

REPORT THREE: September 2024

# EU Law Tracker

A Report for the Constitution, Europe, External Affairs and Culture  
Committee

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# EUROPEAN UNION LAW TRACKER

A Report for the Scottish Parliament Constitution, Europe, External  
Affairs and Culture Committee

**Report No. 3 – September 2024**

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# EXECUTIVE SUMMARY

## EU Law Tracker Research Purpose

This is the third in a [series of reports](#) commissioned by the Scottish Parliament Constitution, Europe, External Affairs and Culture Committee to support scrutiny by parliamentary committees into the commitment on the part of the Scottish Government (or SG) to align with European Union (EU) law, as appropriate, following and notwithstanding the withdrawal of the United Kingdom (UK) from the EU.

These EU Law Tracker reports – and the detailed EU Law Tracker set out in Annex 1 – are designed to serve as a reference tool for parliamentarians, officials, stakeholders, and the wider public, seeking to better understand the SG alignment commitment as well as its effects on law and policy development in Scotland. In this respect, the information and analysis contained in this issue of the EU Law Tracker compliments the Constitution *et al* Committees' recent inquiry into the UK-EU Trade and Cooperation Agreement which [found](#) that: "While the Scottish Government has a policy commitment to align with EU law where appropriate, the impact this has had on businesses, including the extent to which it has facilitated improved trade with the EU, without such agreements with the EU in place, is unclear".

**Research Period:** This EU Law Tracker documents changes and developments that have taken place between beginning of January 2024 and end of August 2024.

## Account of Legislative Changes in this EU Law Tracker

### EU Law Changes

- Of the roughly 250 EU acts that, pre-Brexit, were fully or partially in SG competence, 36 have been repealed, but not all of these have been directly replaced.
- According to this analysis approximately 217 secondary EU acts (such as regulations, directives, decisions) are in scope of the SG alignment commitment.
- As part of the normal processes of EU law-making, tertiary (implementing or delegated) acts are frequently adopted which make detailed provisions for the implementation of secondary EU acts.
- Between January 2021 and August 2024 approximately 1222 acts of tertiary EU law have been adopted in relation to EU acts that are in scope of the SG alignment commitment. By definition these tertiary laws make technical or operational provisions for the implementation of the relevant 'parent' act so changes on this level do not tend to alter policy trajectories. On occasion, however, EU tertiary law changes may make changes that result in divergence of technical standards or operational processes that are relevant for Scotland and the SG alignment commitment.
- In the period covered by this EU Law Tracker Report, the EU adopted at least 12 new EU acts that are or may be in scope of the SG alignment commitment.

### Scots Law / UK Law Changes

- Neither of the two acts of primary law passed in Scotland during the reporting period were directly relevant to the SG alignment commitment.
- Of the 229 statutory instruments passed for Scotland during the research period, at least
- 16 were identified by this research to be (directly or indirectly) relevant to the SG alignment commitment; of these, at least 6 make changes that do diverge or may result in divergence from EU laws.

- Examples of new acts of UK-wide (or GB-wide) primary law as well as statutory instruments passed during the reporting period, featured in this report, implement changes that diverge from EU laws either in whole or in part.

## Key Messages from this EU Law Tracker

- **The potential for divergence between Scots law and EU law increases over time as the two legal orders and regulatory regimes continue to develop separately after Brexit.**
- **This report does not document wholesale change in the degree of alignment between Scotland and the EU, but it does contain examples of actual and/or new potential for divergence between the two parties as a result of legislative changes in both the EU and UK.**
- **Assessing the exact degree of divergence vis-à-vis alignment depends on how this is defined and understood.**
  - This edition of the EU Law Tracker identifies examples of **legislative divergence** between EU law and Scots law; these result from both EU initiated and UK/Scottish initiated changes.
    - EU Initiated:
      - The adoption of new EU laws that are or may be in scope of the SG alignment commitment.
      - The evolution of secondary EU laws (i.e., regulations, directives, decisions) via tertiary EU law (i.e., implementing and delegated acts) that are in scope of the SG alignment commitment.
    - UK/Scottish Initiated:
      - The making of statutory instruments and Scottish statutory instruments that make changes in assimilated laws and which diverge from EU rules.
      - The adoption of new acts of primary UK law that make provisions that diverge from those that apply in the EU.
  - This edition of the EU Law Tracker also identifies examples of **policy alignment** between EU law and Scots law; these are generally the result of changes initiated in Scotland, including via:
    - The adoption of new acts in the Scottish Parliament that provide for 'broad alignment' with the objectives and/or direction of similar or equivalent EU policies.
    - The making of Scottish statutory instruments that give effect to standards and/or approaches that are 'shared' with the EU.
- **Where Scots law initiatives have been stated by the SG to uphold the alignment commitment, this tends to be on the level of policy principles and/or direction of travel rather than to be on the level of detailed legal alignment of the kind experienced and practiced in EU Member States and those outside the EU, but which have an agreed legal arrangement for some degree of alignment with EU law.**

- In response to concerns of the CEEAC Committee regarding transparency of decision-making on the EU alignment policy, the SG committed to increase the volume and detail of the information it was providing to the Scottish Parliament on the matter. This issue of the EU Law Tracker report reiterates the value of the significantly extended levels of reporting on the policy to align on the part of the SG and also identifies improvements in the consistency and quality of SG reporting, in particular in regard to Policy Notes accompanying SSIs.
- Notwithstanding the changed political landscapes in both the EU and the UK following recent elections, it is still the case that, across a range of policy areas there is potential for divergence by default if Scotland does not (continue to) actively pursue the same policy objectives as the EU in areas within its devolved competence and therefore potentially in scope of the alignment commitment.
- Initiatives being pursued at a UK-wide or GB-wide level are likely to, at least on occasion, sit in tension with the Scottish Government's commitment to alignment and may, in future, force a choice between aligning with other regions of the UK and aligning with the EU legal acquis albeit without formal recognition by the EU of any such alignment in the case of the latter.
- If achieved, any new UK-wide agreement with the EU on sanitary and phytosanitary (SPS) and veterinary issues or any other area can be expected to make fulfilment of the SG alignment policy easier because (contingent on specifics) any such agreement would very likely involve some degree of alignment between relevant areas of UK law and EU law.

## Recommendations for the Constitution *et al* and Subject Committees

- The Constitution *et al* Committee may wish to seek clarity from the Scottish Government on whether or not it distinguishes between alignment with specific EU legal provisions ('legislative alignment') and alignment with the general or overall policy direction of the EU ('policy alignment').
- Where case studies included in this EU Law Tracker report highlight specific examples of actual or potential divergence, Subject Committees may wish to seek an update from the Scottish Government. Such initiatives may include:
  - SP Rural Affairs and Islands Committee requesting an update on the SG position and practice as regards alignment with the EU Animal Health Law (Regulation (EU) 2016/429) and its interaction with the Border Target Operating Model.
  - SP Net Zero, Energy and Transport Committee requesting updates on:
    - The SG position on alignment with the EU Energy Performance of Buildings (EPB) Directive in view of the EU's adoption of a revised EPB Directive in April 2024.
    - The SG assessment of the implications of the revocation of the assimilated law version of the Promotion on the use of Energy from Renewable Sources (PUERS) Directive (in the Retained EU Law (Revocation and Reform) (REUL) Act 2023) and on any plans for Scotland to continue to align with EU law in this area.
    - The SG position regarding alignment with the EU on guidelines for the development of the trans-European transport network (TEN-T) in view of the EU's adoption of a new TEN-T Regulation in June 2024 and the repeal of the assimilated law version of the previous TEN-T Regulation under the REUL Act 2023.

- The SG assessment of the implications of the EU's Nature Restoration Regulation ((EU) 2024/1991) for the alignment commitment in view of its adoption by the EU in June 2024.
- SP Health, Social Care and Sport Committee seeking an update on SG plans to align with the EU's new Blood, Tissues and Cells Regulation ((EU) 2024/1938) in view of the previously state SG position that Scotland would align with the new act and its adoption by the EU in June 2024.
- SP Criminal Justice Committee seeking SG views on the EU's adoption of a new Anti-Trafficking Directive ((EU) 2024/712) in June 2024 and any implications for the alignment commitment.

# 1. INTRODUCTION

## 1.1 Research Purpose

This report is the third of a series of EU Law Tracker Reports commissioned by the Scottish Parliament Constitution, Europe, External Affairs and Culture Committee to support scrutiny by parliamentary committees into the commitment on the part of the Scottish Government (or SG) to continue to align with European Union (EU) law, as appropriate, following and notwithstanding the withdrawal of the United Kingdom (UK) from the EU.<sup>1</sup>

The purpose of the EU Law Tracker Reports, and the research that underpins them, is to provide ongoing analysis of EU law and policy developments in areas that were (pre-Brexit) or would be (but for Brexit) devolved to Scotland and are therefore potentially in scope of the SG alignment commitment. The content of these Reports draws on and progresses an initial research project for the Constitution, Europe, External Affairs and Culture Committee' that set a baseline for the possible scope and implications of the SG alignment commitment in EU law terms.<sup>2</sup> Building on the baseline research, this third EU Law Tracker report presents analysis of developments in EU legislation that are relevant to the SG alignment commitment and which have taken place since the second EU Law Tracker report was published; this report therefore covers developments between the start of January 2024 and the end of August 2024. As the Report sets out (see Section 2) to get a comprehensive picture of the extent and nature of the implementation of the SG alignment commitment, it is necessary to not only track EU law developments but also Scots law and relevant UK law developments. For this reason, this Report also reviews and discusses changes in the domestic setting that are or may be relevant to the alignment commitment; given the commissioned scope of this research is focused on the evolution of EU law, those sections on domestic law changes ought to be read as indicative rather than necessarily exhaustive.

The Report content is underpinned by systematic tracking of developments of relevant EU law instruments (listed in Annex 1), draft EU law instruments (listed in Annex 2), Scottish law instruments and UK law instruments, however, the presentation of research findings in this report is centred around a series of case studies (see Section 3). These case studies are used to demonstrate the different types of EU law change that can occur and which are relevant to the SG alignment commitment and how these can interact with Scots/UK law developments across a range of different settings. A full record of developments in (established/proposed) EU law instruments relevant to the SG alignment commitment is included in the Report Annexes.

## 1.2 Commitment to Alignment in Scottish Law

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<sup>1</sup> See The Scottish Parliament (2023) 'EU Law Tracker: Report One' *parliament.scot* Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/law-tracker-eu.pdf> (Accessed 11 September 2024) and The Scottish Parliament (2024) 'EU Law Tracker: Report Two' *parliament.scot* Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eulawtrackerreport-2.pdf> (Accessed 11 September 2024)

<sup>2</sup> Whitten, L. C. (2022) 'Alignment with European Union Law: A Report for the Constitution, Europe, External Affairs and Culture Committee' *parliament.scot* Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/research-by-dr-whitten-on-alignment-with-eu-law.pdf> (Accessed 11 September 2024)



Following UK withdrawal from the EU there is no longer a requirement for the UK to apply or follow EU law or policy. In Scotland, however, the Scottish Government indicated that “where appropriate” Scots Law would “keep up with future developments in EU law” either through new legislative initiatives or by making changes in EU-derived laws that continue to operate in Scotland which correspond to those being made at EU level.<sup>3</sup>

There are several different legislative options for securing the Scottish Government policy of alignment with EU law. Provisions could be introduced in primary legislation with the express purpose of aligning with an existing or (perhaps more likely) new act of EU law. Alternatively, secondary legislation could be made in Scotland to give effect to the stated policy of EU alignment, where powers exist to do so.

Alongside the potential for normal legislative processes to be used in pursuit of alignment with EU law and policy in Scotland, specific provisions were made in the *UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021* (hereafter the ‘EU Continuity Act 2021’ or ‘2021 Act’) to empower Scottish Ministers to give effect to the stated policy to stay aligned with EU law where appropriate.<sup>4</sup> While this report provides a high-level overview of all relevant developments in EU law as well as in Scots Law and (as appropriate) in wider UK law, in setting out the legal context, the following subsections focus in particular on the EU Continuity Act 2021.

### **1.2.1 The Continuity Act and Keeping Pace Powers**

The EU Continuity Act 2021 grants Scottish Ministers discretionary powers to make provisions that ‘correspond’ to EU law, by regulations (s1(1)). While there is no obligation on Scottish Ministers to exercise their ‘keeping pace’ powers, because these are linked to any EU act that ‘has effect in EU law after IP completion day [i.e., 31 December 2020]’, they are potentially very broad in scope. In effect, section 1 of the 2021 Act bestows discretionary powers to Scottish Ministers to make regulations in any area of policy which previously or in future was/is covered by EU law and which is in the scope of devolved competence in Scotland, either now or in future.

There are a small number of restrictions on the otherwise broad ‘keeping pace’ powers. These restrictions are set out in section 3 of the EU Continuity Act 2021 and result in an inability to make regulations that: impose or increase taxation; make retrospective provisions; create a criminal offence; establish a Scottish public authority; remove protections on judicial independence; confer functions on public authorities not in-keeping with their established purposes; or modify protected law acts, namely the Scotland Act 1998 or the Equality Act(s) of 2006 and 2010. Outside of this discrete list, the ‘keeping pace’ powers of Scottish Ministers

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<sup>3</sup> The Scottish Government’s stated aim in ‘keeping pace’ is to ensure “Scotland can then continue to benefit from developments in EU laws and standards” and thereby through the ‘keeping pace’ policy to “send a strong signal to the EU that Scotland continues to uphold the EU’s core values” on the premise that this “could help to ease an independent Scotland’s application for membership as an independent country” – Scottish Government (2020) ‘Protecting Scotland, Renewing Scotland: The Government’s Programme for Scotland 2020-2021’ *gov.scot* Available: <https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/pages/9/> (Accessed 11 Sept 2024).

<sup>4</sup> *UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021* asp 4 Available: <https://www.legislation.gov.uk/asp/2021/4/contents> (Accessed 11 Sept 2024)

under section 1(1) are limited (only) in accordance with devolved competence and the scope of current and/or future EU law.

Although potentially wide-ranging in terms of policy scope, section 1(1) powers are time limited. Under section 4 of the 2021 Act, the ‘keeping pace’ powers are due to end on 29 March 2027 so just over six years after UK withdrawal from the EU and five years after the Transition Period ended. The relevant period could however be extended up to 29 March 2031 if regulations to this effect are passed in the Scottish Parliament by affirmative procedure. If the Scottish Government wanted to further extend these powers to give effect to their EU law alignment commitment after 2031, new primary legislation would be necessary.

The open-ended nature of powers granted under section 1(1) notwithstanding, section 2 of the EU Continuity Act 2021 provides a lens through which those discretionary powers are to be read. According to section 2, the ‘purpose’ of keeping pace powers granted in section 1(1) is to ‘contribute towards maintaining and advancing standards in relation to’ the following areas:

Environmental Protection
Animal Health and Welfare
Plant Health
Equality, Non-Discrimination, and Human Rights
Social Protection

This list is important and ought to be read as a guide to the purpose intended by drafters of the broad regulation-making section 1(1) powers. Additionally, there is a ‘due regard’ requirement, introduced in section 2(2), that affirms such a reading in that Scottish Ministers exercising powers under section 1(1) are obligated to “have due regard to the purpose referred to in section [2](1)” where the five policy areas are listed. Efforts to monitor or scrutinise the extent to which the Scottish Government has exercised or fulfilled its alignment commitment ought therefore to account for EU and (to a lesser but important degree) UK policy developments in the areas listed in section 2(1) of the 2021 Act. The EU Law Tracker case studies set out in this report (see section 3), and the systematic analysis that underpins them (see Annex 1), accounts for relevant changes in all five of the section 2(1) 2021 Act policy areas.

Notwithstanding the importance of the purposive lens provided by section 2(1) of the EU Continuity Act 2021 for the exercise of ‘keeping pace’ powers granted under its section 1(2), the potential scope of section 1(1) powers also goes beyond the five areas named – this fact is demonstrated in both the policy case studies and the full record of relevant EU law changes.

### **1.2.2 Scottish Government Reporting Commitments**

Under section 10 of the EU Continuity Act 2021 the Scottish Government is obliged to provide annual reports detailing: how the ‘keeping pace’ powers have been used; how any use has contributed towards maintaining and advancing standards related to the five section 2(1) policy areas; any consideration of the use of the section 1(1) powers that has taken place; and/or how they intend to use the ‘keeping pace’ power in the next reporting period. To date, three such reports have been published; the first two reports stated that Scottish Ministers did not make use of the section 1(1) powers during the relevant reporting period, while the third report detailed

Scottish Ministers' use of section 1(1) powers on one occasion, to keep pace with EU law changes related to the quality of water for human consumption (see section 2.2.1). The fourth SG alignment report must be laid in draft form before the Scottish Parliament no later than 2 months after the relevant reporting period which ended on 31 August 2024.

In response to Constitution, Europe, External Affairs and Culture Committee concerns that there was not sufficient transparency with regards to the Scottish Ministers' decision-making process on EU alignment, the Scottish Government [committed to increasing the information provided to Parliament](#) and the public to understand how the alignment commitment is being applied. Ministers agreed to provide additional annual reporting to sit alongside the existing Continuity Act reporting processes, to provide information including—

- how alignment has been considered in respect of legislation made in the Scottish Parliament over the reporting year;
- an assessment of EU legislation made over the reporting year that may be relevant to the commitment to align; and
- where Scotland's policy priorities in respect of the EU lie in the coming year.

The Constitution *et al* Committee subsequently [welcomed](#) the “significantly extended levels of reporting on the policy to align” from the Scottish Government. Similar to previous reports in the series, this EU Tracker report incorporates analysis of relevant information published by the Scottish Government on its alignment policy, including that provided according to the new approach which has been fully implemented since September 2023, although it should be noted that the next SG alignment report is due to be published after this third EU Tracker report.

### 1.3 Commitment to Alignment in EU Law Terms

A good starting point for mapping the policy scope of the Scottish Government's alignment commitment is to consider any EU law instruments that were fully or partially within devolved competence in Scotland prior to the UK's withdrawal from the EU. In doing so this section draws the Baseline Research Report (see Section 1.1) which found that, on 31 December 2020, at least 243 instruments of EU law were potentially within the scope of the Scottish Government's alignment commitment.<sup>5</sup> Moreover that policy areas potentially in-scope extended beyond the five listed in section 2(1) of the 2021 Act to also include food standards, chemicals, economy and trade, police and judicial cooperation, public health, and transport.

Of the 243 initial instruments of relevant EU law, 128 are fully in Scottish Government competence and responsibility for 115 is 'mixed' between the UK government and devolved government in Scotland.

**Table 1: Summary of the Potential Legislative Scope of the 'Keeping Pace' Power in EU Law Terms.**

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<sup>5</sup> Analysis is based on analysis of UKG Frameworks Analysis produced as part of the Common Frameworks process – for details see the Baseline Research Report (n2) and Cabinet Office (2021) 'Frameworks Analysis 2021: Breakdown of areas previously governed by EU law that intersect with devolved competence in Scotland, Wales and Northern Ireland', [gov.uk](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031808/UK_Common_Frameworks_Analysis_2021.pdf) Available: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1031808/UK\\_Common\\_Frameworks\\_Analysis\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031808/UK_Common_Frameworks_Analysis_2021.pdf) (Accessed 11 Sept 2024).

Policy Area	EU Instruments*	Competence	
		Mixed	Devolved
Environmental Protection	42	24	18
Animal Health and Welfare	46	10	36
Plant Health	17	3	14
Equality, Non-Discrimination, and Human Rights	7	1	6
Social Protection	4	4	0
Food Standards	30	27	3
Chemicals	7	4	3
Economy & Trade	6	5	1
Police & Judicial Cooperation	57	27	30
Public Health	15	3	12
Transport	12	7	5
		<b>115</b>	<b>128</b>
<b>Total</b>	<b>243*</b>		

\*As of 31<sup>st</sup> December 2020, for changes since see Annex I.

Before considering the substance of changes that have taken place in EU law that are relevant to the Scottish Government’s alignment commitment, it is necessary to contextualise the kinds of changes documented in the EU Law Tracker by summarising the main types of change that can occur as part of the ordinary legislative procedures of the EU.

EU law falls into three broad categories – primary, secondary, and tertiary – and different kinds of EU legislative instrument can be made or apply in each of these. Primary EU law is that contained in its treaties. The EU treaties lay down the EU’s objectives, the rules for its institutions, its decision-making procedures, and define the relationship between the EU and its Member States. Changes in primary EU law do not often take place because any amendments to the EU treaties need to be negotiated and agreed by all EU countries unanimously, then ratified by Member States according to their own constitutional requirements which, in some cases, involves holding referenda. Secondary EU law is passed to achieve the objectives and principles set out in the EU treaties. There are five kinds of secondary EU law instrument – regulations, directives, decisions, recommendations, and opinions – each of these has a different standing and different procedures associated with their development or amendment, these are summarised in Table 2.

The third category is EU tertiary law wherein there are two main types – delegated acts and implementing acts – both of these are legally binding. Similar to the way in which secondary legislation in the UK/Scotland can be made by government ministers according to powers granted them to do so in primary acts of UK/Scots Law, tertiary legislation in the EU can be adopted by the European Commission according to powers granted it to do so in a related instrument of secondary EU law (either a regulation, directive, or decision). The purpose of EU tertiary legislation is to set conditions or to define detailed measures for the implementation of a related ‘parent act’ of secondary EU law.

