

# 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

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# 1. INTRODUCTION

## 1.1 Research Purpose

This report is the first of a series of EU Law Tracker Reports commissioned by the Scottish Parliament Constitution, European, External Affairs and Culture Committee to support scrutiny of 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 this Report draws on and progresses earlier research 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 first EU Law Tracker report presents analysis of developments in EU legislation that are relevant to the SG alignment commitment and which have taken place between the end of the UK Transition Period in January 2021 – when UK withdrawal from the EU came into full legal effect – and August 2023, the end of the research period for this first report. While 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, 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 occur which are relevant to the SG alignment commitment and how these can interact with Scots 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 also included in the Report Annexes.

## 1.2 Commitment to Alignment in Scottish Law

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 government indicated that “where appropriate” Scots Law would “keep up with future developments in EU law” either through new legislative

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<sup>1</sup> See The Scottish Parliament (2023) ‘EU Law Tracker’ *parliament.scot* Available: <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-constitution-europe-external-affairs-and-culture-committee/business-items/eu-law-tracker> (Accessed 14 June 2023)

<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 14 June 2023)

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 EU law instrument. 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 being used in pursuit of alignment with EU law and policy in Scotland, specific provisions were also 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 and also in Scots Law, in setting out the domestic legal context, it focuses particularly on the powers granted by 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 '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 Ministers in Scotland 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 establish 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 under section 1(1) are limited (only) in accordance with devolved competence and the scope of current and/or future EU law.

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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 14 July 2023).

<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/enacted> (Accessed 24 July 2023)

Although section 1(1) powers are potentially very wide-ranging in terms of policy scope, they are also time limited. Under section 4 of the 2021 Act, the ‘keeping pace’ powers are due to end on 31 December 2026 so 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 31 December 2030 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 2030, 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.

Importantly, however, notwithstanding the significance of the purposive lens provided by section 2(1) of the EU Continuity Act 2021 for the exercise of ‘keeping pace’ powers granted under the section 1(2) of the same, it is also worth underlining that these do not comprehensively cover the potential scope of section 1(1) powers – this fact is demonstrated in both the policy case studies and the full record of relevant 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, two such reports have been published (see section 2.2.1); both state that Scottish Ministers did not make use of the section 1(1) powers during the relevant reporting period.

### 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 it 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 on findings from the previous Baseline Research Report 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 UK central and devolved government in Scotland.

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

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 the changes documented in the EU Law Tracker by first setting out the main types 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 the lay down the EU’s objectives, the rules for its

<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* 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 1 October 2022).

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, 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 and amendment, these are summarised in Table 2.

The third and final category is EU tertiary law wherein there are two main types – delegated acts and implementing acts – both of which 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 that applied in the UK automatically. Amendments of this nature are made very often in the course of ordinary EU legislative procedures. To demonstrate, in 2022, the EU passed 1283 implementing or tertiary acts of EU law.<sup>6</sup> Changes brought in via tertiary law acts are general 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 the EU Law Tracker, many are also relevant to the Scottish Government alignment commitment.

<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 (2023) ‘Legal acts – statistics’ *eur-lex.europa.eu* Available: <https://eur-lex.europa.eu/statistics/2022/legislative-acts-statistics.html> (Accessed 5 September 2023)



## 1.4 Report Structure

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 first provides a summary of the 2023 European Commission Work Programme and highlights aspects of it that are most relevant due to their being (at least potentially) in scope of the alignment commitment. This is followed by an overview of relevant developments in Scottish Law including an account of any Annual Reports made under section 10(1) of the 2021 Act regarding any Scottish Government use or consideration of use of its keeping pace powers. Finally, UK-wide developments that are or could be relevant to the alignment commitment are briefly noted and discussed.

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 2021 to September 2023. 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 comprehensive account of legal statistics and points of analyses that underpin the preceding policy case studies and the detailed EU Law Tracker annexed to this report.

## 2. CONTEXT

### 2.1 Summary of European Commission Work Programme

In considering the relevance of proposals in the European Commission (or EC) Work Programme 2023 for the Scottish Government alignment commitment, this EU Law Tracker Report focuses on the 116 'Priority Pending Proposals' set out in Annex III of the EC Work Programme for this year. The rationale for doing so 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 2023 that are still high-level, and, at the time of its publication, were not yet detailed in a European Commission proposal are unlikely to become EU law before the next edition of the EU Law Tracker Report (due in January 2024).

Results from a cross-reading of the EC Priority Proposals for 2023 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 23 of the 116 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 (as aforementioned) being based on findings from the Common Frameworks process.

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 later in this Report.

### 2.2 Summary of Scottish Law Developments

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

Since the EU Continuity Act 2021 became law, the Scottish Government have published two 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>7</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; moreover, Scottish Ministers, at the time of reporting, had no plans to make use of the power during the upcoming reporting period.

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<sup>7</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)

A draft of the second report was published in October 2022 with a final version following in June 2023.<sup>8</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 year with a view to potentially introducing ‘keeping pace’ legislation “at a later date”.<sup>9</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 Drinking Water Directive ((EU) 2020/2184), replacing Directive 98/83/EC) – this case is included in the EU Law Tracker below (see section 3).

### **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. For this reason in order to comprehensively assess the alignment commitment in practice it is useful to review legislative developments in Scotland that are outside those specifically related to the 2021 Act keeping pace powers.

Focusing on developments in primary law, in the period covered by this EU Law Tracker the Scottish Government have passed 35 new primary acts of law. Of these none are explicitly linked to the alignment commitment but 10 are indirectly related to developments in EU law that are (at least potentially) in scope of the alignment commitment and 2 relate to proposed new EU laws and so may be relevant to the keeping pace policy in future.

The analysis presented in Table 3 is based on information contained in Explanatory Notes of the relevant Bill/Act as well as Policy Notes published by the Scottish Government alongside the draft legislation. In assessing relevance, a conservative approach has been adopted such that legislation is highlighted only where there is a clear link between the provisions of the primary act and EU law developments; the nature of any link is detailed. The information set out below ought to be taken as a guide rather than used as a necessarily authoritative record.

**Table 3: New Primary Acts of Scottish Law (January 2021 – August 2023)**

<b>Acts of the Scottish Parliament</b>	<b>Year   Ref</b>	<b>Relationship to EU Law in Scope of Alignment*</b>
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<sup>8</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 25 July 2023)

<sup>9</sup> Ibid.

2023		
Charities (Regulation and Administration) (Scotland) Act	2023 asp 5	Indirectly related. Aspects of the Act require compliance with UK GDPR – if not for Brexit EU GDPR would have been engaged.
Bail and Release from Custody (Scotland) Act	2023 asp 4	Indirectly related. Although not linked to the specifics of this Act the European Commission did adopt a (non-binding) Recommendation on material detention conditions in Member States in December 2022 – the EC Recommendation is linked to Council Framework Decision 2008/909/JHA which is in scope of the alignment commitment.
Moveable Transactions (Scotland) Act	2023 asp 3	Indirectly related. The Act implements aspects of a Scottish Law Commission report on Movable Transactions which discusses certain EU law instruments relevant to the policy area and how these have been implemented in Scotland. <sup>10</sup>
Budget (Scotland) Act	2023 asp 2	Not related.
Hunting with Dogs (Scotland) Act	2023 asp 1	Not related.
2022		
Cost of Living (Tenant Protection) (Scotland) Act	2022 asp 10	Not related.
Fireworks and Pyrotechnic Articles (Scotland) Act	2022 asp 9	Indirectly related. The Act makes provisions related to the supply and use of fireworks and pyrotechnic articles which is subject of EU Directive 2013/29/EU on the harmonisation of laws related to the making available on the market of pyrotechnic articles – this Directive was not deemed to be in scope of Scottish devolved competence during the Common Frameworks process.
Coronavirus (Recovery and Reform) (Scotland) Act	2022 asp 8	Not related.
Non-Domestic Rates (Coronavirus) (Scotland) Act	2022 asp 7	Not related.
Miners' Strike Pardons (Scotland)	2022 asp 6	Not related.
Good Food Nation (Scotland) Act	2022 asp 5	Indirectly related. The Act imposes a duty on Scottish Ministers to publish a national good food nation plan. Although not directly linked, the substance of any plan can be expected to reflect/comply with existing legislative standards for the production of food products that derive from EU law (see 'Food Standards' section in Annex 1).
Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act	2022 asp 4	Indirectly related. The Act confers candidacy rights to citizens of Luxembourg, Poland, Portugal, and Spain with settled or pre-settled status under the EU Settlement Scheme, for local elections in Scotland. The measures implement bilateral agreements entered into by the UK with the four EU countries and introduce rights that previously existed due to the UK's EU membership.
Budget (Scotland) Act	2022 asp 3	Not related.

<sup>10</sup> See Scottish Law Commission 'Report on Moveable Transactions Volume 1: Assignment of Claims' (Scot Law Com No 249, SG/2017/264) [scotlawcom.gov.uk](https://www.scotlawcom.gov.uk) Available: [https://www.scotlawcom.gov.uk/files/1715/1361/1309/Report\\_on\\_Moveable\\_Transactions\\_-\\_Volume\\_1\\_Report\\_249.pdf](https://www.scotlawcom.gov.uk/files/1715/1361/1309/Report_on_Moveable_Transactions_-_Volume_1_Report_249.pdf) (Accessed 5 September 2023)

Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Act	2022 asp 2	Not related.
Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Act	2022 asp 1	Not related.
<b>2021</b>		
Carer's Allowance Supplement (Scotland) Act	2012 asp 20	Not related.
Coronavirus (Extension and Expiry) (Scotland) Act	2021 asp 19	Not related.
Dogs (Protection of Livestock) (Amendment) (Scotland) Act	2021 asp 18	Not related.
Tied Pubs (Scotland) Act	2021 asp 17	Not related.
Domestic Abuse (Protection) (Scotland) Act	2021 asp 16	Potentially related. The Act makes provisions related to victims and survivors of domestic abuse. An EU proposal for new legislation on Violence Against Women and Domestic Abuse is potentially relevant to the Act. The EC proposal is still progressing through the legislative process. <sup>11</sup>
Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act	2021 asp 15	Not related.
Hate Crime and Public Order (Scotland) Act	2021 asp 14	Potentially related. The Act makes provisions to update definitions of hate crime. Although not directly linked to this Act, the European Commission adopted a communication <sup>12</sup> in December 2021 on extending the list of EU hate crimes to be more expansive – new EU directives could be proposed on the basis of the 2021 Communication that would be in the area covered by this Act.
University of St. Andrews (Degrees in Medicine and Dentistry)	2021 asp 13	Not related.
Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Act	2021 asp 12	Not related.
Pre-release Access to Official Statistics (Scotland) Act	2021 asp 11	Not related.
Defamation and Malicious Publication (Scotland) Act	2021 asp 10	Not related.
Heat Networks (Scotland) Act	2012 asp 9	Indirectly related. The Act makes provisions regarding the regulation of heat networks – it develops legislation The Heat Network (Metering and Billing) Regulations 2014 (SI 2014/3120) which implemented EU Directive 2012/27/EU which is in scope of the alignment commitment. The Act is also related to ongoing UK-wide policy initiatives in the area <sup>13</sup>
Budget (Scotland) Act	2021 asp 8	Not related.
Scottish Parliament (Assistance for Political Parties) Act	2021 asp 7	Not related.
Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act	2021 asp 6	Indirectly related. The Act introduces greater protections for retail workers – in this respect it makes provisions in the area covered by Council Directive

<sup>11</sup> See 'Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence' (COM(2022) 105 final) 8 March 2022 Available: [https://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2022/0105/COM\\_COM\(2022\)0105\\_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2022/0105/COM_COM(2022)0105_EN.pdf) (Accessed 5 September 2023)

<sup>12</sup> See 'Communication from the Commission to the European Parliament and the Council A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime' (COM(2021) 777 final) 9 December 2021 Available: [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12872-Hate-speech-hate-crime-inclusion-on-list-of-EU-crimes\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12872-Hate-speech-hate-crime-inclusion-on-list-of-EU-crimes_en) (Accessed 5 September 2023)

<sup>13</sup> See related live UK government consultation 'Heat networks regulation – consumer protection' gov.uk Available: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1176732/heat-network-consumer-protection-consultation-document.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176732/heat-network-consumer-protection-consultation-document.pdf) (Accessed 5 September 2023).

