

REPORT SIX: January 2026

EU Law Tracker

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

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EUROPEAN UNION LAW TRACKER

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

Report No. 6 – January 2026

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EXECUTIVE SUMMARY

EU Law Tracker Research Purpose

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

These EU Law Tracker reports – and the detailed EU Law Tracker set out in Annex 1 – are designed to serve as a reference tool for parliamentarians, officials, stakeholders, and the wider public, seeking to better understand the SG alignment commitment as well as its effects on law and policy development in Scotland. In this respect, the information and analysis contained in this issue of the EU Law Tracker complements the Constitution *et al* Committees' previous inquiry into the UK-EU Trade and Cooperation Agreement which [found](#) that: "While the Scottish Government has a policy commitment to align with EU law where appropriate, the impact this has had on businesses, including the extent to which it has facilitated improved trade with the EU, without such agreements with the EU in place, is unclear". This report is also intended to be read in the context of [responses](#) to evidence gathered (in December 2024) by the Constitution *et al* Committee into the effects of the Scottish Government's Policy to Align with EU Law on stakeholders as well as the SG Annual Report on the use of the European Union (Continuity) (Scotland) Act 2021 'keeping pace' powers which is the second to fully implement a revised approach [intended](#) to "better record and share information regarding the implementation of alignment decisions".

Research Period: This EU Law Tracker documents changes and developments that have taken place between the beginning of July 2025 and the end of January 2026.

Account of Legislative Changes in this EU Law Tracker

EU Law Changes

- Of the roughly 250 EU acts that, pre-Brexit, were fully or partially in SG competence, 41 have been repealed, but not all of these have been directly replaced.
- According to this analysis at least 234 secondary EU acts (such as regulations, directives, decisions) are in scope of the SG alignment commitment.
- As part of the normal processes of EU law-making, tertiary (implementing or delegated) acts are frequently adopted which make detailed provisions for the implementation of secondary EU acts.
- Between January 2021 and January 2026 approximately 1588 acts of tertiary EU law have been adopted in relation to EU acts that are in scope of the SG alignment commitment. By definition these tertiary laws make technical or operational provisions for the implementation of the relevant 'parent' act so changes on this level do not tend to alter policy trajectories. On occasion, however, EU tertiary law changes may make changes that result in divergence of technical standards or operational processes that are relevant for Scotland and the SG alignment commitment.
- In the period covered by this EU Law Tracker Report, the EU adopted at least 5 new EU acts that are or may be in scope of the SG alignment commitment.
- Approximately 35 of the EU acts and initiatives set out in the European Commission Work Programme 2026 are potentially in scope of the SG alignment commitment.

Scots Law / UK Law Changes

- None of the 7 acts of primary law passed in Scotland during the reporting period are considered to be directly relevant to the SG alignment commitment.

- Of the 95 relevant statutory instruments passed for Scotland during the research period, at least 15 were identified by this research to be (directly or indirectly) relevant to the SG alignment commitment; most of these implement provisions that align with relevant EU law changes, but some introduce changes that diverge from EU law.
- A small number of examples of new or proposed new acts of UK-wide (or GB-wide) primary law as well as statutory instruments featured in this report, implement changes that diverge from EU laws; none of the primary acts are considered by the SG to be detrimental to its alignment commitment.

Key Messages from this EU Law Tracker

- The potential for divergence between Scots law and EU law increases over time as the two legal orders and regulatory regimes continue to develop separately after Brexit.
- This report contains more examples of actual and new potential instances of divergence between the two parties as a result of legislative changes in both the EU and UK than earlier issues of the EU Law Tracker; this is to be expected.
- Five EU acts were adopted during the research period which are or may be in scope of the SG alignment commitment.
- The EU acts adopted during the research period for this EU Law Tracker Report add to the growing number of recent EU acts (adopted since 2024) which are in scope of the SG alignment commitment. Some of these have been identified by the SG for alignment or to be considered for alignment but no specific legislative provisions have been made in Scotland.
- Of the proposals for new EU acts and initiatives outlined in the European Commission Work Programme 2026, approximately 35 are likely to be in scope of the SG alignment commitment.
- Assessing the exact degree of divergence vis-à-vis alignment depends on how this is defined and understood.
 - This edition of the EU Law Tracker identifies examples of **legislative divergence** between EU law and Scots law; these result from both EU initiated and UK/Scottish initiated changes.

EU Initiated:

- The adoption of new EU laws that are or may be in scope of the SG alignment commitment.
- The evolution of secondary EU laws (i.e., regulations, directives, decisions) via tertiary EU law (i.e., implementing and delegated acts) that are in scope of the SG alignment commitment.

UK/Scottish Initiated:

- The making of statutory instruments and Scottish statutory instruments that make changes in assimilated laws and which diverge from EU rules.
- The adoption or proposal of new acts of primary UK law that make provisions that diverge from those that apply in the EU.

- This edition of the EU Law Tracker also identifies examples of **policy alignment** between EU law and Scots law; these are generally the result of changes initiated in Scotland, including via:
 - The making of Scottish statutory instruments that give effect to standards and/or approaches that are 'shared' with the EU.
- In response to concerns of the CEEAC Committee regarding transparency of decision-making on the EU alignment policy, the SG committed to increase the volume and detail of the information it was providing to the Scottish Parliament on the matter. This issue of the EU Law Tracker report reiterates the value of the significantly extended levels of reporting on the policy to align on the part of the SG. It also identifies improvements in the consistency and quality of SG reporting on Scottish legislative initiatives in line with the SG agreement with the Scottish Parliament on information sharing related to the EU alignment policy.¹
- The latest SG reports which accompany the draft Annual Report on the Continuity Act (covering Sept 2024 to Aug 2025) reflects the revised and detailed approach to reporting on SG use of the Continuity Act powers, and on the policy to align with EU law more broadly. The quality of information provided in these SG Reports continues to improve and offers the most comprehensive and official account of alignment/divergence with EU law produced by any UK based government or department. In this respect the SG revised approach to reporting continues to support transparency, aid legal clarity and assist legislative scrutiny.
- A UK-EU Summit in May 2025 resulted in an agreement for new and closer relations between the two parties. While much of the detail of this new UK-EU 'Common Understanding' are yet to be finalised, the commitments to agree an SPS Agreement and to link Emissions Trading Schemes (ETS) are set to involve dynamic regulatory alignment for the whole of the UK with a specified selection of EU laws. This will make the SG alignment commitment easier to uphold in relevant areas.
- Although the legal texts (expected by 2027)² are still to be finalised, the scope of EU law to which the UK is likely to dynamically align with under the UK-EU SPS Agreement and UK-EU ETS Agreement will be more narrow than the scope of EU law currently covered by the SG alignment commitment. The coming UK-EU Agreements can therefore be expected to establish dynamic regulatory alignment in some areas of policy currently covered by the SG alignment commitment but not all. This raises a question for the Scottish Government regarding its approach to alignment after (and presuming) the conclusion of the new UK-EU agreements, in particular in policy areas not covered by any new UK-wide dynamic regulatory alignment obligations.
- The domestic implementation of any new UK-wide agreement(s) with the EU also raises questions regarding arrangements for scrutiny. Implementing any commitment to UK-wide dynamic regulatory alignment with aspects of EU law may result in centralisation of

¹ 'Statement of Policy by the Scottish Ministers in Exercise of the Power in Section 1 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021' (2022, May 10) *parliament.scot* Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2022/eu-alignment.pdf> (Accessed 12 February 2025)

² Nick Thomas-Symonds (2025, August 27) 'Speech on the UK's Future Relationship with the European Union' Available: <https://www.gov.uk/government/speeches/speech-on-the-uks-future-relationship-with-the-european-union> (Accessed 31 August 2025)

relevant policy areas, even if these are devolved. On this, there are two main areas for the Scottish Parliament to consider:

- Arrangements for the scrutiny of domestic **legislation to give effect** to the anticipated UK-EU Agreements and the role (or lack thereof) of devolved legislatures.
- Arrangements for the scrutiny of subsequent **legislation required to comply** with the new obligations for dynamic regulatory alignment of the UK with the EU in areas of policy covered by the UK-EU Agreements and the role (or lack thereof) of devolved legislatures.
- Unless existing scrutiny processes are reviewed and/or new scrutiny processes are developed, opportunities for the Scottish Parliament to scrutinise the implementation of the anticipated UK-EU SPS Agreement and UK-EU ETS Agreement (or the development of related legislation) are likely to be diminished once these UK-EU Agreements come into effect. Because of the overlap between policy areas currently in scope of the SG alignment commitment with those expected to be in scope of the coming UK-EU Agreements, the ability of the Scottish Parliament to scrutinise the implementation of the SG alignment commitment will likely also be impacted, unless new arrangements for scrutiny are made. The Committee may wish to highlight this issue in its legacy paper
- Once the legal texts of the new UK-EU Agreements are finalised and published, it will be possible to accurately map the interaction, in EU law terms, between the SG alignment commitment and any UK-wide dynamic regulatory alignment obligations. Based on an indicative analysis in this report, of the 12 areas of policy covered in the detailed EU Law Tracker, 4 are likely to be covered by a future UK-EU SPS Agreement, 2 are likely to be partially covered and 6 are unlikely to be covered at all.
- Although it is not yet clear what role devolved legislatures generally and the Scottish Parliament in particular will have in the scrutiny of domestic legislation to give effect to or comply with the new UK-EU Agreements, the CEEAC Committee may wish to seek an update from the Scottish Government on its plans regarding the implementation of new UK-EU Agreements once finalised including scrutiny arrangements. The Committee may wish to highlight this issue in its legacy paper
- At present the regulation-making powers under section 1(1) of the 2021 Continuity Act are set to expire in March 2027. These could be extended until 2031 if regulations to that end are passed by affirmative procedure. A decision to do so would need to be taken by Scottish Ministers and the Scottish Parliament following devolved elections in May 2026. The Committee may wish to highlight this issue in its legacy paper

Recommendations for the Constitution *et al* and Subject Committees

- Where case studies included in this EU Law Tracker report or in previous issues have highlighted examples of EU laws and initiatives that have been identified as 'yes' for alignment, Subject Committees may wish to seek further information or updates from the Scottish Government. Such initiatives could include:
 - The Local Government, Housing and Planning Committee may wish to seek further information from the SG regarding its intention to align with the EU Proposal on **Short-Term Accommodation Rentals** – identified as 'yes' for alignment in the latest 2025 SG Annual Reports.

- The Report States: "In summary, the EU registration scheme operates in a broadly similar way to our own licensing scheme making for a similar standard. Key difference [sic] being the amount of personal information asked is higher in our scheme."³
 - The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its view of the EU **Net-Zero Industry Act** Regulation (EU) 2024/1735 – identified as 'yes' for alignment in the latest 2025 Annual Reports.
 - The Report States: "This directive broadly aligns with the Scottish Governments Green Industrial Strategy."⁴
 - The Equalities, Human Rights and Civil Justice Committee may wish to seek further information from the SG regarding its view of the EU **Disability and Parking Cards Directive** (EU) 2024/2841 – identified as 'yes' for alignment in the latest 2025 SG Annual Reports.
 - The Report States: "This directive falls under the Equality Act 2010, which is reserved to the UK Government. Nevertheless, in Scotland we are committed to ensuring that the policies that we create within the Scottish Government follow the social model of disability, where the overarching aim is to dismantle barriers to ensure that disabled people flourish within society."⁵
- In view of EU laws adopted in 2024 and identified by the Scottish Government as 'under consideration' or 'for future consideration' for alignment, Subject Committees may wish to seek an update from the Scottish Government on their deliberations regarding alignment with the following:
 - The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its consideration of Directive (EU) 2024/884 of the European Parliament and of the Council of 13 March 2024 amending Directive 2012/19/EU on **waste electrical and electronic equipment** (WEEE) – previously identified as 'under consideration' and now identified as 'for future consideration' for alignment by the SG.
 - The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on **nature restoration** and amending Regulation (EU) 2022/869 – previously identified as 'yes' and now identified as 'under consideration' for alignment by the SG.
 - The Economy and Fair Work Committee may wish to seek an update from the SG regarding its consideration of Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the **marketing of construction products** and repealing Regulation (EU) No 305/2011 – identified as 'under consideration' for alignment by the SG.
 - The Justice Committee may wish to seek an update from the SG regarding its consideration of Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on **preventing and combating trafficking in human beings** and protecting its victims – identified as 'under consideration' for alignment by the SG.
 - The Health, Social Care and Sport Committee may wish to seek an update from the SG regarding the Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on **standards of quality and safety for substances of human origin** intended for human application and repealing Directives 2002/98/EC and 2004/23/EC – previously identified as 'yes' and now identified as 'under consideration' for alignment by the SG.
 - The Net Zero, Energy and Transport Committee may wish to seek an update from the SG on Directive (EU) 2024/3019 concerning **urban wastewater treatment** (recast) - identified as 'under consideration' for alignment by the SG.
 - The Economy and Fair Work Committee may wish to seek the SG view on the new EU act in respect to Directive (EU) 2024/2847 on **horizontal cybersecurity requirements for products**

³ SG draft Annual Report 2025: p.38

⁴ SG draft Annual Report 2025: p.39

⁵ SG draft Annual Report 2025: p.39

- with digital elements** (the 'Cyber Resilience Act') – identified as 'under consideration' for alignment by the SG.
- The Rural Affairs and Islands Committee may wish to seek the SG view on the new EU act in respect to Regulation (EU) 2024/3115 on **multiannual survey programmes**, notifications concerning the presence of regulated **non-quarantine pests**, temporary derogations from import prohibitions and special import requirements for **high-risk plants, plant products** and other objects, the establishment of procedures for the listing of high-risk plants, the content of phytosanitary certificates and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests – identified as 'under consideration' for alignment by the SG.
 - The Net Zero, Energy and Transport Committee may wish to seek the SG view on the new EU act in respect to Regulation (EU) 2024/2881 on **ambient air quality** and cleaner air for Europe (recast) – identified as 'under consideration' for alignment by the SG.
- In view of new EU laws adopted during the research period covered by this EU Law Tracker, Subject Committees may wish to seek an update from the Scottish Government in relation to specific new acts. Such initiatives may include:
- - The Net Zero, Energy and Transport Committee may wish to seek a view from the SG regarding Directive (EU) 2025/1892 that amends Directive 2008/98/EC and addresses **textile waste** – identified as 'for future consideration' in the latest SG Annual Reports.
 - The Rural Affairs and Islands Committee may wish to seek an update from the SG regarding the **Soil Monitoring Law** ((Directive (EU) 2025/2360) – identified as 'under consideration' in the latest SG Annual Reports.
 - The Net Zero, Energy and Transport Committee may wish to seek a view from the SG regarding the **Microplastics Regulation** ((EU) 2025/2365)) – identified as 'under consideration' in the latest SG Annual Reports.
 - The Net Zero, Energy and Transport Committee may wish to seek a view from the SG regarding its consideration of Regulation (EU) 2025/2455 on establishing an **EU Chemicals Data Platform** – identified as 'for future consideration' in the latest SG Annual Reports.
 - The Justice Committee may wish to seek a view from the SG regarding Regulation (EU) 2025/2611 on **Europol's powers to prevent and combat migrant smuggling and human trafficking** and whether it contains provisions that advance standards relevant to the alignment commitment.