**Table 2: Categories and Types of EU Legal Acts, and Procedures for Amendment**

Category	Types	Legal Effect	Amendment Procedures
Primary	EU Treaties	Legally Binding	Negotiated by Heads of State and ratified by Member States (according to national constitutional requirements)
Secondary	Regulations	Binding	Passed by Ordinary/Special Legislative Procedures of the EU
	Directives	Binding (subject to national transposition)	
	Decisions	Binding	
	Recommendations	Non-Binding	
	Opinions	Non-Binding	
Tertiary	Implementing Acts	Binding	Passed by European Commission according to powers granted in acts of secondary EU law
	Delegated Acts	Binding	

A grounding in the different types of EU legislation and the way they interact is the essential backdrop against which to assess how the Scottish Government’s alignment commitment operates in practice. In this regard, the relationship between secondary and tertiary EU legislation is particularly pertinent. When the UK was an EU Member State, changes via tertiary EU law to secondary EU law applied in the UK automatically. Amendments of this nature are made very often in the course of ordinary EU legislative procedures. To demonstrate, in 2023, the EU passed 1178 implementing or delegated acts of tertiary EU law.<sup>6</sup> Changes brought in via tertiary law acts are generally technical or procedural and they are always within the scope of the objectives of the ‘parent’ act of secondary law, nonetheless sometimes EU implementing law changes are substantive in policy terms and, as indicated in the examples included in this EU Law Tracker report (see Section 3), many are also relevant to the Scottish Government alignment commitment.

## 1.4 Report Structure

This rest of this report is structured as follows.

Section Two provides a high-level overview of the immediate policy context against which the assessment of the exercise of the Scottish Government’s alignment commitment that follows ought to be understood. To this end Section Two provides a summary of the 2024 European Commission Work Programme as well as highlighting developments in the EU legislative programme that have taken place since the publication of the last EU Tracker Report. Additionally, Section Two also provides a brief summary of the outcome of the European Parliamentary elections and considers the implications for the SG alignment commitment. This is followed by an overview of relevant developments in Scottish Law including an account of Annual Reports made under section 10(1) of the 2021 Act regarding any Scottish Government use or consideration of use of its keeping pace power. Finally, UK-wide developments that are or could be relevant to the alignment commitment are noted and discussed; this section includes discussion of the *Retained EU Law (Revocation and Reform) Act 2023* and its interaction with

<sup>6</sup> Includes basic and amending delegated acts as well as basic and amending implementing acts. For detail see ‘Legal acts – statistics’ section on EUR-Lex (2024) ‘Legal acts – statistics’ *eur-lex.europa.eu* Available: <https://eur-lex.europa.eu/statistics/2022/legislative-acts-statistics.html> (Accessed 11 Sept 2024)

the SG alignment commitment as well as a brief review of the outcome of the UK General Election and a consideration of its implications.<sup>7</sup>

Section Three presents the main substance of this report. It sets out a series of policy case-studies of instances of divergence and/or alignment between EU law and Scots Law that have taken place during the reporting period of January 2024 and August 2024. The case studies are organised thematically according to the areas of policy impacted, including those five listed in section 2(1) of the EU Continuity Act 2021 to which any exercise of the keeping pace powers on the part of Ministers ought to have 'due regard'.

Section Four of this report presents a summary of the legal statistics and points of analyses that underpin the preceding policy case studies, and which are detailed in the EU Law Tracker attached/annexed to this report.

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<sup>7</sup> *Retained EU Law (Revocation and Reform) Act 2023* c. 28. Available: <https://www.legislation.gov.uk/ukpga/2023/28/enacted> (accessed 11 Sept 2024)

## 2. CONTEXT

### 2.1 Summary of European Union Developments

#### 2.1.1 Summary of European Commission Work Programme

In considering the relevance of proposals in the European Commission (or EC) Work Programme 2024 for the Scottish Government alignment commitment, this EU Law Tracker Report focuses on the 59 'Significant proposals and initiatives to rationalise reporting requirements' listed in Annex II and the 154 'Pending Proposals' set out in Annex III of the EC Work Programme for this year. The rationale for adopting such an approach is that the typical timeline for development of a new EU law act is longer than one year; this means that those proposals contained in the EC Work Programme 2024 that were, at the time of its publication, not yet detailed in a European Commission proposal are not likely to become EU law before 2025 – this is particularly true given the pause in most EU legislative procedures for the European Parliamentary elections held in June 2024. To ensure the analysis in this report is comprehensive, any relevant EU proposals or initiatives set out elsewhere in the EC Work Programme have also been considered.

Results from a cross-reading of the EC Work Programme for 2024 with those EU laws which were pre-Brexit within Scottish competence, either in whole or in part, are detailed in Annex 2 of this Report. Based on this analysis, at least 30 of the 213 Significant/Priority Proposals for new EU laws would replace or make substantial revisions in areas of policy that are or could be in the scope of the Scottish Government alignment commitment with assessment of the latter being based on findings from the Common Frameworks process read together with the SG annual reports on alignment.

Examples of proposed new EU law instruments that may be in scope of the SG alignment commitment are included in the EU Law Tracker (see section 3.3) case studies set out in the third section of this report. A detailed record of the 30 EU proposals identified as relevant for the alignment commitment is provided in Annex 2 of this report.

#### 2.1.2 Summary of European Parliament Elections and Implications

Elections to the European Parliament (EP) took place between 6 and 9 June 2024. The last sitting of the EP in advance of these elections was on 25 April;<sup>8</sup> the newly elected EP sat again on 16 July before rising for the August recess. While the EP was dissolved and prior to the election, the previous European Commission continued to operate; this meant tertiary EU laws were still being made during and notwithstanding the EP election period.

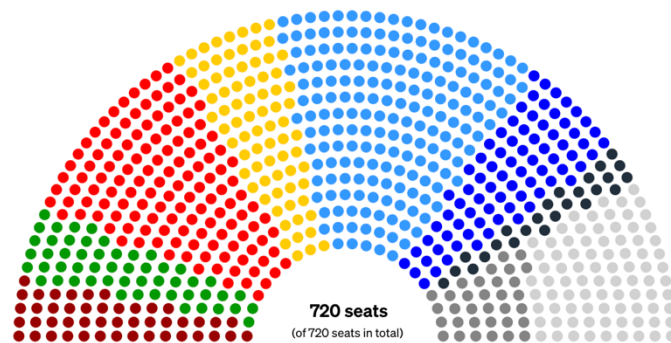
Following, and in view of, the EP election results (summarised in Figure 1) a new European Commission is appointed to reflect the political make-up of the new parliament. On 18 July 2024,

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<sup>8</sup> European Parliament '2024 Calendar' [europarl.europa.eu](https://www.europarl.europa.eu/cmsdata/277881/EP%20calendar%202024.pdf) Available: <https://www.europarl.europa.eu/cmsdata/277881/EP%20calendar%202024.pdf> (Accessed 10 Sept 2024)

the European People’s Party (EPP) leader Ursula von der Leyen was re-elected to serve as EC President by the newly elected MEPs. The process of appointing the next European Commission involves the EC President adopting a list of Commissioners-designate based on candidates nominated by Member State Governments. Each nominee must then appear before the parliamentary committee responsible for his or her proposed portfolio and Committee members vote on the suitability or otherwise of the candidate. Thereafter, the President alongside the High Representative of the Union for Foreign Affairs and Security Policy together with the other members of the new Commission are subject, as a body, to a vote of consent in the Parliament. Although designed to ensure a smooth transition between the old and new European Commission, these processes of appointment and confirmation take some time. It is therefore anticipated, at time of writing, that the new EC Work Programme will not be finalised until early 2025.

Figure 1: European Parliament 2024 Election Results



Click on a party to form a majority

Group	Seats	Change	Seats %
<span style="color: blue;">●</span> European People's Party	188	+12 ▲	26.1 %
<span style="color: red;">●</span> Socialists and Democrats	136	-3 ▼	18.9 %
<span style="color: darkblue;">●</span> Conservatives and Reformists	78	+9 ▲	10.8 %
<span style="color: yellow;">●</span> Renew	77	-25 ▼	10.7 %
<span style="color: green;">●</span> Greens	53	-18 ▼	7.4 %
<span style="color: darkred;">●</span> Left	46	+9 ▲	6.4 %
<span style="color: grey;">●</span> Europe of Sovereign Nations	25	0	3.5 %
<span style="color: lightgrey;">●</span> Nonaligned	33	-29 ▼	4.6 %

Participation: 50.74% (+0.1%)

Source: European Parliament<sup>9</sup> and Politico<sup>10</sup>

Regarding draft EU laws that were in process prior to the end of the previous parliament, all plenary votes taken by the EP ahead of the elections on proposals for new EU instruments remain legally valid and continue into the agenda of the newly elected parliament. Incoming MEPs can therefore pick up files where they were and progress these to the relevant next stage

<sup>9</sup> European Parliament (2024) '2024 European election results' *results.elections.europa.eu* Available: <https://results.elections.europa.eu/en/> (Accessed 13 Sept 2024)

<sup>10</sup> Politico (2024) '2024 European election results' *politico.eu* Available: <https://www.politico.eu/europe-poll-of-polls/european-parliament-election/> (Accessed 13 Sept 2024)



in the decision-making process. Any legislation that has not reached the plenary stage (i.e., has only been considered by committees) before EP elections does not have legal validity and therefore falls. There is, however, a provision in the Rules of Procedure of the Parliament that allows for any files that would otherwise lapse to be carried forward into the new term if the EP President and leaders of the EP political groupings are in favour of doing so.

From the perspective of Scotland and the SG alignment commitment an important implication of the EP election process and outcome is the *potential* for consistency between the previous cadre of proposals for updating existing and/or introducing new EU laws, and those likely to be included in the EC Work Programme of 2025; this is not however to suggest that all previous proposals for new EU laws will inevitably be carried forward under the new mandate. The Constitution *et al* Committee may wish to seek further information from the SG on plans to assess and manage any implications of political change in the EU on Scotland and its alignment commitment.

### 2.1.3 Summary of EU Law Developments

Prior to the 2024 EP elections, several acts of secondary EU law were adopted that are or may be in scope of the SG alignment commitment. The table below provides a summary of those EU acts adopted during the reporting period – January to August 2024 – and which explicitly replace and/or amend existing EU acts that are in scope of the SG alignment commitment. The selection below also feature in the analysis of the EC Work Programme 2024 in Annex 2 and some are also detailed in the case studies included in Section 3.

**Table 3: Summary of Potentially Relevant EU Laws Adopted January to August 2024**

New EU Act	Adopted	Replaced / Related EU Law in Scope of Alignment
Regulation (EU) 2024/1849 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions	June 2024	Regulation (EU) No 649/2012 on export and import of hazardous chemicals
Directive (EU) 2024/1438 of the European Parliament and of the Council of 14 May 2024 amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption	May 2024	Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices, 2001/113/EC relating to fruit jams, jellies and marmalades, 2001/114/EC relating to partly or wholly dehydrated preserved milk
Directive (EU) 2024/884 of the European Parliament and of the Council of 13 March 2024 amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)	March 2024	Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)
Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869	June 2024	Birds Directive (2009/147/EC), Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), Marine Strategy Framework Directive (2008/56/EC)
Directive (EU) 2024/1785 of the European Parliament and of the Council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the	April 2024	Industrial Emissions Directive (2010/75/EU) and Landfill Waste Directive (1999/31/EC)

Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste		
Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013	<b>June 2024</b>	Trans-European Transport Network Regulation (EU) 1315/2013
Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings (recast)	<b>April 2024</b>	Directive 2010/31/EU on energy performance of buildings
Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724	<b>June 2024</b>	Regulation (EU) 2018/1724 on a single digital gateway for access to information
Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims	<b>June 2024</b>	Human Trafficking Directive 2011/36/EU
Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC	<b>June 2024</b>	Human Blood Directive 2002/98/EC and Organs and Human Tissues 2004/23/EC
Council Directive (EU) 2024/1499 of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC	<b>May 2024</b>	Directive 2000/43/EC on Equal Treatment Regardless of Race or Ethnicity and Directive 2004/113/EC on Equal Treatment for Men and Women accessing Goods and Services
Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU	<b>May 2024</b>	Directive 2006/54/EC on Gender Equality in Employment and Directive 2010/41/EU on Gender Equality in Self-Employment

## 2.2 Summary of Scottish Law Developments

Under section 10 of the EU Continuity Act 2021 (as set out in Section 1.2.2 above) the Scottish Government is obliged to provide annual reports detailing: how the 'keeping pace' powers have been used; how any use has contributed towards maintaining and advancing standards related to the five section 2(1) policy areas; any consideration of the use of the section 1(1) powers that has taken place; and/or how they intend to use the 'keeping pace' power in the next reporting period. To date, three such reports have been published.

In response to initial concerns expressed by the Constitution *et al* Committee about the level of information provided regarding Scottish Ministers' decision-making processes on EU alignment,

the Scottish Government committed to provide more detailed information and to publish this alongside the annual reports already required under the 2021 Act. The Constitution *et al* Committee subsequently [welcomed](#) the “significantly extended levels of reporting on the policy to align” from the Scottish Government.

The next subsection incorporates analysis of relevant information published by the Scottish Government on its alignment policy, including that provided according to the new approach which has been fully implemented since September 2023. It should however be noted that the next SG alignment report is due to be published after this third EU Tracker report.

### **2.2.1 Developments Explicitly Related to the Alignment Commitment**

Since the EU Continuity Act 2021 became law, the Scottish Government have published three Annual Reports, as required under section 10 of the legislation, which detail instances of the use of section 1(1) powers as well as considerations of its use, past and future.

A draft of the first report was published in October 2021 with a final version following in May 2022.<sup>11</sup> This first Annual Report stated that the section 1(1) keeping pace power had not been used during the reporting period nor had there been any consideration given to its use during the reporting period; Scottish Ministers, at the time of reporting, had no plans to make use of the power during the upcoming reporting period.

A draft of the second report was published in October 2022 with a final version following in June 2023.<sup>12</sup> This second Annual Report stated again that the section 1(1) keeping pace power had not been used during the reporting period, however, consideration had been given to its use in relation to certain measures adopted under the EU Energy Performance and Buildings Directive (see 2018/844/EU) regarding, primarily, the installation of Electric Vehicle (EV) charge points in car parks associated with new and existing buildings. The Scottish Government concluded that “a number of factors ...did not support implementation” of the measures “at this time” but resolved to “monitor the growth of EV charging” at specific locations carefully over the next few years with a view to potentially introducing ‘keeping pace’ legislation “at a later date”.<sup>13</sup> Accounting for any intention to use the keeping pace powers in the upcoming reporting period, the second Annual Report also stated that the Scottish Government intends to make provision “in late 2022” under section 1(1) of the 2021 Act to amend the Public Water Supplies (Scotland) Regulations 2014 so to implement certain requirements of the recast EU law version of the

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<sup>11</sup> Scottish Government (2022) ‘Report by the Scottish Ministers in Exercise of the Power in Section 1(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 for the reporting period 29 March 2021 – 31 August 2021 and the intended future use of the power under section 1(1) in the upcoming reporting period’ 2022, May 10. SG/2022/90. Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2022/eu-alignment--continuity-act--6-may.pdf> (Accessed 25 July 2023)

<sup>12</sup> Scottish Government (2023b) ‘Report by the Scottish Ministers in Exercise of the Power in Section 1(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 for the Reporting Period 1 September 2021 – 31 August 2022 and the intended future use of the power under section 1(1) in the upcoming reporting period 1 September 2022 – 31 August 2023’ 2023, June 28. SG/2023/137. Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2023/annual-report-21-22.pdf> (Accessed 11 Sept 2024)

<sup>13</sup> *Ibid.*

Drinking Water Directive ((EU) 2020/2184), replacing Directive 98/83/EC) – this case was included in previous EU Law Tracker reports.<sup>14</sup>

A draft of the third Annual Report was published in October 2023, a final version was published in February 2024.<sup>15</sup> This third Annual Report stated that the section 1(1) keeping pace power had been used once during the reporting period (in this case from September 2022 to August 2023) with the introduction of the *Public Water Supplies (Scotland) Amendment Regulations 2022* which “partially aligns” with the EU Drinking Water Directive 2022/2184 (Recast) on the quality of water for human consumption.<sup>16</sup> The third Annual Report states that use of the Continuity Act powers in this instance allowed the Scottish Government to align with drinking water standards set by the World Health Organisation and thereby helped protect against harms to human health caused by per-fluoroalkyl substances (PFAS) and endocrine disruptors as well as, through catchment measures to address erosion and restrictions on artificial pollutants, and helped contribute to environmental protection (as defined in section 2(1) of the 2021 Act).<sup>17</sup> Regarding consideration of use of the keeping pace powers, the third Annual Report noted that Scottish Ministers had not considered “any further uses of the Continuity Act as the method by which to align within the reporting period”, however, the SG also provided information setting out its assessment of the relevance or otherwise of the alignment policy to 32 instruments of Scottish secondary legislation passed during the reporting period, and since the “change in information sharing requirements regarding EU alignment between September and October 2023.”<sup>18</sup> None of the instruments included in the record of the SG assessment were considered to have direct impact on the alignment policy; regarding one instrument – *The Carer’s Assistance (Carer Support Payment) (Consequential and Miscellaneous Amendments and Transitional Provision) (Scotland) Regulations 2023* – it was noted that “EU regulations on social security coordination” had been “taken into account in the design of these regulations”.<sup>19</sup> Subsequent Annual Reports will provide similar information – assessment of the relevance of non-Continuity Act Scottish legislation – covering the whole reporting period. Regarding Scottish Ministers’ intention to use the section 1(1) powers in the upcoming reporting period, the third Annual Report outlined a commitment to consult on “proposals for amending *The Town and Country Planning (Scotland) Act 1997* in relation to unauthorised development and the ability to take enforcement action after that time has expired for certain development” – if enacted, this change would be in response to

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<sup>14</sup> See EU Law Tracker: Report Two (n.1)

<sup>15</sup> Scottish Government (2023c) ‘Report by the Scottish Ministers in Exercise of the Power in Section 1(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 for the Reporting Period 1 September 2022 – 31 August 2023 and the intended future use of the power under section 1(1) in the upcoming reporting period 1 September 2023 – 31 August 2024’ 2024, February 6. SG/2024/23 Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eu-alignment--continuity-act--finalised-annual-report-2023--16-jan-24.pdf> (Accessed 11 Sept 2024)

<sup>16</sup> The *Public Water Supplies (Scotland) Amendment Regulations 2022* SSI 2022/387. Available: <https://www.legislation.gov.uk/ssi/2022/387/contents/made> (Accessed 11 Sept 2024); for the EU Drinking Water Directive (Recast) see Directive (EU) 2020/2184 in OJ L435, 23.12.2020 p.1-62. Available: <https://eur-lex.europa.eu/eli/dir/2020/2184/oj> (Accessed 11 Sept 2024)

<sup>17</sup> Scottish Government (2023c) ‘Report by Scottish Ministers’ (n.12): para. 8

<sup>18</sup> *Ibid.* Annex B.

<sup>19</sup> *Ibid.* See also: ‘Policy Note: The Carer’s Assistance (Carer Support Payment) (Consequential and Miscellaneous Amendments and Transitional Provision) (Scotland) Regulations 2023’ SSI 2023/258. *legislation.gov.uk* Available: [https://www.legislation.gov.uk/ssi/2023/258/pdfs/ssiipn\\_20230258\\_en\\_001.pdf](https://www.legislation.gov.uk/ssi/2023/258/pdfs/ssiipn_20230258_en_001.pdf) (Accessed 12 January 2024).

recommendations from the Aarhus Convention Compliance Committee regarding environmental obligations.<sup>20</sup>

The third SG Annual Report included an additional section on ‘EU Law Relevant to Devolved Competence or Having a Devolved Impact’ which provided a list of EU legislation, in progress at the start of “formalised monitoring in July 2023”, and which the SG view as “potentially within devolved competence or having devolved impact”.<sup>21</sup> The stated purpose of including this section is to assist the CEEAC Committee with its deliberations by giving an understanding of the areas of EU legislation the SG is initially considering in scope – the content of the relevant Annex (C) is not exhaustive. Entries listed as not applicable to the alignment commitment are stated to be “either non legislative or where they are in an early stage and cannot yet be assessed” – on this basis the list and assessments provided by the SG can usefully be considered as a snapshot of the SG’s analysis of the situation at the time of the publication of that Annual Report.<sup>22</sup>

### ***2.2.2 Developments not Explicitly Related to the Alignment Commitment***

In addition to exercising the specific ‘keeping pace’ powers bestowed by the EU (Continuity) Act 2021 the Scottish Government can also opt to align with EU law through provisions in acts of primary law and/or secondary law not made under the 2021 Act; the revised approach of the SG in the 2021 Act Annual Reports reflects this. In order to comprehensively assess the alignment commitment in practice it is therefore useful to review legislative developments in Scotland that are outside those specifically related to the 2021 Act keeping pace powers.

#### ***2.2.2.1 Primary Scottish Legislation***

Focusing first on developments in primary law, in the period covered by this EU Law Tracker the Scottish Parliament has passed 12 new primary acts of law. Of these two are explicitly linked to the alignment commitment; one can be said to be indirectly linked inasmuch as some provisions relate to policy areas where the EU has also regulated.

The analysis presented in Table 4 is based on information contained in Explanatory Notes and/or Policy Memoranda of the relevant Bill/Act published by the Scottish Government alongside the draft legislation. In assessing relevance, a conservative approach has been adopted such that legislation is not highlighted if there is no explicit link between the provisions of the primary act and EU law developments; the nature of any non-explicit link is detailed. The information set out below ought to be taken as a guide rather than used as a necessarily authoritative record.

**Table 4: New Primary Acts of Scottish Law (January 2024 – August 2024)**

<b>Acts of the Scottish Parliament</b>	<b>Year   Ref</b>	<b>Relationship to EU Law in Scope of Alignment*</b>
<b>2024</b>		

<sup>20</sup> *Ibid.* para. 10-11.

<sup>21</sup> *Ibid.* Annex C.