		2000/78/EC on equal treatment in employment and occupation which is in scope of the alignment commitment.
Scottish General Election (Coronavirus) Act 2021	2021 asp 5	Not related.
UK Withdrawal from the European Union (Continuity) (Scotland) Act	2021 asp 4	Indirectly related. Introduces 'keeping pace' powers (see section 1.2.1)
Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act	2021 asp 3	Indirectly related. The Act makes provisions in the area of victims' rights which is covered by EU Directive 2012/29/EU on minimum standards for victims' rights, support and protection which is in scope of the alignment commitment.
Solicitors in the Supreme Courts of Scotland (Amendment) Act	2021 asp 2	Not related.
Period Products (Free Provision) (Scotland) Act	2021 asp 1	Not related.

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

As Table 3 indicates, where Scots law initiatives are related to EU laws in scope of the alignment commitment the link tends to be due to an overlap between policy initiatives being pursued at EU level and those that have taken place in Scotland. Due to differences in competence between the EU and the Scottish Government instances of overlap between legislative initiatives pursued at both levels does not necessarily indicate divergence. Relevant stakeholders, including parliamentary committees, may opt to further investigate instances of overlap identified in Table 3 for the purpose of scrutinising the Scottish Government alignment commitment.

As the analysis above indicates during the research period for this EU Law Tracker Report – based on official descriptions – no primary act of law passed in Scotland has been used to uphold the SG alignment commitment. This finding does not however preclude future use of primary law as a mechanism for fulfilling the SG commitment to align. Indeed, at least one of the Bills currently before the Scottish Parliament – the Circular Economy (Scotland) Bill – is intended to “maintain alignment with the direction of EU policy” by enabling Ministers in Scotland to set statutory circular economy targets by regulation (see Circular Economy (Scotland) Bill<sup>14</sup> and its accompanying Policy Memorandum<sup>15</sup>). Future Reports will continue to monitor changes in Scottish primary law with a view to tracking if/how the alignment policy is upheld via this mechanism.

<sup>14</sup> Circular Economy (Scotland) Bill [AS INTRODUCED] 2023, June 13 *parliament.scot* Available: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/circular-economy-scotland-bill/introduced/bill-as-introduced.pdf> (Accessed 10 September 2023): section 6(3).

<sup>15</sup> Circular Economy (Scotland) Bill Policy Memorandum 2023, June 13 *parliament.scot* Available: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/circular-economy-scotland-bill/introduced/policy-memorandum.pdf> (Accessed 10 September 2023): para. 44.

## 2.3 Summary of Wider UK Law Developments

The UK left the EU formally on 31 January 2020, but the changed EU-UK legal relationship mostly took effect at the end of the Transition Period on 31 December 2020.

Although the moment that the UK's withdrawal from the EU took legal effect was a paradigm shift for the state in legal and administrative terms, as a result of a series of measures taken during the Brexit process, the immediate impact on domestic legislation was much more limited than it could have been. Under the EU (Withdrawal) Act 2018, domestic laws that originated in the EU or resulted from UK membership of it, would by default continue to apply after the end of the Transition Period as 'retained EU law' (or REUL) unless and until other provisions were made. The transfer of REUL onto the UK statute was a key facilitator of the SG alignment commitment because, absent the extensive 'copy and paste' result of its provisions, much of the EU-originating law that had applied by dint of the UK's EU membership would have, by default, ceased to have effect in Scotland at the point of formal UK withdrawal from the EU's legal order. The type of immediate legal divergence that Brexit *could* have engendered did not, therefore, happen. Instead under the EU (Withdrawal) Act 2018 the default arrangement was that the UK and/or Scotland statute would stay aligned with EU law as it existed on 31 December 2020.

In September 2022 the UK Government introduced the Retained EU Law (Revocation and Reform) Bill which, as drafted, would have resulted in the disapplication or 'sunset' of the majority of REUL at the end of 2023; in this scenario, the Scottish Government alignment commitment would have been much more difficult to uphold. A change of approach, however, on the part of the UK Government under the leadership of Prime Minister Rishi Sunak resulted in the Retained EU Law (Revocation and Reform) Act becoming law in June 2023 without a 'sunset by default' measure for most REUL. Under the REUL (Revocation and Reform) Act, as passed, a specific list of (previously) REUL have been revoked in the UK and the (moderated) principle of REUL supremacy that had continued after Brexit has ceased to have effect alongside the general principles of EU law which no longer apply to REUL (as was); the 2023 Act also made provision for (previously) REUL to hitherto be known as 'assimilated law'.

Overall the impact of the REUL (Revocation and Reform) Act on the SG alignment commitment is much less than it could have been but *may* nonetheless prove to be an important milestone for understanding the alignment commitment in practice. This is because, over time as the UK-wide legislation continues to develop separately from the EU legislation, the potential for UK-EU divergence will increase and, consequentially, any decision for Scotland to align with EU developments may have more visible divergence effects domestically *if* the rest of the UK, or other parts of the UK, opt not to join Scotland in its choice to align with the EU. One of the implications of this scenario is that changes in UK-wide or GB-wide legislation and/or legislation in England and Wales in areas of policy that overlap with Scottish competence (and are therefore potentially in scope of the alignment commitment) are likely to play an important role in informing/determining decisions taken by the SG in regard to its policy to keep pace with EU developments.<sup>16</sup> On this basis, this section of the EU Law Tracker (and subsequent reports)

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<sup>16</sup> Arrangements in Northern Ireland are somewhat different due to obligations for it to remain dynamically aligned with aspects of EU law under the Windsor Framework, for details see Whitten, LC (2023) 'Dynamic Regulatory Alignment and the Protocol on Ireland / Northern Ireland – Two Year and 6 Month Review' *Post-Brexit Governance NI* Available: <https://www.qub.ac.uk/sites/post-brexit-governance->

gives an account of developments in UK-wide legislation that are or may be relevant to the alignment commitment due to overlaps between the relevant new act of primary UK law and areas of policy that were previously within the competence of the EU.

### 2.3.1 Relevant Primary UK Laws Passed

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 changes 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 4 provides a (non-exhaustive) record of UK public general acts that have become law in 2023 and which make provision in areas that were previously covered by EU law and/or which relate directly to the fact of the UK’s withdrawal from the EU. Additionally, for reference, where the legislative consent of the Scottish Parliament was required for (all/part of) the relevant act, the SG position is linked, and recommendation noted.

**Table 3: New Primary Acts of Relevant UK-wide Law (January 2021 – August 2023)**

Acts of the UK Parliament	Year Reference	Legislative Consent	Explanation of Relevance
<b>2023</b>			
Financial Services and Markets Act	2023 c. 29	-	An Act introducing a new regulatory framework for financial services and replacing the EU derived frameworks that were 'on-shored' as REUL at the end of the UK Transition Period.
Retained EU Law (Revocation and Reform) Act	2023 c.28	<a href="#">Consent Not Recommended</a>	An Act making significant changes to the framework for REUL including: revoking all/part of 587 legislative instruments listed in its Schedule 1; revoking all retained directly effective EU law; revoke general principles of EU law and the principle of supremacy; rename 'retained EU law' as 'assimilated law'.
British Nationality (Regularisation of Past Practice) Act	2023 c. 27	-	An Act to retroactively change citizenship laws to ensure that children born to EU citizens between 1983 and 2000 are, and always have been, British citizens following a change in Home Office policy and a High Court judgment determined that previous practice was based on 'incorrect' reading of the British Nationality Act 1981.
Shark Fins Act	2023 c. 22	<a href="#">Consent Recommended</a>	An Act to ban the import and export of shark fins except in circumstances related to conservation. The Act amends retained EU law Council Regulation (EC) No 1185/2003 to extend prohibitions it contains regarding the landing of shark fins in the UK to introduce a ban on the purchase or sale of shark fins in the UK and UK waters – in this respect the new UK Act diverges from EU rules by expanding existing restrictions.
UK Infrastructure Bank Act	2023 c. 10	<a href="#">Consent Recommended</a>	An Act to put the UK Infrastructure Bank – created in June 2021 – on a statutory footing and to clarify its powers to lend to local governments. Among the purposes in establishing the UKIB is to address the gap left by the loss of EU funding across the UK.
Trade (Australia and New Zealand) Act	2023 c. 9	<a href="#">Consent Not Recommended</a>	An Act to enable the implementation of Free Trade Agreements negotiated with Australia and New Zealand – the first two FTAs negotiated independently by the UK since leaving the EU.
Genetic Technology (Precision Breeding) Act	2023 c. 6	<a href="#">Consent Not Recommended</a>	An Act making provisions in the field of precision breeding technologies, such as gene editing; it applies to plants and vertebrate animals (excl. humans). The Act supersedes rules that originated in the EU.



2022			
Elections Act	2022 c. 37	<a href="#">LCM not lodged</a>	An Act making various changes to election law including changing the rights of (non-Irish) EU citizens living in the UK regarding voting in local elections in England and Northern Ireland.
Nationality and Borders Act	2022 c. 36	<a href="#">Consent Not Recommended</a>	An Act to introduce a range of reforms to the UK immigration and asylum system primarily in view of UK withdrawal from the EU.
Motor Vehicles (Compulsory Insurance) Act	2022 c. 25	-	An Act to reverse the effect of the CJEU judgment regarding compulsory insurance on motor vehicles in UK law. The Act removes the obligation for insurance on vehicles being used on private land and/or those not constructed for road use – provisions in the Act apply in England, Scotland, and Wales.
Subsidy Control Act	2022 c. 23	<a href="#">Consent Not Recommended</a>	An Act to create a legal framework for the provision of subsidies to businesses on the part of public authorities – measures in the Act replaced EU-derived state aid rules.
Professional Qualifications Act	2022 c. 20	<a href="#">Consent Not Recommended</a>	An Act to establish a new system for how professional qualifications gained abroad are recognised in the UK and to seek to allow UK regulators to mutually recognise qualifications were they previously could not - measures in the Act replaced an EU-derived system.
2021			
Environment Act	2021 c. 30	<a href="#">Consent Not Recommended</a>	An Act to introduce a new domestic framework for environmental governance and to replace EU-derived frameworks as well as to make specific provisions in areas of environmental policy including in waste, air quality, water, nature and biodiversity, and conservation.
Trade Act	2021 c. 10	<a href="#">Consent Recommended</a>	An Act to empower UK Government Ministers to implement 'roll-over' trade agreements which replace existing agreements the UK had with relevant countries by dint of its membership of the EU.
Medicines and Medical Devices Act	2021 c. 3	<a href="#">Consent Recommended</a>	An Act to introduce regulation-making powers for UK Ministers in the fields of human medicines, clinical trials of human medicines, veterinary medicines, and medical device and in so doing to address a regulatory gap resulting from UK withdrawal from the EU as, previously, measures were adopted at EU level across the relevant policy areas.

Of the 122 UK primary law acts<sup>17</sup> passed between January 2021 and August 2023 15 explicitly cover areas of policy that were previously EU competence, or which are consequential to the UK's withdrawal from the EU.

Assessment reflected in Table 4 has been made on the basis of explanatory notes or official policy briefings published alongside the new Bills/Acts. Where official documents accompanying a Bill/Act state that its provisions follow from or relate to UK withdrawal from the EU and/or retained EU law instruments, details of that primary law act are included in Table 4. In this respect the assessment of relevance is conservative, and the information ought to be taken as a guide rather than as a necessarily authoritative record.

<sup>17</sup> Excludes UK Local Acts of which only two became law during the research time period and neither were relevant to UK withdrawal from the EU or the Scottish Government's Alignment Commitment.



### 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 some degree of policy divergence. Several examples are included below.

