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Scottish Parliament Constitution, Europe,
External Affairs and Culture Committee
The Scottish Parliament
Edinburgh
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8 August 2023

Retained EU Law (Revocation and Reform) Act 2023 – Update and response to Supplementary Legislative Consent Memorandum (SLCM) report

Dear Ms Adamson,

I am writing to respond to the committee's 8 June 2023 report on the Scottish Government's supplementary Legislative Consent Memorandum (SLCM) for the then Retained EU Law (Revocation and Reform) Bill.

The UK Government's Retained EU Law (Revocation and Reform) Act 2023 ("the Act") received Royal Assent on 29 June 2023 and key provisions, including UK Ministers' powers to revoke or reform devolved retained EU law, are already in force.

It is deeply regrettable that the UKG has again chosen to ignore the views of the Scottish Parliament, which withheld consent for the amendments to the Bill on 8 June 2023, and indeed the views of the Senedd, which also withheld consent. I agree with the Committee's conclusion in its report on the Supplementary Legislative Consent Memorandum (SLCM) that the Sewel Convention is "under strain" following the UK's departure from the EU. This Act, and the approach taken to its development by the UKG, adds to that strain.

I thank the committee for their work producing the report on the SLCM, particularly given the unsatisfactory approach and timescales imposed on the Scottish Government and Scottish Parliament by the UKG. I welcome that the committee's report reiterated that, despite the removal of the general retained EU law "sunset" provision, the Act remains deeply problematic for Scotland and cannot be supported in any respect.

The SLCM lodged by the Scottish Government on 24 May largely reflects the final shape of the Act.¹ However, as expected and outlined in the SLCM, none of the amendments brought forward by peers who were not part of the UKG were passed (i.e. those amendments referenced in paragraph 17 of the SLCM).

¹ [Supplementary Legislative Consent Memorandum \(parliament.scot\)](https://www.parliament.scot/legislation/legislation-summaries/supplementary-legislative-consent-memorandum)
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I wish to respond to other conclusions and recommendations the committee made in their report on the SLCM and also give an update on the Scottish Government's continued assessment of the Schedule of REUL instruments to be revoked by the Act (now in Schedule 1).

CEEAC Committee SLCM report

27. The Committee notes that the complexity of how devolution now works outside of the EU means that there is a fundamental requirement for all of the governments across the UK to work together to provide clarity and certainty in delivering an effective regulatory environment while respecting the devolution settlement. At the same time there needs to be transparency and accountability around the operation of common frameworks, including effective parliamentary scrutiny.

37. The Committee notes that there is a real lack of clarity in how common frameworks are operating both generally and, in the context of this report, in relation to REUL. The Committee reiterates our previous view of the need for much greater transparency and accountability with regards to the operation of common frameworks.

38. The Committee invites the Cabinet Secretary to provide a detailed response on the effectiveness of Common Frameworks including how they are being used in relation to REUL. We will also invite the UK Government to do likewise.

On the request for a detailed response to the committee on the effectiveness of Common Frameworks, including how they are being used in relation to REUL, I was pleased to give evidence to the committee on this on 29 June and look forward to seeing the response given by UK Government to the same invitation.

In the 29 June session, I set out the value of Common Frameworks as intergovernmental mechanisms for collaboration and co-operation, but noted that they can only operate as intended if all parties are committed to respecting them. This must include upholding the Common Frameworks statement of principles agreed by all governments in October 2017, particularly that the Sewel Convention must be respected, and recognising the legitimacy of policy divergence in a devolved UK. This is clearly not happening at the moment, as the UK Government's conduct in the deeply damaging and wholly unnecessary Deposit Return Scheme episode demonstrated.

The Committee is right to note that how UK Ministers choose to use the sweeping powers the REUL Act confers on them will be another test of Common Frameworks. We are committed to Frameworks as the only existing model we have for managing the practical effects of Brexit on regulatory policy in a devolved UK, in a manner that respects devolution. It is now for the UK Government to demonstrate a similar commitment – in actions, not words – if Common Frameworks are to fulfil their potential.

For our part, the Scottish Government is committed to working with the committee to help ensure we operate in an effective and transparent scrutiny environment. My officials have been working closely with their parliamentary opposite numbers on these questions for some months now with a view to addressing questions around transparency and parliamentary

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oversight of the operation of Common Frameworks. That work is ongoing but, clearly, there are limits to what the Scottish Government can deliver in terms of making the operation of Common Frameworks more transparent and predictable while one party to these mechanisms remains unable or unwilling to adhere to the agreed principles which underpin them. I hope the UK Government's response to the committee's request for further information in that regard will signal a change in approach.