<sup>22</sup> *Ibid.*

Circular Economy (Scotland) Act 2024	2024 asp 13	<p><b>Directly Related</b></p> <p>This Act introduces measures to require primary legislation in Scotland to transition to a circular economy. To this end, the Act empowers Scottish Ministers to set statutory circular economy targets, via regulations and under section 6 of the Act; the Policy Memorandum states that targets may include 'reducing the use of materials, increasing reuse, increasing recycling and linking to priorities within the circular economy strategy' further that this provision and regulations made under it 'will create a focus for action and maintain alignment with the direction of EU policy'.<sup>23</sup></p>
Gender Representation on Public Boards (Amendment) (Scotland) Act 2024	2024 asp 12	Not Related
Agriculture and Rural Communities (Scotland) Act	2024 asp 11	<p><b>Directly Related</b></p> <p>This Act makes provision for a 'post-EU Common Agricultural Payment' support payment framework in Scotland. While moving away from the EU CAP, the Policy Memorandum states that the new scheme will stay 'broadly aligned with EU CAP objectives' – the Act requires Scottish Ministers to prepare and publish a Rural Support Plan which will, according to the Policy Memorandum, be required to make clear how agricultural support contributes to other statutory duties such as 'climate commitments and EU alignment'.<sup>24</sup></p>
Abortion Services (Safe Access Zones) Act 2024	2024 asp 10	<p><b>Not Related</b></p> <p>While unrelated, it is worth noting that the European Parliament passed a resolution on the inclusion of the right to abortion in the EU Charter of Fundamental Rights – if adopted, the application of the new ECHR provision would be expected to overlap with provisions contained in the Act.</p>
Bankruptcy and Diligence (Scotland) Act 2024	2024 asp 9	Not Related
Visitor Levy Act 2024	2024 asp 8	<p><b>Not Related</b></p> <p>While unrelated it is worth noting that the introduction of a visitor levy in Scotland is modelled on similar schemes in EU Member States – the Policy Memorandum accompanying the Act noted this.<sup>25</sup></p>
Housing (Cladding Remediation) (Scotland) Act 2024	2024 asp 7	Not Related
Post Office (Horizon System) Offences (Scotland) Act 2024	2024 asp 6	Not Related
Children (Care and Justice) (Scotland) Act 2024	2024 asp 5	Not Related
Wildlife Management and Muirburn (Scotland) Act 2024	2024 asp 4	<p><b>Indirectly Related</b></p> <p>This Act is not explicitly related to the SG alignment commitment – its accompanying Policy Memorandum makes no mention of it – yet it is worth noting that it does regulate some areas covered by the Wildlife Management and Muirburn (Scotland) Act e.g., use of leg-hold or spring traps, and the killing of birds; there are however no direct overlaps with provisions in the Act and provisions in EU law.</p>
The Budget (Scotland) Act 2024	2024 asp 3	Not Related
Trusts and Succession (Scotland) Act 2024	2024 asp 2	Not Related

\*Assessed on the basis of a cross-reading of Primary Acts explanatory notes and policy notes as well as relevant EU law instruments that are potentially in scope of the Scottish Government's alignment commitment.

<sup>23</sup> Circular Economy (Scotland) Bill: Policy Memorandum *parliament.scot* Available: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/circular-economy-scotland-bill/introduced/policy-memorandum-accessible.pdf> (Accessed 12 Sept 2024)

<sup>24</sup> Agriculture and Rural Communities (Scotland) Bill: Policy Memorandum *parliament.scot* Available: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/agriculture-and-rural-communities-scotland-bill/introduction/policy-memorandum-accessible.pdf> (Accessed 12 Sept 2024)

<sup>25</sup> Visitor Levy (Scotland) Bill: Policy Memorandum *parliament.scot* Available: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/visitor-levy-scotland-bill/introduced/policy-memorandum-accessible.pdf> (Accessed 13 Sept 2024)

As Table 4 indicates, where Scots law initiatives are stated to uphold the alignment commitment, this tends to be on the level of policy principles and/or direction of travel rather than to be on the level of detailed legal alignment of the kind experienced and practiced in EU Member States and those outside the EU, but which have an agreed legal arrangement for some degree of alignment with EU law.

### 2.2.2.2 Secondary Scottish Legislation

Another important mechanism in upholding the alignment commitment is secondary legislation. As well as providing information on the relevance of the alignment policy to new Bills and LCMs, under its new approach to reporting, the SG have committed to provide in Policy Notes accompanying SSIs a subheading on the 'EU Alignment Consideration' granted the relevant instrument.

In the period covered by this Report, 229 Scottish Statutory Instruments have been made. Of the total number, 94 related to temporary prohibitions on traffic or temporary speed restrictions on specific roads in Scotland; because SSIs of this nature are not relevant to the SG alignment commitment, they have been excluded from the record set out in Table 5 below; for the same reasons, 21 SSIs dealing with local government and non-domestic rates are not included in the record below.

**Table 5: New Secondary Acts of Scottish Law (August 2023 – January 2024)**

Acts of the Scottish Parliament	Year   Ref	Relationship to EU Law in Scope of Alignment
<b>2024</b>		
The Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment (No. 2) Regulations	2024 No.225	Not Related
The Scottish Criminal Cases Review Commission (Permitted Disclosure of Information) Order	2024 No.220	Not Related
The Academic Awards and Distinctions (SRUC) (Scotland) Order of Council	2024 No.219	Not Related
The Charges for Residues Surveillance Amendment (Scotland) Regulations	2024 No.218	Not Related
The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) (No. 2) Regulations	2024 No.216	Not Related
The Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 1 and Transitional Provision) Regulations	2024 No.211	Not Related
The Protected Trust Deeds (Miscellaneous Amendment) (Scotland) Regulations	2024 No.198	Not Related
Act of Sederunt (Proceedings for Determination of Compatibility Questions Rules)	2024 No.197	Not Related
Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Protective Expenses Orders)	2024 No.196	Not Related
Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Appeal Court Rules 2021 Amendment) (United Nations Convention on the	2024 No.195	Not Related

Rights of the Child (Incorporation) (Scotland) Act 2024)		
The Scottish Pubs Code Regulations	2024 No.193	Not Related
The Valuation Timetable (Scotland) Amendment Order	2024 No.192	Not Related
The Waste (Materials Facilities) (Scotland) Regulations	2024 No.191	Directly Related This Instrument amends and updates waste legislation, including assimilated laws, to give effect to the UK extended producer responsibility for packaging scheme. The Policy Note states: 'This SSI will provide the legislative framework for the new EPR scheme on packaging which will continue our general alignment with current EU law in relation to packaging and packaging waste, including Directive (EU) 2018/852 which includes an amendment obligating all Member States to set EPR schemes for packaging by 2024'.
The Scottish Pubs Code Adjudicator (Miscellaneous Listings) Order	2024 No.190	Not Related
The Tied Pubs (Scottish Arbitration Rules) Amendment Order	2024 No.189	Not Related
The Scottish Pubs Code Adjudicator (Duty to Publish Certain Information) Regulations	2024 No.188	Not Related
The Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations	2024 No.187	Not Related
The Valuation (Proposals Procedure) (Scotland) Amendment Regulations	2024 No.186	Not Related
The Police Service of Scotland (Amendment) Regulations	2024 No.179	Not Related
The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations	2024 No.178	Not Related
The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations	2024 No.176	Not Related
The Equality Act 2010 (Specification of Public Authorities) (Scotland) Order	2024 No.175	Not Related
Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024)	2024 No.174	Not Related
The Carer's Assistance (Carer Support Payment) (Scotland) Amendment Regulations	2024 No.173	Not Related
The National Health Service (Scotland) Act 1978 (Independent Health Care) Modification Order	2024 No.172	Not Related
The Healthcare Improvement Scotland (Inspections) Amendment Regulations	2024 No.171	Not Related
The Animal Welfare (Livestock Exports) Act 2024 (Commencement) (Scotland) Regulations	2024 No.170	Indirectly Related This Instrument brings into force in Scotland those aspects of the Animal Welfare (Livestock Exports) Act 2024 not already in force. The Act implements a ban on exports of live animals from GB to other countries, including EU countries. <sup>26</sup>
The Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations	2024 No.169	Not Related

<sup>26</sup> See S. Coe (2024) 'Animal Welfare (Livestock Exports) Act 2024' *House of Commons Library* Available: <https://researchbriefings.files.parliament.uk/documents/CBP-9912/CBP-9912.pdf> (Accessed 15 Sept 2024)



The Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No.1) Regulations	2024 No.168	Not Related
<b>The Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations</b>	2024 No.165	<p>Directly Related</p> <p>This Instrument mandates the use of Remote Electronic Monitoring (REM) systems on all 'relevant scallop boats' and 'relevant pelagic boats' fishing in the Scottish zone. The Policy Note states: 'The EU is taking steps to consider a role for REM in certain fisheries as part of their wider review of the EU control and enforcement regulation. The instrument will advance the standards shared with the EU, creating a temporary period of divergence while it progresses its own development of REM.'<sup>27</sup></p>
The Trusts and Succession (Scotland) Act 2024 (Commencement No.1) Regulations	2024 No.164	Not Related
The Damages (Review of Rate of Return) (Scotland) Regulations	2024 No.163	Not Related
The Scottish Tribunals (Listed Tribunals) Regulations	2024 No.162	Not Related
The Transport Partnerships (Transfer of Functions) (Scotland) Order	2024 No.161	Not Related
Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Mutual Legal Assistance)	2024 No.159	Not Related
The International Organisations (Immunities and Privileges) (Scotland) Amendment Order	2024 No.158	Not Related
Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) (Amendment)	2024 No.157	Not Related
<b>The Food Additives and Novel Foods (Authorisations and Miscellaneous Amendments) and Food Flavourings (Removal of Authorisations) (Scotland) Regulations</b>	2024 No.156	<p>Directly Related</p> <p>This Instrument authorises placing on the Scottish market four new novel foods, authorises a new production method for two food additives and a new use for one other food additive, and authorises the removal of twenty-two food flavouring substances while also providing a maximum limit for residues of ethylene oxide in all food additives. These changes align Scottish legislation with that of England and Wales. In the EU, three of the four novel foods and one of the two food additives have been authorised, the twenty-two food flavourings have been removed and the new limit for ethylene oxide has been implemented – Northern Ireland is aligned with the EU in this area – as the Policy Memorandum acknowledges therefore 'authorisations for two of the novel foods and one additive do not align with relevant EU law'.</p>
The Sheriff (Removal from Office) Order	2024 No.148	Not Related
The Teachers' Pension Scheme (Scotland) Amendment Regulations	2024 No.147	Not Related
The Seed (Fees) (Scotland) Amendment Regulations	2024 No.146	Not Related
The Bail and Release from Custody (Scotland) Act 2023 (Commencement No. 1) Regulations	2024 No.145	Not Related
The Registration of Social Workers and Social Service Workers in Care Services (Scotland) Amendment Regulations	2024 No.142	Not Related
The Disability Assistance for Older People (Consequential Amendment and Transitional Provision) (Scotland) Regulations	2024 No.141	Not Related

<sup>27</sup> 'The Sea Fisheries (Remote Electronic Monitoring and Regulation of Scallop Fishing) (Scotland) Regulations SSI 2024/165 Available: [https://www.legislation.gov.uk/ssi/2024/165/pdfs/ssiipn\\_20240165\\_en\\_001.pdf](https://www.legislation.gov.uk/ssi/2024/165/pdfs/ssiipn_20240165_en_001.pdf) (Accessed 15 Sept 2024)

The Education (Fees and Student Support) (Miscellaneous Amendments) (Scotland) Regulations	2024 No.140	Not Related
The Water Supply (Water Fittings) (Scotland) Byelaws Extension Order	2024 No.139	Not Related
The Tied Pubs (Scotland) Act 2021 (Commencement No.2) Regulations	2024 No.136	Not Related
The Public Services Reform (Scotland) Act 2010 (Commencement No.8) Order	2024 No.131	Not Related
The Healthcare Improvement Scotland (Fees) Regulations	2024 No.130	Not Related
The National Smart Ticketing Advisory Board (Public Service Reform) (Scotland) Order	2024 No.129	Not Related
The Alcohol (Minimum Pricing) (Scotland) Amendment Order	2024 No.128	Not Related
The Alcohol (Minimum Pricing) (Scotland) (Continuation) Order	2024 No.127	Not Related
<b>The Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations</b>	2024 No.123	Indirectly Related This Instrument amends legislation in the field of plant health – including assimilated law versions of Regulation (EU) 2026/2031 on plant health and Regulation 2017/625 on Official Controls – to allow for the implementation of aspects of the GB Border Target Operating Model (BTOM) developed in view of UK withdrawal from the EU. The Policy Note states: ‘This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU because it concerns measures regarding sanitary and phytosanitary controls on goods entering Great Britain from the EU, which are required as a consequence of no longer being an EU member. It is not considered that the changes included in this instrument would give rise to any difficulties were Scotland to seek to re-join the EU in the future.’
The Legal Aid (Miscellaneous Amendment) Regulations	2024 No.119	Not Related
The Tied Pubs (Scotland) Act 2021 (Commencement No.1) Regulations	2024 No.113	Not Related
The Scottish Food Commission (Appointment) Regulations	2024 No.112	Not Related
The Charities (References in Documents) (Miscellaneous Amendment) (Scotland) Regulations	2024 No.111	Not Related
The Patient Safety Commissioner for Scotland (Commencement) Regulations	2024 No.110	Not Related
The National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order	2024 No.107	Not Related
The Social Security Up-Rating (Scotland) Order	2024 No.106	Not Related
The Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations	2024 No.105	Not Related
The Land and Buildings Transaction Tax (Miscellaneous Amendments) (Scotland) Order	2024 No.104	Not Related
The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order	2024 No. 102	Not Related
The Scottish Local Government Elections Amendment (Denmark) Regulations	2024 No. 101	Not Related
The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations	2024 No. 100	Not Related
The Budget (Scotland) Act 2023 Amendment Regulations	2024 No. 99	Not Related

The Renewables Obligation (Scotland) Amendment Order	2024 No. 98	Indirectly Related This Instrument provides for the amendment of the Renewables Obligation (Scotland) Order 2009 to allow for the 2024/25 Renewables Obligation Scotland level to be revised. Although the Policy Note states that the instrument is 'not relevant to the Scottish Government's policy to maintain alignment with the EU' <sup>28</sup> it is worth noting that the ROIS Order 2009 – according to the Executive Note published at the time – formed 'an important part of the UK's compliance with article 3.1 of the European Directive on the promotion of electricity produced from renewable sources (Directive 2001/77/EC)' which provided that member states take appropriate steps to encourage greater consumption of renewable electricity. <sup>29</sup>
The Rent Adjudication (Temporary Modifications) (Scotland) Regulations	2024 No.88	Not Related
The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Expiry of Section 10: Extension) Regulations	2024 No. 87	Not Related
The Avian Influenza (Preventative Measures) (Scotland) Amendment Order	2024 No. 87	Indirectly Related This Instrument makes provisions concerning the GB Poultry Register which among other things monitors notifiable diseases and infections in GB poultry stock. The EU regulates in this area however the Policy Note states that the instrument is 'not relevant to the Scottish Government's policy to maintain alignment with the EU'.
The Plant Health (Export Certification) (Scotland) Amendment Order	2024 No. 86	Directly Related This Instrument makes amendments to legislation in the field of plant health to enable the Scottish Government to introduce fees associated with the export of plants and plant products – this will allow for the Plant Health Exports Audited Trader Scheme (PHEATS) to be introduced in Scotland. While the EU regulates in the area of plant health the Policy Note states: 'No impact on alignment with EU law is expected because PHEATS complies with EU Member States' importing requirements. PHEATS' members in England and Wales have been successfully exporting to EU countries since 2021. The Scottish Government's EU Alignment Team have no concerns with Scottish PHEATS membership, re-accession or EU law alignment'.
Act of Sederunt (Rules of the Court of Session 1994 Amendment) (National Security Prevention and Investigation)	2024 No. 84	Not Related
The Hate Crime and Public Order (Scotland) Act 2021 (Commencement and Transitional Provision) Regulations	2024 No. 82	Not Related
The Meat Preparations (Import Conditions) (Scotland) Amendment Regulations	2024 No. 81	Directly Related This Instrument makes provision for the import of meat preparations that have not been deep frozen from EEA states and the Rest of the World to commence from 30 April 2024 – to do so they amend assimilated law version of Commission Decision 2000/572/EC which makes provisions for the implementation of Council Directive 2002/99/EC which required imports of meat preparations from EU third countries to have been deep frozen at the plant of origin – previous SSIs amended Scots Law versions of CD 2000/572/EC to allow for fresh meat preparations to be imported into Scotland from specified third countries – this Instrument makes similar further provisions. On EU alignment the Policy Note states: 'This instrument concerns measures regarding sanitary controls on goods entering Great Britain. These measures are required as a consequence of no longer being an EU Member State. The approach taken to meat preparations entering Great Britain are proportional to the risk level of those products, in line with international obligations we share with the EU. Within the EU, Commission Decision 2000/572 has been repealed, and meat preparations may be imported where they are in accordance with the required accompanying health certificate contained in Commission

<sup>28</sup> Policy Note: The Renewables Obligation (Scotland) Amendment Order 2024' SSI 2024/98 Available: [https://www.legislation.gov.uk/ssi/2024/98/pdfs/ssipn\\_20240098\\_en\\_001.pdf](https://www.legislation.gov.uk/ssi/2024/98/pdfs/ssipn_20240098_en_001.pdf) (Accessed 14 Sept 2024)

<sup>29</sup> Executive Note: The Renewables Obligation (Scotland) Order 2009' SSI 2009/140 Available: [https://www.legislation.gov.uk/ssi/2009/140/pdfs/ssien\\_20090140\\_en.pdf](https://www.legislation.gov.uk/ssi/2009/140/pdfs/ssien_20090140_en.pdf) (Accessed 15 Sept 2024)

		Implementing Regulation (EU) 2020/2235. These measures will not create any barriers to re-entry to the European Union.'
The Police Pension Scheme (Scotland) Amendment Regulations	2024 No. 80	Not Related
The Planning (Scotland) Act 2019 (Commencement No. 13 and Saving Provisions) Regulations	2024 No.79	Not Related
The Consumer Scotland Act 2020 (Relevant Public Authorities) Regulations	2024 No.78	Not Related
Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Payment and Electronic Money Institution Special Administration)	2024 No. 75	Not Related
The Scottish Social Services Council (Appointments, Procedure and Access to the Register) Amendment Regulations	2024 No. 74	Not Related
The Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order	2024 No. 73	Not Related
The Bus Services Improvement Partnerships (Objections) (Scotland) Regulations	2024 No. 72	Not Related
The Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order	2024 No. 70	Not Related
The Charities (Regulation and Administration) (Scotland) Act 2023 (Commencement No. 1, Transitional and Saving Provisions) Regulations	2024 No. 63	Not Related
The Social Security (Gibraltar) (Iceland) (Liechtenstein) (Norway) (Further Provision in Respect of Scotland) Order	2024 No. 62	<b>Directly Related</b> This Instrument gives effect to an agreement on social security set out in an exchange of letters between the UKG and the Government of Gibraltar. The Policy Note states that the instrument 'makes similar provision to the EU rules on social security co-ordination set out in Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009... for the individuals covered by this Agreement'.
The Welfare of Farmed Animals (Scotland) Amendment Regulations	2024 No. 61	<b>Indirectly Related</b> This Instrument amends the Welfare of Farmed Animals (Scotland) Regulations 2010 to include recently published 'Guidance for the Welfare of Pigs' published on 20 November 2023. <sup>30</sup> Although the Policy Note states that the Instrument is 'not relevant to the Scottish Government's policy to maintain alignment with the EU' the WFA Regulations 2010 that it amends transposed EU Council Directive 2007/43/EC into domestic law (see associated Policy Note) <sup>31</sup> so it is unclear why the 2024 Regulations are deemed irrelevant to the alignment commitment.
The Scottish Landfill Tax (Standard Rate and Lower Rate) Order	2024 No. 60	Not Related
The Discretionary Financial Assistance (Scotland) Revocation Regulations	2024 No. 58	Not Related
The Social Security (Scotland) Act 2018 (Commencement No. 10 and Transitional Provision) Regulations	2024 No. 57	Not Related
The Regulation of Care (Social Service Workers) (Scotland) Order	2024 No. 56	Not Related
The Bankruptcy (Scotland) Amendment Regulations	2024 No. 48	Not Related

<sup>30</sup> 'Code of Practice for the Welfare of Pigs (Revocation) (Scotland) Notice 2023' gov.scot Available: <https://www.gov.scot/publications/code-of-practice-for-the-welfare-of-pigs-revocation-scotland-notice-2023/> (Accessed 14 Sept 2024)

<sup>31</sup> The Welfare of Farmed Animals (Scotland) Regulations 2010 SSI 2010/388 Available: [https://www.legislation.gov.uk/ssi/2010/388/pdfs/ssien\\_20100388\\_en.pdf](https://www.legislation.gov.uk/ssi/2010/388/pdfs/ssien_20100388_en.pdf)

