Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No. 764/2008(2).

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(2) OJ L 91, 29.3.2019, p. 1.

2. Articles 5 and 7 of [Directive 2014/60/EU](#) of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending [Regulation \(EU\) No 1024/2012](#)(3).

3. Article 18 of Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons(4).”.

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(3) OJ L 159, 28.5.2014, p. 1.

(4) OJ L 115, 6.4.2021, p. 1.