45. The Committee recommends that the reporting requirements for the Scottish Ministers should, as a minimum, be equivalent to the requirements on the UK Ministers. Once those requirements are "settled", the Committee invites Scottish Parliament officials to work with Scottish Government officials in developing proposals for how this will work in practice, while noting that scrutiny of the use of the powers to restate, revoke, replace and update REUL should not be conflated with scrutiny of the policy commitment to align with EU law.

The REUL Act 2023 states that every 6 months, the UK Government must:

- (a) update the retained EU law dashboard;
- (b) publish and lay before Parliament a report on the revocation and reform of retained EU law.

The report must –

- (a) provide a summary of the data on the retained EU law dashboard;
- (b) set out the progress that has been made in revoking and reforming retained EU law during the reporting period to which the report relates;
- (c) set out His Majesty's Government's plans to revoke and reform retained EU law in subsequent reporting periods.

The first report will be due on 24 January 2024, with subsequent reports due every 6 months until the end of the final reporting period on 23 June 2026.

I am very much alive to the necessity of the Scottish Parliament being afforded the time and provided the information in order for it to carry out its scrutiny functions. Scottish Government officials will develop reporting proposals for the Scottish Parliament that is useful, proportionate and sustainable and discuss this with Scottish Parliament officials in the coming weeks. How this is done needs to take into account the context that Scottish Ministers do not share UK Ministers' deregulatory agenda. Once an appropriate proposal is agreed, I will write to the committee to confirm our reporting approach.

Updated Schedule analysis

Schedule 1 of the Act lists 587 pieces of retained EU law that will be revoked or sunset at the end of 31 December 2023. As explained in our SLCM, the SG had no advance sight of this list and had to perform rapid analysis of these instruments within 10 days to lodge the SLCM in line with Standing Order requirements.

The SG made clear that the SLCM's analysis of the Schedule 1 in the Bill revoking REUL instruments was a snapshot of the Scottish Government's views as at that date, and that analysis would continue.

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Scottish Government officials therefore continue to analyse the REUL instruments to be revoked by the Act. I have committed to keeping the Parliament updated in this regard and am pleased to attach an updated Schedule analysis, reflecting changes as at the date of this letter, at **Annex A**.

Ministerial colleagues and I will continue to keep committees updated on these matters.

Exercise of Delegated Powers in Devolved Areas

The Act gives UK Ministers powers – which are now in force – to revoke, replace and restate REUL in devolved areas with no requirement to obtain the consent of the Scottish Ministers or the Scottish Parliament.

The Scottish Government strongly advocated our position that we expect any UK SIs affecting devolved areas made under the REUL Act to be subject to the consent of the Scottish Ministers and appropriate scrutiny of consent decisions by the Scottish Parliament. As part of this process, Scottish Ministers would expect to give the Parliament at least 28 calendar days to scrutinise any intention to consent. This process is in line with the Protocol agreed between the Scottish Government and the Scottish Parliament on scrutiny of consent by Scottish Ministers to UK secondary legislation in devolved areas arising from EU Exit (“the Protocol”).

The Secretary of State for Levelling Up, Housing and Communities, Michael Gove MP and the Secretary of State for Business and Trade, Kemi Badenoch MP wrote to me on 17 May, stating that UK “Government Ministers do not intend normally to use the powers under the Bill in devolved areas without the agreement of the relevant devolved administration. Where a UK Minister intends to exercise the powers in devolved areas we will seek agreement on an SI-by-SI basis”.

Since the end of 2022, my officials have made repeatedly clear to UKG officials that our expectations in relation to UK SIs using REUL Act powers is for UK Ministers to acknowledge the role of the Scottish Parliament and therefore to make a commitment to give the Scottish Ministers and Scottish Parliament at least eight weeks to respond to any consent request for SIs affecting devolved areas. This window would give Scottish Ministers appropriate time to consider the impacts of any UK SIs, come to a view on consent, notify the Scottish Parliament of this and would then afford the Scottish Parliament 28 days (excluding any recesses longer than four days) to scrutinise any proposed consent decision by the Scottish Ministers. This would reflect the timescales agreed for Scottish Parliament scrutiny in the Protocol.

It is highly regrettable that UK Ministers have been unwilling to include any binding, statutory mechanism which would mean the time needed for consent and scrutiny can be properly respected. Where UK Ministers do not afford the SG and Scottish Parliament eight weeks, we will make clear to the UKG that such an approach is unacceptable.