The Building (Fees) (Scotland) Amendment Regulations	2024 No. 46	Not Related
The Social Care and Social Work Improvement Scotland (Cancellation of Registration and Relevant Requirements) Order	2024 No. 45	Not Related
The Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations	2024 No. 44	Not Related
The National Health Service (Common Staffing Method) (Scotland) Regulations	2024 No. 43	Not Related
<b>The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations</b>	2024 No. 42	<p>Directly Related</p> <p>This Instrument amends the Packaging Waste (Data Reporting) (Scotland) Regulations 2023 which requires producers of products to collect and report data on the amount and type of packaging they place on the market as part of the Extended Producer Responsibility (EPR) for packaging – this Instrument amends the 2023 Regulations in response to the decision to postpone the implementation of Scotland’s Deposit Return Scheme to October 2025. The Policy Note states: ‘the data reporting regulations which this SSI amends, will be replaced by a UK SI which the Scottish Government and other UK governments are collaborating on, and intend to bring forward in autumn 2024. This SI will provide the legislative framework for the new EPR scheme on packaging which will continue our alignment with current EU law in relation to packaging and packaging waste. There is a proposal for an EU Regulation on packaging and packaging waste which will replace Directive 94/62/EC [the assimilated law version of which was amended by this SSI]; however, this has not yet been adopted and so the Scottish Government cannot comment on alignment with that Regulation at this point.</p>
Act of Sederunt (Fees of Messengers-At-Arms) and Sheriff Officers (Amendment)	2024 No. 41	Not Related
The Education (Scotland) Act 1980 (Modification) Regulations	2024 No. 40	Not Related
The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Codes of Conduct for Members of Certain Scottish Public Authorities) Amendment Order	2024 No. 39	Not Related
The National Health Service (Optical Charges and Payments and General Ophthalmic Services) (Scotland) Amendment Regulations	2024 No. 38	Not Related
<b>The Sandeel (Prohibition of Fishing) (Scotland) Order</b>	2024 No. 36	<p>Directly Related</p> <p>This Order prohibits all fishing for sandeel in Scottish waters in support of long-term sustainability and resilience of the marine environment – the Policy Note states that the Order is ‘aligned with the EU’s overall approach of managing fish stocks in a sustainable manner with catches of stocks at risk of over-exploitation subject to a variety of restrictions’<sup>32</sup></p>
The Dangerous Dogs (Designated Types) (Scotland) Order	2024 No. 31	Not Related
The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations	2024 No. 30	Not Related
The Good Food Nation (Scotland) Act 2022 (Commencement No. 2) Regulations	2024 No. 29	Not Related
The Firefighters’ Pension Schemes (Scotland) Amendment Order	2024 No. 26	Not Related
The National Assistance (Sums for Personal Requirements) (Scotland) Regulations	2024 No. 22	Not Related

<sup>32</sup> Policy Note: The Sandeel (Prohibition of Fishing) (Scotland) Order 2024 SSI 2024/36 Available: [https://www.legislation.gov.uk/ssi/2024/36/pdfs/ssipn\\_20240036\\_en\\_001.pdf](https://www.legislation.gov.uk/ssi/2024/36/pdfs/ssipn_20240036_en_001.pdf) (Accessed 14 Sept 2024)

The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations	2024 No. 21	Not Related
The Health and Care (Staffing) (Scotland) Act 2019 (Commencement No. 2) Regulations	2024 No. 20	Not Related
The Cost of Living (Tenant Protection) (Scotland) Act 2022 (Saving Provisions) Regulations	2024 No. 19	Not Related
The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (Commencement) Regulations	2024 No. 13	Not Related
<b>The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations</b>	2024 No. 12	<b>Directly Related</b> Instrument amends Scots Law version of Regulation (EU) 2019/1793 to implement changes following a review of the operation of the assimilated law act – its provisions concern the increase of official controls and emergency measures on certain goods from certain third countries entering Great Britain. The Policy Note states: ‘Whilst it is anticipated that UK reviews will generally align with EU controls divergence is possible. However this would not be due to any proactive policy change. It will be either in relation to our approach to risk analysis which may, on occasion, result in different outcomes to that of the EU and the timing associated with implementation given respective legislative processes. Review 2 of the Regulation shows a reduction in divergence with the EU. In overall terms, for commodities subject to controls, Review 2 proposals will increase alignment with the EU.’ <sup>33</sup>
The Wine (Miscellaneous Amendment) (Scotland) Regulations*	2024 No. 11	<b>Indirectly Relevant</b> Instrument amends Scots Law versions of Commission Delegated Regulations (EU) 2019/33 and 2019/934 both of which supplement Regulation (EU) No 1308/2013 and concern the regulation of wine products and production – this SSI makes a range of technical changes including requirements for use of the term “ice wine”.
The Social Security Information-Sharing (Scotland) Amendment Regulations	2024 No. 8	Not Relevant
The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order	2024 No. 6	<b>Directly Relevant</b> Order prohibits fishing in certain areas of the Firth of Clyde for certain months of the year to protect cod stocks during spawning season. The Policy Note states that this instrument “supports and maintains alignment with the EU’s principles of environmental sustainability and fisheries management. Spatial closures are commonly used in the EU to protect juvenile and spawning fish. EU vessels are not impacted by this closure as it applies inside Scottish territorial waters”.
The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Commencement No. 6) Regulations	2024 No. 1	Not Relevant

Of the 114 potentially relevant instruments made during the reporting period, 16 can be said to be either indirectly or directly relevant to the keeping pace policy. This assessment is based on information contained in policy notes accompanying the legislation read together with the comprehensive EU Law Tracker annexed to this Report. Where available, SG statements (or extracts, as appropriate) on the applicability or otherwise of the keeping pace policy are also included in Table 5. The January 2024 EU Law Tracker noted some inconsistencies in the level of information being provided by the SG in policy notes accompanying SSIs regarding their relevance to EU alignment. In the reporting period for this issue of the EU Law Tracker the

<sup>33</sup> ‘Policy Note: The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations 2024’ SSI 2024/12 Available: [https://www.legislation.gov.uk/ssi/2024/12/pdfs/ssiipn\\_20240012\\_en\\_001.pdf](https://www.legislation.gov.uk/ssi/2024/12/pdfs/ssiipn_20240012_en_001.pdf) (Accessed 11 Sept 2024)

consistency of SG reporting in policy notes appears to have improved. Excluding SSIs that deal with either temporary traffic restrictions or act of sedurant rules – which are self-evidently unrelated to EU alignment – SG reporting in SSIs has been consistent.

Of the 16 directly or indirectly relevant SSIs, approximately 6 (those with titles in **bold font**) implement measures that diverge from EU law or may result in divergence from EU law with categorisation being contingent on how divergence (and/or alignment) is being defined and understood. For example, an SSI like the *The Food Additives and Novel Foods (Authorisations and Miscellaneous Amendments) and Food Flavourings (Removal of Authorisations) (Scotland) Regulations* makes a series of changes regarding certain novel foods and food additives, most of which mirror changes made in EU law but some – regarding authorisation of two novel foods and one additive – clearly diverge from EU law where the same products have not been authorised. By contrast, an SSI like *The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations* which makes provisions regarding the implementation of checks and controls on certain goods entering Great Britain, including from EU-Member States, is said by the SG to ‘generally align’ with the EU but also ‘divergence is possible’, so the picture is less clear.

SP Committees may wish to follow up with the SG regarding certain SSIs where divergence or potential divergence is indicated to either have occurred or to be a possibility in future.

## 2.3 Summary of Wider UK Law Developments

Previous EU Law Tracker reports have discussed the mitigating effect of assimilated law (previously ‘retained law’) on the potential for immediate legal and regulatory divergence between the UK and EU as a result of Brexit and at the end of the UK Transition Period on 31 December 2020. Changes given effect by the *Retained EU Law (Revocation and Reform) Act 2023* – as also discussed in previous reports – mean that residual alignment between assimilated law (applicable in the UK, including in Scotland) and EU law is less secure and more difficult to monitor.<sup>34</sup>

In the time between the previous EU Law Tracker and this edition, a UK general election has changed the domestic political landscape, including in ways that are or may be relevant for the SG alignment commitment.

### 2.3.1 Summary of UK General Election and Implications

The UK general election took place on 4 July 2024 (the UKGE 2024) and, as summarised below, resulted in a change of government. The Labour UKG policy towards the EU is to ‘re-set’ its relationship and ‘deepen ties’ with the EU while also seeking ‘to negotiate a veterinary agreement’.<sup>35</sup> If achieved, any new UK-wide agreement with the EU on sanitary and phytosanitary (SPS) and veterinary issues or any other area can be expected to make fulfilment

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<sup>34</sup> For further discussion see EU Law Tracker Report Two, n.1.

<sup>35</sup> Labour Party (2024) *Labour Manifesto* Available: <https://labour.org.uk/change/britain-reconnected/> (Accessed 15 Sept 2024)

of the SG alignment policy easier because it would very likely involve some degree of alignment between relevant areas of UK law and EU law, contingent of course of the scope and terms of any agreement reached. The SG share the UKG ‘ambition to bring about a new trading relationship with the EU’ and [recently set out](#) what it said is the case for a comprehensive veterinary and sanitary and phytosanitary (SPS) agreement.<sup>36</sup>

### 2.3.1 Relevant UK Laws Passed and Proposed

Since the end of the UK’s Transition Period new legislation has become law which is or may be relevant in the context of the Scottish Government’s alignment policy. While the primary purpose of this report is not to consider the evolution of UK-wide law some of these changes are useful to be aware of when it comes to assessing alignment vs divergence in the context of the EU and Scotland. On this premise Table 6 provides a summary of UK public general acts that have become law between January 2024 and August 2024, and which make provision in areas that were previously covered by EU law and/or that relate directly to the fact of the UK’s withdrawal from the EU. For reference, Scottish legislative consent memorandums are linked. The below content ought to be taken as indicative rather than necessarily authoritative.

**Table 6: New Primary Acts of Relevant UK-wide Law (January 2024 to August 2024)**

Acts of the UK Parliament	Year Reference	Legislative Consent	Explanation of Relevance
<b>2024</b>			
Animal Welfare (Livestock Exports) Act	2024 c. 11	<a href="#">LCM</a>	This Act introduces a ban on the export of live animals from Great Britain for the purposes of fattening or slaughter to territories outside the British Isles, including to EU countries. Provisions in the act therefore diverge from EU rules on the transport of live animals laid down in Council Regulation (EC) 1/2005. <sup>37</sup> The SG recommended consent and the SP gave its consent to relevant provisions in the Act. Regarding alignment the LCM states: ‘Angus Robertson, the Cabinet Secretary for Constitution, Europe and External Affairs has been consulted previously because the previous LCM proposals raised issues of alignment with EU law, however these current provisions in the Bill do not diverge from the requirements of EU Regulations as the proposed changes are consistent with the expected direction to be taken by the EU’.
Automated Vehicles Act	2024 c.10	<a href="#">LCM</a>   <a href="#">Supplementary LCM</a>	The intended purpose of this Act is to set the legal framework for the safe deployment of self-driving vehicles in Great Britain. The EU legal framework for the approval of driverless and automated vehicles is provided for in Regulation (EU) 2019/2144; <sup>38</sup> while this still applies in Northern Ireland under the Windsor Framework it was revoked in Scotland (and England and Wales) by The Road

<sup>36</sup> Scottish Government, ‘Trading arrangements with the EU’ 29 August 2024 gov.scot Available: <https://www.gov.scot/publications/eu-trading-arrangements/> (Accessed 15 Sept 2024)

<sup>37</sup> ‘Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97’ OJ L3 5.1.2005 pp. 1-44. Available: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32005R0001> (Accessed 16 Sept 2024)

<sup>38</sup> ‘Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166’ OJ L325 16.12.2019 pp. 1-40. Available: <https://eur-lex.europa.eu/eli/reg/2019/2144/oj> (Accessed 16 Sept 2024)



			<p>Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 (SI 2022/1273).<sup>39</sup></p> <p>The SG recommended partial consent in a supplementary LCM and the SP gave its consent to a number of relevant provisions in the Act (but not to all). Regarding alignment the supplementary LCM states: 'Given the lack of detail and the requirement for the UK Government to put in place regulation making powers, it is difficult to judge or make an assessment at this point how much it would take us away from EU alignment. The Scottish Government will consider EU alignment and engage with the UK Government as regulations are developed going forward.'</p>
Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Act	2024 c.6	<a href="#">LCM</a>	<p>This Act makes a series of changes to domestic law to allow for the implementation of the UK's agreement to join the CPTPP. The SG recommended consent and the SP consented to relevant provisions in the Act. Regarding alignment the LCM states: 'The amendments to the Scottish procurement regulations made by this Bill and described in this memorandum, do amount to material divergence from EU law, however they are very minor. As they are required in order to meet an international obligation, Scottish Ministers have no substantive discretion in the matter'.</p>

Changes in secondary legislation either UK-wide, GB-wide and/or English and Welsh laws in areas of law and policy that are both in scope and out of scope of the SG alignment commitment have implications for its effect.<sup>40</sup> Where changes are being made to assimilated law outside Scotland but in areas that are in scope of the alignment commitment these may impact on decisions taken by the SG as regards to alignment. Similarly, where changes are being made to assimilated law outside Scotland but in areas that are not in scope of the alignment commitment these too may impact on decisions taken as regards to in scope areas should they be related either directly or indirectly. Although it is beyond the scope of this Report (and related research) to comprehensively monitor the substance of non-Scottish statutory instruments, given the potential for these to have indirect effects on alignment, a selective record of secondary acts of UK law that are, or could be, relevant for the SG alignment commitment is set out in Table 7; the content should be taken as demonstrative rather than comprehensive.

**Table 7: Examples of New Secondary Acts of Relevant UK Law (January 2024 – August 2024)**

<sup>39</sup> 'Explanatory Memorandum to The Road Vehicles and Non Road Mobile Machinery (Type-Approval) (Amendment and Transitional Provisions) (EU Exit) Regulations 2022 SI 2022/1273 Available: [https://www.legislation.gov.uk/uk/si/2022/1273/pdfs/uksem\\_20221273\\_en.pdf](https://www.legislation.gov.uk/uk/si/2022/1273/pdfs/uksem_20221273_en.pdf) (Accessed 16 Sept 2024)

<sup>40</sup> Due to the arrangements made for Northern Ireland under the Windsor Framework, it is in a different position in most relevant policy areas.

UK Statutory Instruments	Year   Ref	Territorial Application	Relationship to EU Law in Scope of Alignment
<b>2024</b>			
The Seed Marketing (CMS Wheat Hybrids) (Temporary Experiment) (England) Regulations	SI 2024/899	England only	<p>Directly related.</p> <p>This instrument sets up a temporary 7-year experiment to introduce certification standards for the marketing of hybrid wheat seed produced via 'Cytoplasmic Male Sterility' (CMS) - a breeding technique that creates hybrids through use of female and male parental components, where the female parent cannot produce pollen – this requires a change in current requirements for hybrid seeds to meet a varietal purity standard of 90% to be lowered to 85% for CMS hybrid seeds; see <a href="#">EM</a> for detail. In 2021 the EU made similar provision for the use of CMS hybrid wheat seed via Commission Implementing Directive (EU) <a href="#">2021/1927</a> – as the UK SI does not apply in Scotland, this change in England creates divergence with both the EU and other parts of the UK.</p>
The Food Additives and Novel Foods (Authorisations and Miscellaneous Amendments) and Food Flavourings (Removal of Authorisations) (England) Regulations	SI 2024/685	England only (equivalent changes made for Wales and Scotland)	<p>Indirectly related.</p> <p>This instrument makes a series of changes to assimilated laws in England concerning novel foods and food additives – these are equivalent changes to those introduced in Scotland by SSI 2024/156 (see Table 5) – while similar to EU provisions, there is divergence with EU rules regarding certain foods and additives.</p>
The Product Safety and Metrology etc. (Amendment) Regulations	SI 2024/696	England, Scotland, and Wales	<p>Directly related.</p> <p>This instrument revokes the expiry date for recognition of certain EU requirements on goods (previously due to end in Dec 2024) to allow for continue recognition of EU requirements for product regulations of goods in scope and placed on the market in Great Britain; additionally, the instrument provides for the recognition of EU testing and conformity assessment procedures – this means products that have undergone EU conformity assessment procedures with EU recognised bodies may use the UKCA marking instead of the CE marking.</p>
The Veterinary Medicines (Amendment etc.) Regulations	SI 2024/567	England, Scotland, and Wales	<p>Directly related.</p> <p>This instrument amends the Veterinary Medicines Regulations 2013 (VMR) as they apply to Great Britain. Over 200 changes are made to the regulations to (according to the <a href="#">EM</a>) 'ensure that the legislative regime for veterinary medicines and medicated feed is fit for purpose to protect animal health, public health and the environment' the instrument therefore 'modernises the VMR [in GB] by reflecting developments and technical advances in the veterinary medicines sectors, amends requirements to improve prescription and supply of veterinary medicines, introduces changes to encourage the submission of applications for and marketing of new and innovative veterinary medicines, and introduces measures to help reduce the risk of development and spread of antibiotic resistance.'</p> <p>The VMR is assimilated law in GB but applies as EU law in NI under the Windsor Framework – because changes introduced by this instrument diverge from EU rules, they only apply in GB.</p>
The Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations	SI 2024/557	England, Wales and Scotland (except regulations 2 and 3)	<p>Indirectly related.</p> <p>This instrument makes changes to assimilated law version of Official Controls Regulation ((EU) 2017/625) as it applies in Great Britain to allow for the implementation of the new Border Target Operating Model (BTOM).</p>

The Official Controls (Miscellaneous Amendments) Regulations	SI 2024/541	England, Wales, and Scotland	Indirectly related. This instrument makes changes to assimilated law version of Official Controls Regulation ((EU) 2017/625) as it applies in Great Britain to allow for the implementation of the new Border Target Operating Model (BTOM).
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### 3. CASE STUDIES

#### 3.1 Examples of the Evolution of EU Law via Tertiary Legislation

The first type of change and potential divergence between EU law and Scots law arises from the evolution of established EU laws via the adoption of tertiary EU legislation that makes provision for the implementation of regulations, directives and decisions which are in the scope of the 2021 Act 'keeping pace' powers. Often changes at this level are technical and/or procedural nonetheless they can result in policy divergence. Several examples are included below.

Where appropriate – an overview of relevant upcoming EU legislative proposals are noted alongside the Scottish Government position on the instrument in respect of its alignment policy – according to information contained in Annex C of its 2023 Annual Report published in accordance with the 2021 Continuity Act.

Policy Area: Environmental Protection			
Detailed EU Law Tracker Entry: 7			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<p>Directive (EU) <a href="#">2018/2001</a> on the promotion of the use of energy from renewable sources</p>	<p>25 implementing or delegated EU law acts adopted.</p>	<p>Divergence.</p>	<p>Mixed</p>
<p>This 'PUERS' Directive establishes a system for the promotion of the use of energy from renewable sources in EU Member States.</p> <p>It recast and repealed several previous EU acts, was adopted in 2018 but with a deadline for transposition in Member States of June 2021, therefore after the UK left the EU.</p> <p>The PUERS Directive sets binding targets for the use of renewable energy in EU states by 2030 and provides for mechanisms by which these can be assessed and achieved.</p>	<p>Since the end of the Transition Period, 25 implementing or delegated acts have been adopted under the PUERS Directive; 4 of which have been adopted by the EU in the period since the last EU Law Tracker report.</p> <p>Many of the 25 acts concern methods of assessing renewable contributions, or the authorisation of national schemes for doing so and are therefore not, in isolation significant in divergence.</p>	<p>One of the EU acts that the PUERS Directive recast and replaced – the <a href="#">Directive 2009/28/EC</a> 'Renewables Directive' – did previously apply in the UK as retained EU law (<a href="#">SI 2011/243</a>) but it was revoked by the REUL Act at the end of 2023.</p> <p>According to the REUL Act Schedule the UKG deemed the 2011 PUERS SI: 'largely inoperable because it concerns targets that have expired, and otherwise includes duties that are being met elsewhere or where revocation would not otherwise lead to a change of policy'.</p> <p>In view of the REUL revocation of the 2011 PUERS SI – the SP Net Zero, Energy and Transport Committee may wish to seek the SG view on the potential implications for Scotland and the alignment policy.</p>	

Policy Area: Environmental Protection			
Detailed EU Law Tracker Entry: 26			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<p><a href="#">Directive 2010/31/EU</a> on the energy performance of buildings</p>	<p>1 revised EPB Directive and                      2 implementing or delegated EU law acts adopted</p>	<p>Divergence.                      Keeping Pace Power Considered</p>	<p>Devolved</p>
<p>This ‘EPB’ Directive sets out minimum requirements and a framework for calculating energy performance of buildings in the EU.</p> <p>As part of the EU’s Clean Energy Package the EPB Directive was substantially amended by <a href="#">Directive (EU) 2018/844</a> which aimed at accelerating the cost-effective renovation of existing buildings and promoting smart technologies.</p> <p>In April 2024 the EU adopted a revised EPB <a href="#">Directive (EU) 2024/1275</a> – its measures include the gradual introduction of minimum energy performance standards for non-residential buildings, binding targets to decrease average energy performance in national residential building stocks by 16% in 2030 and 20% by 2035, enhanced standards for new buildings, increased deployments of solar technologies, gradual phase out of fossil-fuel boilers.</p>	<p>Since the end of the Transition Period, 2 implementing/delegated acts have been adopted under the EPB Directive.</p> <p>Delegated Regulation (EU) <a href="#">2020/2155</a>, adopted under the EPB Directive established an optional common EU scheme for rating the smart readiness of buildings.</p> <p>Implementing Regulation (EU) <a href="#">2020/2156</a> adopted under the EPB Directive sets out technical details for implementing the optional common EU scheme.</p> <p>In 2024 the EU adopted a revised EPB Directive (<a href="#">EU/2024/1275</a>).</p>	<p>The EPB Directive was transposed in Scots Law by The Energy Performance of Buildings (Scotland) Amendment Regulations 2012 (<a href="#">SSI 2012/190</a>). Various technical amendments have been made by subsequent SSI’s, the most recent of which was in 2017 (see <a href="#">SSI 2017/225</a>). The now assimilated EU law versions of the Regulations have not therefore been updated to reflect developments in the EU law version of the EPB Directive since the end of the UK Transition Period.</p> <p>In its 2022 Alignment Report the Scottish Government stated that consideration had been given to using the keeping pace powers in relation to changes made to the EPB Directive by Directive 2018/844 – in particular regarding new requirements for installation of EV chargers. SG concluded that: “a number of factors did not support implementation” of the new measures at that time.</p>	
			<p><b>Scottish Government Position</b></p> <p>SG previous view (set out in its reporting alongside the Continuity Act annual report)<sup>41</sup> on the then proposed new EPB Directive is that as this EU proposal is still under development it is too early to reach a view on alignment.</p> <p>The SP Net Zero, Energy and Transport Committee may therefore wish to seek an update from SG in view of the EU adoption of the new EPB Directive</p>

<sup>41</sup> *Ibid* p.20.

and ask whether or not the SG plans to align and how any related decision has been made.

