



We do not know the terms of the UK's exit (Brexit), but it may include repeal of the European Communities Act 1972 (ECA) and possibly joining the EEA as a non-EU member.



If the UK repeals the ECA:

- An EU Directive incorporated in primary UK legislation continues unless expressly repealed.
- An EU Directive incorporated in secondary legislation where the primary legislation is the ECA falls away unless expressly retained, or if the subject matter amended primary UK legislation (in which case see above). On 18 August 2016, there were 5937 secondary laws enacted directly under the ECA.
- An EU Directive incorporated in the FCA Handbook or PRA Rulebook (via FCA or PRA instruments under FSMA) would be unaffected by repeal of the ECA, because their primary legislation (FSMA) continues.

An EU Regulation (which applies automatically) falls away automatically on Brexit. However sometimes the enforcement of an EU Regulation is incorporated in UK legislation, in which case see above.

If the UK becomes a non-EU EEA nation:

Broadly, the process of adoption of EU legislation by the EEA is: (1) under scrutiny – (2) under consideration – (3) entry into force pending – (4) in force.

 EU law in force	EEA	 UK legislation incorporating EU law	Under ECA?
Consumer credit			
Consumer Credit Directive (2008/48/EC)	Yes	Consumer Credit Act 1974	No
		Consumer Credit (EU Directive) Regulations 2010 (SI 2010/1010)	Yes
		Consumer Credit (Disclosure of Information) Regulations 2010 (SI 2010/1013)	Yes
		Consumer Credit (Agreements) Regulations 2010 (SI 2010/1014)	No
		Consumer Credit (Amendment) Regulations 2010 (SI 2010/1969)	Yes
		Consumer Credit (Amendment) Regulations 2010 (SI 2011/11)	Yes
		CONC (FCA Handbook)	No
Consumer protection			
Consumer Rights Directive (2011/83/EU)	Yes	Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (SI 2013/3134), and amending SI 2015/1629	Yes
		Consumer Rights (Payment Surcharges) Regulations 2012 (SI 2012/3110)	Yes
Electronic Commerce Directive (2000/31/EC)	Yes	Electronic Commerce (EC Directive) Regulations 2002 (SI 2002/2013), and amending SIs 2003/2500, 2003/115, and 2004/1178	Yes
		Electronic Commerce (Financial Services) Regulations 2002 (SI 2002/1775), and amending SIs 2015/852, 2002/2015, and 2004/3378	Yes
		COBS (FCA Handbook) and other parts of FCA Handbook eg CONC	No
Financial Services Distance Marketing Directive (2002/65/EC)	Yes	Financial Services Distance Marketing Regulations 2004 (SI 2004/2095)	Yes
		COBS (FCA Handbook) and other parts of FCA Handbook eg CONC	No
Price Indications Directive (1998/6/EC)	Yes	Price Marking Order 2004 (SI 2004/102)	No
Sales and Guarantees Directive (1999/44/EC)	Yes	Consumer Rights Act 2015	No
Services Directive (2006/123/EC)	Yes	Provisions of Services Regulations 2009 (SI 2009/2992), and amending SI 2014/1937	Yes
Unfair Commercial Practices Directive (2005/29/EC)	Yes	Consumer Protection from Unfair Trading Regulations 2008 (SI 2008/1277), and amending SI 2014/870	Yes
Unfair Terms Directive (1993/13/EEC)	Yes	Consumer Rights Act 2015	No
Data protection and privacy			
Data Protection Directive (1995/46/EC)	Yes	Data Protection Act 1998	No



EEA



EU law in force	In force in EEA	UK legislation incorporating EU law	Under ECA?
General Data Protection Regulation (EU) (2016/679)	Under scrutiny	N/A – not yet applicable in the UK (will apply automatically on 25 May 2018)	N/A
Privacy and Electronic Communications Directive (2002/58/EC)	Yes	Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426), and amending SIs 2004/1039, 2011/1208, 2015/355, and 2016/524	Yes
Disputes			
Alternative Dispute Resolution Directive (2013/11/EU)	Under consideration	Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (SI 2015/542), and amending SIs 2015/1972 and 2015/1392	Yes
		DISP (FCA Handbook)	No
Online Dispute Resolution Regulation (EU) (524/2013)	Under consideration	N/A generally (applied automatically) but to the extent in the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (SI 2015/542) and DISP, see above	N/A
E-money, payments and retail banking			
Deposit Guarantees Directive (2014/49/EU)	Under scrutiny	Deposit Guarantee Scheme Regulations 2015 (SI 2015/486), and amending SI 2015/1456	Yes
		PRA Rulebook	No
Electronic Money Directive (2009/110/EC)	Yes	Electronic Money Regulations 2011 (SI 2011/99), and amending SI 2002/765	Yes
Multilateral Interchange Fees Regulation (EU) (2015/751)	Under scrutiny	N/A (applied automatically)	N/A
Payment Accounts Directive (2014/92/EU)	Under scrutiny	Payment Accounts Regulations 2015 (SI 2015/2038)	Yes
Payment Services Directive (2007/64/EC)	Yes	Payment Services Regulations 2009 (SI 2009/209)	Yes
		Payment Services Regulations 2012 (SI 2012/1791)	Yes
Payment Services Directive II (2015/2366/EU)	Under scrutiny	New – not yet implemented by the UK (must be implemented by 13 January 2018)	N/A
Insurance			
Insurance Mediation Directive (2002/92/EC)	Yes	ICOBS (FCA Handbook)	No
Insurance Mediation Directive II (2016/97/EU)	Under scrutiny	New – not yet implemented by the UK (must be implemented by 23 February 2018)	N/A
Mortgages			
Mortgage Credit Directive (2014/17/EU)	Under scrutiny	Mortgage Credit Directive Order 2015 (SI 2015/910), and amending SI 2015/1557	Yes
		MCOBS (FCA Handbook)	No
Public enforcement			
Injunctions Directive (2009/22/EC)	Yes	Enterprise Act 2002 (Part 8)	No

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