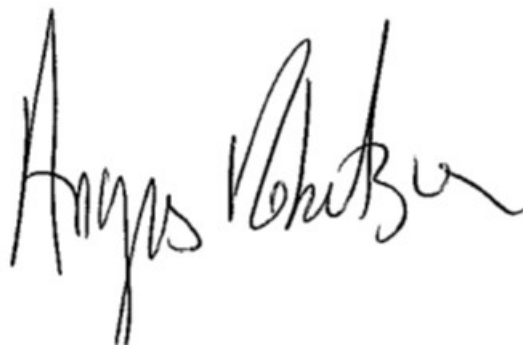
I replied to the Secretaries of State on 27 July to make clear that the role of the Scottish Parliament in scrutinising consent decisions needs to be acknowledged and the only way they can ensure the commitment in their 17 May letter above is adhered to is to ensure that the Scottish Government and Scottish Parliament be given a minimum 8-week window to respond to consent requests (except in exceptional circumstances). It is deeply regrettable

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that there is no guarantee this will be observed by UK Ministers. As a result, I expect both the Scottish Ministers and Scottish Parliament will be required to work flexibly with regards to time pressures imposed by UK Ministers to ensure the Parliament's voice is heard. Nonetheless, my intention would be to apply the Protocol wherever possible in relation to any UK SIs made in devolved areas under the REUL Act and my officials are discussing how to take this forward with Scottish Parliament officials.

I will be happy to provide further detail to the committee as required and answer any further questions as the Scottish Government and Scottish Parliament deal with the unwanted consequences of this UK legislation.

Yours sincerely



ANGUS ROBERTSON

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ANNEX A - UPDATED SCHEDULE ANALYSIS

Details of the analysis of the instruments to be revoked by the Bill as at 24 May 2023 were provided in Annexes B and C of the SLCM. The Scottish Government draws the committee's attention specifically to the instruments which, following further analysis, we have changed our views on. Analysis continues in the lead up to the relevant commencement date which is by virtue of section 1(1) of the Act the end of this year, in the context that UK and Scottish Ministers have a power to except instruments from the revocation Schedule in section 1(4).

On Annex B (List of Schedule² instruments considered by the SG to contain at least some devolved provisions applicable in Scotland, and that the SG is not satisfied are obsolete) the Government now assesses the following instrument as wholly reserved:

- *Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009*

As we consider this wholly reserved we do not consider it is for the Scottish Government to offer a view on the appropriateness of revoking this instrument. This instrument would be removed from Annex B

On Annex B again, the Scottish Government now considers that the following instruments which affect devolved areas are now considered obsolete and are content for them to be revoked :

- *The Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 (S.I. 2014/1403)*
- *The Promotion of the Use of Energy from Renewable Sources Regulations 2011 (S.I. 2011/243)*

These would now be added to Annex C at the appropriate places (instruments considered by the SG to contain at least some devolved provisions applicable in Scotland, and that the SG is satisfied are obsolete).

The Scottish Government is now content for the following Annex B instruments which affect devolved areas to be revoked:

- *Port Services Regulations 2019 (S.I. 2019/575)*
- *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.*

These would also now be added to Annex C at the appropriate places. It is the Scottish Government's view that the areas covered by the above instruments are sufficiently covered in Scotland by commercial practice within the framework of domestic law. Moreover, ports already have tools in the Harbours Act 1964 to regulate the governance of the sector, including provisions for users to challenge port charges.

² [Retained EU Law \(Revocation and Reform\) Act \(legislation.gov.uk\)](https://legislation.gov.uk)

The following three related instruments are now assessed to be wholly reserved and we do not consider it appropriate for the Scottish Government to offer a view on the appropriateness of revocation:

47. Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a system for greenhouse gas emission allowances trading within the Community

107. Commission Delegated Regulation (EU) 2019/7 of 30 October 2018 amending Regulation (EU) No 1031/2010 as regards the auctioning of 50 million unallocated allowances from the market stability reserve for the innovation fund and to list an auction platform to be appointed by Germany

118. Commission Delegated Regulation (EU) 2019/1868 of 28 August 2019 amending Regulation (EU) No 1031/2010 to align the auctioning of allowances with the EU ETS rules for the period 2021 to 2030 and with the classification of allowances as financial instruments pursuant to Directive 2014/65/EU of the European Parliament and of the Council

These instruments would now be omitted from Annex C.

The following instrument from the Schedule is now assessed to contain devolved provision applicable in Scotland, but obsolete and so the Scottish Government is content for it to be revoked:

- *Commission Decision of 18 November 2011 establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council (2011/753/EU).*

This instrument would now be added to Annex C at the appropriate place.

The following instrument from the Schedule is now assessed to contain devolved provision applicable in Scotland:

- *Commission Decision of 13 February 2014 concerning the placing on the market for essential use of biocidal products containing copper (2014/85/EU)*

It might be noted that Decision 2014/395/EU (entry 74 in Annex C) also authorises the placing on the market for essential use of biocidal products containing copper. The Scottish Government can confirm that these two instruments (Decisions 2014/85/EU and 2014/395/EU) make similar provisions in relation to certain uses of biocidal products containing copper, and that consideration is now being given as to whether there is a case for preserving both of them (the ultimate decision on which would determine if they would be listed on Annex B or on Annex C).