Examples of potentially relevant EU proposals for 2026 include:

- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 1272/2008, (EC) No 1223/2009 and (EU) 2019/1009 as regards simplification of certain requirements and procedures for chemical products – No specific statement is provided in the latest SG Annual Reports.
- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Chemicals Agency and amending Regulations (EC) No 1907/2006, (EU) No 528/2012, (EU) No 649/2012 and (EU) 2019/1021 – No specific statement is provided in the latest SG Annual Reports.
- Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC as regards the extension of the period in which zero-emission heavy-duty vehicles can benefit from significantly reduced rates of infrastructure or user charges or from exemptions to pay them – Identified as 'for future consideration' in the latest SG Annual Reports.
- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 765/2008, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/1230, (EU) 2023/1542 and (EU) 2024/1781 as regards digitalisation and common specifications – Identified as 'for future consideration' in the latest SG Annual Reports.

- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005 – Identified as ‘under consideration’ in the latest SG Annual Reports.
 - Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on circularity requirements for vehicle design and on management of end-of-life vehicles, amending Regulations (EU) 2018/858 and 2019/1020 and repealing Directives 2000/53/EC and 2005/64/EC – Identified as ‘for future consideration’ in the latest SG Annual Reports.
 - Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material) – Identified as ‘for future consideration’ in latest SG Annual Reports.
 - Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO2 emission class of heavy-duty vehicles with trailers – Identified as ‘for future consideration’ in latest SG Annual Reports.
 - Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substantiation and communication of explicit environmental claims (Green Claims Directive) – Identified as ‘for future consideration’ in latest SG Annual Reports.
 - Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse – Identified as ‘for future consideration’ in latest SG Annual Reports.
 - 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 – Identified as ‘under consideration’ in latest SG Annual Reports.
 - Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on plants obtained by certain new genomic techniques and their food and feed and amending Regulation (EU) 2017/625 – Identified as ‘for future consideration’ in latest SG Annual Reports.
 - Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA – Identified as ‘under consideration’ in latest SG Annual Reports.
- In some instances it may be that the Scottish Government are waiting for clarification on the scope, in EU law terms, of the anticipated requirement for UK-wide dynamic regulatory alignment as a result of UK-EU SPS and ETS agreements prior to making specific legislative provisions for alignment in Scotland. Notably, however, most of the examples noted above are unlikely to be in scope of a UK-EU SPS or ETS Agreement.

1. INTRODUCTION

1.1 Research Purpose

This report is the sixth in a series of EU Law Tracker Reports commissioned by the Scottish Parliament Constitution, Europe, External Affairs and Culture Committee to support scrutiny by parliamentary committees of 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.⁶

The purpose of the EU Law Tracker Reports, and the research that underpins them, is to provide ongoing analysis of EU law and policy developments in areas that were (pre-Brexit) or would be (but for Brexit) devolved to Scotland and are therefore potentially in scope of the SG alignment commitment. The content of these Reports draws on and progresses an initial research project for the Constitution, Europe, External Affairs and Culture Committee' that set a baseline for the possible scope and implications of the SG alignment commitment in EU law terms.⁷ Building on the baseline research, this sixth EU Law Tracker report presents analysis of developments in EU legislation that are relevant to the SG alignment commitment and which have taken place since the fifth EU Law Tracker report was published; this report therefore covers developments between the start of July 2025 and the end of January 2026. As the Report sets out (see Section 2) to get a comprehensive picture of the extent and nature of the implementation of the SG alignment commitment, it is necessary to not only track EU law developments but also Scots law and relevant UK law developments. For this reason, this Report also reviews and discusses changes in the domestic setting that are or may be relevant to the alignment commitment. Given its commissioned scope however this research is primarily focused on the evolution of EU law, those sections on domestic law changes ought to therefore be read as indicative rather than necessarily exhaustive.

The Report content is underpinned by systematic tracking of developments of relevant EU law instruments (listed in Annex 1), draft/new EU law instruments (listed in Annex 2) and Scottish law instruments and UK law instruments (see Section 2). Much of the presentation of findings is, however, 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 have occurred, which are relevant to the SG alignment commitment, and how these can interact with Scots/UK law developments across a range of different settings. A full record of developments in (established/proposed) EU law instruments relevant to the SG alignment commitment is included in the Report Annexes.

⁶ See The Scottish Parliament (2023) 'EU Law Tracker: Report One' *parliament.scot* Available: <https://www.parliament.scot-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/law-tracker-eu.pdf> (Accessed 11 September 2024) and The Scottish Parliament (2024) 'EU Law Tracker: Report Two' *parliament.scot* Available: <https://www.parliament.scot-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eulawtrackerreport-2.pdf> (Accessed 11 September 2024)

⁷ Whitten, L. C. (2022) 'Alignment with European Union Law: A Report for the Constitution, Europe, External Affairs and Culture Committee' *parliament.scot* Available: <https://www.parliament.scot-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/research-by-dr-whitten-on-alignment-with-eu-law.pdf> (Accessed 11 September 2024)

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 Scottish Government indicated that “where appropriate” Scots Law would “keep up with future developments in EU law” either through new legislative initiatives or by making changes in EU-derived laws that continue to operate in Scotland which correspond to those being made at EU level.⁸

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 new act of EU law. Alternatively, secondary legislation could be made in Scotland to give effect to the stated policy of EU alignment, where powers exist to do so.

Alongside the potential for normal legislative processes to be used in pursuit of alignment with EU law and policy in Scotland, specific provisions were made in the *UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021* (hereafter the ‘EU Continuity Act 2021’ or ‘2021 Act’) to empower Scottish Ministers to give effect to the stated policy to stay aligned with EU law where appropriate.⁹ While this report provides a high-level overview of all relevant developments in EU law as well as in Scots Law and (as appropriate) in wider UK law, in setting out the legal context, the following subsections focus in particular on the EU Continuity Act 2021.

1.2.1 The Continuity Act and Keeping Pace Powers

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

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

⁸ 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](https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/pages/9/) Available: <https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/pages/9/> (Accessed 11 Sept 2024).

⁹ UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 asp 4 Available: <https://www.legislation.gov.uk/asp/2021/4/contents> (Accessed 11 Sept 2024)

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

Although potentially wide-ranging in terms of policy scope, section 1(1) powers are time limited. Under section 4 of the 2021 Act, the ‘keeping pace’ powers are due to expire on 29 March 2027 so just over seven years after UK withdrawal from the EU and six years after the Transition Period ended. Importantly, this means that section 1(1) powers are due to end during the next session of the Scottish Parliament following devolved elections in May 2026. The relevant period could however be extended up to 29 March 2031 if regulations to this effect are passed in the Scottish Parliament by affirmative procedure, such a decision would need to be taken by the newly elected parliament post-May 2026. If the Scottish Government wanted to further extend these powers to give effect to their EU law alignment commitment after 2031, new primary legislation would be necessary.

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

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

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

Notwithstanding the importance of the purposive lens provided by section 2(1) of the EU Continuity Act 2021 for the exercise of ‘keeping pace’ powers granted under its section 1(1), the potential scope of these powers also goes beyond the five areas named – this fact is demonstrated in both the policy case studies (section 3) and the full record of relevant EU law changes (Annex 1).

1.2.2 Scottish Government Reporting Commitments

Under section 10 of the EU Continuity Act 2021 the Scottish Government are 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, five such reports have been published; the first two reports stated that Scottish Ministers did not make use of the section 1(1) powers during the relevant reporting period, while the third report detailed Scottish Ministers’ use of section 1(1) powers on one occasion, to keep pace with EU law changes related to the quality of water for human consumption (see section 2.2.1). The fourth SG Continuity Act Annual Report stated that the Scottish Ministers did not make use of the section 1(1) powers but intended to do so in relation to two regulations to be passed in the upcoming reporting period (see section 2.2.1). The fifth SG Continuity Act Annual Report detailed one use of the section 1(1) powers – to ensure that regulations concerning Masterplan Consent Area schemes kept pace with the requirements of EU law regarding Environmental Impact Assessments (EIA) – one consideration of use of the section 1(1) powers – in relation to EIA in town and country planning regulations – and one intended future use of section 1(1) powers in the upcoming period – in relation to energy performance of buildings regulations (see section 2.2.1 for detail).

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

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

The Constitution *et al* Committee subsequently welcomed the “significantly extended levels of reporting on the policy to align” from the Scottish Government. Similar to previous reports in the series, this EU Law Tracker report incorporates analysis of relevant information published by the Scottish Government on its alignment policy, including that provided according to the new approach which has been implemented since September 2023. Examples in this sixth edition of the EU Law Tracker draw in particular on the fifth (draft) SG Continuity Act Annual Report, and accompanying SG reports published in October 2025, as this provides the most up to date information regarding the SG view on relevant EU law changes; where appropriate reference is however also made in particular to the fourth SG Continuity Act Annual Report and accompanying reports which were the first to fully reflect the revised approach to reporting.

1.3 Commitment to Alignment in EU Law Terms

A good starting point for mapping the policy scope of the Scottish Government’s alignment commitment is to consider any EU law instruments that were fully or partially within devolved competence in Scotland prior to the UK’s withdrawal from the EU. In doing so this section draws

on the Baseline Research Report (see section 1.1) which found that, on 31 December 2020, at least 243 instruments of EU law were potentially within the scope of the Scottish Government's alignment commitment.¹⁰ 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 were fully in Scottish Government competence and responsibility for 115 was 'mixed' between the UK government and devolved government in Scotland.

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

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
		115	128
Total	243*		

*As of 31st December 2020, for changes since see Annex I.

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

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

¹⁰ 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 (Accessed 11 Sept 2024).

directives, decisions, recommendations, and opinions – each of these has a different standing and different procedures associated with their development or amendment, these are summarised in Table 2.

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

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

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

A grounding in the different types of EU legislation and the way they interact is the essential backdrop against which to assess how the Scottish Government’s alignment commitment operates in practice. In this regard, the relationship between secondary and tertiary EU legislation is particularly pertinent. When the UK was an EU Member State, changes via tertiary EU law to secondary EU law applied in the UK automatically. Amendments of this nature are made very often in the course of ordinary EU legislative procedures. To demonstrate, in 2024, the EU passed 1333 implementing or delegated acts of tertiary EU law.¹¹ Changes brought in via tertiary law acts are generally technical or procedural and they are always within the scope of the objectives of the ‘parent’ act of secondary law, nonetheless sometimes EU implementing law changes are substantive in policy terms and, as indicated in the examples included in this EU Law Tracker report (see Section 3), many are also relevant to the Scottish Government alignment commitment.

1.4 Report Structure

The rest of this report is structured as follows.

¹¹ Includes basic and amending delegated acts as well as basic and amending implementing acts. For detail see ‘Legal acts – statistics’ section on EUR-Lex (2026) ‘Legal acts – statistics’ eur-lex.europa.eu Available: <https://eur-lex.europa.eu/statistics/2024/legislative-acts-statistics.html> (Accessed 10 January 2026)

Section Two provides a high-level overview of the immediate policy context against which the assessment of the exercise of the Scottish Government's alignment commitment that follows ought to be understood. To this end Section Two provides a summary of the 2025 European Commission Work Programme and highlights developments in the EU legislative programme that have taken place since the publication of the last EU Tracker Report. Additionally, Section Two also provides a summary of the outcome of the EU-UK summit held in May 2025 and what the agreement between the two parties on a new 'Common Approach' to their relations might mean for the alignment commitment and its implementation. This is followed by an overview of relevant developments in Scottish Law including an account of Annual Reports made under section 10(1) of the 2021 Act regarding any Scottish Government use or consideration of use of its keeping pace power. Finally, UK-wide developments that are or could be relevant to the alignment commitment are noted and discussed.¹²

Section Three 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 between July 2025 and January 2026. The case studies are organised thematically according to the areas of policy impacted, including those five listed in section 2(1) of the EU Continuity Act 2021 to which any exercise of the keeping pace powers on the part of Ministers ought to have 'due regard'.

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

¹² *Retained EU Law (Revocation and Reform) Act 2023* c. 28. Available: <https://www.legislation.gov.uk/ukpga/2023/28/enacted> (accessed 11 January 2026)

2. CONTEXT

2.1 Summary of European Union Developments

2.1.1 *Summary of European Commission Work Programme 2026*

The European Commission Work Programme 2026 was published in October 2025.¹³ Based on a cross-reading of the ECWP for 2026 with those EU laws which were pre-Brexit within Scottish competence, either in whole or in part, the proposals which are relevant to the Scottish Government's alignment commitment are detailed in Annex 2 of this Report. Annex 2 also provides an updated overview of proposals from the ECWP 2025¹⁴ which were identified in the previous EU Law Tracker Report to be potentially relevant to the SG alignment commitment.

Analysis of the ECWP suggests that at least: 18 of the New Initiatives (listed in Annex I of the ECWP); 4 of the planned Evaluations and Fitness Checks (listed in Annex II of the ECWP); and 13 of the Pending Priority Proposals for new EU laws (listed in Annex III of the ECWP) would replace or make substantial revisions in areas of policy that are likely to be in scope of the SG alignment commitment. This assessment is based on a cross-reading of EU laws and initiatives highlighted in the ECWP for amendment or replacement and those EU laws previously in devolved competence in Scotland during the UK's EU membership. These figures are therefore conservative in that they may exclude some new EU initiatives that do not directly amend or replace previous EU laws, but which (but for Brexit) could be within SG powers had the UK remained an EU member state.

Examples of proposed new EU law instruments likely to be in scope of the SG alignment commitment are included in the EU Law Tracker (see section 3.3) case studies set out in the third section of this report. A detailed record of EU proposals identified as relevant for the alignment commitment in both ECWP 2025 and ECWP 2026 is provided in Annex 2 of this report.