Policy Area: Animal Health and Welfare			
Detailed EU Law Tracker Entry: 47			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<p><a href="#">Regulation (EU) 2016/429</a> on transmissible animal diseases (the ‘Animal Health Law’)</p>	<p>430 implementing or delegated EU law acts adopted</p>	<p>Partial Alignment</p>	<p>Devolved</p>
<p>The AHL Regulation sets out EU rules on animal health.</p> <p>When adopted in 2016, the AHL provided for the repeal of a series of existing EU acts related to animal health which ceased to apply in EU law in April 2021.</p> <p>Key aspects of the AHL relate to: biosecurity measures (e.g., diagnosis and vaccination); registration and tracing of animals and animal products; entry of animals and animal products into the EU; disease control and eradication (including re restrictions on movements, culling and vaccination).</p>	<p>Under the AHL Regulation, the European Commission can adopt legislation to supplement or implement its provisions. These powers are regularly used by the EC primarily in response to biosecurity issues.</p> <p>Of the 403 implementing acts, 85 have been adopted since the publication of the last EU Law Tracker – almost all of these relate to the management and control of outbreaks of particular diseases (primarily African Swine Fever, sheep, and goat pox, HPAI or ‘Bird Flu’) in certain types of animals in certain EU member states or third countries with a trade agreement (including the UK).</p>	<p>The Animal Health Act (AHA) 1981 and the <a href="#">Animal Health and Welfare (Scotland)</a> (AHW) Act 2006 set out the main provisions regarding animal health in Scots Law.</p> <p>Prior to UK withdrawal from the EU consequential amendments were made to these primary acts via SSI, including for example The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (SSI <a href="#">2019/71</a>).</p> <p>Since the end of the UK Transition Period subsequent changes have been made by SSI that are relevant to animal health law in Scotland. One of these – The Animal Health (Notification and Control Measures) (Miscellaneous Amendments) (Scotland) Order 2021 (SSI <a href="#">2021/130</a>) – made updates to legislation to reflect the introduction of the AHL at EU level.</p> <p>These updates result in partial alignment between Scots Law and EU Law in the area of animal health.</p>	
Scottish Government Position			
<p>On the AHL the SG annual report for 2023 states that: “Scottish Ministers have generally sought to remain aligned with the Animal Health Law when considering individual proposals for change, taking into account veterinary conditions and advice in Scotland.”</p> <p>While useful to have a statement of the SG position regarding the AHL, as the previous EU Law Tracker Report highlighted, the articulation is somewhat vague. Moreover, in the period covered by this Report, the new Border Target Operating Model (BTOM) has</p>			

begun to be implemented with implications for the management of animal health and biosecurity, particularly for Great Britain.

In view of the above, the SP Rural Affairs and Islands Committee may wish to request an update on the SG position and practice as regards alignment with the EU AHL and the implications of the BTOM for the same.

### 3.2 Examples of the Repeal and Replacement of EU Laws

The second type of change and potential divergence between EU law and Scots law arises from regulations, directives or decisions being repealed and replaced at EU level. While in some instances changes have been made in the UK or Scotland to the corresponding assimilated law version of the repealed and replaced EU law act, these do not necessarily mirror those that have taken place in the EU context – sometimes this is a logical consequence of the UK no longer being a Member State.

Only one example of this kind of change in relevant EU law took place during the research period covered in this EU Law Tracker report.

Policy Area: Transport			
EC Work Programme EU Law Tracker Entry: 214			
EU Law Proposal	Evolution of EU Law	Divergence vs Alignment	Competence
Regulation (EU) No <a href="#">1315/2013</a> on guidelines for the development of the trans-European transport network	Repealed and Replaced by Regulation (EU) <a href="#">2024/1679</a>	Divergence	Mixed
<p>The purpose of the original TEN-T Regulation (EU) No 1315/2013 was to set guidelines for developing a trans-European transport network consisting of a comprehensive and core network.</p> <p>The revised TEN-T Regulation (EU) 2024/1679 has four objectives: to address insufficient or incomplete infrastructure standards and a lack of integration of alternative fuels infrastructure; to address capacity bottlenecks and insufficient network connectivity; to address insufficient safety standards and</p>	<p>The new EU proposal repeals the original TEN-T Regulation (1315/2023) which is in scope of the SG alignment commitment, subject to the extent of SG devolved competence.</p>	<p>The assimilated EU law version of the TEN-T Regulation was repealed in the UK (including Scotland) at the end of 2023 under <a href="#">Schedule 1</a> of the REUL Act.</p> <p>The 2023 SG Annual Report published in accordance with the 2021 Act stated in relation to the (then still proposed) new TEN-T Regulation: ‘proposal under development, subject to future consideration’.</p> <p>In view of the repeal of the retained law version of the 2013 TEN-T Regulation in the UK and of the previously stated SG position</p>	

<p>reliability of the existing network; and to ensure governance instruments are fit for purpose.</p> <p>The new TEN-T Regulation was adopted by the EU in June 2024.</p>		<p>regarding ‘future consideration’ of alignment with the new TEN-T Regulation, the Net Zero, Energy and Transport Committee of the SP may wish to seek an update from the SG regarding their current position in view of the new TEN-T Regulation becoming EU law.</p>	
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### 3.3 Examples of Proposed or Adopted New EU Laws

The third type of change and potential divergence between EU law and Scots law arises from the adoption of new EU laws that make provisions which either would or could have been within the competence of the Scottish Government had the UK and Scotland remained in the EU. In some instances the new EU acts amend established acts that were, fully or partially, within Scottish Government competence while the UK was a Member State; in other examples the new EU acts introduce provisions that complement or supplement established acts that were, fully or partially, within Scottish Government competence while the UK was a Member State.

Policy Area: Environmental Protection			
EC Work Programme EU Law Tracker Entry: 19			
EU Law Proposal	Relevant SG Alignment	Divergence vs Alignment	Competence
<p>Regulation (EU) <a href="#">2024/1991</a> of the European Parliament and of the Council on Nature Restoration</p>	<p>Yes</p>	<p>Divergence Subject to future SG consideration</p>	<p>Mixed</p>
<p>In June 2024 the EU adopted a new Nature Restoration Regulation.</p> <p>The overarching aim of the NR Regulation is to: contribute to the continuous, long-term, and sustained recovery of biodiverse and resilient nature across the EU’s land and sea areas by restoring ecosystems and contributing to EU climate mitigation and adaptation objectives. To this end the NR Regulation sets multiple binding restoration targets and obligations across a broad range of ecosystems covering at least 20% of the EU’s land and sea</p>	<p>The new EU law complements and relates to the Birds Directive (2009/147/EC) the Habitats Directive (92/43/EEC) the Water Framework Directive (2000/60/EC) and the Marine Strategy Framework Directive (2008/56/EC) – all of which are in scope of the SG</p>	<p>The EU acts to which the NR Regulation relates are implemented in Scotland through a range of different legislative instruments.</p> <p>The Birds Directive is implemented (non-exhaustively) by the Marine (Scotland) Act 2010 and The Conservation (Natural Habitats) Amendment (Scotland) Regulations 2011.</p> <p>The Habitats Directive is implemented by (non-exhaustively) Nature Conservation (Scotland) Act 2004; The Conservation (Natural Habitats) Amendment (Scotland) Regulations 2007; The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006; The Conservation</p>	



<p>areas by 2030 and all ecosystems in need of restoration by 2050.</p>	<p>alignment commitment.</p>	<p>(Natural Habitats) (Amendment) (No. 2) (Scotland) Regulations 2007; and The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Scotland) Regulations 2007.</p> <p>The Water Framework Directive is implemented by (non-exhaustively) The Water Environment (Drinking Water Protected Areas) (Scotland) Order 2013; The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013; the Water Environment and Water Services (Scotland) Act 2003.</p> <p>The Marine Strategy Framework Directive is implemented by Marine (Scotland) Act 2010 (asp. 5).</p> <p>The 2023 SG Annual Report published in accordance with the 2021 Act stated that as the NR Regulation was then still “under development” in the EU it would therefore be “subject to future consideration” by the SG in relation to its keeping pace powers.</p> <p>In view of the EU adoption of the NR Regulation, the SP Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding their decision on the NR Regulation and alignment.</p>	
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Policy Area: Public Health			
EC Work Programme EU Law Tracker Entry: 27			
EU Law Proposal	Relevant SG Alignment	Divergence vs Alignment	Competence
<p>Regulation (EU) <a href="#">2024/1938</a> of the European Parliament and of the Council on standards of quality and safety for substances of human origin intended for human application</p>	<p>Yes</p>	<p>Current Divergence; Potential Future Alignment                      SG stated intention to align</p>	<p>Devolved</p>

<p>In June 2024 the EU adopted the new 'Blood, Tissues and Cells' Regulation ((EU) 2024/1938)</p> <p>The new BTC Regulation repeals existing EU Directives (2002/98/EC and 2004/23/EC) in view of their shortcomings in particular as regards rules for preventing risk of disease transmission and lack of measures for ensuring sufficiency of supply.</p> <p>The objective of the new BTC Regulation is to ensure a high level of health protection for EU citizens, to ensure they have access to safe and effective supplies of bloods, tissues, and cells of human origin, and to better account for relevant developments in science and technology.</p>	<p>The new BTC Regulation repeals the Human Blood Directive (2002/98/EC) and the Organs and Human Tissues Directive (2004/23/EC) both of which are in scope of the SG alignment commitment.</p>	<p>The 2023 SG Annual Report published in accordance with the 2021 Act stated, under the heading 'current alignment consideration': "yes" as regards the revision of the 'blood, tissues and cells legislation'.</p> <p>In view of the SG position, the SP Health, Social Care and Sport Committee may wish to inquire further as regards the SG plans for aligning with the EU act now that it has been adopted.</p>	
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Policy Area: Police and Judicial Cooperation			
EC Work Programme EU Law Tracker Entry: 26			
EU Law Proposal	Relevant SG Alignment	Divergence vs Alignment	Competence
<p>Directive (EU) <a href="#">2024/1712</a> on preventing and combating trafficking in human beings and protecting its victims</p>	<p>Yes</p>	<p>Divergence</p>	<p>Mixed</p>
<p>In June 2024 the EU adopted a new 'Anti-Trafficking' Directive ((EU) 2024/712) on prevention, and protection of victims.</p> <p>The new AT Directive introduces stricter criminalisation measures and provides public authorities with stronger tools to investigate and prosecute perpetrators while also updating the legal framework to account for new forms of exploitation including those which take place online; the AT Directive also contains measures to ensure better assistance to and support for victims.</p>	<p>The new AT Directive amends an existing AT Directive (<a href="#">2011/36/EU</a>) which is in scope of the SG alignment commitment, subject to the extent of devolved competence in the area.</p>	<p>In Scotland the legal framework for combating and preventing human trafficking is principally laid down in The Human Trafficking and Exploitation (Scotland) Act 2015 (<a href="#">asp. 12</a>).</p> <p>In the 2023 SG Annual Report published in accordance with the 2021 Act, the EU (then) proposal for a revised AT Directive was not mentioned.</p> <p>In view of the EU's adoption of the revised AT Directive, the SP Criminal Justice Committee may wish to seek the views of the SG regarding its provisions and potential applicability to the alignment commitment.</p>	



## 4. ANALYSIS

### 4.1 Summary of Legislative Changes

#### 4.1.1 EU Initiated Change

Of the roughly 250 EU laws that, pre-Brexit, were either fully or partially in the competence of the Scottish Government and therefore potentially in scope of the alignment commitment 36 have been repealed since the end of the UK Transition Period (see Annex 1). Not all of the repealed EU acts have been directly replaced because the effect of some changes during the reporting period was to replace numerous established acts with one more comprehensive new EU act. In particular this applies to the introduction of the Animal Health Law and the Official Controls Act – the former accounts for 13 of the repealed EU acts and the latter for 6 repealed acts. According to this analysis, approximately 217 acts of secondary EU law (regulations and directives) are currently in scope of the SG alignment commitment – this is a conservative estimate as it does not include recently adopted new EU laws or draft EU proposals which may be in scope in future.

As part of the normal process of EU law-making, tertiary (implementing or delegated) acts are frequently adopted. In the time period covered by all the EU Law Tracker Reports – January 2021 to August 2024 – approximately 1222 acts of tertiary EU law have been adopted in relation to acts that are considered in scope of the Scottish Government alignment commitment (see Annex 1). By definition tertiary EU acts make technical or operational provisions for the implementation of the ‘parent act’ to which they relate – changes made at this level do not tend to alter policy trajectories and are therefore not often likely to have a significant divergence effect. That said, on occasion EU implementing law makes changes that, although still technical in nature, nonetheless result in divergence of standards that are relevant for Scotland and its policy of alignment. Examples of tertiary law changes are included in the case studies of this Report (see section 3.1) and the detailed EU Law Tracker (see Annex 1) provides a full record of where updates have been made as, notably, tertiary EU laws are only made under certain secondary ‘parent’ EU acts. To demonstrate, of the 1222 acts of tertiary EU law adopted in relation to acts considered in scope of SG alignment: 430 have been adopted under Regulation (EU) 2016/429, the Animal Health Law; 236 have been adopted under Regulation (EU) No 528/2012 concerning the use and sale of biocidal products; 135 have been adopted under Regulation (EU) 2017/625 on official controls regarding agri-food goods and EU plant and animal health rules; 91 have been adopted under Regulation (EU) 2016/2031 on protective measures against pests of plants. This asymmetry in the adoption of EU tertiary laws that are relevant to the SG alignment commitment means that, notwithstanding the high number of specific implementing acts, the majority occur in relation to specific areas of policy, thus making it possible to target scrutiny accordingly.

Although any one individual change in EU tertiary law is unlikely to have a visible impact, the cumulative effect of multiple changes of this nature over time is likely to result in evident divergence, assuming no corresponding changes are made in Scotland. Additionally, where there are corresponding but separate developments in domestic law – Scotland specific or UK-

wide – the effect of technical changes in EU law become more significant. Notably, this assessment supports the Scottish Government position “that all EU legislation (tertiary or otherwise) has potential relevance to the commitment to align and is considered in the same way as regulations and directives for relevance to Scotland”.<sup>42</sup>

When a considerable amount of change has been made to an EU regulation, directive, or decision via tertiary EU law, a ‘consolidated version’ of the parent act is often published wherein all changes and updates are incorporated in the original text. Although not an exact measure, tracking the number of consolidated text versions published during the reporting period for EU law instruments in scope of the alignment commitment can therefore give an indicator of the level of change being made via tertiary law. Since the end of the UK Transition Period until the end of the report period, 73 consolidated text versions have been published for relevant EU law instruments (see Annex 1); 23 of these have been published in the research period covered by this EU Law Tracker. Given new consolidated text versions can be a sign that substantive changes have been made to the ‘parent’ EU act – the CEEAC Committee and/or other subject commitments in the Scottish Parliament may wish to invite Scottish Government Ministers to respond to the possible impacts of changes in tertiary EU law – reflected in consolidated text versions of relevant instruments – on the alignment commitment. SP Committees may, for example, seek further information from the SG on the extent of alignment or otherwise with the EU’s Animal Health Law and/or the EU’s Biocidal Products Regulation, which together account for over half of the tertiary law adopted that is relevant to the alignment commitment.

Several initiatives for new EU regulations or directives are relevant to the Scottish Government’s alignment commitment. At least 30 of the priority proposals identified in the European Commission Work Programme for 2024 relate to existing acts of EU law that are in scope of the alignment commitment. If not for UK withdrawal from the EU those 30 proposed EU instruments could have been expected to enact measures that were fully or partially within Scottish competence; they are therefore relevant to the alignment commitment. In the period covered by this EU Law Tracker report 12 of these were adopted as new acts of EU law and one proposal was withdrawn by the European Commission.

As indicated in the report (see Section 2.1.3), the CEEAC Committee or other Subject Committees in the Scottish Parliament may wish to seek updates from the Scottish Government on all or some of these new EU acts that are potentially relevant to the alignment commitment.

#### **4.1.2 Scotland and UK Initiated Change**

As noted in this Report, alongside use of the EU (Continuity) Act 2021 powers to keep pace with EU policy, the Scottish Government may opt to pass primary acts of law that help fulfil the commitment to stay aligned with EU law as appropriate. For this reason, tracking the evolution of primary Scottish law is an important aspect of monitoring the implementation of the alignment commitment. Neither of the two primary acts of law passed in Scotland during the reporting

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<sup>42</sup> Scottish Government 2023, June 28 ‘Document Summarising Consideration of the Representations Made on the Draft Annual Report on the Scottish Ministers Exercise of the Power in Section 1 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 Laid in Draft in Parliament on 27 October 2022’ [SG/2023/138] *parliament.scot* Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2023/explanatory-note-on-representations.pdf> (Accessed 11 September 2023): para. 16.

period were of direct relevance to the alignment commitment. Of the 229 statutory instruments passed for Scotland during the research period, 16 are relevant to the alignment commitment with 10 of these being directly relevant. Notably, at least 6 of these SSIs implement provisions that either do diverge or may result in divergence from EU rules (see Table 5).

In addition to understanding the evolution of relevant EU law and its implications for the alignment commitment, changes in UK-wide (or GB-wide) law are also an important part of the overall picture when it comes to Scotland keeping pace with EU policies. Over time as the EU and the UK legal orders and policy priorities develop (following Brexit) on separate trajectories, any decision taken in Scotland to align with EU law or policy (potentially) as opposed to UK law (including either England and Wales or England, Wales, and Northern Ireland) can be expected to have more evident implications for intra-UK relations and the operation of the UK internal market. For this reason, tracking the evolution of primary UK-wide or GB-wide law developments where these overlap with areas of (previous) EU competence is another important aspect of monitoring the implementation of the SG alignment commitment.

Several primary acts of UK-wide (or GB-wide) law passed during the reporting period, make provisions that are either directly or indirectly relevant to the SG alignment commitment. Of the examples contained in this report, all three implement measures that diverge from EU laws either in whole or in part.

Again the CEEAC Committee and/or other subject committees in the Scottish Parliament may wish to invite Scottish Government Ministers to respond to the possible impacts of domestic law changes – made either in Holyrood or Westminster – on the alignment commitment going forward.

## 4.2 Overall Assessment of Alignment vs Divergence

Changes in EU law relevant to the Scottish Government alignment commitment and documented in this EU Law Tracker can usefully be separated into five categories:

- Divergence due to evolution of established EU laws
- Divergence due to repeal and replacement of EU laws
- Divergence due to adoption of new EU laws
  
- Divergence due to relevant changes in Scots Law
- Divergence due to relevant changes in UK (or UK in respect of Great Britain) Law

In line with the commissioned parameters of this research, the case studies in this report focus primarily on the first three categories where changes are EU-initiated.

As indicated in previous issues of the EU Law Tracker, the potential for divergence between Scots Law and EU Law increases over time as the two legal orders and regulatory regimes continue to develop separately after Brexit. While detail contained in this report does not document wholesale change in the degree of alignment between Scotland and the EU, it does

contain more examples of actual and/or potential divergence between the two parties as a result of both domestic legislative change and EU legislative change.

The Scottish Government's revised approach to reporting on the implementation of its alignment policy is a very welcome development and one that bolsters transparency and aids legislative clarity. Largely due to legislative and electoral processes that took place during the time period covered by this issue of the EU Law Tracker, however, there are a range of different updates to EU laws that are or may be relevant to the alignment commitment but for which the Scottish Government's position is either unstated or unclear. Again this is more a comment on the respective timelines for reporting and law-making than necessarily a critique regarding transparency.

Notwithstanding the changed political landscapes in both the EU and the UK following recent elections, it is still the case that, across a range of policy areas there is potential for divergence by default if Scotland does not (continue to) actively pursue the same policy objectives as the EU in areas within its devolved competence and therefore potentially in scope of the alignment commitment. It is also still the case that initiatives being pursued at a UK-wide or GB-wide level are likely to, at least on occasion, sit in tension with the Scottish Government's commitment to alignment and may, in future, force a choice between aligning with other regions of the UK and aligning with the EU legal acquis albeit without formal recognition by the EU of any such alignment in the case of the latter.

## 5. APPENDICES

### Appendix One: Record of EU Law Changes in Scope of Alignment Commitment

#### Policy Area Summary: ENVIRONMENTAL PROTECTION

EU acts in scope: 43 directives and regulations.

Total EU tertiary acts since 1 January 2021: 55 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 13 tertiary acts.