Policy Area: Environmental Protection			
Detailed EU Law Tracker Entry: 7			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
Directive (EU) <a href="#">2018/2001</a> on the promotion of the use of energy from renewable source	19 implementing or delegated EU law acts adopted.	Divergence. Policy Impact Expected to be Minimal	Mixed
<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, 19 implementing/delegated acts have been adopted under the PUERS Directive.</p> <p>Most of the implementing acts are not significant for divergence as they concern methods of assessing renewable contributions and/or the authorisation of national schemes for doing so.</p> <p>One of the implementing acts (<a href="#">Delegated Regulation (EU) 2021/2003</a>) established a ‘union renewables development platform’ which aims to support EU states in achieving targets regarding use of renewables by facilitating voluntary ‘statistical transfers’ between EU states that have either exceeded or fallen short of their respective renewables target.</p>	<p>One of the EU acts that the PUERS Directive recast and replaced – the <a href="#">Directive 2009/28/EC</a> (the renewables directive) – still applies in the UK as retained EU law (<a href="#">SI 2011/243</a>) and has been amended to reflect technical changes necessary due to Brexit.</p> <p>The UK-wide Renewable Energy, Energy Efficiency and Motor Fuel Emissions (Miscellaneous Amendments) (EU Exit) Regulations 2021 (<a href="#">SI 2021/1115</a>) made changes to the UK retained EU law version of the renewables directive – a predecessor to the PUERS Directive – to reflect the fact that the UK is no longer in the EU by for example removing requirements on UK authorities to report to the European Commission, and to extend targets beyond 2020 which was when targets in the PUERS predecessor EU laws ended.</p>	

Detailed EU Law Tracker Entry: 25			
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>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>Key obligations of the amended EPB Directive include: EU countries must have minimum energy performance requirements; renew these every 5years; ensure new buildings meet them; buildings owned/occupied by public authorities must achieve nearly zero-energy status by end 2018 and other new buildings must do the same by end 2020.</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>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 retained 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>	

Policy Area: Animal Health and Welfare			
Detailed EU Law Tracker Entry: 45			
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>295 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</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>The Animal Health Act (AHA) 1981 and the <a href="#">Animal Health and Welfare (Scotland) (AHW) Act 2006</a> set out the main provisions regarding animal health in Scots Law.</p>	

<p>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>For example, of the 64 acts adopted in 2023 so far under the AHL, 48 relate to 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>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>	
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<b>Policy Area: Animal Health and Welfare</b>			
Detailed EU Law Tracker Entry: 61			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<p><a href="#">Regulation (EU) 2017/625</a> 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 (the Official Controls Regulation)</p>	<p>105 implementing or delegated EU law acts adopted</p>	<p>Divergence                      Policy Impact Expected to be Minimal at Present</p>	<p>Devolved</p>
<p>The 'OCR' sets out EU rules on controls that must be performed on all agrifood products entering or circulating in the EU Single Market and on all agrifood producers or traders operating in the EU.</p> <p>The scope of the OCR includes rules on: food and feed safety; use of GMOs; animal health and welfare; organic production and labelling; as well as rules regarding imports of agrifood</p>	<p>Under the OCR the European Commission can adopt legislation to adjust rules on official controls to meet specific situations – particularly in relation to animal welfare and human health – the EC does this regularly.</p> <p>Although changes are regularly made to the OCR via EU implementing legislation, these tend to be technical, specific, or procedural.</p>	<p>A retained EU law version of the OCR is implemented in Scotland through a series of SSIs including: The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019 (SSI <a href="#">2019/407</a>); The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (SSI <a href="#">2019/412</a>); The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019 (SSI <a href="#">2019/421</a>). These REUL versions of the OCR transposed in</p>	

<p>goods and animals from non-EU countries.</p> <p>Adopted in March 2017 the OCR has applied since December 2019 – it therefore applied in UK law as EU law at that time.</p>	<p>Examples from 20203 include: Commission Implementing Regulation <a href="#">(EU) 2023/1032</a> establishing measures to prevent the introduction and spread of Tomato brown rugose fruit virus in the EU; or Commission Implementing Regulation <a href="#">(EU) 2023/514</a> amending the list of third countries in the OCR with an approved control plan and including Moldova on the list of those authorised to trade consignments of eggs intended to be placed on the EU market as Class A eggs.</p>	<p>Scotland are not by default updated to reflect changes that continue to be made to the EU law version of the OCR.</p> <p>It is worth noting that when the UK's new Border Target Operating Model (BTOM) is introduced, it will likely impact the REUL versions of OCR legislation in Scotland – the next edition of the EU Law Tracker will discuss the implications of the BTOM in more detail.</p>	
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Policy Area: Plant Health			
Detailed EU Law Tracker Entry: 69			
EU Law Instrument	Divergence vs Alignment	Divergence vs Alignment	Competence
<p><a href="#">Regulation (EU) 2016/2031</a> on protective measures against pests of plants</p>	<p>61 implementing or delegated EU law acts adopted</p>	<p>Divergence</p>	<p>Devolved</p>
<p>The Plant Health Regulation (PHR) lays down measures to protect plants in the EU territory and circulating in its market from pests and diseases while also promoting environmentally sustainable practices in the plant sector.</p> <p>Key provisions of the PHR include: tracking 'priority pests' that are the most potentially harmful to EU plant sector; requiring national plans to manage or contain pest outbreaks; enabling traceability of plants through the plant passport scheme; requirements for a pre-export certificate for plants moving between EU countries or outside the EU; providing for risk-based, preventive measures on plant imports as need to prevent against the introduction or spread of pests.</p>	<p>Adopted in October 2016, the PHR became applicable in December 2019 so before UK withdrawal from the EU.</p> <p>Since the end of the Transition Period 61 implementing or delegated EU acts have been adopted under the PHR – the majority of these make technical provisions relating to specific plants from specific regions. Some related to imports of certain plants from the UK to the EU.</p> <p>Examples include: Commission Implementing Regulation <a href="#">(EU) 2023/1511</a> regarding certain <i>malus sylvestris</i> (crab apple) plants originating in the UK; or Commission Implementing Regulation <a href="#">(EU) 2023/1174</a> regarding certain <i>crataegus monogyna</i> (common hawthorn) plants originating in the UK.</p>	<p>A REUL version of the PHR was amended by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (<a href="#">SI 2020/1482</a>) which made changes to, in effect, replicate the EU PHR and create a 'single market' in plant health covering Great Britain and UK Crown Dependencies.</p> <p>Additional technical changes were made in Scotland to the REUL version of the PHR by The Plant Health (EU Exit) (Scotland) (Amendment) Regulations 20201 (<a href="#">SSI 2021/159</a>) and The Plant Health (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2021 (<a href="#">SSI 2021/490</a>) – the REUL version of the PHR in Scotland is not being updated to reflect technical changes being made to the EU version of the PHR.</p>	



### 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 retained EU 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.

Several examples are included below.

Policy Area: Environmental Protection			
Detailed EU Law Tracker Entry: 22			
EU Law Instrument	Evolution of EU Law*	Divergence vs Alignment	Competence
<p><a href="#">Directive (EU) 2020/2184</a> on the quality of water intended for human consumption (recast)</p>	<p>1 EU law act repealed / replaced and 1 Commission Implementing Decision adopted under the new Directive</p>	<p>Alignment. Keeping Pace Power Used</p>	<p>Devolved</p>
<p>The Water Quality Directive (EU) 2020/2184 replaces its predecessor Council Directive <a href="#">98/83/EC</a> also on the quality of water intended for human consumption. The core objective of both Directives is to ensure all EU citizens have access to 'wholesome and clean' water for consumption.</p> <p>Key features of the recast WQ Directive are: reinforced water quality standards; new measures to tackle emerging pollutants including endocrine disruptors and PFAS as well as microplastics; measures to promote use of tap water in public spaces to reduce (plastic) bottle consumption; harmonisation of quality standards for materials and products in contact with water including pipes, tanks and taps; greater prioritisation of preventative rather than risk-based approaches to reduce pollution at source.</p> <p>The recast WQ Directive was adopted in December 2020 and</p>	<p>Since the end of the Transition Period, 1 Commission Implementing Decision has been adopted under the recast WQ Directive.</p> <p>Commission Implementing Decision (EU) <a href="#">2022/679</a> was adopted on 19 January 2022 and establishes a watch list of substances and compounds of concern to the public or scientific community on health grounds for water intended for human consumption. This watch list includes a guidance value for each substance and compound and methods for analysing levels in water if/as necessary.</p>	<p>The original Water Quality Directive 98/83/EC was transposed in Scotland by several Scottish statutory instruments including: The Water Supply (Water Quality) (Scotland) Regulations (<a href="#">SSI 2001/207</a>), The Water Quality (Scotland) Regulations (<a href="#">SSI 2010/95</a>) and The Public Water Supplies (Scotland) Regulations (<a href="#">SSI 2014/364</a>).</p> <p>In December 2022 the Scottish Government adopted The Public Water Supplies (Scotland) Amendment Regulations 2022 (<a href="#">SSI 2022/387</a>) which amend and update existing legislation that implemented the original WQ Directive to reflect changes introduced under the new WQ Directive. In particular, the amendments introduced by SSI 2022/387 add emerging pollutants identified in the recast WQ Directive such as PFAS and endocrine disrupting chemicals to the list of substances that drinking water in Scotland must not contain.</p> <p>The SSI 2022/387 is made in exercise of powers conferred by the</p>	



<p>has applied since January 2021 – under its terms Member States had until January 2023 to transpose most of its provisions into national law with some not due until January 2026.</p>		<p>Water (Scotland) Act 1980 as well as by section 1(1) of the Continuity Act 2021 (see <a href="#">Policy Note</a>).</p>	
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Policy Area: Chemicals			
Detailed EU Law Tracker Entry: 126			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<p><a href="#">Regulation (EU) 2019/1009</a> laying down rules on the making available on the market of EU fertilising products</p>	<p>1 EU law act repealed / replaced, and 8 delegated EU law acts adopted under the new Regulation</p>	<p>Potential Divergence</p>	<p>Devolved</p>
<p>This Fertiliser Regulation lays down EU rules on safety, quality, and labelling requirements for EU fertiliser products (CE marked). It sets maximum levels of contaminants and pathogens, minimum content of nutrients as well as standards for labelling and testing.</p> <p>The FR was adopted in June 2019 but became applicable in EU law in July 2022 at which time an earlier Fertiliser Regulation <a href="#">(EC) No 2003/2003</a> was repealed.</p>	<p>Since the end of the UK Transition Period, the FR has taken legal effect, replacing the earlier version and 8 delegated acts have been adopted under the new FR.</p> <p>Of the latter, six amend FR Annexes to reflect changes in the development of products or components of them. Examples include: Delegated Regulations <a href="#">(EU) 2021/2086</a> and <a href="#">(EU) 2021/2087</a> which respectively add precipitated phosphate salts and thermal oxidation materials as a component category in EU fertilisers.</p> <p>Other changes adopted have set out requirements for EU fertiliser products containing inhibiting compounds (DR <a href="#">(EU) 2022/1519</a>) and criteria on agronomic efficiency and safety for the use of by-products in EU fertilising products (DR <a href="#">(EU) 2022/973</a>).</p>	<p>In Scotland, The EC Fertilisers (Scotland) Regulations 2006 (<a href="#">SSI/2006/543</a>) implemented the earlier Fertiliser Regulation (EC) No 2003/2003 which has now been repealed in EU law.</p> <p>Prior to UK withdrawal from the EU consequential technical amendments were made to EC Fertilisers Scotland Regulation by The Fertilisers and Pesticides (EU Exit) (Scotland) (Miscellaneous Amendments etc.) Regulations 2019 (<a href="#">SSI 2019/25</a>) these did not reflect a change in policy.</p> <p>Changes that have been made at EU level since the end of UK Transition Period have not been reflected in the Scots Law retained version of the earlier FR.</p>	