2.1.2 *Summary of UK-EU Summit in May 2025 and Implications*

On 19 May 2025 the first [UK-EU summit](#) since the UK's withdrawal from the EU took place in London. Together, UK Prime Minister Kier Starmer, European Commission President Ursula von der Leyen and European Council President António Costas, announced agreement of a new Strategic Partnership between the UK and EU, a new EU-UK Security and Defence Partnership and, in this context, welcomed the conclusion of a renewed agenda for EU-UK cooperation based on an agreed 'Common Understanding'. What was agreed at the UK-EU Summit is set out in three documents:

- [UK-EU Joint Statement](#)
- [UK-EU Security and Defence Partnership](#)
- [Common Understanding on a renewed agenda for EU-UK Cooperation](#)

¹³ https://commission.europa.eu/document/download/05d3777d-5d73-456d-bf56-38caa77d53c8_en?filename=2025-CWP_0.pdf

¹⁴ https://commission.europa.eu/strategy-and-policy/strategy-documents/commission-work-programme/commission-work-programme-2025_en

In substance, and for the SG alignment commitment, the new UK-EU Common Understanding is the most significant of the three outcome documents. It sets out a range of commitments and affirmations under a series of headings and subheadings:

II Security, Defence and Development Cooperation
<i>Security and defence</i>
<i>Cooperation on maritime security and safety</i>
<i>Development and disaster cooperation</i>
<i>Health Security</i>
III Putting people at the centre of the EU-UK relationship
IV Strengthening our economies while protecting our planet and its resources
<i>Energy Cooperation</i>
<i>New Technologies</i>
<i>Sanitary and Phytosanitary Area</i>
<i>Linking UK-EU Emission Trading Systems</i>
<i>Provision of services through entry and temporary stay of natural persons for business purposes</i>
<i>Competition Cooperation</i>
V Internal Security and Judicial Cooperation
<i>Reinforced law enforcement and judicial cooperation in criminal matters</i>
<i>Judicial cooperation in civil and commercial matters</i>
<i>Cooperation in relation to drugs risks and threats</i>
VI Irregular Migration
<i>Upstream Migration</i>
<i>Working together on practical solutions and returns</i>
<i>Bolstering UK and EU border security through law enforcement cooperation</i>
<i>Addressing challenges and abuses of visa policy</i>

The Common Understanding is a political agreement setting out the shared aims and aspirations of the UK and EU, it is not therefore legally binding, nor does it contain substantive legal detail on the manner in which those aims and aspirations will be implemented. For this reason, it is not possible yet to determine its exact implications for the SG alignment commitment in terms of what EU laws the whole of the UK will align with that are currently in scope of the SG alignment commitment, presuming the UK-EU political commitments are given legal effect. Notwithstanding the contingency on legal details still to come, the two areas that are likely to have a significant impact on the SG alignment commitment are the planned EU-UK SPS Agreement and the planned linking of the EU-UK Emissions Trading Schemes because the UK is committed to 'dynamic alignment' to EU rules in their respective scope.

In respect to the SPS Agreement the UK has agreed to "ensure the application of the same rules at all times by providing for timely dynamic alignment of the rules applicable to and in the United Kingdom in respect of Great Britain with all relevant European Union rules" – those EU laws likely to be covered by the SPS Agreement are very likely to overlap with some EU laws currently in scope of the SG alignment commitment. Similarly, in respect to the EU-UK Emissions Trading Scheme link, the UK has agreed to "ensure the dynamic alignment of the United Kingdom with the relevant European Union rules underpinning the functioning of the ETS link" – again some of those EU laws likely to be covered by EU-UK ETS linkage are likely to be in scope of the SG alignment commitment.

Based on recent statements, the UK and EU are expected to finalise an SPS Agreement and ETS Agreement by 2027.¹⁵ Once formal legal agreements are reached and related texts published it will be possible to more accurately assess the implications for the SG alignment commitment by mapping the scope, in EU law terms, of any new UK-wide arrangement for dynamic regulatory alignment with the scope, in EU law terms, of the SG alignment commitment (see section 1.3 and Annex 1).

2.1.3 Summary of EU Law Developments

In the period covered by this EU Law Tracker, several acts of secondary EU law were adopted that are or may be in scope of the SG alignment commitment. The table below provides a summary of those EU acts adopted during the reporting period – July 2025 to January 2026 – which explicitly replace and/or amend existing EU acts that are in scope of the SG alignment commitment, or which have been identified by the Scottish Government as currently under or for future consideration.

Table 3: Potentially Relevant EU Laws Adopted July 2025 to January 2026

New EU Act	Adopted	Amending or Replacing	Scottish Government Annual Report Statement ¹⁶ (where applicable)
Directive (EU) 2025/1892 of the European Parliament and of the Council of 10 September 2025 amending Directive 2008/98/EC on waste ¹⁷	Sept 2025	Directive 2008/98/EC	For Future Consideration
Regulation (EU) 2025/2365 of the European Parliament and of the Council of 12 November 2025 on preventing plastic pellet losses to reduce microplastic pollution ¹⁸	Nov 2025	N/A	Under Consideration
Directive (EU) 2025/2360 of the European Parliament and of the Council of 12 November 2025 on soil monitoring and resilience (Soil Monitoring Law) ¹⁹	Nov 2025	N/A	Under Consideration
Regulation (EU) 2025/2455 of the European Parliament and of the Council of 26 November 2025 establishing a common data platform on chemicals, laying down rules to ensure that the data contained in it are findable, accessible, interoperable and reusable and establishing a monitoring and outlook framework for chemicals ²⁰	Nov 2025	Regulation (EC) No 1907/2006	For Future Consideration
Regulation (EU) 2025/2611 of the European Parliament and of the Council	Dec 2025	Regulation (EU) 2016/794	No Specific Mention ²¹

¹⁵ Nick Thomas-Symonds (2025, August 27) 'Speech on the UK's Future Relationship with the European Union' Available: <https://www.gov.uk/government/speeches/speech-on-the-uks-future-relationship-with-the-european-union> (Accessed 31 August 2025)

¹⁶ SG Draft Annual Report (2025, October 31) Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2025/eu-alignment--reports-inc-draft-continuity-act-report.pdf>

¹⁷ <https://eur-lex.europa.eu/eli/dir/2025/1892/oj/eng>

¹⁸ <https://eur-lex.europa.eu/eli/reg/2025/2365/oj/eng>

¹⁹ <https://eur-lex.europa.eu/eli/dir/2025/2360/oj/eng>

²⁰ <https://eur-lex.europa.eu/eli/reg/2025/2455/oj/eng>

²¹ In relation to the related Directive (EU) 2024/1712 on preventing and combating trafficking in human beings which is 'under consideration' by the SG, the latest annual report states that: "Elements that fall fully or partly within devolved powers of Scottish Parliament are being reviewed. Where alignment will advance standards in Scotland, we will ensure that we address evolving trends in the area of trafficking." (see 'Response to CEEAC EU Law Tracker').

of 16 December 2025 amending Regulation (EU) 2016/794 as regards the strengthening of Europol's support and enhancing police cooperation, for preventing and combating migrant smuggling and trafficking in human beings			
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In view of these new EU acts being adopted, relevant Scottish Parliament Committees may wish to seek updates from the Scottish Government.

- The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its consideration of Directive (EU) 2025/1892 that amends Directive 2008/98/EC and addresses textile waste.
- The Net Zero, Energy and Transport Committee may wish to seek a view from the SG regarding its consideration of alignment with Microplastics Regulation ((EU) 2025/2365)).
- The Rural Affairs and Islands Committee may wish to seek an update from the SG regarding its consideration of alignment with the Soil Monitoring Law ((Directive (EU) 2025/2360)).
- The Net Zero, Energy and Transport Committee may wish to seek a view from the SG regarding its consideration of Regulation (EU) 2025/2455 on establishing an EU Chemicals Data Platform and its relevance or otherwise for alignment in the context of UK REACH.
- The Justice Committee may wish to seek a view from the SG regarding Regulation (EU) 2025/2611 on Europol's powers to prevent and combat migrant smuggling and human trafficking and whether it contains provisions that advance standards relevant to the alignment commitment.

2.2 Summary of Scottish Law Developments

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

In response to initial concerns expressed by the Constitution *et al* Committee about the level of information provided regarding Scottish Ministers' decision-making processes on EU alignment, the Scottish Government committed to provide more detailed information and to publish this alongside the annual reports already required under the 2021 Act. The Constitution *et al* Committee subsequently welcomed the "significantly extended levels of reporting on the policy to align" from the Scottish Government.

The next subsection incorporates analysis of relevant information published by the Scottish Government on its alignment policy, including that provided according to the new approach which has been fully implemented since September 2023. The most recent SG Annual Report (for 2024/2025) was published in draft form in October 2025; the next subsection considers its contents in detail.²²

²² Scottish Government (2025, August 28)'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 2023 – 31 August 2024 and the Intended Future

2.2.1 Developments Explicitly Related to the Alignment Commitment

Since the EU Continuity Act 2021 became law, the Scottish Government have published four 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 2022.²³ This first Annual Report stated that the section 1(1) keeping pace power had not been used during the reporting period nor had there been any consideration given to its use during the reporting period; Scottish Ministers, at the time of reporting, had no plans to make use of the power during the upcoming reporting period.

A draft of the second report was published in October 2022 with a final version following in June 2023.²⁴ This second Annual Report stated again that the section 1(1) keeping pace power had not been used during the reporting period, however, consideration had been given to its use in relation to certain measures adopted under the EU Energy Performance and Buildings Directive (see 2018/844/EU) regarding, primarily, the installation of Electric Vehicle (EV) charge points in car parks associated with new and existing buildings. The Scottish Government concluded that “a number of factors …did not support implementation” of the measures “at this time” but resolved to “monitor the growth of EV charging” at specific locations carefully over the next few years with a view to potentially introducing ‘keeping pace’ legislation “at a later date”.²⁵ 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 was included in previous EU Law Tracker reports.²⁶

Use of the Power under section 1(1) in the Upcoming Reporting Period 1 September 2024 – 31 August 2025’ *parliament.scot* Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/continuity-act-report-by-the-scottish-ministers-in-exercise-of-the-power-in-section-1.pdf> (Accessed 3 September 2025)

²³ 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)

²⁴ Scottish Government (2023b) ‘Report by the Scottish Ministers in Exercise of the Power in Section 1(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 for the Reporting Period 1 September 2021 – 31 August 2022 and the intended future use of the power under section 1(1) in the upcoming reporting period 1 September 2022 – 31 August 2023’ 2023, June 28. SG/2023/137. Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2023/annual-report-21-22.pdf> (Accessed 11 Sept 2024)

²⁵ *Ibid.*

²⁶ See EU Law Tracker: Report Two (n.1)

A draft of the third Annual Report was published in October 2023, a final version was published in February 2024.²⁷ This third Annual Report stated that the section 1(1) keeping pace power had been used once during the reporting period (in this case from September 2022 to August 2023) with the introduction of the *Public Water Supplies (Scotland) Amendment Regulations* 2022 which “partially aligns” with the EU Drinking Water Directive 2022/2184 (Recast) on the quality of water for human consumption.²⁸ The third Annual Report states that use of the Continuity Act powers in this instance allowed the Scottish Government to align with drinking water standards set by the World Health Organisation and thereby helped protect against harms to human health caused by per-fluoroalkyl substances (PFAS) and endocrine disrupters as well as, through catchment measures to address erosion and restrictions on artificial pollutants, and helped contribute to environmental protection (as defined in section 2(1) of the 2021 Act).²⁹ Regarding consideration of use of the keeping pace powers, the third Annual Report noted that Scottish Ministers had not considered “any further uses of the Continuity Act as the method by which to align within the reporting period”, however, the SG also provided information setting out its assessment of the relevance or otherwise of the alignment policy to 32 instruments of Scottish secondary legislation passed during the reporting period, and since the “change in information sharing requirements regarding EU alignment between September and October 2023”.³⁰ None of the instruments included in the record of the SG assessment were considered to have direct impact on the alignment policy; regarding one instrument – *The Carer’s Assistance (Carer Support Payment) (Consequential and Miscellaneous Amendments and Transitional Provision) (Scotland) Regulations 2023* – it was noted that “EU regulations on social security coordination” had been “taken into account in the design of these regulations”.³¹ Subsequent Annual Reports will provide similar information – assessment of the relevance of non-Continuity Act Scottish legislation – covering the whole reporting period. Regarding Scottish Ministers’ intention to use the section 1(1) powers in the upcoming reporting period, the third Annual Report outlined a commitment to consult on “proposals for amending *The Town and Country Planning (Scotland) Act 1997* in relation to unauthorised development and the ability to take enforcement action after that time has expired for certain development” – if enacted, this change would be in response to recommendations from the Aarhus Convention Compliance Committee regarding environmental obligations.³²

The third SG Annual Report included an additional section on ‘EU Law Relevant to Devolved Competence or Having a Devolved Impact’ which provided a list of EU legislation, in progress at

²⁷ Scottish Government (2023c) ‘Report by the Scottish Ministers in Exercise of the Power in Section 1(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 for the Reporting Period 1 September 2022 – 31 August 2023 and the intended future use of the power under section 1(1) in the upcoming reporting period 1 September 2023 – 31 August 2024’ 2024, February 6. SG/2024/23 Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eu-alignment--continuity-act--finalised-annual-report-2023--16-jan-24.pdf> (Accessed 11 Sept 2024)

²⁸ The *Public Water Supplies (Scotland) Amendment Regulations 2022* SSI 2022/387. Available: <https://www.legislation.gov.uk/ssi/2022/387/contents/made> (Accessed 11 Sept 2024); for the EU Drinking Water Directive (Recast) see Directive (EU) 2020/2184 in OJ L435, 23.12.2020 p.1-62. Available: <https://eur-lex.europa.eu/eli/dir/2020/2184/oj> (Accessed 11 Sept 2024)

²⁹ Scottish Government (2023c) ‘Report by Scottish Ministers’ (n.12): para. 8
³⁰ *Ibid.* Annex B.

³¹ *Ibid.* See also: ‘Policy Note: The Carer’s Assistance (Carer Support Payment) (Consequential and Miscellaneous Amendments and Transitional Provision) (Scotland) Regulations 2023’ SSI 2023/258. legislation.gov.uk Available: https://www.legislation.gov.uk/ssi/2023/258/pdfs/ssipn_20230258_en_001.pdf (Accessed 12 January 2024).