No.	Policy Area	European Union Law, Status and Processes				Since Last EU Tracker	
		Official Journal	Consolidated Text	EU Law Updates	EU Implementing Law Updates	EU (Secondary) Law	EU (Tertiary) Law
<b>ENVIRONMENTAL PROTECTION</b>							
<b>Carbon Capture and Storage</b>							
1	Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006	L 140, 5.6.2009, p. 114-135	Consolidated: 24.12.2018	N/A	N/A	N/A	N/A
<b>Energy Efficiency</b>							
2	Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC	L 238, 14.11.2012, p. 1-66	Consolidated: 4.9.2023	N/A	Commission Delegated Regulation (EU) 2023/2104 and (EU) 2023/0907	N/A	N/A
<b>Energy Planning Consents</b>							
3	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment	L 26, 28.1.2012, p. 1-21	Consolidated: 15.05.2014	N/A	N/A	N/A	N/A
4	Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/91/EC - Statement by the Commission	L 169, 25.6.2003, p. 17-25	Consolidated: 31.12.2016	N/A	N/A	N/A	N/A
5	Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment	L 124, 25.4.2014, p. 1-18	N/A	N/A	N/A	N/A	N/A
<b>Onshore Hydrocarbons Licensing</b>							
6	Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospecting, exploration and production of hydrocarbons	L 164, 30.6.1994, p. 3-8	Consolidated: 24.12.2018	N/A	N/A	N/A	N/A
<b>Renewable Energy</b>							
7	Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast)	L 328, 21.12.2018	Consolidated: 18.7.2021	N/A	Commission Delegated Regulation (EU) 2021/2003, 2022/795, 2023/1184, 2023/1185, 2023/1640, 2024/1405, 2024/1408, Commission Implementing Decision (EU) 2022/603, 2022/604, 2022/605, 2022/611, 2022/609, 2022/606, 2022/607, 2022/602, 2022/610, 2022/608, 2022/601, 2022/599, 2022/606, 2022/996, 2022/1657, 2022/1656, 2022/1655, 2022/2448, 2022/2461, 2023/1760, 2024/806, 2024/861	Consolidated	4
<b>Biodiversity - Resource Access &amp; Benefit Sharing</b>							
8	Regulation (EU) No 512/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union	L 109, 20.5.2014, p. 58-71	N/A	N/A	Latest: 13 October 2015	N/A	N/A
9	Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EU) No 512/2014 of the European Parliament and of the Council as regards the register of collections, monitoring user compliance and best practices	L 275, 20.10.2015, p. 4-19	N/A	N/A	N/A	N/A	N/A
<b>Flood Risk Management</b>							
10	Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks	L 268, 6.11.2007, p. 27-34	N/A	N/A	N/A	N/A	N/A
<b>Marine Environment</b>							
11	Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)	L 164, 25.6.2008, p. 19-40	Consolidated: 7.6.2017	N/A	N/A	N/A	N/A
12	Commission Directive (EU) 2017/845 of 17 May 2017 amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies	L 125, 18.5.2017, p. 27-33	N/A	N/A	N/A	N/A	N/A
<b>Natural Environment and Biodiversity</b>							
13	Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species	L 317, 4.11.2014, p. 35-55	Consolidated: 14.12.2019	N/A	Commission Implementing Regulation (EU) 2022/1203, 2024/574	N/A	1
14	Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards	L 308, 9.11.1991, p. 1-4	N/A	N/A	N/A	N/A	N/A
15	Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds	L 20, 26.1.2010, p. 7-23	Consolidated: 28.08.2012	N/A	N/A	N/A	N/A
16	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora	L 206, 27.7.1992, p. 7-50	Consolidated: 1.7.2013	N/A	N/A	N/A	N/A
17	Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos	L 94, 6.4.1999, p. 24-26	N/A	N/A	N/A	N/A	N/A
18	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	L 91, 4.4.1983, p. 30-31	Consolidated: 15.6.1989	N/A	N/A	N/A	N/A
<b>Waste Management</b>							
19	Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise	L 189, 18.7.2002, p. 12-25	Consolidated: 29.7.2021	N/A	N/A	N/A	N/A
<b>Spatial Data Infrastructure Standards</b>							
20	Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)	L 38, 21.4.2007, p. 1-14	Consolidated: 26.6.2012	N/A	N/A	N/A	N/A



21	Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment	L 135/30, 5, 1991, p. 40-52	N/A	N/A	N/A	N/A	N/A	
22	Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy Council Directive 90/83/EC of 3 November 1998 on the quality of water intended for human consumption; date of end of validity: 12. 1. 2023	L 327/22, 12, 2000, p. 1-73 L 330/5, 12, 1998, p. 32-54	Consolidated: 20, 11, 2014 Consolidated: 27, 10, 2015	Repealed by Directive 2020/2184, Article 26	N/A	N/A	N/A	
23	Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast)	L 435/23, 12, 2020, p. 1-62	N/A	N/A	Commission Implementing Decision (EU) 2022/679, 2024/368, 2024/367, 2024/365; Commission Delegated Regulation (EU) 2024/369, 2024/370, 2024/1441	N/A	6	
<b>Harbours - Waste Management</b>								
24	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment	L 26/28, 1, 2012, p. 1-21	Consolidated: 15, 5, 2014	N/A	N/A	N/A	N/A	
25	Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment	L 124/25, 4, 2014, p. 1-18		N/A	N/A	N/A	N/A	
<b>Energy Performance of Buildings</b>								
26	Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast)	L 161/18, 6, 2010, p. 13-35	Consolidated: 1, 1, 2021	N/A	Commission Implementing Regulation (EU) 2020/2156 and Commission Delegated Regulation (EU) 2020/2155	N/A	N/A	
<b>Environmental Impact Assessment Directive</b>								
27	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment	L 26/28, 1, 2012, p. 1-21	Consolidated: 15, 5, 2014	N/A	N/A	N/A	N/A	
<b>Strategic Environmental Assessment</b>								
28	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment	L 197/24, 7, 2001, p. 98-97	N/A	N/A	N/A	N/A	N/A	
<b>Control of Major Accident Hazards</b>								
29	Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC Text with EEA repercance	L 197/24, 7, 2012, p. 1-37	N/A	N/A	Commission Implementing Decision (EU) 2022/1979	N/A	N/A	
<b>Radiactive Substances</b>								
30	Council Directive 2013/51/Euratom of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption	L 286/7, 11, 2013, p. 12-21	N/A	N/A	N/A	N/A	N/A	
<b>Air Quality</b>								
31	Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe	L 152/11, 6, 2008, p. 1-44	Consolidated: 18, 9, 2015	N/A	N/A	N/A	N/A	
32	Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air	L 23/26, 1, 2005, p. 3-16	Consolidated: 18, 9, 2015	N/A	N/A	N/A	N/A	
<b>Industrial Emissions - Best Available Techniques (BAT)</b>								
33	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)	L 334/17, 12, 2010, p. 17-119	Consolidated: 4, 8, 2024	N/A	Commission Implementing Decision (EU) 2020/2009, 2021/2326, 2022/2110, 2022/2427, 2022/2508 and 2023/2749	Consolidated	1	
<b>Waste &amp; Resources</b>								
34	Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste	L 182/16, 7, 1999, p. 1-19	Consolidated: 4, 8, 2024	N/A	N/A	Consolidated	N/A	
35	Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives	L 312/22, 11, 2008, p. 3-30	Consolidated: 18, 2, 2024	N/A	N/A	Consolidated	N/A	
36	Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)	L 197/24, 7, 2012, p. 38-71	Consolidated: 8, 4, 2024	N/A	Latest 17 December 2019	Consolidated	N/A	
37	Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC	L 266/26, 9, 2006, p. 1-14	Consolidated: 4, 7, 2018	N/A	N/A	N/A	N/A	
38	Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles	L 269/21, 10, 2000, p. 34-43	Consolidated: 30, 3, 2023	N/A	N/A	N/A	N/A	
39	European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste	L 365/31, 12, 1994, p. 10-23	Consolidated: 4, 7, 2018	N/A	N/A	N/A	N/A	
40	Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC	L 102/11, 4, 2006, p. 15-34	Consolidated: 7, 8, 2009	N/A	N/A	N/A	N/A	
41	Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC	L 197/24, 7, 2012, p. 1-37		N/A	Commission Implementing Decision (EU) 2022/1979	N/A	N/A	
<b>Ozone Depleting Substances and F-gases</b>								
42	Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006	L 150/20, 5, 2014, p. 1-95		N/A	Commission Implementing Decision 2020/1604, 2021/456, 2021/960, 2023/2432, and 2024/586	N/A	1	
43	Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer	L 286/31, 10, 2009, p. 1	Consolidated: 19, 4, 2017	N/A	N/A	N/A	N/A	
					Total Implementing/Delegated	55	8	13

## Policy Area Summary: ANIMAL HEALTH & WELFARE

EU acts in scope: 26 directives and regulations.

Total EU tertiary acts since 1 January 2021: 596 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary act and 110 tertiary acts.

ANIMAL HEALTH & WELFARE		EU (Secondary) Law	EU (Tertiary) Law
<b>Animal Disease Control, Zoonosis Control</b>			
44	Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies	L 147/31, 5, 2001, p. 1	Consolidated: 15, 4, 2024
	Council Directive 77/391/EEC of 17 May 1977 introducing Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle; No longer in force, date of end of validity: 20. 4. 2021	L 145/13, 6, 1977, p. 44	N/A
	Council Directive 78/52/EEC of 13 December 1977 establishing the Community criteria for national plans for the accelerated eradication of brucellosis, tuberculosis and enzootic leukosis in cattle; No longer in force, date of end of validity: 20. 4. 2021	L 15/19, 1, 1978, p. 34	N/A
	Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/065/EEC and amending Directive 92/40/EEC; No longer in force, date of end of validity: 20. 4. 2021	L 308/22, 1, 2003, p. 1	N/A
	Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC; No longer in force, date of end of validity: 20. 4. 2021	L 10/14, 1, 2006, p. 16	N/A
	Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever; No longer in force, date of end of validity: 20. 4. 2021	L 316/1, 12, 2001, p. 5	N/A
	Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness; No longer in force, date of end of validity: 20. 4. 2021	L 157/10, 6, 1992, p. 19	N/A
	Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever; No longer in force, date of end of validity: 20. 4. 2021	L 192/20, 7, 2002, p. 27	N/A
45	Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents	L 325/12, 12, 2003, p. 1	Consolidated: 21, 4, 2021
	Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease; No longer in force, date of end of validity: 20. 4. 2021	L 260/5, 9, 1992, p. 1	N/A
	Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease; No longer in force, date of end of validity: 20. 4. 2021	L 62/15, 3, 1993, p. 60	N/A
46	Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC	L 325/12, 12, 2003, p. 31	Consolidated: 1, 7, 2019

	<b>Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue. No longer in force, date of end of validity: 20.4.2021</b>	<a href="#">1327.22.12.2000.p.74</a>	N/A	Repealed and replaced by Regulation (EU) 2016/429/Article 270		N/A	N/A
47	Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law')	<a href="#">164.31.3.2016.p.1-208</a>	Consolidated: 21.4.2021	N/A	28 Delegated and 402 Implementing since 1 Jan 2021	N/A	85
48	Commission Delegated Regulation (EU) 2020/887 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases	<a href="#">1174.3.6.2020.p.64</a>	Consolidated: 3.5.2021	N/A	N/A	N/A	N/A
<b>Animal Identification</b>							
	<b>Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1792/2003 and Directives 92/102/EEC and 64/432/EEC. No longer in force, date of end of validity: 20.4.2021</b>	<a href="#">15.9.1.2004.p.8</a>	N/A	Repealed and replaced by Regulation (EU) 2016/429/Article 270	N/A	N/A	N/A
49	Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97	<a href="#">1204.11.8.2000.p.1</a>	Consolidated: 21.4.2021	N/A	N/A	N/A	N/A
	<b>Council Directive 2008/71/EC of 15 July 2008 on the identification and registration of pigs. No longer in force, date of end of validity: 20.4.2021</b>	<a href="#">1213.8.6.2008.p.31</a>	N/A	Repealed and replaced by Regulation (EU) 2016/429/Article 270	N/A	N/A	N/A
<b>Animal Welfare</b>							
50	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97	<a href="#">13.5.1.2005.p.1</a>	Consolidated: 14.12.2019	N/A	N/A	N/A	N/A
51	Council Regulation (EC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and their introduction into the Community of traps and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards	<a href="#">1308.9.11.1991.p.1</a>	N/A	N/A	N/A	N/A	N/A
52	Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products	<a href="#">1266.9.16.2009.p.36</a>	Consolidated: 18.10.2015	N/A	N/A	N/A	N/A
53	Regulation (EC) No 1523/2007 of the European Parliament and of the Council of 11 December 2007 banning the placing on the market and the imports, or export from, the Community of cat and dog fur, and products containing such fur	<a href="#">1343.27.12.2007.p.1</a>	N/A	N/A	N/A	N/A	N/A
54	Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing	<a href="#">1203.18.11.2009.p.1</a>	Consolidated: 14.12.2019	N/A	N/A	N/A	N/A
55	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	<a href="#">1019.4.1.1983.p.20</a>	Consolidated: 15.6.1989	N/A	N/A	N/A	N/A
<b>GMOs - Marketing &amp; Cultivation</b>							
56	Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC - Commission Declaration	<a href="#">1106.17.4.2001.p.1-36</a>	Consolidated: 27.3.2021	N/A	N/A	N/A	N/A
57	Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the labelling of and information on genetically modified organisms and the availability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC	<a href="#">1268.18.10.2003.p.24-78</a>	Consolidated: 26.7.2019	N/A	N/A	N/A	N/A
58	Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms	<a href="#">1287.5.11.2003.p.1-10</a>	N/A	N/A	N/A	N/A	N/A
<b>GMOs</b>							
59	Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms	<a href="#">1125.21.5.2009.p.75-92</a>	N/A	N/A	N/A	N/A	N/A
<b>Zootech</b>							
60	Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genetic conditions for the breeding of sows and entry into the Union of purchased breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation')	<a href="#">1171.20.6.2016.p.66-143</a>	N/A	N/A	Commission Implementing Regulation (EU) 2020/692, 2021/761, 2021/963, 2022/2077	N/A	N/A
<b>Organic Production Regulation</b>							
61	Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91	<a href="#">1189.28.7.2007.p.1-23</a>	Consolidated: 1.1.2022	N/A	N/A	N/A	N/A
	<b>Commission Regulation (EC) No 889/2008 of 15 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control, date of end of validity: 31.12.2023</b>	<a href="#">1250.18.9.2008.p.1-84</a>	Consolidated: 1.1.2022	Repealed by Commission Implementing Regulation (EU) 2021/1165/Article 11	N/A	N/A	N/A
	<b>Commission Regulation (EC) No 710/2009 of 15 August 2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production, date of end of validity: 31.12.2021</b>	<a href="#">1204.6.8.2009.p.15-34</a>	N/A	Implicitly Repealed by Commission Implementing Regulation (EU) 2021/1165/Article 11	N/A	N/A	N/A
<b>Official Controls</b>							
62	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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2018/429 and (EU) 2018/2031, of the European Parliament and of the Council, Council Regulations (EC) No 1129/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)	<a href="#">105.7.4.2017.p.1</a>	Consolidated: 28.1.2022	N/A	102 Commission Implementing Regulations and 33 Commission Delegated Regulations since 1 January 2021	N/A	22
	<b>Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules - No longer in force, date of end of validity: 13.12.2019</b>	<a href="#">1165.30.4.2004.p.1</a>	N/A	Repealed and Replaced by Regulation (EU) 2017/625/Article 146	N/A	N/A	N/A
	<b>Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption - No longer in force, date of end of validity: 13.12.2019</b>	<a href="#">1139.39.4.2004.p.206</a>	N/A	Repealed and Replaced by Regulation (EU) 2017/625/Article 146	N/A	N/A	N/A
	<b>Council Directive 91/494/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC - No longer in force, date of end of validity: 13.12.2019</b>	<a href="#">1268.24.9.1991.p.36</a>	N/A	Repealed and Replaced by Regulation (EU) 2017/625/Article 146	N/A	N/A	N/A
	<b>Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries - No longer in force, date of end of validity: 13.12.2019</b>	<a href="#">124.30.1.1998.p.0</a>	N/A	Repealed and Replaced by Regulation (EU) 2017/625/Article 146	N/A	N/A	N/A
	<b>Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market - No longer in force, date of end of validity: 13.12.2019</b>	<a href="#">1244.18.8.1990.p.0</a>	N/A	Repealed and Replaced by Regulation (EU) 2017/625/Article 146	N/A	N/A	N/A
	<b>Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market - No longer in force, date of end of validity: 13.12.2019</b>	<a href="#">1385.30.12.1989.p.13</a>	N/A	Repealed and Replaced by Regulation (EU) 2017/625/Article 146	N/A	N/A	N/A
<b>Fisheries &amp; Aquaculture</b>							
63	Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish	<a href="#">1051.28.12.1985.p.63</a>	Consolidated: 28.7.2006	N/A	N/A	N/A	N/A
64	Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products	<a href="#">1212.22.7.1989.p.79</a>	Consolidated: 31.12.2008	N/A	N/A	N/A	N/A
65	Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito	<a href="#">1163.17.6.1992.p.1</a>	N/A	N/A	N/A	N/A	N/A
66	Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products	<a href="#">1324.23.12.1996.p.1</a>	Consolidated: 2.6.2006	N/A	N/A	N/A	N/A
	<b>Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, insofar as it concerns provisions relating to minimum sizes of marine organisms - No longer in force, date of end of validity: 13.8.2019</b>	<a href="#">1125.27.4.1998.p.1</a>	N/A	Repealed and replaced by Regulation (EU) 2019/1241/Article 39	N/A	N/A	N/A
67	Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005	<a href="#">1198.25.7.2019.p.105</a>	Consolidated: 9.4.2024	N/A	Commission Implementing Regulation (EU) 2020/967, Commission Delegated Regulation (EU) 2024/492, (EU) 2024/491, (EU) 2024/1060, (EU) 2023/56, (EU) 2022/2587, (EU) 2022/2588, (EU) 2022/1357, (EU) 2022/826, (EU) 2022/303, (EU) 2022/290, (EU) 2022/199, (EU) 2021/2324, (EU) 2021/1478, (EU) 2021/1160	Consolidated	3
<b>Fisheries &amp; Aquaculture - Marketing</b>							
68	Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000, insofar as it concerns provisions relating to marketing standards and consumer information	<a href="#">1354.28.12.2013.p.1</a>	Consolidated: 25.4.2020	N/A	Latest 12 March 2018	N/A	N/A
	<b>Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals - No longer in force, date of end of validity: 20.04.2021</b>	<a href="#">1328.24.11.2006.p.14</a>	Consolidated: 6.3.2014	Repealed and replaced by Regulation (EU) 2016/429/Article 270	N/A	N/A	N/A
69	Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC, insofar as it concerns provisions relating to marketing standards for fishery and aquaculture products	<a href="#">1354.28.12.2013.p.22</a>	Consolidated: 1.1.2021	N/A	Commission Delegated Regulation (EU) 2021/2064, (EU) 2021/2065, (EU) 2022/204, (EU) 2022/824, (EU) 2022/952, (EU) 2022/2287, (EU) 2022/2564, (EU) 2023/340, (EU) 2023/1609, (EU) 2023/1697, (EU) 2023/2460, (EU) 2024/1013	N/A	N/A
<b>Total Implementing/Delegated</b>						<b>8</b>	<b>110</b>

**Policy Area Summary: PLANT HEALTH**

EU acts in scope: 17 directives and regulations.

Total EU tertiary acts since 1 January 2021: 328 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 59 tertiary acts.

PLANT HEALTH		EU (Secondary) Law	EU (Tertiary) Law
<b>Plant Health</b>			
70	Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC	<a href="#">1317.23.11.2016 p.4</a>	<a href="#">Consolidated: 14.12.2019</a>
71	Council Regulation (EC) No 338/97 of 19 December 1996 on the protection of species of wild fauna and flora by regulating trade therein	<a href="#">1613.3.1997 p.1</a>	<a href="#">Consolidated: 20.5.2023</a>
<b>Pesticides, Biocides</b>			
72	Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC	<a href="#">1309.24.11.2009 p.1</a>	<a href="#">Consolidated: 21.11.2022</a>
73	Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC	<a href="#">170.16.3.2005 p.1</a>	<a href="#">Consolidated: 11.5.2024</a>
74	Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products	<a href="#">1467.27.6.2012 p.1</a>	<a href="#">Consolidated: 11.6.2024</a>
<b>Plant Reproductive Material</b>			
76	Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed	<a href="#">1325.11.7.1966 p.2309</a>	N/A
76	Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine	<a href="#">103.17.4.1968 p.15</a>	<a href="#">Consolidated: 16.2.2020</a>
77	Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material	<a href="#">1115.1.2000 p.17</a>	<a href="#">Consolidated: 18.4.2004</a>
78	Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species	<a href="#">1183.20.7.2002 p.1</a>	<a href="#">Consolidated: 1.9.2022</a>
79	Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed	<a href="#">1325.11.7.1966 p.2229</a>	<a href="#">Consolidated: 1.9.2022</a>
80	Council Directive 85/616/EEC of 20 July 1985 on the marketing of propagating material of ornamental plants	<a href="#">1228.13.3.1985 p.16</a>	<a href="#">Consolidated: 30.9.2014</a>
81	Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed	<a href="#">1205.1.8.2008 p.8</a>	<a href="#">Consolidated: 16.8.2022</a>
82	Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed	<a href="#">1193.20.7.2002 p.12</a>	<a href="#">Consolidated: 1.9.2022</a>
83	Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed	<a href="#">1193.20.7.2002 p.33</a>	<a href="#">Consolidated: 1.9.2022</a>
84	Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes	<a href="#">1193.20.7.2002 p.60</a>	<a href="#">Consolidated: 1.9.2022</a>
85	Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants	<a href="#">1193.20.7.2002 p.74</a>	<a href="#">Consolidated: 1.9.2022</a>
86	Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production	<a href="#">1267.8.10.2008 p.8</a>	<a href="#">Consolidated: 13.10.2022</a>
		<b>Total Implementing/ Delegated</b>	
		288	59

**Policy Area Summary: EQUALITY, NON-DISCRIMINATION, AND HUMAN RIGHTS**

EU acts in scope: 7 directives and regulations.

Total EU tertiary acts since 1 January 2021: 0 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 0 tertiary acts.

EQUALITY, NON-DISCRIMINATION, AND HUMAN RIGHTS		EU (Secondary) Law	EU (Tertiary) Law
<b>Voting Rights in Local Government Elections</b>			
87	Article 20(2)(b) TEU and Article 22 TFEU	<a href="#">0.326.26.10.2012 p.47-306</a>	N/A
<b>Equal Treatment Legislation</b>			
88	Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services	<a href="#">1373.21.12.2004 p.37-43</a>	N/A
89	Directive 2006/54/EC of the European Parliament and of the Council of 15 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation	<a href="#">1204.26.7.2006 p.21-36</a>	N/A
90	Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin	<a href="#">1180.16.7.2000 p.22-26</a>	N/A
91	Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation	<a href="#">1382.2.12.2000 p.16-22</a>	N/A
92	Directive 2010/41/EU of the European Parliament and of the Council of 17 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC	<a href="#">1183.15.7.2010 p.1-6</a>	N/A
93	Council Directive 79/77/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security	<a href="#">1610.1.1978 p.24-25</a>	N/A
		<b>Total Implementing/ Delegated</b>	
		0	0

**Policy Area Summary: SOCIAL PROTECTION**

EU acts in scope: 3 directives and regulations.