Policy Area: Police and Judicial Cooperation
Detailed EU Law Tracker Entry: 166

EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<p><a href="#">Council Regulation (EU) 2019/1111</a> on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction</p>	<p>1 EU law act repealed and replaced</p>	<p>Divergence</p>	<p>Devolved</p>
<p>This 'Brussels IIa Recast' Regulation on child protection matters repeals and replaces the earlier Regulation <a href="#">(EC) No 2201/2003</a> with the aim of providing more effective protection for children and parents caught in cross-border parental-responsibility disputes and speeding up related procedures.</p> <p>The Brussels IIa Recast Regulation applies to family and civil law matters such as: divorce, legal separation, marriage annulment, parental responsibilities (i.e., custody, access rights, guardianship, children in institutional or foster care, children's property). It also provides for harmonisation of laws across EU Member States and facilitates better cross-border collaboration between courts and authorities.</p>	<p>The Brussels IIa Recast was adopted in June 2019 but only became applicable in August 2022, after the end of the UK Transition Period.</p> <p>Provisions of Brussels IIa Recast complement related international law provisions including, for example, the Hague Conventions (1980, 1998).</p>	<p>Prior to the end of the Transition Period the UK passed the Private International Law (Implementation of Agreements) Act <a href="#">2020</a> which, in part, provided for the implementation in domestic law of international agreements on family law that previously applied in the UK by virtue of EU membership, including: the <a href="#">1996</a> Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children; the <a href="#">2005</a> Hague Convention on Choice of Court Agreements; and the <a href="#">2007</a> Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance.</p> <p>As the Brussels IIa Recast does not apply in Scotland or the UK – these international law provisions now underpin cross-border cooperation on child protection matters.</p>	

Policy Area: Public Health			
Detailed EU Law Tracker Entry: 189			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<p>Regulation (EU) <a href="#">2022/2371</a> on serious cross-border threats to health</p>	<p>1 EU law act repealed / replaced</p>	<p>Divergence</p>	<p>Mixed</p>
<p>The aim of the Cross-Border Health (or CBH) Regulation is to create a more robust EU mandate and system for responding to serious cross-border health threats such as that experienced during the COVID-19 pandemic. It repeals earlier provisions laid down in Decision No</p>	<p>The new CBH Regulation was adopted in November 2022 and has applied since December 2022.</p>	<p>In UK law, the earlier CBH Decision (No 1082/2013/EU) still has effect as an instrument of retained EU law (see <a href="#">REUL version</a>).</p> <p>Changes have been made to the REUL version of the earlier CBH Decision to reflect UK</p>	

<p><a href="#">1082/2013/EU</a> also regarding cross-border health threats.</p> <p>Features of the new CBH Regulation include: increases the capacity of the existing EU Health Security Committee; strengthens epidemiological surveillance and monitoring; reinforces a joint procurement system for medical countermeasures; establishes two new research networks; sets up an early warning and response system for serious health threats; and provides funding for relevant initiatives.</p>		<p>withdrawal from the EU. A statutory instrument made in July 2021 – The Health Security (EU Exit) Regulations (<a href="#">SI 2021/877</a>) – amended the REUL version of the legislation.</p> <p>Changes included transferring functions previously exercised by the EU on behalf of Member States to a new UK Health Protection Committee and to the UK Health Security Agency acting in cooperation with public health agencies in all parts of the UK. Additionally, the SI made provision for the UK agencies to coordinate with the EU on health security matters in accordance with relevant terms agreed in the EU-UK Trade and Cooperation Agreement.</p>	
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Policy Area: Transport			
Detailed EU Law Tracker Entry: 209			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<p><a href="#">Directive (EU) 2019/883</a> on port reception facilities for the delivery of waste from ships</p>	<p>1 EU law act repealed / replaced, and 4 implementing EU law acts adopted</p>	<p>Potential Divergence</p>	<p>Mixed</p>
<p>The Port Waste Directive introduces new measures to protect marine environments from negative effects of waste from ships. Under the new rules ships pay fees to cover costs associated with managing any waste they deposit at EU ports; this EU act is linked to the EU Waste Management Directive (<a href="#">2008/98/EC</a>) which obliges Member States to ensure any waste from ships is managed in an environmentally appropriate way (the Waste Framework Directive).</p> <p>The Port Waste Directive repealed Directive 2000/59/EC and amends Directives <a href="#">2009/16/EC</a> on port state control and <a href="#">2010/65/EU</a> on reporting formalities for ships.</p>	<p>Adopted in June 2019, the Port Waste Directive was required to become law in EU Member States by June 2021, after the end of UK Transition Period.</p> <p>Under the Port Waste Directive, implementing regulations have been made to: define criteria for determining a ship produces reduced quantities of waste in a sustainable and environmentally sound manner ((EU) <a href="#">2022/91</a>); detail elements of the EU risk-based targeting mechanism for selecting ships for inspection ((EU) <a href="#">2022/90</a>); set data methods for monitoring and reporting passively fished</p>	<p>In UK law, the previous Directive 2000/59/EC was implemented via The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (<a href="#">SI 2003/1809</a>) – this still applies as retained EU law in the UK despite it now being repealed at EU level.</p> <p>Amendments to REUL version of Directive 2009/16/EC on port state control – see The Merchant Shipping (Port State Control) Regulations 2011 (<a href="#">SI 2011/2601</a>) have not been made to reflect the evolution of EU law since UK withdrawal.</p>	

	waste from ships ((EU) <a href="#">2022/92</a> ); and to set methods for calculating sufficient dedicated storage capacity of ships ((EU) <a href="#">2022/89</a> ).		
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### 3.3 Examples of the Adoption of 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.

Several examples are included below.

Policy Area: Environmental Protection			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
Regulation (EU) <a href="#">2023/1542</a> concerning batteries and waste batteries, amending Directive <a href="#">2008/98/EC</a> and Regulation (EU) 2019/1020 and repealing Directive <a href="#">2006/66/EC</a>	1 new Regulation adopted – 1 Directive repealed, and 1 Directive amended.	Potential Divergence	Devolved
As part of the European Green Deal package of measure the EU have adopted a new Batteries Regulation (BR) which addresses the use and disposal of batteries. The new BR updates existing changes to reflect technical developments in the field of battery use and production as well as introducing measures intended to manage the impact of use/production/disposal of batteries on human health and the environment.	The new Batteries Regulation was adopted and entered into force in in July 2023. Its provisions will not however apply in EU Member States until February 2024 with some measures only taking effect thereafter.	<p>In Scotland Directive 2006/66/EC is implemented via The Waste Batteries (Scotland) Regulations 2009 (<a href="#">SSI 2009/247</a>) – technical amendments have been made to the 2009 Regulations to reflect UK withdrawal from the EU – see The Waste (Miscellaneous Amendments) (Scotland) Regulations (<a href="#">SSI 2020/314</a>) and The Environment (EU Exit) (Scotland) (Amendment etc.) (No. 2) Regulations (SSI 2019/436)) – these changes do not implement measures subsequently adopted by the EU in the new BR.</p> <p>When it takes effect the new Batteries Regulation will repeal Directive 2006/66/EC and also amend Directive 2008/98/EC (also concerning waste) – both are potentially in scope of the SG alignment commitment.</p>	

**Policy Area: Equality, Non-Discrimination, and Human Rights**

EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<u>Directive (EU) 2023/970</u> to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.	1 new Regulation adopted	Potential Divergence	Mixed
<p>The Pay Transparency Directive ((EU) 2023/970 introduces new rules to combat pay discrimination and help close the gender pay gap in the EU.</p> <p>Its key provisions include: creating an obligation on companies to share information on much they pay men and women for equal work and to take action if this reveals a pay gap of over 5%; compensation for victims of pay discrimination and penalties including fines for employers in breach of its rules.</p>	<p>The PT Directive was adopted and entered into force in May 2023, but it includes a transition period granting Member States until June 2026 to comply with its provisions with its first reporting obligations not due until June 2031.</p>	<p>The PT Directive makes provisions that are supplement <a href="#">Directive 2006/54/EC</a> on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation as well as to <a href="#">Council Directive 2000/78/EC</a> establishing a general framework for equal treatment in employment and occupation – aspects of both of these Directives are in scope of the SG alignment commitment. The implications of the PT Directive for Scotland may therefore warrant further investigation.</p>	

**NB:** Equal treatment legislation is mostly reserved. During the Common Frameworks process an assessment was made by the Scottish Government together with the Welsh Government and UK Government that “a UK Common Framework for Equal Treatment Legislation is not required for Scotland and Wales” on the basis that GB-wide equality law “already covers most of the policy area” that was previously in EU competence and “in the remainder, the risk of regulatory divergence is [was] assessed to be very low”.<sup>18</sup> Notwithstanding that most equal treatment legislation is reserved, given that some aspects (‘the remainder’) are not, and that it falls in the EU (Continuity) Act 2021 section 2(1) areas for which ‘due regard’ must be paid, this significant EU development regarding pay transparency and gender-based discrimination is deemed sufficiently relevant for inclusion here.

Policy Area: Police and Judicial Cooperation			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
<p>Regulation (EU) <a href="#">2023/969</a> establishing a collaboration platform to support the functioning of joint investigation teams and amending Regulation (EU) <a href="#">2018/1726</a></p>	<p>1 new Regulation adopted – 1 Regulation amended</p>	Potential Divergence	Mixed
<p>In May 2023 the EU adopted a new Regulation to support Joint Investigation Teams (JITs) which allow for cooperation and communication between judicial and law enforcement authorities from two or more EU Member States as well as</p>	<p>The new JIT Regulation was adopted and took effect in May 2023.</p>	<p>Prior to UK withdrawal from the EU aspects of Regulation (EU) 2018/1726 on the eu-LISA were within Scottish competence and Police Scotland were able to participate in JITs.</p>	

<sup>18</sup> See UKG Common Frameworks (n.5): p 38.

<p>certain third countries in the event of, and to combat, cross-border crime.</p> <p>A key aim of the new JIT Regulation is to make provisions regarding the exchange of information and data in the operation of JITs particularly in view of the increasing prevalence of cross-border cyber-crime. The new JIT Regulation also establishes a role for EU Agency for Operational Management of Large-Scale IT Systems in the Areas of Freedom, Security and Justice (eu-LISA) in administering JITs.</p>		<p>In 2019 the International Joint Investigation Teams (International Agreement) (EU Exit) (Scotland) Order 2019 (<a href="#">SSI 2019/149</a>) provided a legal basis for the continued participation of Police Scotland in JITs. New measures brought in by Regulation (EU) 2023/969 may have implications for Scotland participation in JITs in future – this warrants further investigation.</p>	
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## 4. ANALYSIS

### 4.1 Summary of Legislative Changes

#### 4.1.1 EU Initiated Change

Of the 243 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 34 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.

As part of the normal process of EU law-making, tertiary (implementing or delegated) acts are frequently adopted. During the reporting period – January 2021 to August 2023 – approximately 832 acts of tertiary EU law have been adopted in relation to acts that are potentially 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 may make changes that, although still technical in nature, may nonetheless result in divergence in standards that are of relevance 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 relevant updates.

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 *may* result in evident divergence. Additionally, if there are corresponding but separate developments in domestic law – Scotland specific or UK-wide – the effect of technical changes in EU *may* 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>19</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. Therefore, 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 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

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<sup>19</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.



the report period, 59 consolidated text versions have been published for relevant EU law instruments (see Annex 1).

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 changes in tertiary EU law – reflected in consolidated text versions of relevant instruments – on the alignment commitment.

Several initiatives for new EU regulations or directives are relevant to the Scottish Government's alignment commitment. At least 23 of the priority proposals identified in the European Commission Work Programme 2023 relate to existing acts of EU law that are in scope of the alignment commitment. If not for UK withdrawal from the EU those 23 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. Of the 23 identified in this report (see Annex 2) only 2 have so far concluded the legislative process and been adopted by the EU (both are included as case studies see section 3.3). Along with any other relevant EU proposals for new legislation that are forthcoming in the EC Work Programme for 2024, those 21 proposed acts that are still in process will be again tracked in the next issue of the EU Law Tracker. This ongoing monitoring of EU proposals for new law/policy is intended to complement similar work being undertaken by the Scottish Government to “monitor relevant policy developments in the EU” including those set out in EC Work Programmes.<sup>20</sup>

#### **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 SG alignment commitment.

Of the 35 primary acts of law passed in Scotland during the reporting period, most do not relate directly to EU law that is in scope of the alignment commitment. There are, however, instances of overlap between new legislation in Scotland and areas/developments in EU law that are (at least potentially) in scope of the alignment commitment and therefore may warrant further investigation.