The result is that the number of devolved Schedule instruments where the Scottish Government is not persuaded that revocation is appropriate has fallen at the point of this update from the nine in Annex B to four. Analysis continues on the utility of Scottish Ministers' preservation powers for these four instruments and, as mentioned, the instruments concerning certain uses of biocidal products containing copper.

July 2023 list of Schedule instruments considered by the SG to contain at least some devolved provisions applicable in Scotland, and that the SG is not satisfied are obsolete. Rationale for changes are presented in **updated red text**.

Title	Extent of revocation	HMG analysis as published (two columns combined into one)	SG reasons why instrument should not sunset in Scotland
<i>Department for Environment, Food and Rural Affairs (four instruments)</i>			
<p>Commission Implementing Decision (EU) 2018/1522 of 11 October 2018 laying down a common format for national air pollution control programmes under Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants</p>	<p>The whole Decision</p>	<p>We will be removing some items of REUL relating to the National Air Pollution Control Plan (NAPCP). The current format of the NAPCP is long, complicated, resource intensive and duplicative, and does nothing to improve the quality of the air we breathe. By repealing this item, we can better focus on what will actually help clean up our air, such as by delivering on the ambitious air quality targets we have set in statute through the Environmental Act; This regulation has either been superseded by UK legislation or is a duplicate of existing domestic legislation and is no longer required.</p>	<p>February 2023 assessment: This revocation is linked to the revocation of regulations 9 and 10 of the National Emission Ceilings Regulations (S.I. 2018/129), referenced below.</p> <p>The Scottish Government is not persuaded that the provisions of the two instruments can be revoked without greater clarity as to the future of the Air Quality: Revised UK National Air Pollution Control Programme and assurance that there would be no legislative gaps.</p> <p>August 2023 update: UK Government did not agree to the Scottish Government's request for removal from the</p>

Title	Extent of revocation	HMG analysis <u>as published</u> (two columns combined into one)	SG reasons why instrument should not sunset in Scotland
			<p>revocation schedule within the Act. Officials continue to engage with Defra and the other devolved governments to determine whether agreement can be reached on a UK wide replacement for the NAPCP.</p>
<p>Council Decision of 3 October 2002 establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council the summary information format relating to the placing on the market of genetically modified organisms as or in products (2002/812/EC)</p>	<p>The whole Decision</p>	<p>Establishing standardising application info: summarised application - summary notification information (SNIF) (marketing). This is a request for information that we no longer submit to the EU since we are no longer a member state. Removing this REUL would improve the application process by removing this requirement for redundant information; This regulation relates to a requirement/scheme/agreement which is no longer in operation,</p>	<p>February 2023 assessment: This Decision is referred to in regulation 16(2)(j) of the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 (S.S.I. 2002/541) and therefore is not obsolete.</p> <p>August 2023 update: <i>Officials continue to consider options to address this.</i></p>

Title	Extent of revocation	HMG analysis <u>as published</u> (two columns combined into one)	SG reasons why instrument should not sunset in Scotland
		or is no longer relevant to the UK.	
Council Decision of 3 October 2002 establishing, pursuant to Directive 2001/18/EC of the European Parliament and of the Council, the summary notification information format for notifications concerning the deliberate release into the environment of genetically modified organisms for purposes other than for placing on the market (2002/813/EC)	The whole Decision	Establishing standardising application info: summarised application - summary notification information (SNIF) (non-marketing). This is a request for information that we no longer submit to the EU since we are no longer a member state. Removing this REUL would improve the application process by removing this requirement for redundant information; This regulation relates to a requirement/scheme/agreement which is no longer in operation, or is no longer relevant to the UK.	<p>February 2023 assessment: This Decision is referred to in regulation 11(1)(d) of the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 and therefore is not obsolete.</p> <p>August 2023 update: <i>Officials continue to consider options to address this.</i></p>
National Emission Ceilings Regulations (S.I. 2018/129)	Regulations 9 and 10	Implements the National Emission Ceilings Directive (2016/2284/EC). We will be removing some items of REUL relating to the National Air Pollution Control Plan	<p>February 2023 assessment: This revocation is linked to the revocation of Commission Implementing Decision (EU) 2018/1522 of 11 October 2018, referenced above.</p>