³² *Ibid.* para. 10-11.

the start of “formalised monitoring in July 2023”, and which the SG view as “potentially within devolved competence or having devolved impact”.³³ The stated purpose of including this section is to assist the CEEAC Committee with its deliberations by giving an understanding of the areas of EU legislation the SG is initially considering in scope – the content of the relevant Annex (C) is not exhaustive. Entries listed as not applicable to the alignment commitment are stated to be “either non legislative or where they are in an early stage and cannot yet be assessed” – on this basis the list and assessments provided by the SG can usefully be considered as a snapshot of the SG’s analysis of the situation at the time of the publication of that Annual Report.³⁴

A draft of the fourth SG Annual Report was published in October 2024, a final version followed in August 2025.³⁵ This fourth Annual Report stated that the section 1(1) keeping pace power had not been used during the reporting period – September 2023 to August 2024 – and that Scottish Ministers had not considered any further uses of the Continuity Act as the method by which to align within the reporting period. Regarding the upcoming reporting period – September 2024 to August 2025 – the Annual Report detailed two planned uses of the section 1(1) keeping pace powers, both concern environmental impact assessment obligations in planning procedure: *The Town and Country Planning (Environmental Impact Assessment) (Scotland) (Amendment) Regulations 2024* and *The Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024* were both named as to be laid under the Continuity Act 2021. In both instances, these new regulations would give effect to statutory requirements that originate from EU Directive 2001/42/EC (the Environmental Impact Assessment Directive) and which previously would have been made under the European Communities Act 1972. The *Masterplan Consent Area Scheme Regulations* were made in December 2024; the *Town and Country Planning Regulations* have not yet been made.³⁶

Reflecting SG’s revised approach to reporting on the alignment commitment, the accompanying reports to the fourth Annual Report provided substantial additional information on the variety of other means by which the alignment policy was implemented during the reporting period. A high-level summary of the relevant sections is as follows.

- Regarding Scottish legislation:
 - Of the 14 acts of primary legislation passed in Scotland
 - 2 align with EU legislation
 - 12 are not relevant to the alignment commitment.
 - Of the 10 LCMs published
 - 3 align with EU legislation
 - 1 does not align with EU legislation
 - 5 are not relevant to the alignment commitment
 - 1 is for future consideration

³³ *Ibid.* Annex C.

³⁴ *Ibid.*

³⁵ ‘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 2023 – 31 August 2024 and the Intended Future Use of the Power Under Section 1(1) in the Upcoming Reporting Period 1 September 2024 – 31 August 2025’ *parliament.scot* Available: <https://www.parliament.scot-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eu-alignment-annual-reports--31-october-2024.pdf> (Accessed 20 January 2025)

³⁶ The Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024 SSI 2024/366 Available: <https://www.legislation.gov.uk/ssi/2024/366/contents/made>

- Of the 261 acts of secondary legislation passed in Scotland
 - 22 align with EU legislation
 - 6 of these achieves partial alignment or alignment of approach or process but not fully on outcomes
 - 239 are not relevant to the alignment commitment
- Regarding UK legislation
 - Of the 38 acts of secondary legislation listed in the annual report
 - 20 align with EU legislation
 - 1 of these achieves partial alignment only
- Regarding EU legislation
 - Of the 198 EU proposals, acts or initiatives listed in the annual report
 - 10 are classified 'yes – alignment with EU'
 - 42 are classified 'under consideration'
 - 87 are classified 'for future consideration'
 - 59 are classified 'no – alignment will not be implemented'

In the 2024 accompanying reports section 'EU Proposals Relevant to Devolved Competence or Having A Devolved Impact' the 198 items listed include EU proposals for new secondary acts (regulations and directives), new tertiary acts (implementing and delegated acts) as well as some non-legislative initiatives (for example EC communications and EP resolutions). This comprehensive SG reporting was a welcome aid to scrutiny and transparency. As noted in the last edition of the EU Law Tracker Report, however, at times the terminology used to refer to EU proposals in the fourth SG Annual Report was unhelpfully non-specific. The latest draft SG Annual Report provides more detailed and specific information on the EU proposals listed and therefore represents continued improvement in the quality of the SG reporting on its alignment policy.

A draft of the fifth SG Annual Report was published in October 2025.³⁷ This draft Annual Report states that the section 1(1) keeping pace power has been used once during the reporting period – September 2024 to August 2025 – in relation to *The Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024* and that Scottish Ministers considered one further use of the Continuity Act as the method by which to align in relation to *The Town and Country Planning (Environmental Impact Assessment) (Amendment) (Scotland) Regulations 2017*. The consideration of use of the Continuity Act powers to amend the 2017 Regulations would give effect to recommendations from the Aarhus Convention Compliance Committee on certain unauthorised planning, because these recommendations are UK-wide the draft Annual Report states that "the Scottish Government are engaging further with UK colleagues on implementation to inform a consistent approach".³⁸ Regarding the upcoming reporting period – September 2025 to August 2026 – the draft Annual Report details one planned use of the section 1(1) keeping pace powers, in relation to the Energy Performance of Buildings Regulations which would be made using powers under the Energy Act 2023 and the Continuity Act 2021. The latter would allow the new regulations to align with elements of the EU's Energy

³⁷ <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2025/eu-alignment--reports-inc-draft-continuity-act-report.pdf>

³⁸ Ibid p.3

Performance of Buildings Directive ((EU) 2024/1275)³⁹ particularly in relation to Energy Performance Certificates. *The Energy Performance of Buildings (Scotland) Regulations 2025 (SSI 2025/417)* were made in December 2025.

Again reflecting the revised approach to reporting the accompanying reports to the draft fifth SG Annual Report provide substantial additional information on the variety of other means by which the alignment policy was implemented during the reporting period. A high-level summary of the relevant sections is as follows:

- Regarding Scottish legislation:
 - Of the 13 acts of primary legislation passed in Scotland
 - None are relevant to the alignment commitment.
 - Of the 14 LCMs published
 - 4 align with EU legislation
 - 8 are not relevant to the alignment commitment
 - 2 partially or potentially align with EU legislation
 - Of the 344 acts of secondary legislation passed in Scotland
 - 15 align with EU legislation
 - 329 are not relevant to the alignment commitment
- Regarding UK legislation
 - Of the 12 acts of secondary legislation notified to the Scottish Parliament and listed in the annual report
 - 8 align with EU legislation
 - 1 does not align
 - 3 are not relevant to the alignment commitment
- Regarding EU legislation
 - Of the 131 EU proposals, acts or initiatives listed in the annual report
 - 4 are classified 'yes – alignment with EU'
 - 11 are classified 'no – alignment will not be implemented'
 - 8 of which are in 'reserved' policy areas
 - 40 are classified 'under consideration'
 - 74 are classified 'for future consideration'⁴⁰
 - 1 is 'not currently relevant to the alignment commitment'

The latest accompanying reports provide more detailed information on the SG view of relevant EU initiatives and proposals than has been the case in any of the previous four reports. In this way, the quality of SG Continuity Act reports continues to improve and they still represent the most comprehensive official and public record produced by any UK government or department on alignment/divergence with EU law after Brexit. As the summary figures above indicate, there is a significant and growing number of policy areas in which the Scottish Government is planning, considering or intending to consider aligning with new EU laws or initiatives. This underscores

³⁹ <https://eur-lex.europa.eu/eli/dir/2024/1275/oi/eng>

⁴⁰ Likely 75 – one is not classified, appears to be proofing error: 'Enabling Factors for Successful Digital Education: Proposal for Council Recommendation' (see SG draft Annual Report, 2025 p.69).

the importance of the alignment commitment for policymaking in Scotland. It impacts on a wide range of policy areas, notably including areas that are unlikely to be in the scope of any future UK-EU SPS Agreement.

2.2.2 Developments not Explicitly Related to the Alignment Commitment

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

2.2.2.1 Primary Scottish Legislation

Focusing first on developments in primary law, in the period covered by this EU Law Tracker the Scottish Parliament has passed eight new primary acts of law. As Table 4 indicates, none of these can be said to be directly linked to the alignment commitment in that these new acts do not directly relate to areas of policy regulated by the EU.

Table 4: New Primary Acts of Scottish Law (July 2025 to January 2026)

Acts of the Scottish Parliament	Year Ref	Relationship to EU Law in Scope of Alignment*
2025		
Care Reform (Scotland) Act 2025	2025 asp 9	Not Related
Scottish Languages Act 2025	2025 asp 10	Not Related
Education (Scotland) Act 2025	2025 asp 11	Not Related
Victims, Witnesses, and Justice Reform Act 2025	2025 asp 12	Not Related
Housing (Scotland) Act 2025	2025 asp 13	Not Related
Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025	2025 asp 14	Not Related
Land Reform (Scotland) Act 2025	2025 asp 15	Not Related

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

2.2.2.2 Secondary Scottish Legislation

Another important mechanism in upholding the alignment commitment is secondary legislation. As well as providing information on the relevance of the alignment policy to new Bills and LCMs, under its new approach to reporting, the SG have committed to provide in Policy Notes

accompanying SSIs a subheading on the 'EU Alignment Consideration' granted the relevant instrument.

In the period covered by this Report, 218 Scottish Statutory Instruments have been made. Of the total number, 123 related to temporary prohibitions on traffic, to temporary speed restrictions on specific roads in Scotland or are acts of sederunt; because SSIs of this nature are not relevant to the SG alignment commitment, they are excluded from the record set out in Table 5 below.

Table 5: New Secondary Acts of Scottish Law (July 2025 to January 2026)

Acts of the Scottish Parliament	Year Ref	Relationship to EU Law in Scope of Alignment
2025		
The Energy Performance of Buildings (Scotland) Regulations	2025 No. 417	<p>Directly Related</p> <p>This SSI provides the legislative basis for the operation of the Energy Performance Certificate (EPC) system and EPC assessor market in Scotland; it revokes and replaces 2008 Regulations which transposed the EU Energy Performance of Buildings Directive. The Policy Note states: "Implementation of the EPC elements of the [EU's Energy Performance of Buildings] Directive (EPBD) in Scotland to date has been through the Energy Performance of Buildings (Scotland) Regulations 2008... The EPBD has now been recast in 2024 and aims to further enhance the reliability, quality and digitalisation of EPCs... The SG is committed to seeking alignment with the EU where possible and meaningful, and in a manner that contributes towards maintaining and advancing standards. The provisions within these Regulations will allow the SG to continue to align in a meaningful way with the requirements of EPBD in relation to EPCs, in a way that improves and advances EPC quality and utility for Scottish consumers".⁴¹</p>
The Social Security (Residence in an EEA State or Switzerland) (Miscellaneous Amendment) (Scotland) Regulations	2025 No. 415	<p>Indirectly Related</p> <p>This SSI makes minor amendments to existing regulations for Carer's Allowance, Disability Living Allowance, and Personal Independence Payment... to enable continued payment of these benefits to a cohort of people residing in an EEA state or Switzerland. The Policy Note states: "This legislation relates to UK policy, after exiting the EU, to maintain EU-related international social security co-ordination for a protected cohort of individuals who remain in cross-border situations following EU exit. The EU requires social security coordination to take place between member states when individuals exercise freedom of movement rights and move between states. The EEA EFTA states and Switzerland also take part in this coordination through their own agreements with the EU. The relevant law is EC Regulation 883/2004, which replaced EC Regulation 1408/1971... EU member states remain free to determine social security rules and entitlement entirely. By maintaining social security coordination for protected individuals in perpetuity, Scotland and the whole of UK remain aligned to the relevant EU policy following EU exit."⁴²</p>
The Housing (Scotland) Act 2025 (Commencement No. 2) Regulations	2025 No. 408	Not Related
The Retained EU Law (Revocation and Reform) Act 2023 (Agricultural Products) (Consequential Amendment) (Scotland) Regulations	2025 No. 407	<p>Indirectly Related</p> <p>This SSI amends existing secondary legislation to ensure references to 'retained EU law' are corrected to 'assimilated law'. The Policy Note states: "The SSI does not have any effect on the policy objectives [of the three pieces of assimilated law it amends] as the changes being made are purely technical in nature... These changes are not expected to impact any re-alignment obligations that may be agreed as part of any potential future UK-EU SPS/Veterinary Agreement"⁴³</p>
The Firefighters' Pension Scheme (Scotland) Amendment Order	2025 No. 406	Not Related

⁴¹ https://www.legislation.gov.uk/ssi/2025/417/pdfs/ssipn_20250417_en_001.pdf

⁴² https://www.legislation.gov.uk/ssi/2025/415/pdfs/ssipn_20250415_en_001.pdf

⁴³ https://www.legislation.gov.uk/ssi/2025/407/pdfs/ssipn_20250407_en_001.pdf

The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Amendment Order	2025 No. 405	Not Related
The Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Amendment Regulations	2025 No. 404	Not Related
The Bankruptcy and Diligence etc. (Decrees for Removing from Heritable Property) (Scotland) Amendment Order	2025 No. 403	Not Related
The Removing from Heritable Property (Form of Charge) Amendment (Scotland) Regulations	2025 No. 402	Not Related
The Sheep Carcase (Classification and Price Reporting) (Scotland) Regulations	2025 No. 401	Directly Related This SSI introduces mandatory sheep carcase classification for all licenced sheep slaughterhouses that meet the throughput threshold of at least 500 sheep per week as a rolling annual average. In Scotland abattoirs which process sheep were classifying and price reporting on a voluntary basis. The policy note states: "The introduction of mandatory classification will follow the EU regulations on the classification rules for sheep." ⁴⁴
The Domestic Abuse (Protection) (Scotland) Act 2021 (Commencement No. 1) Regulations	2025 No. 400	Not Related
The Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations	2025 No. 397	Directly Related This SSI makes changes to increase the number of businesses required to undertake Ecological Focus Area (EFA) and increase the area of land managed as EFA; it also makes changes to the Scottish Suckler Beef Support Scheme (SSBSS). The Policy Note states: "It is Scottish Government policy to ensure broad alignment to EU CAP objectives. The 2025 Regulations increases the number of businesses required to undertake EFA activities, updates some existing EFAs, adds four new EFA options and for 2027 onwards increases the percentage of land required to be subject to EFA activity. Continuing with these amendments aligns with existing EU CAP processes. Consideration of EU alignment has been framed as adhering to the key policy objectives of the EU CAP, where practicable. The relatively minor and technical nature of the SSBSS changes do not contravene this Scottish Government policy to ensure broad alignment to EU CAP objectives." ⁴⁵
The Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations	2025 No. 396	Not Related
The Good Food Nation (Scotland) Act 2022 (Commencement No. 4) Revocation Regulations	2025 No. 395	Not Related
The Scottish Parliament Elections (Returning Officer Fees and Charges) Regulations	2025 No. 394	Not Related
The Victims, Witnesses, and Justice Reform (Scotland) Act 2025 (Commencement No. 1 and Transitional Provision) Regulations	2025 No. 393	Not Related
The Cross-Border Public Procurement (Miscellaneous Amendment) (Scotland) Regulations	2025 No. 392	Directly Related This SSI makes provisions intended to allow contracting authorities in Scotland and elsewhere in the UK to continue to cooperate, following the divergence of the regimes governing public procurement. The Policy Note states: "The Public Contracts (Scotland) Regulations 2015, Utilities Contracts (Scotland) Regulations 2016 and Concession Contracts (Scotland) Regulations 2016, which are amended by this instrument, were originally made to transpose the requirements of EU Directives 2014/24/EU, 2014/25/EU, and 2014/23/EU. Those Directives are intended to govern public procurement within an EU context. Whilst Article 9 of Directive 2014/24/EU, Article 27 of Directive 2014/25/EU, and Article 10 of Directive