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/GB law or policy 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 law developments where these overlap with areas of (previous) EU competence is another important aspect of monitoring the implementation of the SG alignment commitment.

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<sup>20</sup> See *ibid*: para. 14-15.

Of the 122 primary acts of UK-wide (or GB-wide) law passed during the reporting period, at least 15 make provisions in areas previously within EU competence and/or provisions which otherwise arise by dint of UK withdrawal from the EU. Measures contained in these 15 primary UK acts are/may therefore be (directly or indirectly) relevant to the Scottish Government's alignment commitment.

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 these changes in primary UK/Scotland acts on the commitment to align.

## **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 three 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

Overall there has not been significant divergence between Scots Law and EU Law in areas that are in the scope of the alignment commitment during the reporting period. Most instances of divergence or potential divergence arise from relatively minor changes in EU law via the development of tertiary legislation and/or updates to secondary legislation via repeal and replacement of EU law alongside change adopted in UK and/or Scots Law to reflect the fact that the UK is no longer a Member State of the EU. There have also been examples of the Scottish Government actively choosing to align with developments in EU law, including in one instance through the use of the EU Continuity Act 2021 'keeping pace' powers. Overall, to date, the Scottish Government commitment to align with developments in EU law has largely been upheld; mostly this is the result of an equivalence between the UK/Scottish statute book and the EU legal acquis that is a legacy of the UK's previous EU membership.

In view of EU legislative proposals and upcoming initiatives, 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. At the same time, initiatives being pursued at a UK-wide or GB-wide level could 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

#### Scottish Government Commitment to Align with EU Law - Record of EU Law Changes - Tracker Report 1: September 2023

**How to Read:** To enable cross-reference with the content of the EU Law Tracker Report, Column 1 provides a number for each instrument of EU law that is potentially in scope of the alignment commitment - those EU instruments that are no longer in force are not numbered. EU instruments that were fully or partially within the scope of Scottish Government competence before UK withdrawal from the EU, according to the UK government Frameworks Analysis (2021) are listed in Column 2. Any changes that have subsequently been made by the EU through its ordinary legislative process are listed in Column 3 and 4. Green for those that have entered into force since the UK left the EU and red for those that are no longer in force as of 31 August 2023. Columns 3 and 4 provide links to the relevant EU act and the latest consolidated version of it where applicable; consolidated versions of EU acts incorporate any revisions or updates made. Columns 5 and 6 capture the process and nature of any changes that have been made to the EU instruments listed when these have taken place after the end of the UK Transition Period on 31 December 2020, the date when any changes in EU law ceased to apply as occurred via EU implementing/delegated legislation since the end of the UK Transition Period, details are provided either in the form of EU references or links to EUR-Lex search lists where 30+ acts are relevant. Please note, amendments made via implementing/delegate way EU instruments can be changed, to access a fully updated act see the consolidated text versions (Column 4) as appropriate.

European Union Law, Status and Processes					
No.	Policy Area	Official Journal	Consolidated Text	EU Law Updates	EU Implementing Law Updates
<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	<a href="#">L 140.5.6.2009 p. 114-135</a>	<a href="#">Consolidated: 24.12.2018</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	<a href="#">L 315.14.11.2012 p. 1-56</a>	<a href="#">Consolidated: 4.5.2023</a>	N/A	<a href="#">Commission Delegated Regulation (EU) 2023/807</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	<a href="#">L 26.28.1.2012 p.1-21</a>	<a href="#">Consolidated: 15.05.2014</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 96/61/EC - Statement by the Commission	<a href="#">L156.25.6.2003 p.17-25</a>	<a href="#">Consolidated: 31.12.2016</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	<a href="#">L 124.25.4.2014 p. 1-18</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 authorizations for the prospecting, exploration and production of hydrocarbons	<a href="#">L 164.30.6.1994 p.3-8</a>	<a href="#">Consolidated: 24.12.2018</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)	<a href="#">L 328.21.12.2018</a>	<a href="#">Consolidated: 7.6.2022</a>	N/A	Commission Delegated Regulation (EU) 2021/2003, 2022/759, 2023/1184, 2023/1185; Commission Implementing Decision (EU) 2022/603, 2022/604, 2022/605, 2022/611, 2022/609, 2022/600, 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
<b>Biodiversity - Resource Access &amp; Benefit Sharing</b>					
8	Regulation (EU) No 511/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union	<a href="#">L 150.20.5.2014 p.59-71</a>		N/A	Latest: 13 October 2015
9	Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EU) No 511/2014 of the European Parliament and of the Council as regards the register of collections, monitoring user compliance and best practices	<a href="#">L 275.20.10.2015 p.4-19</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	<a href="#">L 288.6.11.2007 p.27-31</a>		N/A	N/A

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Marine Environment					
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)	<a href="#">L 164 25.6.2008 p.19-40</a>	<a href="#">Consolidated: 7.6.2017</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	<a href="#">L 125 18.5.2017 p.27-33</a>		N/A	N/A
Natural Environment and Biodiversity					
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	<a href="#">L 317 4.11.2014 p.35-55</a>	<a href="#">Consolidated: 14.12.2019</a>	N/A	Commission Implementing Regulation (EU) 2022/1203
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 pets 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="#">L 308 9.11.1991 p.1-4</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	<a href="#">L 206 26.1.2010 p.7-25</a>	<a href="#">Consolidated: 26.06.2019</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	<a href="#">L 206 22.7.1992 p.7-50</a>	<a href="#">Consolidated: 1.7.2013</a>	N/A	N/A
17	Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos	<a href="#">L 94 9.4.1999 p.24-26</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	<a href="#">L 91 9.4.1983 p.30-31</a>	<a href="#">Consolidated: 15.6.1989</a>	N/A	N/A
Noise Management					
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	<a href="#">L 189 18.7.2002 p.12-25</a>	<a href="#">Consolidated: 29.7.2021</a>	N/A	N/A
Spatial Data Infrastructure Standards					
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)	<a href="#">L 108 25.4.2007 p.1-14</a>	<a href="#">Consolidated: 26.6.2019</a>	N/A	N/A
Water Quality					
21	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	<a href="#">L 327 22.12.2000 p.1-73</a>	<a href="#">Consolidated: 20.11.2014</a>	N/A	N/A
22	Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption: date of end of validity 12.1.2023	<a href="#">L 330 5.12.1998 p.32-54</a>	<a href="#">Consolidated: 27.10.2015</a>	Repealed by Directive 2020/2184: Article 26	N/A
22	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)	<a href="#">L 435 23.12.2020 p.1-62</a>			Commission Implementing Decision (EU) 2022/679
Harbours - Waste Management					
23	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	<a href="#">L 26 28.1.2012 p.1-21</a>	<a href="#">Consolidated: 15.5.2014</a>	N/A	N/A
24	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	<a href="#">L 124 25.4.2014 p.1-18</a>		N/A	N/A
Energy Performance of Buildings					
25	Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast)	<a href="#">L 153 18.6.2010 p.13-35</a>	<a href="#">Consolidated: 1.1.2021</a>	N/A	Commission Implementing Regulation (EU) 2020/2156 and Commission Delegated Regulation (EU) 2020/2155
Environmental Impact Assessment Directive					
26	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	<a href="#">L 26 28.1.2012 p.1-21</a>	<a href="#">Consolidated: 15.5.2014</a>	N/A	N/A
Strategic Environmental Assessment					
27	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	<a href="#">L 197 21.7.2001 p.30-37</a>		N/A	N/A
Control of Major Accident Hazards					
28	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 relevance	<a href="#">L 197 24.7.2012 p.1-37</a>		N/A	Commission Implementing Decision (EU) 2022/1979
Radioactive Substances					
29	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	<a href="#">L 296 7.11.2013 p.12-21</a>		N/A	N/A
Air Quality					
30	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	<a href="#">L 152 11.6.2008 p.1-44</a>	<a href="#">Consolidated: 18.9.2015</a>	N/A	N/A
31	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	<a href="#">L 23 26.1.2005 p.3-16</a>	<a href="#">Consolidated: 18.9.2015</a>	N/A	N/A
Industrial Emissions - Best Available Techniques (BAT)					
32	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)	<a href="#">L 334 17.12.2010 p.17-119</a>	<a href="#">Consolidated: 6.1.2011</a>	N/A	Commission Implementing Decision 2020/2009, 2021/2326, 2022/2110, 2022/2427 and 2022/2508
Waste & Resources					
33	Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste	<a href="#">L 182 16.7.1999 p.1-19</a>	<a href="#">Consolidated: 4.7.2018</a>	N/A	N/A
34	Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives	<a href="#">L 312 22.11.2008 p.3-30</a>	<a href="#">Consolidated: 5.7.2018</a>	N/A	N/A
35	Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)	<a href="#">L 197 24.7.2012 p.38-71</a>	<a href="#">Consolidated: 4.7.2018</a>	N/A	Latest 17 December 2019
36	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	<a href="#">L 266 26.9.2006 p.1-14</a>	<a href="#">Consolidated: 4.7.2018</a>	N/A	N/A
37	Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles	<a href="#">L 269 21.10.2000 p.34-43</a>	<a href="#">Consolidated: 30.3.2023</a>	N/A	N/A
38	European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste	<a href="#">L 365 31.12.1994 p.10-23</a>	<a href="#">Consolidated: 4.7.2018</a>	N/A	N/A
39	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	<a href="#">L 102 11.4.2006 p.15-34</a>	<a href="#">Consolidated: 7.8.2009</a>	N/A	N/A
40	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	<a href="#">L 197 24.7.2012 p.1-37</a>		N/A	Commission Implementing Decision (EU) 2022/1979
Ozone Depleting Substances and F-gases					
41	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	<a href="#">L 150 20.5.2014 p.195</a>		N/A	Commission Implementing Decision 2020/1604, 2021/456, 2021/980
42	Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer	<a href="#">L 286 31.10.2009 p.1</a>	<a href="#">Consolidated: 19.4.2017</a>	N/A	N/A
Total Implementing/Delegated					38