Title	Extent of revocation	HMG analysis <u>as published</u> (two columns combined into one)	SG reasons why instrument should not sunset in Scotland
		<p>(NAPCP). The current format of the NAPCP is long, complicated, resource intensive and duplicative, and does nothing to improve the quality of the air we breathe. By repealing this item, we can better focus on what will actually help clean up our air, such as by delivering on the ambitious air quality targets we have set in statute through the Environmental Act; This regulation has either been superseded by UK legislation or is a duplicate of existing domestic legislation and is no longer required.</p>	<p>The Scottish Government is not persuaded that the provisions of the two instruments can be revoked without greater clarity as to the future of the Air Quality: Revised UK National Air Pollution Control Programme and assurance that there would be no legislative gaps.</p> <p>August 2023 update: UK Government did not agree Scottish Government's request for regulations 9 and 10 of the National Emission Ceilings Regulations 2018 to be removed from the revocation schedule within the Act. Officials continue to engage with Defra and the other devolved governments to determine whether agreement can be reached on a UK wide replacement for the NAPCP</p>

July 2023 list of Schedule instruments considered by the SG to contain at least some devolved provisions applicable in Scotland, and that the SG is satisfied are obsolete.

1. European Communities (Privileges of the Joint European Torus) Order 1978 (S.I. 1978/1033)
2. Agriculture and Horticulture Development Regulations 1980 (S.I. 1980/1298)
3. Agriculture Improvement Scheme 1985 (S.I. 1985/1029)
4. Farm Business Non-Capital Grant Scheme 1988 (S.I. 1988/1125)
5. Loading and Unloading of Fishing Vessels Regulations 1988 (S.I.1988/1656)
6. Agriculture Improvement (Variation) (No. 2) Scheme 1988 (S.I. 1988/1983)
7. Farm and Conservation Grant Scheme 1989 (S.I. 1989/128)
8. Control of Industrial Air Pollution (Registration of Works) Regulations 1989 (S.I. 1989/318)
9. Farm and Conservation Grant (Variation) Scheme 1991 (S.I. 1991/1338)
10. Temporary Set-Aside Regulations 1991 (S.I. 1991/1847)
11. Road Tolling (Interoperability of Electronic Road User Charging and Road Tolling Systems) Regulations 2007 (S.I. 2007/58)
12. Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007 (S.I. 2007/292)
13. Food Enzymes Regulations 2009 (S.I. 2009/3235) Regulation 10
14. Flood Risk (Cross Border Areas) Regulations 2010 (Regulations 2 to 25) (S.I. 2010/1102)
15. Promotion of the Use of Energy from Renewable Sources Regulations 2011 (S.I. 2011/243)
16. Paragraphs 2(5), 9, 16(5)(a) and 24 of Schedule 7 to The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484)
17. Energy Efficiency (Eligible Buildings) Regulations 2013 (S.I. 2013/3220)
18. Energy Efficiency (Building Renovation and Reporting) Regulations 2014 (S.I. 2014/952)
19. Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 (S.I. 2014/1403)
20. Council Regulation (EEC) No 1899/85 of 8 July 1985 establishing a minimum mesh size for nets used when fishing for capelin in that part of the zone of the Convention on future multilateral cooperation in the north-east Atlantic fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention
21. Council Regulation (EEC) No 1096/88 of 25 April 1988 establishing a Community scheme to encourage the cessation of farming
22. Council Decision of 29 March 1996 concerning the signing and provisional application of the International Tropical Timber Agreement 1994 on behalf of the European Community (96/493/EC)
23. Commission Decision of 22 April 1998 concerning the placing on the market of genetically modified maize (*Zea mays* L. line MON 810), pursuant to Council Directive 90/220/EEC (98/294/EC)
24. Commission Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive

- 98/8/EC of the European Parliament and of the Council on biocidal products
25. Commission Regulation (EC) No 2056/2001 of 19 October 2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the west of Scotland
 26. Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs
 27. Commission Decision of 23 February 2004 laying down detailed arrangements for the operation of the registers for recording information on genetic modifications in GMOs, provided for in Directive 2001/18/EC of the European Parliament and of the Council (2004/204/EC)
 28. Commission Decision of 19 March 2004 concerning guidance for implementation of Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air (2004/279/EC)
 29. Commission Decision of 4 May 2005 establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (2005/381/EC)
 30. Commission Decision of 21 June 2005 establishing a network group for the exchange and coordination of information concerning coexistence of genetically modified, conventional and organic crops (2005/463/EC)
 31. Commission Decision of 20 December 2006 concerning the extension of the deadline for placing on the market of biocidal products containing certain active substances not examined during the ten-year work programme referred to in Article 16(2) of Directive 98/8/EC (2007/70/EC)
 32. Commission Decision of 23 May 2007 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (2007/364/EC)
 33. Commission Decision of 2 October 2007 establishing a common format for the submission of data and information pursuant to regulation (EC) No 850/2004 of the European Parliament and of the Council concerning persistent organic pollutants (2007/639/EC)
 34. Commission Decision of 29 November 2007 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC (2007/794/EC)
 35. Commission Decision of 8 May 2008 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2008/423/EC)
 36. Commission Decision of 31 October 2008 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC (2008/831/EC)
 37. Commission Decision of 20 November 2008 defining a format for the submission of the information by Member States in accordance with Article 7(4)(b)(iii) of the Regulation (EC) No 850/2004 of the European Parliament and of the Council (2009/63/EC)