Total EU tertiary acts since 1 January 2021: 0 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 0 tertiary acts.

SOCIAL PROTECTION		EU (Secondary) Law	EU (Tertiary) Law
<b>EU Social Security Coordination</b>			
94	Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems	<a href="#">1166.30.4.2004 p.1-123</a>	<a href="#">Consolidated: 31.7.2019</a>
95	Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems	<a href="#">1284.30.10.2009 p.1-62</a>	<a href="#">Consolidated: 1.5.2018</a>
96	Regulation (EC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community	<a href="#">1149.5.7.1971 p.2-50</a>	<a href="#">Consolidated: 1.5.2019</a>
	Regulation (EEC) No 574/72 of the Council of 21 March 1972 <i>being the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community; date of entry into force: 30.4.2019</i>	<a href="#">174.27.3.1972 p.1-83</a>	<a href="#">Consolidated: 2.3.2008</a>
		<b>Total Implementing/ Delegated</b>	
		0	0

**Policy Area Summary: FOOD STANDARDS**

EU acts in scope: 31 directives and regulations.  
Total EU tertiary acts since 1 January 2021: 172 implementing and delegated acts.  
Change since last EU Law Tracker report: 0 secondary act and 22 tertiary acts.

FOOD STANDARDS						EU (Secondary) Law	EU (Tertiary) Law	
<b>Food Compositional Standards and Labeling</b>								
97	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety	<a href="#">131.1.2.2002.p.1</a>	<a href="#">Consolidated: 1.7.2024</a>	N/A	N/A	Consolidated	N/A	
98	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004	<a href="#">1304.22.11.2011.p.18</a>	<a href="#">Consolidated: 1.1.2018</a>	N/A	Commission Implementing Regulation (EU) 2021/334, (EU) 2021/945, (EU) 2022/100	N/A	N/A	
99	Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lots to which a foodstuff belongs	<a href="#">1334.16.12.2011</a>	N/A	N/A	N/A	N/A	N/A	
100	Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings	<a href="#">1354.31.12.2008.p.1</a>	<a href="#">Consolidated: 27.3.2021</a>	N/A	N/A	N/A	N/A	
101	Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97	<a href="#">1354.31.12.2008.p.7</a>	<a href="#">Consolidated: 3.12.2012</a>	N/A	N/A	N/A	N/A	
102	Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives	<a href="#">1354.31.12.2008.p.16</a>	<a href="#">Consolidated: 2.6.2024</a>	N/A	N/A	Consolidated	N/A	
103	Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1831/01, Regulations (EC) No 2322/96 and (EC) No 116/2008 and Directive 2000/13/EC	<a href="#">1354.31.12.2008.p.24</a>	<a href="#">Consolidated: 5.2.2024</a>	N/A	N/A	Consolidated	N/A	
104	Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements	<a href="#">1483.12.7.2002.p.51</a>	<a href="#">Consolidated: 17.7.2024</a>	N/A	N/A	Consolidated	N/A	
105	Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods	<a href="#">1494.30.12.2006.p.26</a>	<a href="#">Consolidated: 17.7.2024</a>	N/A	N/A	Consolidated	N/A	
106	Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods	<a href="#">1269.26.11.2003.p.1</a>	<a href="#">Consolidated: 27.3.2021</a>	N/A	N/A	N/A	N/A	
107	Council Regulation (EEC) No 315/93 of 18 February 1993 laying down Community procedures for contaminants in food	<a href="#">137.13.2.1993.p.1</a>	<a href="#">Consolidated: 7.8.2008</a>	N/A	N/A	N/A	N/A	
108	Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001	<a href="#">1327.11.12.2015.p.1</a>	<a href="#">Consolidated: 27.3.2021</a>	N/A	92 Commission Implementing Regulations	N/A	20	
109	Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directive 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009	<a href="#">1481.29.6.2013.p.35</a>	<a href="#">Consolidated: 21.3.2023</a>	N/A	Commission Delegated Regulations (EU) 2021/571, (EU) 2021/572, (EU) 2021/1041, (EU) 2021/1040, (EU) 2022/519, (EU) 2022/2182, (EU) 2023/439, (EU) 2023/589	N/A	N/A	
110	Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts	<a href="#">166.13.3.1999.p.26</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A	N/A	N/A	
111	Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption	<a href="#">1197.3.8.2000.p.19</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A	N/A	N/A	
112	Council Directive 2001/110/EC of 20 December 2001 relating to honey	<a href="#">110.12.1.2001.p.47</a>	<a href="#">Consolidated: 23.6.2014</a>	N/A	N/A	N/A	N/A	
113	Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption	<a href="#">110.12.1.2001.p.53</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A	N/A	N/A	
114	Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors	<a href="#">1157.15.6.2011.p.1</a>	<a href="#">Consolidated: 24.10.2022</a>	N/A	N/A	N/A	N/A	
115	Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption	<a href="#">110.12.1.2001.p.58</a>	<a href="#">Consolidated: 9.10.2014</a>	N/A	N/A	N/A	N/A	
116	Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut puree intended for human consumption	<a href="#">110.12.1.2001.p.67</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A	N/A	N/A	
117	Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption	<a href="#">115.17.1.2001.p.19</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A	N/A	N/A	
118	Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC	<a href="#">1314.1.12.2015.p.1</a>	N/A	N/A	N/A	N/A	N/A	
<b>Nutrition Labelling, Composition and Standards</b>								
119	Regulation (EC) 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods	<a href="#">1464.30.12.2006.p.8</a>	<a href="#">Consolidated: 13.12.2014</a>	N/A	N/A	N/A	N/A	
<b>Food Hygiene</b>								
120	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	<a href="#">1139.30.4.2004.p.55</a>	<a href="#">Consolidated: 9.5.2024</a>	N/A	N/A	Consolidated	N/A	
121	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs	<a href="#">1139.30.4.2004.p.1</a>	<a href="#">Consolidated: 24.3.2021</a>	N/A	N/A	N/A	N/A	
122	Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption	<a href="#">140.11.2.1989.p.24</a>	<a href="#">Consolidated: 4.7.2013</a>	N/A	N/A	N/A	N/A	
<b>Regulation of Tobacco and Related Products</b>								
123	Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC	<a href="#">1127.29.4.2014.p.1.38</a>	<a href="#">Consolidated: 23.10.2023</a>	N/A	Commission Delegated Directive (EU) 2022/2100 and Commission Implementing Regulation (EU) 2023/448	N/A	N/A	
124	Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products	<a href="#">1152.20.6.2003.p.16-18</a>	<a href="#">Consolidated: 29.6.2003</a>	N/A	N/A	N/A	N/A	
<b>Organic Products</b>								
125	Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91. Repealed by (EU) 2018/848 with partial continued application.	<a href="#">1189.20.7.2007.p.1</a>	<a href="#">Consolidated: 1.1.2022</a>	Repealed and Replaced by Regulation (EU) 2018/848: Article 56 (but with partial continued application)	N/A	N/A	N/A	
127	Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007	<a href="#">1150.14.6.2018.p.1</a>	<a href="#">Consolidated: 21.2.2023</a>	N/A	31 Commission Delegated Regulations and 36 Commission Implementing Regulations	N/A	2	
<b>Total Implementing / Delegated</b>						<b>172</b>	<b>0</b>	<b>22</b>

Policy Area Summary: CHEMICALS

EU acts in scope: 6 directives and regulations.  
Total EU tertiary acts since 1 January 2021: 17 implementing and delegated acts.  
Change since last EU Law Tracker report: 0 secondary and 2 tertiary acts.

CHEMICALS		EU (Secondary) Law	EU (Tertiary) Law
<b>Fertiliser Regulation</b>			
128	Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (date of end of validity 15.7.2022) Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003	13042112003o119A 11702562019o1114	Consolidated: 20.6.2021 Consolidated: 3.7.2024
		Repealed and Replaced by Regulation (EU) 2019/1009: Article 51 N/A N/A	N/A Consolidated: 1
<b>Good Laboratory Practice</b>			
129	Directive 2004/9/EC of the European Parliament and of the Council of 11 February 2004 on the inspection and verification of good laboratory practice (GLP)	1502042004o2848	Consolidated: 26.7.2019
130	Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances	1502042004o4458	Consolidated: 20.4.2009
		N/A N/A	N/A N/A
<b>REACH</b>			
131	Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC	130630122006o1	Consolidated: 6.8.2024
		N/A N/A	Consolidated N/A
<b>Persistent Organic Pollutants</b>			
132	Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants	11692062019o45	Consolidated: 28.8.2023
		N/A	Commission Delegated Regulation (EU) 2023/866, (EU) 2022/2291 and (EU) 2023/1608 N/A N/A
<b>Hazardous Chemicals</b>			
133	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	1201272012o60	Consolidated: 1.11.2023
		N/A	Commission Implementing Decision C/2021/6140, C/2023/3459 and (EU) 2024/1736; Commission Delegated Regulation (EU) 2022/643 and (EU) 2023/1656 N/A 1
		<b>Total Implementing/ Delegated</b>	<b>17</b>
			<b>0</b>
			<b>2</b>

**Policy Area Summary: ECONOMY & TRADE**

EU acts in scope: 6 directives and regulations.  
Total EU tertiary acts since 1 January 2021: 20 implementing and delegated acts.  
Change since last EU Law Tracker report: 0 secondary and 1 tertiary acts.

ECONOMY & TRADE		EU (Secondary) Law	EU (Tertiary) Law
<b>Law Payment in Commercial Transactions</b>			
134	Directive 2017/77/EU of the European Parliament and of the Council of 16 February 2017 on combating late payment in commercial transactions	1402322017o110	N/A
		N/A N/A N/A	N/A N/A N/A
<b>Mutual Recognition of Professional Qualifications - Cross-Sectoral</b>			
135	Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications	12053092005o27152	Consolidated: 20.8.2024
		N/A N/A	Consolidated N/A
<b>Services Directive</b>			
136	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market	137827122006o3658	N/A
		N/A N/A N/A	N/A N/A N/A
<b>Public Procurement</b>			
137	Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC to the extent it relates to EEA relevance	1342832014o65242	Consolidated: 1.1.2024
		N/A	Commission Delegated Regulation (EU) 2021/1952 and (EU) 2023/2495; Commission Implementing Regulation (EU) 2022/2303 and (EU) 2023/2884; Commission Implementing Decision (EU) 2022/418, (EU) 2022/1286, (EU) 2022/1296, (EU) 2022/1376, (EU) 2022/2303, (EU) 2023/284, (EU) 2023/1528, (EU) 2023/1978, (EU) 2023/2884, (EU) 2024/2138; Commission Delegated Regulation (EU) 2021/1953, (EU) 2023/2495 Consolidated 0
138	Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC	1342832014o243374	Consolidated: 1.1.2024
		N/A	N/A 1
139	Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts	1342832014o184	Consolidated: 1.1.2024
		N/A	Commission Delegated Regulation (EU) 2021/1951 and (EU) 2023/2497 and Commission Implementing Regulation (EU) 2022/2303 and (EU) 2023/2884 N/A 0
		<b>Total Implementing/ Delegated</b>	<b>20</b>
			<b>0</b>
			<b>1</b>

**Policy Area Summary: POLICE & JUDICIAL COOPERATION**

EU acts in scope: 51 directives and regulations.  
Total EU tertiary acts since 1 January 2021: 3 implementing and delegated acts.  
Change since last EU Law Tracker report: 0 secondary and 0 tertiary acts.

POLICE & JUDICIAL COOPERATION		EU (Secondary) Law	EU (Tertiary) Law
<b>European Judicial Network</b>			
140	Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network	130824122008o130134	N/A
		N/A N/A N/A	N/A N/A N/A
<b>Joint Action on Organized Crime</b>			
141	97/827/JHA: Joint Action of 5 December 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for evaluating the application and implementation at a national level of international undertakings in the fight against organized crime	134415121997o79	N/A
		N/A N/A N/A	N/A N/A N/A
<b>False and Authentic Documents Online (FADO)</b>			
142	98/700/JHA: Joint Action of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO)	1339121998o67	N/A
		N/A N/A N/A	N/A N/A N/A
<b>European Police College (CEPOL)</b>			
143	Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/620/JHA (date of end of validity 1.7.2016) Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA	12561102005o6370 13194422015o120	Consolidated: 1.9.2014
		Repealed and Replaced by Regulation (EU) 2015/2219: Article 40 N/A N/A	N/A N/A N/A

	<b>EU-USA</b>								
144	Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the areas of freedom, security and justice: date of end of validity 10.12.2018	<a href="#">1286.111.2011.p.1-17</a>	<a href="#">Consolidated: 9.10.2018</a>	Repealed and Replaced by Regulation (EU) 2018/1726: Article 57	N/A		N/A	N/A	
	Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-USA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011	<a href="#">1295.211.1.2018.p.89-137</a>	<a href="#">Consolidated: 25.4.2021</a>		N/A		Consolidated	N/A	
	<b>EUROPOL</b>								
145	Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA	<a href="#">1335.24.5.2016.p.53-114</a>	<a href="#">Consolidated: 28.6.2022</a>		N/A		N/A	N/A	
	<b>EUROJUST</b>								
146	Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA	<a href="#">1295.211.1.2018.p.138-183</a>	<a href="#">Consolidated: 31.06.2023</a>		N/A	Latest 23 July 2020	N/A	N/A	
	<b>European Criminal Records Information System (ECRIS)</b>								
147	Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States	<a href="#">193.74.2009.p.23-32</a>	<a href="#">Consolidated: 27.6.2019</a>		N/A		N/A	N/A	
	<b>Prüm Framework (data sharing)</b>								
148	Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime	<a href="#">1210.6.8.2008.p.12-72</a>	<a href="#">Consolidated: 25.4.2021</a>		N/A		Consolidated	N/A	
149	Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime	<a href="#">1210.6.8.2008.p.1-11</a>	<a href="#">Consolidated: 25.4.2021</a>		N/A		Consolidated	N/A	
	<b>Schengen Information System (SIS II)</b>								
150	Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II): date of end of validity 6.3.2023	<a href="#">1205.7.6.2007.p.63-84</a>	<a href="#">Consolidated: 28.12.2020</a>	Repealed and Replaced by Regulation (EU) 2018/1862: Article 78	N/A		N/A	N/A	
	Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2017/251/EU	<a href="#">1317.12.2018.p.56-106</a>	<a href="#">Consolidated: 1.8.2022</a>		N/A	Commission Implementing Decision (EU) 2023/201, (EU) 2022/2206, (EU) 2021/31	N/A	N/A	
	<b>Minimum Standards Legislation - Cybercrime</b>								
151	Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA	<a href="#">1216.14.8.2013.p.8-14</a>			N/A		N/A	N/A	
	<b>Minimum Standards Legislation - Human Trafficking</b>								
152	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA	<a href="#">1461.15.6.2011.p.1-11</a>	<a href="#">Consolidated: 14.7.2021</a>		N/A		Consolidated	N/A	
	<b>Asset Recovery Offices</b>								
153	Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of recognition and identification of proceeds from, or other property related to, crime	<a href="#">1322.18.12.2007.p.103-105</a>			N/A		N/A	N/A	
	<b>Cooperation Legislation - Child Sexual Exploitation</b>								
154	Council Decision of 29 May 2000 to combat child pornography on the Internet	<a href="#">1418.8.6.2000.p.1-4</a>			N/A		N/A	N/A	
	<b>Schengen Convention - Law Enforcement Cooperation (Article 40)</b>								
155	The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders	<a href="#">1210.6.8.2008.p.12-72</a>	<a href="#">Consolidated: 25.4.2021</a>		N/A		Consolidated	N/A	
	<b>European Investigation Order</b>								
156	Directive 2014/41/EU of the European Parliament and of the Council of 4 April 2014 regarding the European Investigation Order in criminal matters	<a href="#">1130.1.5.2014.p.1-36</a>	<a href="#">Consolidated: 13.3.2022</a>		N/A		N/A	N/A	
	<b>Joint Investigation Teams</b>								
157	Council Framework Decision of 13 June 2002 on joint investigation teams	<a href="#">1162.20.6.2002.p.1-3</a>	<a href="#">Consolidated: 18.3.2022</a>		N/A		N/A	N/A	
	<b>Mutual Recognition of Asset Freezing</b>								
	Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence: date of end of validity 18.12.2020	<a href="#">1196.2.8.2003.p.45-55</a>	<a href="#">Consolidated: 2.8.2003</a>	Repealed and Replaced by Regulation (EU) 2018/1805	N/A		N/A	N/A	
	<b>Mutual Recognition of Confiscation Orders</b>								
158	Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders: date of end of validity 18.12.2020	<a href="#">1328.24.11.2006.p.69-78</a>	<a href="#">Consolidated: 28.3.2009</a>	Repealed and Replaced by Regulation (EU) 2018/1805	N/A		N/A	N/A	
	Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders	<a href="#">1303.28.11.2018.p.1-38</a>			N/A		N/A	N/A	
	<b>Cross-Border Data Exchange - Swedish Initiative</b>								
159	Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union	<a href="#">1388.29.12.2006.p.89-100</a>	<a href="#">Consolidated: 30.12.2006</a>		N/A		N/A	N/A	
	<b>Cooperation on Football Disorder</b>								
160	2002/348/JHA: Council Decision of 26 April 2002 concerning security in connection with football matches with an international dimension	<a href="#">1211.6.5.2002.p.1-3</a>	<a href="#">Consolidated: 16.6.2002</a>		N/A		N/A	N/A	
	<b>Forensic Service Providers - Mutual Recognition</b>								
161	Council Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities	<a href="#">1322.9.12.2009.p.14-16</a>			N/A		N/A	N/A	
	<b>Passenger Name Records (PNR) Data</b>								
162	Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime	<a href="#">1119.4.5.2016.p.132-149</a>			N/A		Latest 28 April 2017	N/A	
	<b>Applicable Law in Contracts and Non-Contractual Obligations</b>								
163	Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)	<a href="#">1177.4.7.2008.p.6-16</a>	<a href="#">Consolidated: 24.7.2008</a>		N/A		N/A	N/A	
164	Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II)	<a href="#">1189.31.7.2007.p.46-68</a>			N/A		N/A	N/A	
	<b>Legal Mediation - Cross-Border</b>								
165	Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters	<a href="#">1138.24.5.2008.p.3-8</a>			N/A		N/A	N/A	
	<b>Civil and Commercial Law - Jurisdiction, Recognition and Enforcement</b>								
166	Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters	<a href="#">1351.20.12.2012.p.1-32</a>	<a href="#">Consolidated: 28.2.2015</a>		N/A	Latest 26 November 2014	N/A	N/A	
	Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings: date of end of validity 26.6.2017	<a href="#">1160.30.6.2000.p.1-18</a>	<a href="#">Consolidated: 12.10.2016</a>	Repealed and Replaced by Regulation (EU) 2015/848: Article 91	N/A		N/A	N/A	
167	Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings	<a href="#">1141.5.6.2015.p.10-72</a>	<a href="#">Consolidated: 9.1.2022</a>		N/A	Latest 4 June 2019	N/A	N/A	
	<b>Family Law - Jurisdiction, Recognition and Enforcement</b>								
	Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000: date of end of validity 31.7.2022	<a href="#">1338.23.12.2003.p.1-28</a>	<a href="#">Consolidated: 1.3.2005</a>	Repealed and Replaced by Council Regulation (EU) 2019/1111: Article 104	N/A		N/A	N/A	
168	Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction	<a href="#">1178.2.7.2019.p.1-116</a>			N/A		N/A	N/A	
169	Council Regulation (EC) No 470/09 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations	<a href="#">1710.1.2009.p.1-70</a>	<a href="#">Consolidated: 31.12.2018</a>		N/A		N/A	N/A	
170	Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters	<a href="#">1181.26.6.2013.p.4-12</a>			N/A	Latest 2 September 2014	N/A	N/A	
	<b>Legal Aid - Cross-Border Cases</b>								
171	Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes	<a href="#">126.31.1.2003.p.41-47</a>	<a href="#">Consolidated: 31.1.2003</a>		N/A		N/A	N/A	
	<b>Service of Documents &amp; Taking Evidence</b>								
172	Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000	<a href="#">1324.10.12.2007.p.78-120</a>	<a href="#">Consolidated: 1.7.2013</a>		N/A		N/A	N/A	
173	Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters	<a href="#">1174.27.6.2001.p.1-24</a>	<a href="#">Consolidated: 4.12.2008</a>		N/A		N/A	N/A	
174	2001/470/EC: Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters	<a href="#">1174.27.6.2001.p.25-31</a>	<a href="#">Consolidated: 1.1.2011</a>		N/A		N/A	N/A	
	<b>Civil and Commercial Law - Small Claims, Enforcement and Order for Payment</b>								
175	Regulation (EU) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 creating a European order for payment procedure	<a href="#">1361.24.12.2015.p.1-13</a>			N/A		N/A	N/A	
176	Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure	<a href="#">1199.31.7.2007.p.1-22</a>	<a href="#">Consolidated: 14.7.2017</a>		N/A		N/A	N/A	
177	Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims	<a href="#">1143.30.4.2004.p.15-39</a>	<a href="#">Consolidated: 26.10.2022</a>		N/A		N/A	N/A	
178	Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure	<a href="#">1389.30.12.2006.p.1-32</a>	<a href="#">Consolidated: 14.7.2017</a>		N/A		N/A	N/A	

Civil and Commercial Law - Small Claims, Enforcement and Order for Payment							
175	Regulation (EU) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 creating a European order for payment procedure	<a href="#">L341.24.12.2015.p.1-13</a>	N/A	N/A	N/A	N/A	N/A
176	Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure	<a href="#">L199.31.7.2007.p.1-22</a>	<a href="#">Consolidated: 14.7.2017</a>	N/A	N/A	N/A	N/A
177	Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims	<a href="#">L143.30.4.2004.p.15-30</a>	<a href="#">Consolidated: 26.10.2022</a>	N/A	N/A	N/A	N/A
178	Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure	<a href="#">L289.30.12.2006.p.1-32</a>	<a href="#">Consolidated: 14.7.2017</a>	N/A	N/A	N/A	N/A
Child Sexual Exploitation - Minimum Standards Measures							
179	Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA	<a href="#">L335.17.12.2011.p.4-14</a>	<a href="#">Consolidated: 17.12.2011</a>	N/A	N/A	N/A	N/A
Mutual Recognition of Criminal Court Judgments - Cross-Border Cooperation							
180	Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union	<a href="#">L357.5.12.2008.p.27-46</a>	<a href="#">Consolidated: 28.3.2009</a>	N/A	N/A	N/A	N/A
181	Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order	<a href="#">L339.21.12.2011.p.2-18</a>	N/A	N/A	N/A	N/A	N/A
182	Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention	<a href="#">L284.11.11.2009.p.20-40</a>	N/A	N/A	N/A	N/A	N/A
183	Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties	<a href="#">L76.22.3.2005.p.18-30</a>	<a href="#">Consolidated: 28.3.2009</a>	N/A	N/A	N/A	N/A
184	Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims	<a href="#">L261.6.8.2004.p.15-18</a>	N/A	N/A	N/A	N/A	N/A
Procedural Rights - Minimum Standards							
185	Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the rights to information in criminal proceedings	<a href="#">L142.1.6.2012.p.1-10</a>	N/A	N/A	N/A	N/A	N/A
186	Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the rights to interpretation and translation in criminal proceedings	<a href="#">L280.26.10.2010.p.1-7</a>	N/A	N/A	N/A	N/A	N/A
Legal Services - Provision							
187	Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained	<a href="#">L177.14.3.1998.p.38-43</a>	<a href="#">Consolidated: 1.7.2013</a>	N/A	N/A	N/A	N/A
188	Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services	<a href="#">L78.26.3.1977.p.17-18</a>	<a href="#">Consolidated: 1.7.2013</a>	N/A	N/A	N/A	N/A
Sentencing - Accounting for Convictions							
189	Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings	<a href="#">L229.15.8.2008.p.32-34</a>	N/A	N/A	N/A	N/A	N/A
Victims Rights - Minimum Standards							
190	Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA	<a href="#">L315.14.11.2012.p.57-73</a>	N/A	N/A	N/A	N/A	N/A
<b>Total Implementing / Delegated</b>						<b>0</b>	<b>0</b>

## Policy Area Summary: PUBLIC HEALTH

EU acts in scope: 15 directives and regulations.