ANIMAL HEALTH & WELFARE					
Animal Disease Control, Zoonosis Control					
42	<p>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</p> <p>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</p> <p>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 leucosis in cattle: No longer in force, date of end of validity: 20.4.2021</p> <p>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 91/665/EEC and amending Directive 92/46/EEC: No longer in force, date of end of validity: 20.4.2021</p> <p>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</p> <p>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</p> <p>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</p> <p>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</p>	<p><a href="#">L147.31.5.2001 p.1</a></p> <p><a href="#">L145.13.6.1977 p.44</a></p> <p><a href="#">L15.19.1.1978 p.34</a></p> <p><a href="#">L306.22.1.2003 p.1</a></p> <p><a href="#">L10.14.1.2006 p.16</a></p> <p><a href="#">L316.1.12.2001 p.5</a></p> <p><a href="#">L157.10.6.1992 p.19</a></p> <p><a href="#">L192.20.7.2002 p.27</a></p>	<p><a href="#">Consolidated: 1.1.2023</a></p> <p><a href="#">Consolidated: 21.4.2021</a></p> <p><a href="#">Consolidated: 1.7.2013</a></p> <p><a href="#">Consolidated: 21.4.2021</a></p> <p><a href="#">Consolidated: 3.5.2023</a></p>	<p>N/A</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270; and Regulation (EU) 2020/687</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270; and Regulation (EU) 2020/687</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270; and Regulation (EU) 2020/687</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270</p> <p>N/A</p> <p>22 Delegated and 273 Implementing since 1 Jan 2021</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
43	<p>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</p> <p>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</p> <p>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</p>	<p><a href="#">L325.12.12.2003 p.1</a></p> <p><a href="#">L260.5.9.1992 p.1</a></p> <p><a href="#">L62.15.3.1993 p.69</a></p>	<p><a href="#">Consolidated: 21.4.2021</a></p> <p><a href="#">Consolidated: 21.4.2021</a></p> <p><a href="#">Consolidated: 1.7.2013</a></p>	<p>N/A</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
44	<p>Directive 2003/99/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</p> <p>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</p>	<p><a href="#">L325.12.12.2003 p.31</a></p> <p><a href="#">L327.22.12.2000 p.74</a></p>	<p><a href="#">Consolidated: 1.7.2013</a></p> <p><a href="#">Consolidated: 1.7.2013</a></p>	<p>N/A</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270</p>	<p>N/A</p> <p>N/A</p>
45	<p>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')</p>	<p><a href="#">L84.31.3.2016: 1-208</a></p>	<p><a href="#">Consolidated: 21.4.2021</a></p>	<p>N/A</p>	<p>22 Delegated and 273 Implementing since 1 Jan 2021</p>
46	<p>Commission Delegated Regulation (EU) 2020/687 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</p>	<p><a href="#">L174.3.6.2020 p.64</a></p>	<p><a href="#">Consolidated: 3.5.2023</a></p>	<p>N/A</p>	<p>N/A</p>
Animal Identification					
47	<p>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 1782/2003 and Directives 92/102/EEC and 64/432/EEC: No longer in force, date of end of validity: 20.4.2021</p> <p>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</p> <p>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</p>	<p><a href="#">L5.9.1.2004 p.8</a></p> <p><a href="#">L204.11.8.2000 p.1</a></p> <p><a href="#">L213.8.8.2008 p.31</a></p>	<p><a href="#">Consolidated: 21.4.2021</a></p> <p><a href="#">Consolidated: 21.4.2021</a></p> <p><a href="#">Consolidated: 21.4.2021</a></p>	<p>Repealed and replaced by Regulation (EU) 2016/429: Article 270</p> <p>N/A</p> <p>Repealed and replaced by Regulation (EU) 2016/429: Article 270</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Animal Welfare					
48	<p>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</p>	<p><a href="#">L3.5.1.2005 p.1</a></p>	<p><a href="#">Consolidated: 14.12.2019</a></p>	<p>N/A</p>	<p>N/A</p>
49	<p>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</p>	<p><a href="#">L308.9.11.1991 p.1</a></p>	<p><a href="#">Consolidated: 18.10.2015</a></p>	<p>N/A</p>	<p>N/A</p>
50	<p>Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products</p>	<p><a href="#">L286.31.10.2009 p.36</a></p>	<p><a href="#">Consolidated: 18.10.2015</a></p>	<p>N/A</p>	<p>N/A</p>
51	<p>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 import to, or export from, the Community of cat and dog fur, and products containing such fur</p>	<p><a href="#">L343.27.12.2007 p.1</a></p>	<p><a href="#">Consolidated: 14.12.2019</a></p>	<p>N/A</p>	<p>N/A</p>
52	<p>Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing</p>	<p><a href="#">L303.18.11.2009 p.1</a></p>	<p><a href="#">Consolidated: 14.12.2019</a></p>	<p>N/A</p>	<p>N/A</p>
53	<p>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</p>	<p><a href="#">L91.9.4.1983 p.30</a></p>	<p><a href="#">Consolidated: 15.6.1989</a></p>	<p>N/A</p>	<p>N/A</p>
GMOs - Marketing & Cultivation					
54	<p>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</p>	<p><a href="#">L106.17.4.2001 p.1-36</a></p>	<p><a href="#">Consolidated: 27.3.2021</a></p>	<p>N/A</p>	<p>N/A</p>
55	<p>Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC</p>	<p><a href="#">L268.18.10.2003 p.24-28</a></p>	<p><a href="#">Consolidated: 26.7.2019</a></p>	<p>N/A</p>	<p>N/A</p>
56	<p>Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms</p>	<p><a href="#">L287.5.11.2003 p.1-10</a></p>	<p><a href="#">Consolidated: 15.6.1989</a></p>	<p>N/A</p>	<p>N/A</p>
GMMOs					
57	<p>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</p>	<p><a href="#">L125.21.5.2009 p.75-97</a></p>	<p><a href="#">Consolidated: 1.1.2022</a></p>	<p>N/A</p>	<p>N/A</p>
Zootech					
58	<p>Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred 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')</p>	<p><a href="#">L171.29.6.2016 p.66-143</a></p>	<p><a href="#">Consolidated: 1.1.2022</a></p>	<p>N/A</p>	<p>Commission Implementing Regulation (EU) 2020/602, 2021/761, 2021/963, 2022/2077</p>
Organic Production Regulation					
59	<p>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</p>	<p><a href="#">L189.20.7.2007 p.1-23</a></p>	<p><a href="#">Consolidated: 1.1.2022</a></p>	<p>N/A</p>	<p>N/A</p>
60	<p>Commission Regulation (EC) No 889/2008 of 5 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</p> <p>Commission Regulation (EC) No 710/2009 of 5 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</p>	<p><a href="#">L250.18.9.2008 p.1-84</a></p> <p><a href="#">L204.6.8.2009 p.15-34</a></p>	<p><a href="#">Consolidated: 1.1.2022</a></p> <p><a href="#">Consolidated: 1.1.2022</a></p>	<p>N/A</p> <p>Implicitly Repealed by Commission Implementing Regulation (EU) 2021/1165: Article 11</p>	<p>N/A</p> <p>N/A</p>

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*Lisa Claire Whitten, September 2023*

Official Controls					
61	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) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 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="#">195 7.4.2017 p.1</a>	<a href="#">Consolidated: 28.1.2021</a>	N/A	76 Commission Implementing Regulations and 29 Commission Delegated Regulations since 1 January 2021
	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	<a href="#">1165 30.4.2004 p.1</a>		Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A
	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	<a href="#">1139 30.4.2004 p.206</a>		Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A
	Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/602/EEC, 90/425/EEC and 90/675/EEC - No longer in force, date of end of validity 13.12.2019	<a href="#">1268 24.9.1991 p.56</a>		Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A
	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	<a href="#">124 30.1.1998 p.9</a>		Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A
	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	<a href="#">1224 18.8.1990 p.29</a>		Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A
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	<a href="#">1395 30.12.1989 p.13</a>		Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A	
<b>Fisheries &amp; Aquaculture</b>					
62	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="#">1351 28.12.1985 p.63</a>	<a href="#">Consolidated: 28.7.2006</a>	N/A	N/A
63	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>	<a href="#">Consolidated: 31.12.2008</a>	N/A	N/A
64	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
65	Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products	<a href="#">1334 23.12.1996 p.1</a>	<a href="#">Consolidated: 2.6.2005</a>	N/A	N/A
	Council Regulation (EC) No 850/99 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	<a href="#">1125 27.4.1998 p.1</a>		Repealed and replaced by Regulation (EU) 2019/1241: Article 39	N/A
66	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>	<a href="#">Consolidated: 7.1.2023</a>	N/A	Commission Implementing Regulation (EU) 2020/967; Commission Delegated Regulation (EU) 2023/56, (EU) 2022/2587, (EU) 2022/2588, (EU) 2022/1357, (EU) 2022/826, (EU) 2022/303, (EU) 2022/200, (EU) 2022/199, (EU) 2021/2324, (EU) 2021/1473, (EU) 2021/1160
<b>Fisheries &amp; Aquaculture Marketing</b>					
67	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 104/2001, insofar as it concerns provisions relating to marketing standards and consumer information	<a href="#">1354 28.12.2013 p.1</a>	<a href="#">Consolidated: 25.4.2020</a>	N/A	Latest: 12 March 2018
	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	<a href="#">1328 24.11.2006 p.14</a>	<a href="#">Consolidated: 6.3.2014</a>	Repealed and replaced by Regulation (EU) 2016/429: Article 270	N/A
68	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>	<a href="#">Consolidated: 1.1.2023</a>	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
<b>Total Implementing/Delegated</b>					424

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PLANT HEALTH						
<b>Plant Health</b>						
69	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="#">L317 23.11.2016 p.4</a>	<a href="#">Consolidated: 14.12.2019</a>	N/A	59 Commission Implementing Regulations and 2 Commission Delegated Regulations	
70	Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein	<a href="#">L61 3.3.1997 p.1</a>	<a href="#">Consolidated: 20.5.2023</a>	N/A	N/A	
<b>Pesticides, Biocides</b>						
71	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="#">L309 24.11.2009 p.1</a>	<a href="#">Consolidated: 21.11.2022</a>	N/A	N/A	
72	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="#">L70 16.3.2005 p.1</a>	<a href="#">Consolidated: 13.4.2023</a>	N/A	N/A	
73	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="#">L167 27.6.2012 p.1</a>	<a href="#">Consolidated: 15.4.2022</a>	N/A	161 Commission Implementing Regulations and 4 Commission Delegated Regulations	
<b>Plant Reproductive Material</b>						
74	Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed	L125 11.7.1966 p.2309		N/A	N/A	
75	Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine	<a href="#">L93 17.4.1968 p.15</a>	<a href="#">Consolidated: 16.2.2020</a>	N/A	N/A	
76	Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material	<a href="#">L11 15.1.2000 p.17</a>		N/A	N/A	
77	Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species	<a href="#">L193 20.7.2002 p.1</a>	<a href="#">Consolidated: 18.4.2004</a>	N/A	N/A	
78	Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed	<a href="#">L425 11.7.1966 p.2298</a>	<a href="#">Consolidated: 1.9.2022</a>	N/A	N/A	
79	Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants	<a href="#">L226 13.8.1998 p.16</a>	<a href="#">Consolidated: 30.6.2014</a>	N/A	N/A	
80	Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed	<a href="#">L205 1.8.2008 p.28</a>	<a href="#">Consolidated: 16.8.2022</a>	N/A	N/A	
81	Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed	<a href="#">L193 20.7.2002 p.12</a>	<a href="#">Consolidated: 1.9.2022</a>	N/A	N/A	
82	Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed	<a href="#">L193 20.7.2002 p.33</a>	<a href="#">Consolidated: 1.9.2022</a>	N/A	N/A	
83	Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes	<a href="#">L193 20.7.2002 p.60</a>	<a href="#">Consolidated: 16.2.2020</a>	N/A	N/A	
84	Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants	<a href="#">L193 20.7.2002 p.74</a>	<a href="#">Consolidated: 1.9.2022</a>	N/A	N/A	
85	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="#">L267 8.10.2008 p.8</a>	<a href="#">Consolidated: 13.10.2022</a>	N/A	N/A	
					Total Implementing / Delegated	226

EQUALITY, NON-DISCRIMINATION, AND HUMAN RIGHTS						
<b>Voting Rights in Local Government Elections</b>						
86	Article 20(2)(b) TFEU and Article 22 TFEU	<a href="#">C 326 26.10.2012 p.47-390</a>		N/A	N/A	
<b>Equal Treatment Legislation</b>						
87	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="#">L 373 21.12.2004 p.37-43</a>		N/A	N/A	
88	Directive 2006/54/EC of the European Parliament and of the Council of 5 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="#">L 204 26.7.2006 p.23-36</a>		N/A	N/A	
89	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="#">L 180 19.7.2000 p.22-26</a>		N/A	N/A	
90	Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation	<a href="#">L 303 2.12.2000 p.16-22</a>		N/A	N/A	
91	Directive 2010/41/EU of the European Parliament and of the Council of 7 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="#">L 180 15.7.2010 p.1-6</a>		N/A	N/A	
92	Council Directive 79/7/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="#">L 6 10.1.1979 p.24-25</a>		N/A	N/A	
					Total Implementing / Delegated	0

SOCIAL PROTECTION						
<b>EU Social Security Coordination</b>						
93	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="#">L 166 30.4.2004 p.1-123</a>	<a href="#">Consolidated: 31.7.2019</a>	N/A	N/A	
94	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="#">L 284 30.10.2009 p.1-42</a>	<a href="#">Consolidated: 1.1.2018</a>	N/A	N/A	
95	Regulation (EEC) 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="#">L 149 5.7.1971 p.2-50</a>	<a href="#">Consolidated: 1.5.2010</a>	N/A	N/A	
	Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing 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 end of validity 30.4.2010	<a href="#">L 74 27.3.1972 p.1-83</a>	<a href="#">Consolidated: 2.3.2009</a>	Repealed and Replaced by Regulation (EC) No 987/2009: Article 96	N/A	
					Total Implementing / Delegated	0