38. Commission Decision of 16 March 2009 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (2009/244/EC)
39. Commission Decision of 8 April 2009 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2009/321/EC)
40. Council Regulation (EC) No 754/2009 of 27 July 2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008
41. Commission Decision of 9 February 2010 setting a new deadline for the submission of a dossier for terbutryn to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2010/77/EU)
42. Commission Decision of 9 February 2010 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2010/84/EU)
43. Commission Regulation (EU) No 237/2010 of 22 March 2010 laying down detailed rules for the application of Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks
44. Council Decision of 17 May 2010 on the signing of a Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (2010/615/EU)
45. Commission Decision of 21 May 2010 on the establishment of a Register for Biocidal Products (2010/296/EU)
46. Council Decision of 27 September 2010 on the signing of a Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (2011/200/EU)
47. Commission Decision of 22 October 2010 adjusting the Union-wide quantity of allowances to be issued under the Union Scheme for 2013 and repealing Decision 2010/384/EU (2010/634/EU)
48. Commission Decision of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (2010/670/EU)
49. Commission Decision of 7 March 2011 on historical aviation emissions
50. Commission Decision of 29 March 2011 establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean
51. Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (2011/278/EU)

52. Commission Regulation (EU) No 550/2011 of 7 June 2011 on determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, certain restrictions applicable to the use of international credits from projects involving industrial gases
53. Commission Decision of 30 June 2011 on the Union-wide quantity of allowances referred to in Article 3e(3)(a) to (d) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (2011/389/EU)
54. Commission Implementing Decision of 13 July 2011 adopting guidelines for reporting by the Member States under Directive 2010/40/EU of the European Parliament and of the Council (2011/453/EU)
55. Commission Decision of 18 November 2011 establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council (2011/753/EU)
56. Commission Implementing Decision of 10 February 2012 laying down rules concerning the transitional national plans referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (2012/115/EU)
57. Commission Implementing Decision of 2 May 2012 amending Decision 2011/207/EU establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean (2012/246/EU)
58. Commission Decision of 17 August 2012 amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage (2012/498/EU)
59. Commission Decision of 20 August 2012 setting a new deadline for the submission of dossiers for certain substances to be examined under the 14-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2012/483/EU)
60. Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency
61. Decision No 377/2013/EU of the European Parliament and of the Council of 24 April 2013 derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community
62. Commission Implementing Decision of 13 August 2013 amending Decision 2011/207/EU establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean (2013/432/EU)
63. Commission Decision of 5 September 2013 on the standard capacity utilisation factor pursuant to Article 18(2) of Decision 2011/278/EU (2013/447/EU)
64. Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (2013/448/EU)

65. Council Decision of 23 September 2013 on the signing, on behalf of the European Union, of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products to the European Union (2013/486/EU)
66. Commission Regulation (EU) No 1123/2013 of 8 November 2013 on determining international credit entitlements pursuant to Directive 2003/87/EC of the European Parliament and of the Council
67. 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
68. Decision No 1359/2013/EU of the European Parliament and of the Council of 17 December 2013 amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances
69. Commission Decision of 18 December 2013 amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage (2014/9/EU)
70. Commission Delegated Regulation (EU) No 473/2014 of 17 January 2014 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards supplementing Annex III thereto with new indicative maps
71. Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters
72. Commission Implementing Decision of 18 March 2014 on the organisation of a temporary experiment providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize pursuant to Council Directive 66/402/EEC (2014/150/EU)
73. Commission Implementing Decision of 21 March 2014 amending Decision 2005/381/EC as regards the questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council (2014/166/EU)
74. Council Decision of 14 April 2014 on the conclusion of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products to the European Union (2014/284/EU)
75. Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES)
76. Commission Implementing Decision of 25 June 2014 regarding restrictions of authorisations of biocidal products containing IPBC notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (2014/402/EU)
77. Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal

- market and in third countries and repealing Council Regulation (EC) No 3/2008
78. Commission Decision of 27 October 2014 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, for the period 2015 to 2019 (2014/746/EU)
 79. Commission Implementing Decision of 29 October 2014 concerning restrictions of the authorisations of biocidal products containing IPBC and propiconazole notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (2014/756/EU)
 80. Commission Implementing Decision of 29 October 2014 concerning restrictions of the authorisation of a biocidal product containing IPBC notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (2014/757/EU)
 81. Commission Implementing Decision of 30 October 2014 establishing the type, format and frequency of information to be made available by the Member States on integrated emission management techniques applied in mineral oil and gas refineries, pursuant to Directive 2010/75/EU of the European Parliament and of the Council (2014/768/EU)
 82. Commission Decision (EU) 2015/191 of 5 February 2015 amending Decision 2010/670/EU as regards the extension of certain time limits laid down in Article 9 and Article 11(1) of that Decision
 83. Commission Delegated Regulation (EU) 2015/1829 of 23 April 2015 supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries.
 84. Commission Implementing Decision (EU) 2015/692 of 24 April 2015 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (*Dianthus caryophyllus* L., line 25958) genetically modified for flower colour
 85. Commission Implementing Decision (EU) 2015/694 of 24 April 2015 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (*Dianthus caryophyllus* L., line 26407) genetically modified for flower colour
 86. Commission Decision (EU) 2015/1158 of 8 July 2015 on the position to be taken by the Commission, on behalf of the European Union, in the Joint Implementation Committee set up by the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on Forest Law Enforcement, Governance and Trade in timber products into the European Union as regards the amendments to the Annexes I, II, and V of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia
 87. Commission Implementing Decision (EU) 2015/1737 of 28 September 2015 postponing the expiry date of approval of bromadiolone, chlorphacinone and coumatetralyl for use in biocidal products for product-type 14

88. Commission Implementing Decision (EU) 2015/1751 of 29 September 2015 on the terms and conditions of the authorisation of a biocidal product containing bromadiolone referred by the United Kingdom in accordance with Article 36 of Regulation (EU) No 528/2012 of the European Parliament and of the Council
89. Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC
90. Commission Implementing Regulation (EU) 2015/1831 of 7 October 2015 laying down rules for application of Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in the third countries
91. Commission Implementing Regulation (EU) 2015/1897 of 21 October 2015 amending Commission Regulation (EC) No 2056/2001 as regards the landing obligation
92. Commission Delegated Regulation (EU) 2016/758 of 4 February 2016 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards adapting Annex III thereto
93. Commission Implementing Decision (EU) 2016/209 of 12 February 2016 on a standardisation request to the European standardisation organisations as regards Intelligent Transport Systems (ITS) in urban areas in support of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport
94. 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
95. Commission Implementing Decision (EU) 2016/1175 of 15 July 2016 on the terms and conditions of the authorisation of a biocidal product containing spinosad referred by the United Kingdom in accordance with Article 36 of Regulation (EU) No 528/2012 of the European Parliament and of the Council
96. Commission Decision of 13 November 2006 on avoiding double counting of greenhouse gas emission reductions under the Community emissions trading scheme for project activities under the Kyoto Protocol pursuant to Directive 2003/87/EC of the European Parliament and of the Council (2006/780/EC)
97. Commission Implementing Decision (EU) 2016/2050 of 22 November 2016 as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4)
98. Regulation (EU) 2016/2094 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks

99. Commission Decision of 23 November 2006 amending Decision 2005/381/EC establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (2006/803/EC)
100. Commission Delegated Regulation (EU) 2017/849 of 7 December 2016 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards the maps in Annex I and the list in Annex II to that Regulation
101. Commission Decision (EU) 2017/126 of 24 January 2017 amending Decision 2013/448/EU as regards the establishment of a uniform cross-sectoral correction factor in accordance with Article 10a of Directive 2003/87/EC of the European Parliament and of the Council
102. Commission Implementing Decision (EU) 2017/547 of 21 March 2017 on the organisation of a temporary experiment under Council Directive 2002/56/EC as regards seed potato tubers derived from true potato seed
103. Commission Decision (EU) 2017/2172 of 20 November 2017 amending Decision 2010/670/EU as regards the deployment of non-disbursed revenues from the first round of calls for proposals
104. Decision (EU) 2017/2380 of the European Parliament and of the Council of 12 December 2017 amending Directive 2010/40/EU as regards the period for adopting delegated acts
105. Regulation (EU) 2017/2392 of the European Parliament and of the Council of 13 December 2017 amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021
106. Commission Implementing Decision (EU) 2017/2334 of 14 December 2017 postponing the expiry date of approval of creosote for use in biocidal products of product-type 8
107. Commission Implementing Decision (EU) 2018/1479 of 3 October 2018 postponing the expiry date of approval of sulfuryl fluoride for use in biocidal products of product-type 8
- Commission Delegated Regulation (EU) 2019/254 of 9 November 2018 on the adaptation of Annex III to Regulation (EU) No 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network
108. Commission Implementing Decision (EU) 2018/2023 of 17 December 2018 on amending Implementing Decision (EU) 2017/1984 determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values as regards reference values for the period from 30 March 2019 to 31 December 2020 for producers or importers established within the United Kingdom, which have lawfully placed on the market hydrofluorocarbons from 1 January 2015, as reported under that Regulation
109. Commission Delegated Regulation (EU) 2019/856 of 26 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund
110. Commission Implementing Regulation (EU) 2019/533 of 28 March 2019 concerning a coordinated multiannual control programme of the Union for