Total EU tertiary acts since 1 January 2021: 5 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 0 tertiary acts.

PUBLIC HEALTH						EU (Secondary) Law	EU (Tertiary) Law
Public Health Protection							
101	Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC; date of end of validity: 25. 12. 2022	<a href="#">L283.5.11.2013.p.1-16</a>	<a href="#">Consolidated: 5.11.2013</a>	N/A	Commission Implementing Decision (EU) 2021/856, (EU) 2021/1212	N/A	N/A
101	Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1062/2003/EC	<a href="#">L314.6.12.2022.p.28-63</a>	N/A	N/A	Commission Implementing Regulation (EU) 2023/1808, (EU) 2024/892 and Commission Delegated Regulation (EU) 2024/1232	N/A	2
192	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control	<a href="#">L142.30.4.2004.p.1-11</a>	<a href="#">Consolidated: 26.12.2022</a>	N/A	N/A	N/A	N/A
Blood Safety & Quality							
193	Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC	<a href="#">L33.8.2.2003.p.30-40</a>	<a href="#">Consolidated: 7.8.2009</a>	N/A	N/A	N/A	N/A
194	Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components	<a href="#">L91.30.3.2004.p.25-30</a>	<a href="#">Consolidated: 9.1.2015</a>	N/A	N/A	N/A	N/A
195	Commission Directive 2005/61/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards traceability requirements and notification of serious adverse reactions and events	<a href="#">L256.1.10.2005.p.32-40</a>	N/A	N/A	N/A	N/A	N/A
196	Commission Directive 2005/62/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards Community standards and specifications relating to a quality system for blood establishments	<a href="#">L256.1.10.2005.p.41-48</a>	<a href="#">Consolidated: 15.9.2016</a>	N/A	N/A	N/A	N/A
Organs, Tissues and Cells							
197	Council Directive 2010/45/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation	<a href="#">L207.6.8.2010.p.14-29</a>	<a href="#">Consolidated: 6.8.2010</a>	N/A	Latest: 9 October 2012	N/A	N/A
198	Commission Implementing Directive 2012/25/EU of 9 October 2012 laying down information procedures for the exchange, between Member States, of human organs intended for transplantation	<a href="#">L275.10.10.2012.p.27-32</a>	N/A	N/A	N/A	N/A	N/A
199	Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells	<a href="#">L102.7.4.2004.p.48-58</a>	<a href="#">Consolidated: 7.8.2009</a>	N/A	N/A	N/A	N/A
200	Commission Directive 2006/17/EC of 8 February 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and testing of human tissues and cells	<a href="#">L38.9.2.2006.p.40-52</a>	<a href="#">Consolidated: 17.12.2012</a>	N/A	N/A	N/A	N/A
201	Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells	<a href="#">L294.25.10.2006.p.32-50</a>	<a href="#">Consolidated: 29.4.2015</a>	N/A	N/A	N/A	N/A
202	Commission Directive 2012/39/EU of 26 November 2012 amending Directive 2006/17/EC as regards certain technical requirements for the testing of human tissues and cells	<a href="#">L327.27.11.2012.p.24-26</a>	N/A	N/A	N/A	N/A	N/A
203	Commission Directive (EU) 2015/565 of 8 April 2015 amending Directive 2006/86/EC as regards certain technical requirements for the coding of human tissues and cells	<a href="#">L93.9.4.2015.p.43-55</a>	N/A	N/A	N/A	N/A	N/A
204	Commission Directive (EU) 2015/566 of 8 April 2015 implementing Directive 2004/23/EC as regards the procedures for verifying the equivalent standards of quality and safety of imported tissues and cells	<a href="#">L93.9.4.2015.p.56-60</a>	N/A	N/A	N/A	N/A	N/A
Reciprocal Cross-Border Healthcare							
205	Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare	<a href="#">L188.4.4.2011.p.45-65</a>	<a href="#">Consolidated: 1.1.2014</a>	N/A	Latest: 15 July 2020	N/A	N/A
<b>Total Implementing / Delegated</b>						<b>5</b>	<b>0</b>

**Policy Area Summary: TRANSPORT**

EU acts in scope: 10 directives and regulations.

Total EU tertiary acts since 1 January 2021: 8 implementing and delegated acts.

Change since last EU Law Tracker report: 1 secondary and 2 tertiary acts.

	TRANSPORT					EU (Secondary) Law	EU (Tertiary) Law
	<b>Aviation - Compensation Public Service Obligation</b>						
206	Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community	<a href="#">L 293 31.10.2008 p. 3-20</a>	<a href="#">Consolidated: 18.12.2020</a>	N/A	N/A	N/A	N/A
	<b>Bus Franchising Rules</b>						
207	Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70	<a href="#">L 315 3.12.2007 p. 1-13</a>	<a href="#">Consolidated: 24.12.2017</a>	N/A	N/A	N/A	N/A
	<b>Charging of HGVs</b>						
208	Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures	<a href="#">L 187 20.7.1999 p. 42-50</a>	<a href="#">Consolidated: 24.3.2022</a>	N/A	N/A	N/A	N/A
	<b>Electronic Road Toll Systems</b>						
	Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community: date of end of validity 19.10.2021	<a href="#">L 166 30.4.2004 p. 124-143</a>	<a href="#">Consolidated: 20.4.2009</a>	Repealed and Replaced by Directive (EU) 2019/920: Article 33	N/A	N/A	N/A
209	Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union	<a href="#">L 91 29.3.2019 p. 45-76</a>	<a href="#">Consolidated: 24.3.2022</a>	N/A	Latest: 28 November 2019	N/A	N/A
	<b>Ports Services/Facilities</b>						
210	Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports	<a href="#">L 57 3.3.2017 p. 1-18</a>	<a href="#">Consolidated: 28.5.2020</a>	N/A	N/A	N/A	N/A
	Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues: date of end of validity 16.6.2019	<a href="#">L 332 28.12.2000</a>	<a href="#">Consolidated: 9.12.2015</a>	Repealed and Replaced by Directive (EU) 2019/883: Article 22	N/A	N/A	N/A
211	Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC	<a href="#">L 151 7.6.2019 p. 116-142</a>	N/A	N/A	Commission Implementing Regulation (EU) 2022/89, (EU) 2022/92, (EU) 2022/90, (EU) 2022/91, (EU) 2024/917	N/A	1
	<b>Intelligent Transport Systems</b>						
212	Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport	<a href="#">L 207 8.8.2010 p. 1-13</a>	<a href="#">Consolidated: 9.1.2018</a>	N/A	Commission Delegated Regulation (EU) 2022/670, (EU) 2024/1084	N/A	1
	<b>Road Infrastructure Safety Management</b>						
213	Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management	<a href="#">L 319 29.11.2008 p. 59-67</a>	<a href="#">Consolidated: 16.12.2019</a>	N/A	N/A	N/A	N/A
	<b>Trans-European Transport Network</b>						
	Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 861/2010/EU: date of end of validity 17.7.2024	<a href="#">L 348 20.12.2013 p. 1-128</a>	<a href="#">Consolidated: 9.7.2023</a>	Repealed and Replaced by Regulation (EU) 2024/1679: Article 68	Commission Delegated Regulation (EU) 2023/1176	N/A	N/A
214	Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013	<a href="#">L 2024/1679 28.6.2024</a>				1	N/A
	<b>Maritime - Public Service Contracts/Obligations</b>						
215	Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage)	<a href="#">L 364 12.12.1992 p. 7-10</a>	<a href="#">Consolidated: 1.7.2013</a>	N/A	N/A	N/A	N/A
						Total Implementing / Delegated	1 2

**Policy Area Summary: GOODS REGULATION**

EU acts in scope: 2 directives and regulations.

Total EU tertiary acts since 1 January 2021: 18 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 3 tertiary acts.

	GOODS REGULATION					EU (Secondary) Law	EU (Tertiary) Law
	<b>Market Surveillance</b>						
216	Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011	<a href="#">L 169 25.6.2019 p. 1-44</a>	<a href="#">Consolidated: 24.5.2024</a>	N/A	Commission Implementing Regulation (EU) 2024/1456, 2023/2712, 2023/975, 2023/733, 2022/1267, 2021/2248, 2021/1121	N/A	1
	<b>Construction Products</b>						
217	Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC Text with EEA relevance	<a href="#">L 88 4.4.2011 p. 5-43</a>	<a href="#">Consolidated: 18.7.2021</a>	N/A	Commission Implementing Decision (EU) 2024/1944, 2024/237, 2023/2461, 2023/1473, 2023/910, 2023/424, 2022/2357, 2022/1517, 2022/381, 2021/1789, 2021/1183	N/A	2
						Total Implementing / Delegated	0 3



# Appendix Two: European Commission Work Programme 2024 Analysis

Scottish Government Alignment Commitment & European Commission Work Programme 2024							
Significant Proposals and Initiatives to Rationalise Reporting (Annex II)		EC Document Reference	Proposal Published	EU Law in Scope of Alignment Impacted by or Related to New EU Act	Progress	Final EU Act	Scottish Government Position
<b>Proposals and initiatives ... adopted by the Commission since March 2023</b>							
1	Proposal for a Regulation of the European Parliament and of the Council on detergents and surfactants, amending Regulation (EU) 2019/2020 and repealing Regulations (EC) No 648/2004	<a href="#">COM/2023/217 final</a>	April 2023	Regulation (EU) 2019/2020	<a href="#">In Progress</a>	N/A	N/A
2	Proposal for a Regulation amending Regulation 2016/2003 on protective measures against pests of plants	<a href="#">COM/2023/661 final</a>	October 2023	Regulation (EU) 2016/2003	<a href="#">In Progress</a>	N/A	Values - aligning with overall framework but adjusting for phyto-sanitary conditions and advice in Scotland
<b>Priority Pending Proposals (Annex III)</b>							
<b>A European Green Deal</b>							
3	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on preventing plastic pellet losses to reduce microplastic pollution	<a href="#">COM/2023/1645 final</a>	October 2023	Single Use Plastics Directive (EU) 2019/904, Waste Framework Directive (2008/98/EC), Packaging and Packaging Waste Directive (94/62/EC), Marine Strategy Framework Directive (2008/56/EC)	<a href="#">In Progress</a>	N/A	N/A
4	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on circularity requirements for vehicle design and on management of end-of-life vehicles, amending Regulations (EU) 2018/858 and 2019/2020 and repealing Directives 2000/53/EC and 2005/64/EC	<a href="#">COM/2023/451 final</a>	July 2023	End of Life Vehicles Directive (2000/53/EC) and Type-Approval Framework Regulation (EU) 2018/858	<a href="#">In Progress</a>	N/A	N/A
5	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2008/98/EC on waste	<a href="#">COM/2015/0595 final</a>	July 2023	Waste Directive (2008/98/EC)	<a href="#">In Progress</a>	N/A	N/A
6	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Soil Monitoring and Resilience (Soil Monitoring Law)	<a href="#">COM/2023/416 final</a>	July 2023	Waste Directive (2008/98/EC), Landfill Directive (1999/31/EC), Industrial Emissions Directive (2010/75/EU), Water Framework Directive (2000/60/EC), Floods Directive (2007/60/EC), Birds Directive (2009/147/EC), Habitats Directive (1992/43/EC)	<a href="#">In Progress</a>	N/A	Non-specific Statement: "We also welcome the Commission's focus on healthy soils..." (p.38)
7	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2003 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material)	<a href="#">COM/2023/1415 final</a>	July 2023	Forest Reproductive Material Directive (1999/105/EC), Animal Health Law Regulation (EU) 2016/2003 and Official Controls Regulation (EU) 2017/625	<a href="#">In Progress</a>	N/A	N/A
8	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2003, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 66/358/EEC, 2002/53/EC, 2002/64/EC, 2002/65/EC, 2002/66/EC, 2002/67/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material)	<a href="#">COM/2023/1415 final</a>	July 2023	Animal Health Law Regulation (EU) 2016/2003, Official Controls Regulation (EU) 2017/625, Organic Production Regulation (EU) 2018/848 and Council Directives 66/401/EEC, 66/402/EEC, 66/358/EEC, 2002/53/EC, 2002/63/EC, 2002/65/EC, 2002/66/EC, 2002/67/EC, 2008/72/EC and 2008/90/EC on plant reproductive material	<a href="#">In Progress</a>	N/A	N/A
9	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on plants obtained by certain new genomic techniques and their food and feed, and amending Regulation (EU) 2017/625	<a href="#">COM/2023/1411 final</a>	July 2023	Official Controls Regulation (EU) 2017/625, GMOs legislation including Directive 2001/18/EC, Regulation (EC) No 1829/2003, Regulation (EC) No 1831/2003 and Directive 2009/14/EC	<a href="#">In Progress</a>	N/A	Non-specific Statement: "We note the European Commission's consideration of new genomic techniques such as gene editing and how these relate to existing GM legislation, and are looking carefully at the implications of the legislative proposals the Commission published in July..." (p.38)
10	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury as regards dental amalgam and other mercury added products subject to manufacturing, import and export restrictions	<a href="#">COM/2023/395 final</a>	July 2023	Regulation (EU) No 689/2012 on export and import of hazardous chemicals	<a href="#">Completed</a>	<a href="#">Regulation (EU) 2024/1569</a>	N/A
11	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2006/56/EC on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences	<a href="#">COM/2023/273 final</a>	June 2023	Directive (EU) 2019/908 on port reception facilities for delivery of ship waste	<a href="#">In Progress</a>	N/A	N/A
12	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut puree intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption	<a href="#">COM/2023/1201 final</a>	April 2023	Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices, 2001/113/EC relating to fruit jams, jellies and marmalades, 2001/114/EC relating to partly or wholly dehydrated preserved milk	<a href="#">Completed</a>	<a href="#">Directive (EU) 2024/438</a>	N/A
13	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)	<a href="#">COM/2023/63 final</a>	February 2023	Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)	<a href="#">Completed</a>	<a href="#">Directive (EU) 2024/984</a>	Proposal is under development. Subject to future consideration.
14	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on packaging and packaging waste, amending Regulation (EU) 2019/2020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC	<a href="#">COM/2022/1542 final</a>	November 2022	Directive 94/62/EC on packaging and packaging waste	<a href="#">In Progress</a>	N/A	Proposal is under development. Subject to future consideration.
15	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ambient air quality and cleaner air for Europe (recast)	<a href="#">COM/2021/542 final</a>	October 2022	Directive 2008/50/EC on ambient air quality	<a href="#">In Progress</a>	N/A	N/A
16	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning urban wastewater treatment (recast)	<a href="#">COM/2022/1541 final</a>	October 2022	Council Directive 91/271/EEC on urban wastewater treatment	<a href="#">In Progress</a>	N/A	Proposal is under development. Subject to future consideration.
17	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of groundwater	<a href="#">COM/2022/1540 final</a>	October 2022	Water Framework Directive (2000/60/EC), Groundwater Directive (2006/118/EC) and Environmental Quality Standards Directive (2008/105/EC)	<a href="#">In Progress</a>	N/A	Yes - Yes - although the proposal is not finalised, the Scottish Government intends to incorporate updated standards into Scottish legislation, as far as possible.
18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115	<a href="#">COM/2022/1305 final</a>	June 2022	Regulation (EC) No 1107/2009 on Plant Protection Products	<a href="#">Withdrawn</a>	N/A	Proposal is under development. Subject to future consideration.
19	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on nature restoration	<a href="#">COM/2022/1304 final</a>	June 2022	Birds Directive (2009/147/EC), Habitats Directive (92/43/EC), Water Framework Directive (2000/60/EC), Marine Strategy Framework Directive (2008/56/EC)	<a href="#">Completed</a>	<a href="#">Regulation (EU) 2024/1951</a>	Proposal is under development. Subject to future consideration.
20	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste	<a href="#">COM/2022/1156 final</a>	April 2022	Industrial Emissions Directive (2010/75/EU) and Landfill Waste Directive (1999/31/EC)	<a href="#">Completed</a>	<a href="#">Directive (EU) 2024/728</a>	Under active consideration
21	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/2020 and repealing Regulation (EU) 305/2011	<a href="#">COM/2022/1144 final</a>	March 2022	Regulation (EU) 2019/2020 on market surveillance and compliance and Regulation (EU) 305/2011 on marketing construction products	<a href="#">In Progress</a>	N/A	Proposal is under development. Subject to future consideration.
22	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013	<a href="#">COM/2021/1812 final</a>	December 2021	Trans-European Transport Network Regulation (EU) 1315/2013	<a href="#">Completed</a>	<a href="#">Regulation (EU) 2024/1973</a>	Proposal is under development. Subject to future consideration.
23	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings	<a href="#">COM/2021/1802 final</a>	December 2021	Directive 2010/31/EU on energy performance of buildings	<a href="#">Completed</a>	<a href="#">Directive (EU) 2024/1972</a>	Proposal is under development. Subject to future consideration.
<b>A Europe Fit For the Digital Age</b>							
24	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating late payment in commercial transactions	<a href="#">COM/2023/533 final</a>	September 2023	Directive 2011/76/EU on combating late payment in commercial transactions	<a href="#">In Progress</a>	N/A	Non-specific Statement: "Regarding late payments proposals, we will consider the recommendations from the Commission following their recent consultation. We are also closely monitoring the current UK's payment and cash flow review which will involve both public consultation on payment reporting regulations and a statutory review of the effectiveness of the Small Business Commissioner's office..." (p.39)
25	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem (Net Zero Industry Act)	<a href="#">COM/2023/1161 final</a>	March 2023		<a href="#">Completed</a>	<a href="#">Regulation (EU) 2024/1726</a>	Under active consideration
<b>Promoting our European Way of Life</b>							
26	Proposal for a Directive amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims	<a href="#">COM/2022/1732 final</a>	December 2022	Human Trafficking Directive 2011/36/EU	<a href="#">Completed</a>	<a href="#">Directive (EU) 2024/1712</a>	N/A
27	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC	<a href="#">COM/2022/1338 final</a>	July 2022	Human Blood Directive 2002/98/EC and Organs and Human Tissues 2004/23/EC	<a href="#">Completed</a>	<a href="#">Regulation (EU) 2024/1938</a>	Yes
28	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse	<a href="#">COM/2022/209 final</a>	May 2022	Child Sexual Abuse Directive 2011/93/EU	<a href="#">In Progress</a>	N/A	Non-specific statement: "We will continue monitoring any developments of these proposals and consider possible alignment following an analysis of whether Scotland can or already has made such domestic legal changes" (p.42)
<b>A New Push for European Democracy</b>							
29	Proposal for a COUNCIL DIRECTIVE on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC	<a href="#">COM/2022/1689 final</a>	December 2022	Directive 2000/43/EC on Equal Treatment Regardless of Race or Ethnicity and Directive 2004/113/EC on Equal Treatment for Men and Women accessing Goods and Services	<a href="#">Completed</a>	<a href="#">Council Directive (EU) 2024/1692</a>	N/A
30	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU	<a href="#">COM/2022/1688 final</a>	December 2022	Directive 2006/54/EC on Gender Equality in Employment and Directive 2010/41/EU on Gender Equality in Self-Employment	<a href="#">Completed</a>	<a href="#">Directive (EU) 2024/1600</a>	N/A