FOOD STANDARDS					
Food Compositional Standards and Labelling					
96	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="#">L31.1.2.2002.p.1</a>	<a href="#">Consolidated: 1.7.2022</a>	N/A	N/A
97	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="#">L304.22.11.2011.p.18</a>	<a href="#">Consolidated: 1.1.2018</a>	N/A	Commission Implementing Regulation (EU) 2021/334, (EU) 2021/945, (EU) 2022/100
98	Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs	<a href="#">L334.16.12.2011</a>		N/A	N/A
99	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="#">L354.31.12.2008.p.1</a>	<a href="#">Consolidated: 27.3.2021</a>	N/A	N/A
100	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="#">L354.31.12.2008.p.7</a>	<a href="#">Consolidated: 3.12.2012</a>	N/A	N/A
101	Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives	<a href="#">L354.31.12.2008.p.16</a>	<a href="#">Consolidated: 22.3.2023</a>	N/A	N/A
102	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 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC	<a href="#">L354.31.12.2008.p.34</a>	<a href="#">Consolidated: 21.3.2023</a>	N/A	N/A
103	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="#">L183.12.7.2002.p.51</a>	<a href="#">Consolidated: 30.9.2022</a>	N/A	N/A
104	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="#">L404.30.12.2006.p.26</a>	<a href="#">Consolidated: 22.6.2023</a>	N/A	N/A
105	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="#">L309.26.11.2003.p.1</a>	<a href="#">Consolidated: 27.3.2021</a>	N/A	N/A
106	Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food	<a href="#">L37.13.2.1993.p.1</a>	<a href="#">Consolidated 7.8.2009</a>	N/A	N/A
107	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="#">L327.11.12.2015.p.1</a>	<a href="#">Consolidated: 27.3.2021</a>	N/A	62 Commission Implementing Regulations
108	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 Directives 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="#">L181.29.6.2013.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
109	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="#">L66.13.3.1999.p.26</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A
110	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="#">L197.3.8.2000.p.19</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A
111	Council Directive 2001/110/EC of 20 December 2001 relating to honey	<a href="#">L10.12.1.2002.p.47</a>	<a href="#">Consolidated: 23.6.2014</a>	N/A	N/A
112	Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption	<a href="#">L10.12.1.2002.p.53</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A
113	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="#">L157.15.6.2011.p.1</a>	<a href="#">Consolidated: 24.10.2022</a>	N/A	N/A
114	Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption	<a href="#">L10.12.1.2002.p.58</a>	<a href="#">Consolidated: 5.10.2014</a>	N/A	N/A
115	Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption	<a href="#">L10.12.1.2002.p.67</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A
116	Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption	<a href="#">L15.17.1.2002.p.19</a>	<a href="#">Consolidated: 18.11.2013</a>	N/A	N/A
117	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="#">L314.1.12.2015.p.1</a>		N/A	N/A



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CHEMICALS					
<b>Fertiliser Regulation</b>					
	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	<a href="#">L 304 21.11.2003 p.1-194</a>	<a href="#">Consolidated: 20.6.2021</a>	Repealed and Replaced by Regulation (EU) 2019/1009: Article 51	N/A
126	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	<a href="#">L 170 25.6.2019 p.1-114</a>	<a href="#">Consolidated: 16.3.2023</a>	N/A	Commission Delegated Regulation (EU) 2021/1768, (EU) 2021/2086, (EU) 2021/2087, (EU) 2021/2088, (EU) 2022/973, (EU) 2022/1171, (EU) 2022/1519, (EU) 2023/409
<b>Good Laboratory Practice</b>					
127	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)	<a href="#">L 50 20.2.2004 p.28-43</a>	<a href="#">Consolidated: 26.7.2019</a>	N/A	N/A
128	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	<a href="#">L 50 20.2.2004 p.44-59</a>	<a href="#">Consolidated: 20.4.2009</a>	N/A	N/A
<b>REACH</b>					
129	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	<a href="#">L 396 30.12.2006 p.1</a>	<a href="#">Consolidated: 29.6.2023</a>	N/A	N/A
<b>Persistent Organic Pollutants</b>					
130	Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants	<a href="#">L 169 25.6.2019 p.45</a>	<a href="#">Consolidated: 10.6.2023</a>	N/A	Commission Delegated Regulation (EU) 2023/866, (EU) 2022/2291
<b>Hazardous Chemicals</b>					
131	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	<a href="#">L 201 27.7.2012 p.60</a>	<a href="#">Consolidated: 1.7.2022</a>	N/A	Commission Implementing Decision C/2021/6140 and C/2023/3459, Commission Delegated Regulation (EU) 2022/643
<b>Total Implementing / Delegated</b>					<b>13</b>

ECONOMY & TRADE					
<b>Late Payment - Commercial Transactions</b>					
132	Directive 2011/77/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions	<a href="#">L 48 23.2.2011 p.1-10</a>		N/A	N/A
<b>Mutual Recognition of Professional Qualifications - Cross-Sectoral</b>					
133	Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications	<a href="#">L 255 30.9.2005 p.22-142</a>	<a href="#">Consolidated: 10.12.2021</a>	N/A	N/A
<b>Services Directive</b>					
134	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market	<a href="#">L 376 27.12.2006 p.36-68</a>		N/A	N/A
<b>Public Procurement</b>					
135	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 Text with EEA relevance	<a href="#">L 94 28.3.2014 p.65-242</a>	<a href="#">Consolidated: 1.1.2022</a>	N/A	Commission Delegated Regulation (EU) 2021/1952 and Commission Implementing Regulation 2022/2303
136	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	<a href="#">L 94 28.3.2014 p.243-374</a>	<a href="#">Consolidated: 1.1.2022</a>	N/A	Commission Implementing Decision (EU) 2022/418, (EU) 2022/1286, (EU) 2022/1296, (EU) 2022/1376, (EU) 2022/2303, (EU) 2023/264, (EU) 2023/1228; Commission Delegated Regulation (EU) 2021/1953
137	Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts	<a href="#">L 94 28.3.2014 p.1-64</a>	<a href="#">Consolidated: 1.1.2022</a>	N/A	Commission Delegated Regulation (EU) 2021/1951 and Commission Implementing Regulation (EU) 2022/2303
<b>Total Implementing / Delegated</b>					<b>12</b>

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POLICE & JUDICIAL COOPERATION					
<b>European Judicial Network</b>					
138	Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network	<a href="#">L 348 24.12.2008 p.130-134</a>		N/A	N/A
<b>Joint Action on Organised Crime</b>					
139	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 national level of international undertakings in the fight against organized crime	<a href="#">L 344 15.12.1997 p.7-9</a>		N/A	N/A
<b>False and Authentic Documents Online (FADO)</b>					
140	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)	<a href="#">L 333 9.12.1998 p.4-7</a>		N/A	N/A
<b>European Police College (CEPOL)</b>					
141	Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/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	<a href="#">L 256 1.10.2005 p.63-70</a>  <a href="#">L 319 4.12.2015 p.1-20</a>	<a href="#">Consolidated: 1.9.2014</a>	Repealed and Replaced by Regulation (EU) 2015/2219: Article 40	N/A
<b>EU-USA</b>					
142	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 area of freedom, security and justice: date of end of validity 10.12.2018  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="#">L 286 1.11.2011 p.1-17</a>  <a href="#">L 295 21.11.2018 p.99-137</a>	<a href="#">Consolidated: 9.10.2018</a>  <a href="#">Consolidated: 6.6.2023</a>	Repealed and Replaced by Regulation (EU) 2018/1726: Article 57	N/A
<b>EUROPOL</b>					
143	Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union 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="#">L 135 24.5.2016 p.53-114</a>	<a href="#">Consolidated: 28.6.2022</a>	N/A	N/A
<b>EUROJUST</b>					
144	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="#">L 295 21.11.2018 p.138-183</a>	<a href="#">Consolidated: 1.6.2022</a>	N/A	Latest 23 July 2020
<b>European Criminal Records Information System (ECRIS)</b>					
145	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="#">L 93 7.4.2009 p.23-32</a>	<a href="#">Consolidated: 27.6.2019</a>	N/A	N/A
<b>Prüm Framework (data sharing)</b>					
146	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="#">L 210 6.8.2008 p.12-72</a>		N/A	N/A
147	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="#">L 210 6.8.2008 p.1-11</a>		N/A	N/A
<b>Schengen Information System (SIS II)</b>					
148	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  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 2010/261/EU	<a href="#">L 205 7.8.2007 p.63-84</a>  <a href="#">L 312 7.12.2018 p.56-106</a>	<a href="#">Consolidated: 28.12.2020</a>  <a href="#">Consolidated: 1.8.2022</a>	Repealed and Replaced by Regulation (EU) 2018/1862: Article 78	N/A  Commission Implementing Decision (EU) 2023/201, (EU) 2022/2206, (EU) 2021/31
<b>Minimum Standards Legislation - Cybercrime</b>					
149	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="#">L 218 14.8.2013 p.8-14</a>		N/A	N/A
<b>Minimum Standards Legislation - Human Trafficking</b>					
150	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="#">L 101 15.4.2011 p.1-11</a>		N/A	N/A
<b>Asset Recovery Offices</b>					
151	Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime	<a href="#">L 332 18.12.2007 p.103-105</a>		N/A	N/A
<b>Cooperation Legislation - Child Sexual Exploitation</b>					
152	Council Decision of 29 May 2000 to combat child pornography on the Internet	<a href="#">L 138 9.6.2000 p.1-4</a>		N/A	N/A
<b>Schengen Convention - Law Enforcement Cooperation (Article 40)</b>					
153	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="#">L 210 6.8.2008 p.12-72</a>		N/A	N/A
<b>European Investigation Order</b>					
154	Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters	<a href="#">L 130 1.5.2014 p.1-36</a>	<a href="#">Consolidated: 13.3.2022</a>	N/A	N/A
<b>Joint Investigation Teams</b>					
155	Council Framework Decision of 13 June 2002 on joint investigation teams	<a href="#">L 162 20.6.2002 p.1-3</a>	<a href="#">Consolidated: 10.3.2022</a>	N/A	N/A
<b>Mutual Recognition of Assets Freezing</b>					
156	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  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="#">L 196 2.8.2003 p.45-55</a>  <a href="#">L 303 28.11.2018 p.1-38</a>	<a href="#">Consolidated: 2.8.2003</a>  <a href="#">Consolidated: 28.3.2009</a>	Repealed and Replaced by Regulation (EU) 2018/1805	N/A
<b>Mutual Recognition of Confiscation Orders</b>					
157	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="#">L 386 29.12.2006 p.89-100</a>	<a href="#">Consolidated: 30.12.2006</a>	N/A	N/A
<b>Cross-Border Data Exchange 'Swedish Initiative'</b>					
158	2002/348/JHA: Council Decision of 25 April 2002 concerning security in connection with football matches with an international dimension	<a href="#">L 121 8.5.2002 p.1-3</a>	<a href="#">Consolidated: 16.6.2007</a>	N/A	N/A
<b>Cooperation on Football Disorder</b>					
<b>Forensic Service Providers - Mutual Recognition</b>					
159	Council Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities	<a href="#">L 322 9.12.2009 p.14-16</a>		N/A	N/A
<b>Passenger Name Records (PNR) Data</b>					
160	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="#">L 119 4.5.2016 p.132-149</a>		N/A	Latest: 28 April 2017
<b>Applicable Law in Contracts and Non-Contractual Obligations</b>					
161	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="#">L 177 4.7.2008 p.6-16</a>	<a href="#">Consolidated: 24.7.2008</a>	N/A	N/A
162	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="#">L 199 31.7.2007 p.40-49</a>		N/A	N/A
<b>Legal Mediation - Cross-Border</b>					
163	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="#">L 136 24.5.2008 p.3-8</a>		N/A	N/A
<b>Civil and Commercial Law - Jurisdiction, Recognition and Enforcement</b>					
164	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  Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings: date of end of validity 26.6.2017	<a href="#">L 351 20.12.2012 p.1-32</a>  <a href="#">L 160 30.6.2000 p.1-18</a>	<a href="#">Consolidated: 26.2.2015</a>  <a href="#">Consolidated: 12.10.2016</a>	N/A	Latest: 26 November 2014  Repealed and Replaced by Regulation (EU) 2015/848: Article 91
165	Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings	<a href="#">L 141 5.6.2015 p.19-72</a>	<a href="#">Consolidated: 9.1.2022</a>	N/A	Latest: 4 June 2019