- 2020, 2021 and 2022 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin
111. Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726
 112. Council Decision (EU) 2019/858 of 14 May 2019 on the position to be taken on behalf of the European Union in the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties of the SIOFA
 113. Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816
 114. Commission Implementing Decision (EU) 2019/994 of 17 June 2019 postponing the expiry date of approval of etofenprox for use in biocidal products of product-type 8
 115. Commission Implementing Decision (EU) 2019/1030 of 21 June 2019 postponing the expiry date of approval of indoxacarb for use in biocidal products of product-type 18
 116. Commission Implementing Decision (EU) 2019/1300 of 26 July 2019 as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line FLO-40685-2)
- Council Decision (EU) 2019/1563 of 16 September 2019 on the position to be taken on behalf of the European Union within the Western Central Atlantic Fishery Commission (WECAFC)
117. Council Decision (EU) 2019/1570 of 16 September 2019 on the position to be taken on behalf of the European Union within the Fishery Committee for the Eastern Central Atlantic (CECAF)
 118. Council Decision (EU) 2019/2025 of 18 November 2019 on the signing on behalf of the EU and the provisional application of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas
 119. Commission Implementing Decision (EU) 2019/1950 of 25 November 2019 postponing the expiry date of approval of K-HDO for use in biocidal products of product-type 8
 120. Commission Implementing Decision (EU) 2019/1951 of 25 November 2019 postponing the expiry date of approval of tebuconazole for use in biocidal products of product-type 8
 121. Commission Implementing Decision (EU) 2019/1969 of 26 November 2019 postponing the expiry date of approval of IPBC for use in biocidal products of product-type 8
 122. Commission Implementing Decision (EU) 2020/27 of 13 January 2020 postponing the expiry date of approval of propiconazole for use in biocidal products of product-type 8

123. Commission Implementing Regulation (EU) 2020/466 of 30 March 2020 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States' control systems due to coronavirus disease (COVID-19)
124. Commission Implementing Regulation (EU) 2020/714 of 28 May 2020 amending Implementing Regulation (EU) 2020/466 as regards the use of electronic documentation for the performance of official controls and other official activities and the period of application of temporary measures
125. Commission Implementing Regulation (EU) 2020/977 of 7 July 2020 derogating from Regulations (EC) No 889/2008 and (EC) No 1235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic
126. Commission Implementing Regulation (EU) 2020/1001 of 9 July 2020 laying down detailed rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards the operation of the Modernisation Fund supporting investments to modernise the energy systems and to improve energy efficiency of certain Member States
127. Commission Implementing Decision (EU) 2020/1037 of 15 July 2020 postponing the expiry date of approval of acrolein for use in biocidal products of product-type 12
128. Commission Implementing Decision (EU) 2020/1038 of 15 July 2020 postponing the expiry date of approval of creosote for use in biocidal products of product-type 8
129. Commission Implementing Regulation (EU) 2020/1087 of 23 July 2020 amending Implementing Regulation (EU) 2020/466 as regards the performance of official controls and other official activities by specifically authorised natural persons, the performance of analyses, testing or diagnoses and the period of application of temporary measures
130. Commission Implementing Regulation (EU) 2020/1341 of 28 September 2020 amending Implementing Regulation (EU) 2020/466 as regards the period of application of temporary measures
131. Commission Implementing Decision (EU) 2020/1604 of 23 October 2020 determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values for the period 1 January 2021 to 31 December 2023 for each producer or importer which has lawfully placed hydrofluorocarbons on the market in the Union from 1 January 2015, as reported under that Regulation
132. Commission Decision (EU) 2020/1722 of 16 November 2020 on the Union-wide quantity of allowances to be issued under the EU Emissions Trading System for 2021
133. Decision (EU) 2020/1782 of the European Parliament and of the Council of 25 November 2020 amending Decision No 573/2014/EU on enhanced cooperation between Public Employment Services (PES)
134. Commission Implementing Decision (EU) 2020/2124 of 9 December 2020 not granting a Union authorisation for the biocidal product family 'Contec Hydrogen Peroxide'

135. Commission Decision (EU) 2020/2166 of 17 December 2020 on the determination of the Member States' auction shares during the period 2021-2030 of the EU Emissions Trading System
136. Commission Implementing Decision (EU) 2020/2239 of 23 December 2020 concerning the extension of the action taken by the United Kingdom Health and Safety Executive permitting the making available on the market and use of hand disinfection products following the WHO-recommended Formulation 2 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council