⁴⁴ https://www.legislation.gov.uk/ssi/2025/401/pdfs/ssipn_20250401_en_001.pdf

⁴⁵ https://www.legislation.gov.uk/ssi/2025/397/pdfs/ssipn_20250397_en_001.pdf

		2014/23/EU do make some provision which exempts contracts from the scope of those Directives where a contracting authority is obliged to follow alternative procurement procedures, such as those of a third country, this is only relevant where there are international law obligations, such as derived from an international agreement, with that third country. Those provisions are already reflected in the instruments being amended but clearly do not address the circumstances in which contracting authorities in different parts of the UK can work together. The provisions of this instrument do, therefore, represent a departure from strict alignment with EU law. It is brought about by the circumstances of the UK's exit from the EU, and the subsequent departure from alignment with EU law in the rest of the UK. These provisions are intended as the least intrusive measure possible to ensure that contracting authorities across the UK can continue to cooperate in public procurement in view of the different requirements placed on them. ⁴⁶
The Public Procurement (Iraq Free Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations	2025 No. 391	Not Related
The Conservation of Salmon (Scotland) Amendment Regulations	2025 No. 390	<p>Directly Related</p> <p>This SSI amends 2016 Regulations regarding the conservation of salmon in Scotland to reflect the most recent stock assessment for the 2026 salmon fishing season. The Policy Note states: "Atlantic salmon is listed as a species of community interest under the EU Habitats Directive (Council Directive 92/43/EEC). Following the UK's withdrawal from the EU, the Habitats Directive became a part of assimilated EU law applicable in the UK. The amendment to the 2016 Regulations would align with the EU Habitats Directive by continuing to prohibit the retention of Atlantic salmon caught in any coastal waters in a salmon fishery district and in specified areas of inland waters, in order to protect the conservation objectives of Special Areas of Conservation where salmon is a qualifying feature. This maintains and advances the high standards that Scotland shares with the EU on environmental protection."⁴⁷</p>
The Care Reform (Scotland) Act 2025 (Commencement No. 1) Regulations	2025 No. 388	Not Related
The Common Services Agency (Membership and Procedure) Amendment (Scotland) Regulations	2025 No. 387	Not Related
The Aggregates Tax and Devolved Taxes Administration (Scotland) Act 2024 (Commencement No. 3) Regulations	2025 No. 386	Not Related
The Education (Scotland) Act 2025 (Consequential Provisions) Regulations	2025 No. 385	Not Related
The First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations	2025 No. 384	Not Related
The First-tier Tribunal for Scotland General Regulatory Chamber Police Appeals and Upper Tribunal for Scotland (Composition) Regulations	2025 No. 383	Not Related
The Budget (Scotland) Act 2025 Amendment Regulations	2025 No. 382	Not Related
The National Health Service (General Dental Services) (Scotland) Amendment Regulations	2025 No. 380	Not Related
The Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 3) Regulations	2025 No. 379	Not Related
The First-tier Tribunal for Scotland (Transfer of Functions and Members of the Police Appeals Tribunal) Regulations	2025 No. 378	Not Related

⁴⁶ https://www.legislation.gov.uk/ssi/2025/392/pdfs/ssipn_20250392_en_001.pdf

⁴⁷ https://www.legislation.gov.uk/ssi/2025/390/pdfs/ssipn_20250390_en_001.pdf

The Social Security (Amendment) (Scotland) Act 2025 (Commencement No. 2) Regulations	2025 No. 377	Not Related
The Revenue Scotland and Tax Powers Act (Postponement of Tax Pending a Review or Appeal) Amendment Regulations	2025 No. 376	Not Related
The Revenue Scotland and Tax Powers Act (Record Keeping) Amendment Regulations	2025 No. 375	Not Related
The Scottish Aggregates Tax (Administration) Regulations	2025 No. 374	Not Related
The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations	2025 No. 369	Not Related
The Equality Act 2010 (Specification of Public Authorities) (Scotland) Order	2025 No. 368	Not Related
The Burial and Cremation (Applications and Registers) (Miscellaneous Amendment) (Scotland) Regulations	2025 No. 360	Not Related
The Regulation of Care (Child Contact Services) (Equality) (Scotland) Regulations	2025 No. 357	Not Related
The Regulation of Care (Child Contact Services) (Scotland) Order	2025 No. 356	Not Related
The Housing (Scotland) Act 2025 (Commencement No. 1) Regulations	2025 No. 355	Not Related
The Absent Voting at Scottish Parliament and Local Government Elections (Signature Refresh) (Miscellaneous Amendment) (Scotland) Order	2025 No. 354	Not Related
The Representation of the People Act 1983 Remedial (Scotland) Order	2025 No. 353	Not Related
The Disclosure (Scotland) Act 2020 (Commencement No. 6, Consequential Amendment, Saving and Transitional Provision) Regulations	2025 No. 352	Not Related
The Education (Scotland) Act 2025 (Commencement No. 1 and Transitory Provision) Regulations	2025 No. 351	Not Related
The Scottish Languages Act 2025 (Commencement No. 1) Regulations	2025 No. 348	Not Related
The Political Parties, Elections and Referendums Act 2000 (Non-Party Campaigner Code of Practice) (Appointed Date) (Scotland) (No. 2) Order	2025 No. 347	Not Related
The Early Release of Prisoners (Scotland) Regulations	2025 No. 343	Indirectly Related This SSI provides for the release of certain categories of persons early from prison and young offenders institutions. The Policy Note states: "The emergency release aspect of this instrument is not relevant to the SG's policy approach to maintain alignment with the EU. Informing victims registered with the VNS of a change in an individuals' date of release will ensure ongoing alignment with Directive 2012/29/EU (Victims' Rights Directive) which strengthened victims' rights to information, support and protection. This includes at Article 6(5) an obligation on Member States to ensure that victims are offered the opportunity to be notified, amongst other things, of an offender's release." ⁴⁸

⁴⁸ https://www.legislation.gov.uk/ssi/2025/343/pdfs/ssipn_20250343_en_001.pdf

The Charities Accounts (Scotland) Amendment Regulations	2025 No. 341	Not Related
The Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations	2025 No. 340	Not Related
The Free-Range Poultrymeat Marketing Standards (Amendment) (Scotland) Regulations	2025 No. 338	<p>Directly Related</p> <p>This SSI amends the conditions under which poultry meat can be marketed as "free range" in Regulation (EC) No 2008/543 on poultry meat marketing standards. The principal change is to remove the 12wk limit to a derogation, so allowing free-range poultry meat to be marketed as such for the full duration of any housing order. The Policy Note states: "This instrument will align Scotland, insofar as possible and meaningful, with a change that the EU is in the process of making as regards marketing standards for poultry meat. The EU previously carried out a consultation on the removal of the 12wk derogation which had a positive response. Our understanding is that the EU proposal has now been adopted and will progress through the European Parliament and European Council before being published in the official journal. The estimated dates for this is Q4 this year, providing there are no objections. Not going ahead with the SSI would mean diverging both from the EU and likely the rest of the Uks position. This could discourage any free-range poultry meat producers being established in Scotland given an economic disadvantage compared to English and Northern Irish producers in the event of a housing order being imposed for more than 12wks, as they would be subject to different marketing requirements."⁴⁹</p>
The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations	2025 No. 337	Not Related
The Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations	2025 No. 336	Not Related
The Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations	2025 No. 335	<p>Directly Related</p> <p>This SSI amends Commission Implementing Regulation (EU) 2019/1793 which imposes temporary increase of official controls and emergency measures governing the entry into (previously the EU now) GB of certain goods from certain third countries. The Policy Note states: "This is the fourth review of Regulation (EU) 2019/1793 being conducted by the UK. Whilst it is anticipated that UK reviews will generally align with EU controls divergence is possible. However, this would not be due to any proactive policy change. It will be either in relation to our approach to risk analysis which may, on occasion, result in different outcomes to that of the EU and the timing associated with implementation given respective legislative processes."⁵⁰</p>
The Scottish Register of Tartans Fees Order	2025 No. 334	Not Related
The Scottish Parliament (Elections etc.) (Miscellaneous Amendments) Order	2025 No. 313	Not Related
The Building (Scotland) Amendment Regulations	2025 No. 312	Not Related
The Scottish Parliament (Disqualification of Members of the House of Lords) Regulations	2025 No. 308	Not Related
The Scottish Parliament (Disqualification of Members of the House of Commons) Regulations	2025 No. 307	Not Related
The Scottish Parliament (Disqualification of Councillors) Regulations	2025 No. 306	Not Related

⁴⁹ https://www.legislation.gov.uk/ssi/2025/338/pdfs/ssipn_20250338_en_001.pdf

⁵⁰ https://www.legislation.gov.uk/ssi/2025/335/pdfs/ssipn_20250335_en_001.pdf

The Economic Crime and Corporate Transparency Act 2023 (Commencement) (Scotland) Regulations	2025 No. 304	Not Related
The Food (Promotion and Placement) (Scotland) Regulations	2025 No. 303	Not Related
The Motor Vehicles (Competitions and Trials) (Scotland) Amendment Regulations	2025 No. 300	Not Related
The Public Procurement (Agreement on Government Procurement) (Thresholds) (Miscellaneous Amendments) (Scotland) Regulations	2025 No. 299	<p>Indirectly Related</p> <p>This SSI amends the financial thresholds from which the Scottish procurement regulations apply to the award of contracts, in line with the UK's obligations under the Agreement on Government Procurement's thresholds (GPA). The Policy Note states: "While this instrument is not relevant to the SGs policy to maintain alignment with the EU, the EU, like the UK, is party to the GPA and the European Commission is expected to update the thresholds applicable in the EU according to the same methodology."⁵¹</p>
The Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Amendment Order	2025 No. 298	Not Related
The Good Food Nation (Scotland) Act 2022 (Commencement No. 4) Regulations	2025 No. 291	Not Related
The Scottish Elections (Representation and Reform) Act 2025 (Statutory Guidance on Imprints on Electronic Materials) (Appointed Date) Regulations	2025 No. 289	Not Related
The Scottish Parliament Elections (Regional Returning Officers and Constituency Returning Officers) Order	2025 No. 287	Not Related
The Scottish Parliament (Constituencies and Regions) Order	2025 No. 285	Not Related
The Scottish Parliament (Disqualification) Order	2025 No. 284	Not Related
The Climate Change (Local Development Plan) (Repeals) (Scotland) Order	2025 No. 283	Not Related
The Winter Heating Assistance (Pension Age) (Scotland) Amendment Regulations	2025 No. 282	Not Related
The Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations	2025 No. 281	Not Related
The National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations	2025 No. 280	Not Related
The Cromarty Firth Port Authority Harbour Revision Order	2025 No. 279	Not Related
The Qualifications Scotland (Appointment of Initial Members) Regulations	2025 No. 278	Not Related
The Prisons and Young Offenders Institutions (Scotland) Amendment Rules	2025 No. 277	Not Related
The Scottish Water, Prevention of Water Pollution (Milngavie Waterworks) Byelaws Extension Order	2025 No. 276	Not Related

⁵¹ https://www.legislation.gov.uk/ssi/2025/299/pdfs/ssipn_20250299_en_001.pdf

The Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No. 5) Regulations	2025 No. 275	Not Related
The Rural Support (Simplification and Improvement) (Data Publication) (Scotland) Regulations	2025 No. 274	<p>Directly Related</p> <p>This SSI simplifies CAP legislation for the purposes of arrangements for publishing the CAP beneficiaries data on a Scottish website. The Policy Note states: "The 2025 Regulations are needed to satisfy the commitment of Ministers to the Scottish Government policy to maintain alignment with the EU by providing for the continued publication of CAP beneficiaries data (being an existing requirement of the EU CAP regulations)."⁵²</p>
The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations	2025 No. 263	Not Related
The Sports Grounds and Sporting Events (Designation) (Scotland) Amendment Order	2025 No. 262	Not Related
The Scottish Elections (Representation and Reform) Act 2025 (Commencement No. 1 Amendment and Commencement No. 2) Regulations	2025 No. 260	Not Related
The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendment) (Scotland) Regulations	2025 No. 259	Not Related
The Redemption of Heritable Securities (Excluded Securities) (Scotland) Order	2025 No. 251	Not Related
The Social Security (Residence and Presence Requirements) (Miscellaneous Amendment) (Scotland) Regulations	2025 No. 250	Not Related
The Council Tax (Dwellings and Part Residential Subjects) (Scotland) Amendment Regulations	2025 No. 249	Not Related
The Caledonian Maritime Assets (Port Ellen Works) Harbour Revision Order	2025 No. 246	Not Related
The Motor Vehicles (Competitions and Trials) (Miscellaneous Amendment) (Scotland) Regulations	2025 No. 245	Not Related
The National Health Service (Common Staffing Method) (Scotland) Amendment (No. 2) Regulations	2025 No. 244	Not Related
The Aggregates Tax and Devolved Taxes Administration (Scotland) Act 2024 (Commencement No. 2) Regulations	2025 No. 243	Not Related
The Home Detention Curfew (Amendment of Specified Time Periods) (Scotland) Order	2025 No. 242	Not Related
The Plant Health (Export Certification) (Scotland) Amendment Order	2025 No. 241	<p>Indirectly Related</p> <p>This SSI introduces provisions for payment of prescribed fees for the costs associated with the issuance of a phytosanitary certificate for the consignment of plants and plant products being shipped from Scotland to Northern Ireland. The Policy Note states: "This legislation is not relevant to the SG's policy to maintain alignment with the EU, because each EU member state has its own system to prescribe statutory plant health activity costs."⁵³</p>
The Offshore Fishing (Prohibition of Fishing Methods) (Scotland) Order	2025 No. 240	<p>Directly Related</p> <p>This SSI introduces site specific fisheries management measures for specified fishing gears within the defined areas of 10 Marine Protected Areas and 9 Special Areas of Conservation. The Policy Note states: "It is the policy of the Scottish Ministers to continue alignment with the European</p>