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<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="#">L 338 23.12.2003 p.1-29</a>	<a href="#">Consolidated: 1.3.2005</a>	Repealed and Replaced by Council Regulation (EU) 2019/1111: Article 104	N/A
166	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="#">L 178 2.7.2019 p.1-115</a>		N/A	N/A
167	Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations	<a href="#">L 7 10.1.2009 p.1-70</a>	<a href="#">Consolidated: 31.12.2018</a>	N/A	N/A
168	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="#">L 181 29.6.2013 p.4-12</a>		N/A	Latest: 2 September 2014
<b>Legal Aid - Cross-Border Cases</b>					
169	Council Directive 2002/98/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="#">L 26 31.1.2003 p.41-47</a>	<a href="#">Consolidated: 31.1.2003</a>	N/A	N/A
<b>Service of Documents &amp; Taking Evidence</b>					
170	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="#">L 324 10.12.2007 p.79-120</a>	<a href="#">Consolidated: 1.7.2013</a>	N/A	N/A
171	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="#">L 174 27.6.2001 p.1-24</a>	<a href="#">Consolidated: 4.12.2008</a>	N/A	N/A
172	2001/470/EC: Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters	<a href="#">L 174 27.6.2001 p.25-31</a>	<a href="#">Consolidated: 1.1.2011</a>	N/A	N/A
<b>Civil and Commercial Law - Small Claims, Enforcement and Order for Payment</b>					
173	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="#">L 341 24.12.2015 p.1-13</a>		N/A	N/A
174	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="#">L 199 31.7.2007 p.1-22</a>	<a href="#">Consolidated: 14.7.2017</a>	N/A	N/A
175	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="#">L 143 30.4.2004 p.15-39</a>	<a href="#">Consolidated: 26.10.2022</a>	N/A	N/A
176	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="#">L 399 30.12.2006 p.1-32</a>	<a href="#">Consolidated: 14.7.2017</a>	N/A	N/A
<b>Child Sexual Exploitation - Minimum Standards Measures</b>					
177	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="#">L 335 17.12.2011 p.1-14</a>	<a href="#">Consolidated: 17.12.2011</a>	N/A	N/A
<b>Mutual Recognition of Criminal Court Judgments - Cross-Border Cooperation</b>					
178	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="#">L 357 5.12.2008 p.27-46</a>	<a href="#">Consolidated: 28.3.2009</a>	N/A	N/A
179	Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order	<a href="#">L 338 21.12.2011 p.7-18</a>		N/A	N/A
180	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="#">L 294 11.11.2009 p.20-40</a>		N/A	N/A
181	Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties	<a href="#">L 76 22.3.2005 p.16-30</a>	<a href="#">Consolidated: 28.3.2009</a>	N/A	N/A
182	Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims	<a href="#">L 261 6.8.2004 p.15-18</a>		N/A	N/A
<b>Procedural Rights - Minimum Standards</b>					
183	Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings	<a href="#">L 142 1.6.2012 p.1-10</a>		N/A	N/A
184	Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings	<a href="#">L 280 26.10.2010 p.1-7</a>		N/A	N/A
<b>Legal Services - Provision</b>					
185	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="#">L 77 14.3.1998 p.36-43</a>	<a href="#">Consolidated: 1.7.2013</a>	N/A	N/A
186	Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services	<a href="#">L 78 26.3.1977 p.17-18</a>	<a href="#">Consolidated: 1.7.2013</a>	N/A	N/A
<b>Sentencing - Accounting for Convictions</b>					
187	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="#">L 220 15.8.2008 p.32-34</a>		N/A	N/A
<b>Victims Rights - Minimum Standards</b>					
188	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="#">L 315 14.11.2012 p.52-73</a>		N/A	N/A

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<b>PUBLIC HEALTH</b>					
<b>Public Health Protection</b>					
	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="#">L 293 5.11.2013 p.1-15</a>	<a href="#">Consolidated 5.11.2013</a>	N/A	Commission Implementing Decision (EU) 2021/858, (EU) 2021/1212
189	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 1082/2013/EU	<a href="#">L314 6.12.2022 p.26-63</a>			
190	Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control	<a href="#">L 142 30.4.2004 p.1-11</a>	<a href="#">Consolidated: 26.12.2022</a>	N/A	N/A
<b>Blood Safety &amp; Quality</b>					
191	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="#">L 33 8.2.2003 p.30-40</a>	<a href="#">Consolidated 7.8.2009</a>	N/A	N/A
192	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="#">L 91 30.3.2004 p.25-39</a>	<a href="#">Consolidated 9.1.2015</a>	N/A	N/A
193	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="#">L 256 1.10.2005 p.32-40</a>		N/A	N/A
194	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="#">L 256 1.10.2005 p.41-48</a>	<a href="#">Consolidated 15.8.2016</a>	N/A	N/A
<b>Organs, Tissues and Cells</b>					
195	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="#">L 207 6.8.2010 p.14-29</a>	<a href="#">Consolidated 6.8.2010</a>	N/A	Latest: 9 October 2012
196	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="#">L 275 10.10.2012 p.27-32</a>		N/A	N/A
197	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="#">L 102 7.4.2004 p.48-58</a>	<a href="#">Consolidated 7.8.2009</a>	N/A	N/A
198	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="#">L 38 9.2.2006 p.40-52</a>	<a href="#">Consolidated 17.12.2012</a>	N/A	N/A
199	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="#">L 294 25.10.2006 p.32-50</a>	<a href="#">Consolidated 29.4.2015</a>	N/A	N/A
200	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="#">L 327 27.11.2012 p.24-25</a>		N/A	N/A
201	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="#">L 93 9.4.2015 p.43-55</a>		N/A	N/A
202	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="#">L 93 9.4.2015 p.56-68</a>		N/A	N/A
<b>Reciprocal Cross-Border Healthcare</b>					
203	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="#">L 88 4.4.2011 p.45-65</a>	<a href="#">Consolidated: 1.1.2014</a>	N/A	Latest: 15 July 2020
				<b>Total Implementing / Delegated</b>	<b>2</b>

<b>TRANSPORT</b>					
<b>Aviation - Compensation Public Service Obligation</b>					
204	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
<b>Bus Franchising Rules</b>					
205	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
<b>Charging of HGVs</b>					
206	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
<b>Electronic Road Toll Systems</b>					
207	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) 2019/520: Article 33	N/A
	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
<b>Ports Services/Facilities</b>					
208	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
209	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
	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
<b>Intelligent Transport Systems</b>					
210	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 6.8.2010 p.1-13</a>	<a href="#">Consolidated: 9.1.2018</a>	N/A	Commission Delegated Regulation (EU) 2022/670
<b>Road Infrastructure Safety Management</b>					
211	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
<b>Trans European Transport Network</b>					
212	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 661/2010/EU	<a href="#">L 348 20.12.2013 p.1-128</a>	<a href="#">Consolidated: 9.7.2023</a>	N/A	Commission Delegated Regulation (EU) 2023/1176
<b>Maritime - Public Service Contracts/Obligations</b>					
213	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
				<b>Total Implementing / Delegated</b>	<b>6</b>

## Appendix Two: European Commission Work Programme 2023 Analysis

Scottish Government Alignment Commitment & European Commission Work Programme 2023 - Examples of Overlaps					
Priority Pending Proposals (Annex III)	EC Document Reference	EU Law in Scope of Alignment Impacted by New EU Act	Pre-Brexit UK Competence	Progress	Final EU Act
<b>A European Green Deal</b>					
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the sustainable use of plant protection products and amending Regulation (EU) 2012/2115	<a href="#">COM(2022)305 final</a>	Regulation (EC) No 540/2011 and Regulation (EU) No 528/2012	Devolved & Mixed	In process	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on nature restoration	<a href="#">COM(2022)304 final</a>	Council Directive 92/43/EEC and Directive 2009/147/EC	Mixed	In process	
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)156 final</a>	Council Directive 1998/31/EC	Mixed	In process	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009	<a href="#">COM(2022)151 final</a>	Regulation (EC) No 1005/2009	Devolved	In process	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014	<a href="#">COM(2022)150 final</a>	Regulation (EU) No 157/2014	Devolved	In process	
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/40/EU 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="#">COM(2021)813 final</a>	Directive 2010/40/EU	Mixed	In process	
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)812 final</a>	Regulation (EU) 1315/2013	Mixed	In process	
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the energy performance of buildings (recast)	<a href="#">COM(2021)802 final</a>	Directive 2010/31/EU	Devolved	In process	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ensuring a level playing field for sustainable air transport	<a href="#">COM(2021)561 final</a>	Directive (EU) 2018/2001 [minor amendments]	Mixed	In process	
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on energy efficiency (recast)	<a href="#">COM(2021)558 final</a>	Directive 2012/27/EU	Mixed	In process	
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652	<a href="#">COM(2021)557 final</a>	Directive 2018/2001	Mixed	In process	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control	<a href="#">COM(2018)268 final</a>	Indirect - Amends Council Regulation (EC) No 1224/2009 linked to Regulation (EU) 2019/1241 and Regulation (EU) No 1379/2013	Mixed	In process	
<b>A Europe Fit For the Digital Age</b>					
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2019/1009 and (EU) No 305/2011 as regards emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency	<a href="#">COM(2022)461 final</a>	Regulation (EU) 2019/1009	Devolved	In process	
<b>An Economy that Works for People</b>					
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on prohibiting products made with forced labour on the Union market	<a href="#">COM(2022)453 final</a>	Indirect - relates to Directive 2011/36/EU Anti-Trafficking Directive	Mixed	In process	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004	<a href="#">COM(2016)815 final</a>	Regulation (EC) No 883/2004 and 987/2009	Mixed	In process	
<b>Promoting our European Way of Life</b>					
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>	Indirect - related to Directive 2011/93/EU	Devolved	In process	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on automated data exchange for police cooperation ("Prüm II"), amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, 2019/817 and 2019/818 of the European Parliament and of the Council	<a href="#">COM(2021)784 final</a>	Council Decisions 2008/615/JHA and 2008/616/JHA	Mixed	In process	
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA	<a href="#">COM(2021)782 final</a>	Council Framework Decision 2006/960/JHA	Mixed	Adopted	<a href="#">Directive (EU) 2023/977</a>
<b>A New Push for European Democracy</b>					
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Directive 2003/8/EC, Council Framework Decisions 2002/465/JHA, 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA, and Directive 2014/41/EU of the European Parliament and of the Council, as regard digitalisation of judicial cooperation	<a href="#">COM(2021)760 final</a>	Council Framework Decisions 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA, and Directive 2014/41/EU	Devolved & Mixed	In process	
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL to strengthen the application of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms	<a href="#">COM(2021)93 final</a>	Directive 2000/43/EC, 2000/78/EC and 2004/113/EC	Mixed	Adopted	<a href="#">Directive (EU) 2023/970</a>
Proposal for a COUNCIL DIRECTIVE on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation	<a href="#">COM(2008)426 final</a>	Directive 2000/43/EC, 2000/78/EC and 2004/113/EC	Mixed	In process	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the digital information exchange in terrorism cases	<a href="#">COM(2021)757 final</a>	Regulation (EU) 2018/1727	Mixed	In process	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726	<a href="#">COM(2021)756 final</a>	Regulation (EU) 2018/1726	Mixed	Adopted	<a href="#">Regulation (EU) 2023/969</a>