⁵² https://www.legislation.gov.uk/ssi/2025/274/pdfs/ssipn_20250274_en_001.pdf

⁵³ https://www.legislation.gov.uk/ssi/2025/241/pdfs/ssipn_20250241_en_001.pdf

		Union, where appropriate and in Scotland's interests. The introduction of fisheries management measures within MPAs and SACs supports this alignment...The process of implementing these measures originated under the EU framework; the CFP. Under EU Regulation 1380/2013, one of the objectives of the CFP is to implement the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. Member states are empowered to adopt conservation measures within their jurisdiction provided they are compatible with that objective. Following the UK's exit from the EU, this approach has been maintained under domestic policy. This policy also supports the achievement of Good Environmental Status under the Marine Strategy Framework Directive, [sic] aligns with the delivery of Good Environmental Status for biodiversity under the UK Marine Strategy. This is an obligation that stems from the EU's Marine Strategy Framework Directive. The implementation of fisheries management measures within offshore MPAs is consistent with the EU's ecosystem-based approach and is not expected to affect the operation of the TCA. Marine Directorate officials have notified the Specialised Committee on Fisheries through the required processes regarding these measures. This policy of implementing fisheries management measures within MPAs in the Scottish offshore region aligns with the EU's ecosystem-based approach and is not expected to impact access to EU markets for people, goods and services. This policy also supports alignment with the Habitats Directive (Council Directive 92/43/EEC). The Habitats Directive is implemented for the offshore marine area by the Conservation of Offshore Marine Habitats and Species Regulations 2017" ⁵⁴
The Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations	2025 No. 239	Not Related
The Animal Products (Control of Personal Importation) (Scotland) Order	2025 No. 230	Indirectly Related This SSI prohibits imports of certain animal products intended for personal consumption or use into Scotland from EEA countries, the Faroe Islands, Greenland and Switzerland for the purpose of preventing the introduction of disease into Great Britain. The SSI consolidates restrictions on imports of animal products from these countries in place due to previous disease outbreaks in the EU. The Policy Note states: "This instrument is not relevant to the SG's policy to maintain alignment with the EU because Great Britain is not part of the EU's internal market. These measures are a consequence of no longer being an EU Member State, in line with international obligations that the UK shares with the EU and will not undermine the prospects of an independent Scotland's potential EU accession. The EU applies similar rules to imports of these products as part of passengers' personal luggage or in small consignments from Great Britain. The Statement of Common Understanding made by the UK Government and the EU on 19 May 2025 contains an intention to work towards establishing a Common Sanitary and Phytosanitary Agreement (SPS Agreement) which should provide for dynamic alignment of the rules in Great Britain with EU law, but with a short list of limited exceptions to dynamic alignment. The Scottish Government does not consider that the Order will undermine the prospects of working to establish any such European Union-United Kingdom Sanitary and Phytosanitary Agreement." ⁵⁵
The Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No. 4) Regulations	2025 No. 212	Not Related

Of the 95 potentially relevant instruments made during the reporting period, 15 can be said to be either indirectly or directly relevant to the keeping pace policy. This assessment is based on information contained in policy notes accompanying the legislation read together with the comprehensive EU Law Tracker annexed to this Report. SG statements, as articulated in policy notes accompanying relevant SSIs, on the applicability or otherwise of the keeping pace policy

⁵⁴ https://www.legislation.gov.uk/ssi/2025/240/pdfs/ssipn_20250240_en_001.pdf

⁵⁵ https://www.legislation.gov.uk/ssi/2025/230/pdfs/ssipn_20250230_en_001.pdf

are included in Table 5. Although earlier issues of the EU Law Tracker⁵⁶ noted some inconsistencies in the level of information being provided by the SG in policy notes accompanying SSIs regarding their relevance to EU alignment, more recent issues⁵⁷ have noted an improvement in the quality and consistency of SG reporting in policy notes. Similarly, information provided by SG departments in policy notes for SSIs made during the research period covered by this edition of the EU Law Tracker continues to demonstrate improved consistency and an increase in the level of detail provided on the specific ways in which provisions in SSIs align or do not align with parallel provisions in EU law, where appropriate. This indicates a continued positive trajectory and SG fulfilment of the commitment to “provide the information required” for Parliamentary scrutiny.⁵⁸

Of the SSIs that are directly relevant to the SG alignment commitment, most maintain alignment with EU law standards and provisions. That said, as in previous issues of the EU Law Tracker, there are some instances where the nature of the alignment is ‘broad’ and on the level of alignment with policy principles rather than being ‘narrow’ and on the level of alignment with specific legislative provisions. For example, *The Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) (No. 2) Regulations* (SSI 2025/397) makes changes to the (replacement) CAP legislation that applies in Scotland, particularly regarding Ecological Focus Areas and the Scottish Suckler Beef Support Scheme, the accompanying Policy Note states that: “The relatively minor and technical nature of the [EFA and] SSBSS changes do not contravene... Scottish Government policy to ensure broad alignment to EU CAP objectives”.⁵⁹ Similarly, *The Official Controls (Import of High Risk Food and Feed of Non-Animal Origin) Amendment (Scotland) Regulations* (SSI 2025/335) makes changes regarding the entry of certain food and feed products from third countries into the UK in respect of Great Britain. The Policy Note contains a vague and overarching statement on alignment: “Whilst it is anticipated that UK reviews [of official controls] will generally align with EU controls divergence is possible. However, this would not be due to any proactive policy change. It will be either in relation to our approach to risk analysis which may, on occasion, result in different outcomes to that of the EU and the timing associated with implementation given respective legislative processes”.⁶⁰ In at least some areas of policy, this sort of divergence is to be expected following the UK’s withdrawal from the EU and consequential withdrawal of Scotland from EU programmes and policies.

A small number of other SSIs passed during the research period do introduce changes that more clearly diverge from EU rules. For example, *The Free-Range Poultrymeat Marketing Standards (Amendment) (Scotland) Regulations* (SSI 2025/338) removes a 12wk limit on derogations for the marketing of poultrymeat as ‘free-range’ during a housing order. While this diverges from current EU rules (which maintain the 12wk limit) the Policy Note states SG understanding that a similar change has been agreed by the EU and is progressing through its legislative processes. Two more SSIs make changes that diverge from EU rules. *The Cross-Border Public*

⁵⁶ See: EU Law Tracker Report Two (January 2024) Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eulawtrackerreport-2.pdf>

⁵⁷ See: EU Law Tracker Report Four (February 2025) Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eu-law-tracker-report-4.pdf>

⁵⁸ Angus Robertson MSP (31 October 2024) ‘The Scottish Government’s Policy of EU Alignment – Annual Reports 2024’ *parliament.scot* Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eu-alignment-annual-reports--31-october-2024.pdf> (Accessed 15 January 2025)

⁵⁹ See n. 37.

⁶⁰ See n.50

Procurement (Miscellaneous Amendment) (Scotland) Regulations (SSI 2025/392) make changes to the public procurement regime in Scotland, the Policy Note acknowledges: “The provisions of this instrument do...represent a departure from strict alignment with EU law. It is brought about by the circumstances of the UK’s exit from the EU, and the subsequent departure from alignment with EU law in the rest of the UK” stating further that the “provisions are intended as the least intrusive measure possible to ensure that contracting authorities across the UK can continue to cooperate in public procurement in view of the different requirements placed on them”.⁶¹ Finally, *The Animal Products (Control of Personal Importation) (Scotland) Order* (SSI 2025/230) prohibits the entry of certain products from EEA states, Greenland, Switzerland and the Faroe Islands; although the Policy Note states that this SSI is “not relevant to the SG’s policy to maintain alignment with the EU because Great Britain is not part of the EU’s internal market” it is at least indirectly related insomuch as it makes provisions that diverge from those that apply in the EU, even if, as the Policy Note also states: “The Scottish Government does not consider that the Order will undermine the prospects of working to establish any such European Union-United Kingdom Sanitary and Phytosanitary Agreement”.⁶²

2.3 Summary of Wider UK Law Developments

Previous EU Law Tracker reports have discussed the mitigating effect of assimilated law (previously ‘retained law’) on the potential for immediate legal and regulatory divergence between the UK and EU as a result of Brexit and at the end of the UK Transition Period on 31 December 2020. Changes given effect by the *Retained EU Law (Revocation and Reform) Act 2023* – as also discussed in previous reports – mean that residual alignment between assimilated law (applicable in the UK, including in Scotland) and EU law is less secure and more difficult to monitor.⁶³

2.3.1 Relevant UK Laws Passed and Proposed

Since the end of the UK’s Transition Period new UK legislation has become law that is or may become relevant in the context of the Scottish Government’s alignment policy. While the primary purpose of this report is not to consider the evolution of UK-wide law some of these changes are useful to be aware of when it comes to assessing alignment vs divergence in the context of the EU and Scotland. In the time period covered by this EU Law Tracker 18 primary acts became UK law; 5 of these make provisions in areas relevant for the SG alignment commitment. Additionally, several Bills of potential significance for SG alignment with EU law have been laid. On this basis, Table 6 provides a summary of UK public general acts that have become law or Bills which have been progressing through parliamentary processes between July 2025 and January 2026, and which make provision in areas that were previously covered by EU law and/or that relate directly to the fact of the UK’s withdrawal from the EU. For reference, Scottish

⁶¹ See n.41

⁶² See n.59

⁶³ For further discussion see EU Law Tracker Report Two, n.1.

legislative consent memorandums are linked and any relevant extracts concerning EU alignment are included.

Table 6: Primary Acts of Relevant UK-wide Law Made or Laid (July 2025 to January 2026)

Acts or Bills of the UK Parliament	Year Reference	Legislative Consent	Explanation of Relevance
2025 Acts			
Border Security, Asylum and Immigration Act	2025 c.31	LCM	<p>This Act makes provisions designed to improve UK border security and strengthen the asylum and immigration system. The SG recommended consent to provisions in the scope of devolved powers. On EU alignment the initial LCM states: "The EU has the authority to establish the conditions for entry and legal residence in a Member State. Immigration is reserved to the UK Parliament. Therefore, the majority of this legislation is not relevant to the Scottish Government's policy to maintain alignment with the EU. However, the repeal of the sections 24 and 28 of the Illegal Migration Act aligns with EU law and is in accordance with the Scottish Government's policy of EU alignment."</p> <p>A subsequent LCM states that: "The Scottish Government has not identified any assimilated law which will be impacted by the Bill."</p>
Planning and Infrastructure Act	2025 c.34	LCM	<p>The aim of this Act is to accelerate housing development and infrastructure projects across England; it seeks to deliver 1.5million new homes and expedite decisions on 150 major infrastructure projects while also supporting the 'Clean Power 2030' initiative by removing barriers for clean energy projects. In an initial LCM, the SG recommend consenting to clauses 14-20 of the Bill and refusing consent to clause 42 and 96 until clarification about their effects is provided.</p> <p>On EU alignment the initial LCM states: "Clause 20 is relevant to the Scottish Government's policy to maintain alignment with the EU. The Electricity Works 2017 regulations are derived from Directive 2014/52/EU – assessment of the effects of certain public and private projects on the environment. The 2017 Regulations therefore have the status of assimilated law... the ability for Scottish Ministers to maintain alignment with EU legislation in relation to environmental effects as regards electricity works was lost when the UK exited the EU. The clause restores the ability for Scottish Ministers to make limited procedural changes and alignments with any future secondary legislation, but it does not provide that more substantive changes may be made, such as to the environmental factors to be assessed or the information that must be included in an EIA report. This would limit the ability of the Scottish Ministers to align with such matters should these be updated by the EU in a new EIA Directive. However, the UK Government have transferred to the Scottish Ministers the functions of Part 3, Chapter 1 and Part 6 of the Levelling Up and Regeneration Act 2023 (2023 Act) in relation to the assessment of the effects on the environment in connection with applications for consent, approval or variation of consent for electricity generating stations...and associated overhead line infrastructure... These functions in theory provide that the Scottish Ministers, within an untested EOR framework, could make provision for a new standard and system of environmental assessment in Scotland. Implementation of a new framework could not be done solely for electricity works; it would require further policy development on how such a system could work, a national planning policy decision to depart from EU alignment, and alignments of process across many different development consent regimes across Scotland."</p> <p>Two subsequent supplementary LCMs stated that 'there are no EU alignment issues' with the Bill.</p>
Animal Welfare (Import of Dogs, Cats and Ferrets) Act	2025 c.30	LCM	<p>This Act makes provision for and in connection with restricting the importation and non-commercial movement of dogs, cats, and ferrets. The SG recommended consent to relevant provisions in the Bill.</p>

			<p>On EU alignment the LCM states: "The provisions of the Bill are relevant to the Scottish Government's policy to maintain alignment with the EU. The power to make regulations under clause 1 is, in principle, exercisable in ways that would be compatible with EU law were the UK a member state.... Clause 5 and the related provision in Clauses 6 and 7 will make amendments to assimilated law...which will diverge from the provision applicable in the EU under Regulation (EU) No 576/2013... where the relevant maximum number of pet animals which may accompany an owner (or a person they authorise) before the animal health requirements and checks for commercial movements will apply is 5, and where there is no time restriction on when the owner must enter the country. However, the illegal low-welfare trade in pet animals is a matter of significant concern within the EU, as evidenced by an EU Commission proposal for a Regulation on the welfare of dogs and cats and their traceability [see here]. The Scottish Government considers that the amendments being made represent an area of shared concern with the EU and will not undermine the prospects of an independent Scotland's potential EU accession. It also considers that they will not undermine the prospects of working to establish a European Union-United Kingdom Sanitary and Phytosanitary Agreement.</p>
Public Authorities (Fraud, Error and Recovery) Act	2025 c.28	LCM	<p>This Act is intended to safeguard the public purse against fraud and error; part 1 is intended to help the government address losses due to fraud and error occurring outside the tax and benefits systems and part 2 introduces new powers to help the DWP address fraud and error in the social security system. The SG recommended consent to the Bill, initially with an exception in relation to overpayment recovery, but later without exception. On EU alignment the initial LCM states: "To the extent that the Bill provisions relate to the accessing of personal data, they relate to matters covered by the EU Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the GDPR). The Bill provisions include safeguards in relation to accessing of information, including provisions preventing disclosure that would contravene data protection legislation. The SG considers the provisions are consistent with the SG's commitment to align with EU law."</p>
Product Regulation and Metrology Act	2025 c.20	LCM Supplementary LCM Second Supplementary LCM	<p>This is primarily an enabling Act which gives wide-ranging powers to the Secretary of State to make provisions in relation to the UK's product safety and metrology regulatory framework. The SG recommended consent to the final (amended) version of the Bill. On EU alignment the initial LCM states: "Clause 1(2) gives powers to the Secretary of State to align product regulations, made for the purpose of reducing or mitigating the environmental impact of products, with relevant EU law. Relevant EU law is defined in the Bill as Decision 768/2008/EC of the European Parliament and of the Council on a common framework for the marketing of products, or other EU law that has the purpose of harmonising the conditions for the marketing or use of products in the EU. Other powers in the Bill are not specifically focused on EU law and could lead to either alignment or divergence of UK product and metrology regulations, including on devolved product matters, depending on future decisions by the UK Government. This could include changes to assimilated law. The UK Government has been largely silent on the question of the Bill's potential interaction with the Internal Market Act 2020, despite both instruments having a role in regulating domestic UK trade. In the Scottish Government's view, powers under the Bill could, potentially, see some negative effects of the IMA on devolved law be mitigated, specifically on matters with the Scottish and UK Governments had a shared ambition to align with EU law." A supplementary LCM states: "...the amendment expands the scope of the power in clause 1 so that the Secretary of State may amend or supplement existing subordinate legislation or assimilated direct legislation, including Scottish legislation. The relevant forms of secondary legislation may include secondary legislation with the status of assimilated law (assimilated direct legislation being just one particular form of assimilated law). It enables the Secretary of State to amend or supplement such legislation for instance to provide for continued</p>

			<p>recognition of CE marking. The Secretary of State would be granted powers also to make changes to devolved provisions (including in Scottish law), to align with new or updated EU product regulations. However, this does not limit the power of the Secretary of State to make changes to existing regulations to <i>diverge from EU regulations</i>”. A second supplementary LCM states: “As outlined in LCM-S6-50 and LCM-S6-50a, the Bill contains powers which would allow the Secretary of State to either diverge or align with EU product regulations, and to amend assimilated law (the law formerly known as retained EU law) within the scope of the Bill. The power to make regulations for the purpose of reducing or mitigating the environmental impact of products may only be used to make provision which corresponds, or is similar, to provision in relevant EU law. The other broad powers to make provision in relation to product safety and the efficiency or effectiveness of products are not similarly constrained. However, the Bill allows product regulations to provide that a product requirement may be treated as being met by meeting specified provision in relevant EU law (and may attach conditions to this), but before making such a provision the Secretary of State must have regard to its social, environmental and economic impact. The new clause introducing a statutory consent mechanism provides a means for the Scottish Ministers to ensure these powers are used appropriately in areas of devolved competence. As the UK’s product regulatory framework is largely inherited from the EU and is mainly assimilated law, the SG would expect that, in many cases, SIs made under this power would fall under the scope of the Protocol on scrutiny by the Scottish Parliament of consent by Scottish Ministers to UK secondary legislation in devolved areas arising from EU Exit.”</p>
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2025 Bills

Bus Services (No.2) Bill	2025	LCM	<p>This Bill makes provisions related to bus services, its contains measures to simplify the process for local transport authorities who wish to pursue bus franchising, to strengthen legislation governing Enhanced Partnership agreements between LTAs and bus operators and enable LTAs to establish new local authority bus companies. On EU alignment the LCM states: “These provisions are relevant to the SGs policy to maintain alignment with the EU. Regulation (EU) 2024/1610 sets out that 100% of new urban buses must be zero emission by 2035. The amendment therefore seeks to bring Scotland more in line with the EU’s policy intention to support economic and climate policy aims.”</p>
Biodiversity Beyond National Borders Bill	2025	LCM Supplementary LCM	<p>This purpose of this Bill is to implement the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement) in domestic law. This will enable the UK to ratify the BBNJ Agreement. The SG recommended consent to the Bill. On EU alignment the supplementary LCM states: “The EU has been an active and prominent participant in the development of the BBNJ Agreement, as the BBNJ Agreement furthers EU aims in relation to the protection of biodiversity. The EU signed the BBNJ Agreement on 20 September 2023 and approved it on 28 May 2025, thereby becoming a party to the BBNJ Agreement. In April 2025, the EU Commission brought forward a proposed directive to incorporate the BBNJ Agreement into EU law aimed at helping Member States with implementation of all parts of the BBNJ Agreement into national systems.”</p>
Railways Bill	2025	LCM	<p>This Bill makes provision for the establishment of a new rail body – Great British Railways. The SG recommended consent to the Bill. On EU alignment the LCM states: “The Bill will make various amendments to assimilated law, specifically: (i) the Railway (Licensing of Railway Undertakings) Regulations 2005”; (ii) Regulation EC No 1371/2007 on rail passengers’ rights and obligations and the Rail Passengers’ Rights and Obligations Regulations 2010; and (iii) the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016. The SGs position is that some of the amendments in view create potential for divergence with the EU; specifically, the amendments</p>

			<p>to the 2005 Regulations which implement Council Directive 95/18/EC dated 19th June 1995 on the licensing of railway undertakings and the 2016 Regulations which implement Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012, establishing a single European railway area. Schedule 3 of the Bill amends the 2005 Regulations to exempt GBR from the licensing provisions in the 2005 Regulations. Provision for licensing of GBR is instead set out in schedule 1 of the Bill. Some of the requirements set out in the 2005 Regulations (relating to independence of a licensee and fitness to hold a licence) are not replicated in the provisions in schedule 1 of the Bill. Clause 70 of the Bill amends the 2016 Regulations to exempt GBR from the provisions of those Regulations that would otherwise apply to GBR infrastructure. Access, use and charges for railway infrastructure operated by or on behalf of GBR are instead to be governed by Chapter 1 of Part 3 of the Bill. Some of the requirements in the 2016 Regulations (relating to independence of railway undertakings) are not replicated in Chapter 1 of Part 3 of the Bill. However, all of the amendments in view relate to the provision and regulation of railway services, which is a reserved matter. They do not impact on any areas of devolved competence.:.</p>
Cyber Security and Resilience (Network and Information Systems) Bill	2025	LCM	<p>This Bill makes provision concerning the security and resilience of network and information systems which are used by or relied on for critical services in the UK. On EU alignment the LCM states: "These provisions are relevant to the SGs policy to maintain alignment with the EU as they go some way to bridging the gap between the current NIS Regulations and the EU NIS2 Directive. In particular, the Bill aligns with NIS2 on incident notification timelines, regulation of managed service providers and encouraging alignment with established cyber security frameworks. The Bill also creates the powers necessary to expand the scope of the NIS Regulations and allow closer alignment in the future."</p>

Changes in secondary legislation either UK-wide, GB-wide and/or English and Welsh laws in areas of law and policy that are both in scope and out of scope of the SG alignment commitment have implications for its effect.⁶⁴ Where changes are being made to assimilated law outside Scotland but in areas that are in scope of the alignment commitment these may impact on decisions taken by the SG as regards alignment as a result of the impact of the UK Internal Market Act. Similarly, where changes are being made to assimilated law outside Scotland but in areas that are not in scope of the alignment commitment these too may impact on decisions taken as regards to in-scope areas, should they be related either directly or indirectly. Although it is beyond the scope of this Report (and related research) to comprehensively monitor the substance of non-Scottish statutory instruments, given the potential for these to have indirect effects on alignment, some examples of secondary acts of UK law that are, or could be, relevant for the SG alignment commitment are set out in Table 7; the content should be taken as demonstrative rather than comprehensive.

Table 7: Examples of New Secondary Acts of Relevant UK Law (July 2025 – January 2026)

⁶⁴ Due to the arrangements made for Northern Ireland under the Windsor Framework, it is in a different position in most relevant policy areas.

UK Statutory Instruments	Year Ref	Territorial Application	Relationship to EU Law in Scope of Alignment
2025			
The Ozone-Depleting Substances (Grant of Halon Derogations) Regulations	SI 2025/1276	England, Scotland and Wales	<p>Directly related.</p> <p>This instrument grants derogations from the end-date specified in the assimilated Regulation (EC) No 1005/2009 on substances that deplete the ozone layer (ODS Regulation) to the Ministry of Defence and Loganair with regard to the continued use of halon 1211 in portable fire extinguishers for the protection of cabins and crew compartments in certain aircraft beyond 31 Dec 2025. Use of halons is controlled in GB under the assimilated ODS Regulation, previously the European Commission undertook most of these control functions, including granting derogations in the case of critical uses of halons. The UKG EM makes clear that the power to grant such a derogation is devolved and states: "The appropriate authority in England, Scotland and Wales is the Secretary of State, Scottish Ministers, and Welsh Ministers respectively. Scottish and Welsh Ministers have consented to the Secretary of State exercising the Article 13(4) power to grant derogations on their behalf. The grant of the derogations in this instrument is based on such consent and therefore applies to Scotland and Wales as well as to England."⁶⁵</p>
The Radio Equipment (Amendment) (Northern Ireland) Regulations	SI 2025/1244	Northern Ireland	<p>Directly related.</p> <p>This instrument makes provisions that are specific to Northern Ireland to ensure that it continues to comply with EU rules on radio equipment in accordance with the requirements of the Windsor Framework. This instrument amends the Radio Equipment Regulations 2017 as they apply in NI to provide for the implementation of Commission Delegated Regulation (EU) 2022/30 which supplements the EU Radio Equipment Directive (2014/53/EU). The amendments only apply in NI and not in Scotland Wales or England.</p> <p>The UKG EM states that the UK Government has not undertaken a public consultation on the changes but has engaged stakeholders and states: "...many UK businesses also supply the EU market (as well as the UK market) and have already taken steps to come into compliance with the Radio Equipment Directive. We [the UKG] therefore do not anticipate any significant impacts on the supply of products from Great Britain to Northern Ireland...The Government intends to...continue to monitor the functioning of the internal market."⁶⁶</p>
The Biocidal Products (Data Protection Periods) (Amendment) Regulations	SI 2025/1221	England, Scotland and Wales	<p>Directly related.</p> <p>This instrument changes the date set out in assimilated Regulation (EU) No 528/2012 (the GB Biocidal Products Regulation) on which regulatory data protection for active substances ends, from 31 Dec 2025 to 31 Dec 2030. Without this amendment, data protection would end for 300+ biocide active substances before the applications associated with those products had been reviewed by the UKG under the GB Review Programme. The UKG EM states that: "Consent for this Statutory Instrument has been granted by Scottish Ministers and Welsh Ministers".⁶⁷</p>

⁶⁵ https://www.legislation.gov.uk/uksi/2025/1276/pdfs/uksiem_20251276_en_001.pdf

⁶⁶ https://www.legislation.gov.uk/uksi/2025/1244/pdfs/uksiem_20251244_en_001.pdf

⁶⁷ https://www.legislation.gov.uk/uksi/2025/1221/pdfs/uksiem_20251221_en_001.pdf

3. CASE STUDIES

3.1 Examples of the Evolution of EU Law via Tertiary Legislation

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

Where appropriate – an overview of relevant upcoming EU legislative proposals are noted alongside the Scottish Government position on the instrument in respect of its alignment policy – according to information contained in the accompanying reports (Annex C) to the 2025 draft Annual Report published in accordance with the 2021 Continuity Act.

Policy Area: Plant Health			
EC Work Programme EU Law Tracker Entry: 84			
EU Law	Evolution of EU Law	Divergence vs Alignment	Competence
Regulation (EU) No 528/2012 on making available on the market and use of biocidal products	334 implementing or delegated EU law acts adopted.	Partial Alignment	Mixed
The Biocidal Products Regulation ((EU) No 528/2012) harmonises EU rules concerning the sale and use of active biocidal substances in the EU. Under the Biocidal Products Regulation (BPR) all biocidal products require a permit to be sold in the EU and the active substances they contain must be approved according to the processes provided for in the act. The EU BPR is currently undergoing an evaluation . According to the ECWP 2026, the evaluation will be completed in Q4 2026.	Since the end of the UK Transition Period the EU have adopted 308 implementing or delegated EU acts under the BPR. Of these, 26 have been adopted since the last EU Law Tracker. Almost all acts of tertiary law adopted under the BPR concern authorisations of specific biocidal products.	Regulation (EU) No 528/2012 applies in Scotland, England and Wales as assimilated law (the GB BPR); the EU BPR continues to apply in Northern Ireland under the Windsor Framework. The GB BPR has been amended to reflect EU Exit (by SI 2019/720 ; SI 2020/1567). Since the end of the Transition Period additional changes have been made (by SI 2022/1291 SI 2024/352 and SI 2025/1221) – the first of these extended the deadline for transitioning to HSE authorisations of biocidal products, the second updated data requirements under the GB BPR to reflect scientific developments, and the third extended data protection provisions for applications related to over 300 active biocidal products under the GB BPR. The SG draft Annual Report for 2025 highlights two pieces of secondary EU legislation made under the EU BPR – Commission Delegated Regulation (EU) 2024/1290 and Commission Implementing Regulation (EU) 2024/235 – the first is 'under consideration' for alignment and the second is 'for future consideration' by the SG. On	

		<p>the latter, which concerns the approval of Alkyl (C12-16) dimethylbenzyl ammonium chloride (ADBAC/BKC (C12-C16) as an existing active substance for use in biocidal products-type 2 (disinfectants and algaecides not for direct application to humans or animals) the SG note that “The deadlines for all active substance reviews in this part of the GB BPR (which mirrors the same bit of EU BPR) have been pushed back to 31 Jan 2027, such cases are pending until those reviews are completed”.⁶⁸</p> <p>In view of the high number of EU tertiary acts adopted under the EU BPR, and its ongoing evaluation, the Net Zero, Energy and Transport Committee may wish to seek further information on the extent to which the SG is monitoring all relevant tertiary acts and/or the basis on which the SG is monitoring only certain relevant tertiary acts.</p>	
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3.2 Examples of the Repeal and Replacement of EU Laws

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

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

Policy Area: Environmental Protection			
Detailed EU Law Tracker Entry: 2			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency	1 new EU Regulation.	Divergence Under Consideration	Mixed
The Energy Efficiency Directive ((2012/27/EU) or EE Directive) aimed to adapt EU energy law to reduce EU dependence on	The new EE Directive recasts EU energy efficiency law sets new targets and establishes ‘energy efficiency first’ as a fundamental principle of EU energy policy.	The old EE Directive (2012/27/EU) was implemented in the UK by a range of UKSIs – such as The Energy Efficiency	

⁶⁸ SG draft Annual Report 2025, p.66

<p>imported energy, cut emissions, drive jobs and growth, strengthen consumer rights and alleviate poverty.</p> <p>In September 2023 the EU adopted a new EE Directive ((EU) 2023/1791) to replace Directive 2012/27/EU. The replacement took full effect in October 2025.</p>	<p>The new EE Directive raises energy efficiency target to require Member States to collectively ensure an additional 11.7% reduction in energy consumption by 2030, compared to 2020 projections; Member States will set indicative national contributions to help achieve the target; additionally, it sets an annual energy consumption reduction target of 1.9% for the public sector as a whole and the annual 3% building renovation obligation is extended to all levels of public administration.</p>	<p>(Encouragement, Assessment and Information) Regulations 2014 (UKSI 2014/1403) and The Energy Efficiency (Building Renovation and Reporting) Regulations 2014 (UKSI 2014/952) – these were revoked by the REUL Act.</p> <p>The new EE Directive does not apply in the UK.</p>	
Scottish Government Position			

3.3 Examples of Proposed or Adopted New EU Laws

The third type of change and potential divergence between EU law and Scots law arises from the adoption of new EU laws that make provisions which either would or could have been within the competence of the Scottish Government had the UK and Scotland remained in the EU. A small number of new EU acts have been adopted since the last EU Tracker Report that are in scope of the SG alignment commitment (see Table 3). Additionally, a growing number of EU acts that were adopted in 2024 and 2025 have been identified by the SG as for alignment, under consideration for alignment or for future consideration for alignment but for which no specific legislative provision has yet been made in Scotland. Some examples of this nature are included in this section and a longer list of these new EU acts is provided in section 4.

Additionally, at least 35 of proposals and new initiatives outlined in the ECWP 2026, are potentially in scope of the SG alignment policy (see Annex 2); examples of relevant ECWP 2026 proposals are included below.

⁶⁹ SG Annual Report, p.56.

Policy Area: Public Health			
EC Work Programme EU Law Tracker Entry: N/A			
EU Law Proposal	Relevant SG Alignment	Divergence vs Alignment	Competence
Regulation (EU) 2025/327 of the European Parliament and of the Council of 11 February 2025 on the European Health Data Space and amending Directive 2011/24/EU and Regulation (EU) 2024/2847	Yes	Divergence SG stated intention to align	Mixed
<p>In February 2025 the EU adopted the European Health Data Space Regulation.</p> <p>The objective of the new EHDS Regulation is to establish a common framework for the use and exchange of electronic health data across the EU with the aim of enhancing individuals' access to and control over their personal electronic health data while also enabling certain data to be reused for public interest, policy support, and scientific research purposes.</p> <p>The EHDS Regulation also establishes a harmonised legal and technical framework for electronic health record systems to foster interoperability, innovation and the EU single market.</p>	<p>The new EHDS Regulation amends the Directive (2011/24/EU) on the application of patients' rights in cross-border healthcare which is in scope of the SG alignment commitment.</p>	<p>In response to a query raised regarding SG consideration of alignment with the new EHDS Regulation in the previous issue of the EU Law Tracker, the SG provided a further update in its 2025 reports which states: "The Scottish Government is considering the Regulation in the context of Scotland's own Data Strategy for Health and Social Care. A core aim of our approach in Scotland is to create the right governance environment for data and digital transformation by developing consistent standards, guidance, and assurance approaches across health and social care. This focus on standardisation, interoperability, and alignment with international best practice directly supports Scotland's ability to remain compatible with the principles underpinning the EHDS. This includes exploring alignment with European and international standards where this supports interoperability, public trust, and opportunities for collaboration with international partners. At this stage, the Scottish Government has not taken a formal decision on alignment with the Regulation but will continue to assess its implications for Scotland."⁷⁰</p> <p>In view of the SG position, the SP Health, Social Care and Sport Committee may wish to request a further update from the SG on its ongoing assessment of the new EHDS Regulation.</p>	

⁷⁰ SG draft Annual Report 2025: 'Response to CEEAC EU Law Tracker'

Policy Area: Environmental Protection			
EC Work Programme EU Law Tracker Entry: 48 and 49			
EU Law (or Proposal)	Relevant SG Alignment	Divergence vs Alignment	Competence
Regulation (EU) 2024/1781 establishing a framework for the setting of ecodesign requirements for sustainable products.	Yes	Divergence Alignment Under Consideration	Mixed
<p>In June 2024 the EU adopted the Ecodesign for Sustainable Products Regulation ((EU) 2024/1781) which replaces the Ecodesign Directive (2009/125/EC).</p> <p>The ESPR expands on the scope of the Ecodesign Directive and sets the legal basis for assessing and setting ecodesign requirements via delegated acts; intended to: improve products' durability and reusability; make products more resource and energy efficient; increase recycled content; reduce carbon and environmental footprints; and improve availability of information on product sustainability. Additionally the ESPR introduces a 'digital product passport' for products, components and materials.</p> <p>The ESPR came into effect in July 2024 however some aspects of the Ecodesign Directive continue to apply until 2026 and others until 2030.</p>	<p>The ESPR replaces the Ecodesign Directive (2009/125/EC) which is identified by the SG to be in scope of the alignment commitment.</p> <p>One of the new regulations proposed in the ECWP 2026 addresses digitalisation and common specifications and would amend the ESPR.</p>	<p>In Scotland, England and Wales, the Ecodesign Directive is implemented as assimilated law via The Ecodesign for Energy-Related Products Regulations 2010 (SI 2010/2617) as amended.</p> <p>The Ecodesign Regulations have been amended to reflect EU Exit as well as the continued application of the EU Ecodesign Directive (then ESPR) in Northern Ireland (via SI 2019/539, 2020/1528 SI 2021/924). Subsequent changes have also been made to the Ecodesign Regulations to extend transitional provisions (SI 2022/1393) to provide for recognition of EU conformity assessments in GB (SI 2024/696) and to implement aspects of the CPTPP Agreement (SI 2024/504).</p> <p>In April 2025 the new ESPR was brought into effect in Northern Ireland via SI 2025/497 – in its explanatory memorandum states “these changes do deliver certain consumer and environmental benefits” the UKG “will therefore also be consulting as soon as reasonably practicable on adopting a consistent regime across the whole of the UK”.</p>	
SG Position			
<p>The 2025 SG reports identifies the ESPR as 'under consideration' and provides further information as follows: "With regard to Regulation (EU) 2024/1781 eco-design and sustainable products (ESPR), our current consultation on a draft Circular Economy for Scotland recognises the importance of this regulation and highlights our intention to work with other nations in the UK to explore how data developments at the EU level might be applied in Scotland, including digital product passports under the ESPR. The draft strategy also</p>			

recognises that from July 2026, the ESPR will introduce a direct ban on the destruction of textiles and footwear by manufacturers, importers and distributors. We will seek alignment with the EU where it makes sense to do so, including developing a producer responsibility approach to textiles and measures to address the disposal of unsold consumer goods.”⁷¹

The Net Zero, Transport and Energy Committee may wish to seek an update from the SG regarding its intention to align with the Ecodesign Directive.

Policy Area: Environmental Protection

EC Work Programme EU Law Tracker Entry: 52

EU Law (or Proposal)	Relevant SG Alignment	Divergence vs Alignment	Competence
Regulation (EU) 2024/1991 of the European Parliament and of the Council on Nature Restoration	Yes	Divergence Under Consideration	Mixed
In June 2024 the EU adopted a new Nature Restoration Regulation. The overarching aim of the NR Regulation is to: contribute to the continuous, long-term, and sustained recovery of biodiverse and resilient nature across the EU's land and sea areas by restoring ecosystems and contributing to EU climate mitigation and adaptation objectives. To this end the NR Regulation sets multiple binding restoration targets and obligations across a broad range of ecosystems covering at least 20% of the EU's land and sea areas by 2030 and all ecosystems in need of restoration by 2050.	The new EU law complements and relates to the Birds Directive (2009/147/EC) the Habitats Directive (92/43/EEC) the Water Framework Directive (2000/60/EC) and the Marine Strategy Framework Directive (2008/56/EC) – all of which are in scope of the SG alignment commitment.	The EU acts to which the NR Regulation relates are implemented in Scotland through a range of different legislative instruments. The Birds Directive is implemented (non-exhaustively) by the Marine (Scotland) Act 2010 and The Conservation (Natural Habitats) Amendment (Scotland) Regulations 2011. The Habitats Directive is implemented by (non-exhaustively) Nature Conservation (Scotland) Act 2004; The Conservation (Natural Habitats) Amendment (Scotland) Regulations 2007; The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006; The Conservation (Natural Habitats) (Amendment) (No. 2) (Scotland) Regulations 2007; and The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Scotland) Regulations 2007.	

⁷¹ SG draft Annual Report 2025: 'Response to CEEAC EU Law Tracker'

		<p>The Water Framework Directive is implemented by (non-exhaustively) The Water Environment (Drinking Water Protected Areas) (Scotland) Order 2013; The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013; the Water Environment and Water Services (Scotland) Act 2003.</p> <p>The Marine Strategy Framework Directive is implemented by Marine (Scotland) Act 2010 (asp. 5).</p>	
		<p>SG Position</p>	
		<p>The 2025 SG reports identify the NR Regulation as 'under consideration' for alignment – notably the 2024 SG reports identified the NR Regulation as 'yes' for alignment, so its classification has changed. In the latest reporting the SG state: "Given the international context Scotland and the set of nature targets that the EU have developed, we have a good degree of confidence that the policies developed will have good strategic alignment. In terms of specific analysis around alignment of indicators and values attached to them, we will have a much better idea of this once the indicators and values of Scottish statutory nature restoration targets are agreed. Scottish Government will continue to consider alignment with EU nature restoration law whilst we continue to deliver the Strategic Framework for Biodiversity in Scotland."⁷²</p> <p>The SP Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding the ongoing consideration of the NR Regulation.</p>	

Policy Area: Environmental Protection			
EC Work Programme EU Law Tracker Entry: N/A			
EU Law (or Proposal)	Relevant SG Alignment	Divergence vs Alignment	Competence
Directive (EU) 2025/2360 of the European Parliament and of the Council of 12 November 2025 on soil monitoring and resilience (Soil Monitoring Law)	Yes	Divergence Under Consideration	Devolved
In November 2025 the EU adopted Directive (EU)		In Oct 2024 the Environmental Standards Scotland published its 'The risks to Scotland's soils: a scoping report'. In Apr 2025 the SG response to the report stated:	

⁷² SG draft Annual Report 2025: 'Response to CEEAC EU Law Tracker'

<p>2025/2360 on soil monitoring (the SML).</p> <p>The SML establishes the first EU-wide framework to monitor and improve soil health by defining common standards; it requires Member States to assess their soils and support sustainable management with the goal of ensuring healthy EU soils by 2050.</p> <p>Key requirements include: common monitoring for erosion, contamination, carbon loss, and biodiversity. Member States have three years to transpose its provisions into national law.</p>		<p>“The Scottish Government maintains policy and legislative alignment with the EU where it is possible and meaningful to do so. This is in order to protect and advance important regulations that the Scottish Parliament has devolved interest in. We will continue to monitor the development of the EU Soil Monitoring Law and assess its potential implications, while also continuing to consider how best to implement the principles of the EU Nature Restoration Law within the Scottish context. A decision on whether to introduce statutory requirements in Scotland that align with the proposed EU Soil Monitoring Law will be made once this framework is finalised and we can fully evaluate its suitability for our specific circumstances.”</p> <p>The 2025 SG reporting states that the EU Soil Health Law is ‘Under Consideration’ for alignment.</p> <p>The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its consideration of alignment with the SML now that it has been finalised.</p>	
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Policy Area: Environmental Protection

EC Work Programme EU Law Tracker Entry: N/A			
EU Law (or Proposal)	Relevant SG Alignment	Divergence vs Alignment	Competence
Regulation (EU) 2025/2365 of the European Parliament and of the Council of 12 November 2025 on preventing plastic pellet losses to reduce microplastic pollution	Yes	Divergence Under Consideration	Devolved
In November 2025 the EU adopted Regulation (EU) 2025/2365 on preventing microplastics.		The 2025 SG reports state that the EU Microplastics in the Environment Regulation is ‘under consideration’ for alignment.	
The Microplastics Regulation requires economic operators in the EU managing installations that handle five tonnes or more		The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its consideration of alignment with the Microplastics Regulation now that it has been adopted.	

of plastic pellets per year to avoid, contain and clean up any spills or losses as well as to establish and implement risk management plans. Operators handling more than 1500 tonnes of plastic pellets annually must obtain a certificate of compliance. Additionally, all operators are required to report their installations to competent authorities and to keep annual records of quantities of pellets handled and estimated losses.			
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Policy Area: Transport			
EC Work Programme EU Law Tracker Entry: N/A			
EU Law (or Proposal)	Relevant SG Alignment	Divergence vs Alignment	Competence
Directive (EU) 2025/2459 of the European Parliament and of the Council of 26 November 2025 extending the period in which zero-emission heavy-duty vehicles can benefit from reduced rates or exemptions	Yes	Divergence For Future Consideration	Mixed
In November 2025 the EU adopted Directive (EU) 2025/2459 which amends the Charging Heavy Goods Vehicles Directive 1999/62/EC to extend the date until which it is possible for Member States to apply significantly reduced rates of infrastructure or user charges or to exempt zero-emission vehicles from such charges until 30 June 2031.		<p>The Charging Heavy Goods Vehicles Directive 1999/62/EC that was amended by Directive (EU) 2025/2459 was implemented in the UK by the Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009 (SI 2009/1914) and Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (SI 2014/2437) – both of these UKSIs were <u>revoked</u> by the Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Revocation and Consequential Amendments) Regulations 2026.</p> <p>The 2025 SG reports identify the 'Zero-Emissions HDVs Amendment' as being 'for future consideration' for alignment.</p> <p>The Net Zero, Energy and Transport Committee may wish to seek the view of the</p>	

		SG regarding its intention to consider alignment with the amended Directive and the revocation of the Directive 1999/62/EU in the UK for its alignment commitment.	
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Policy Area: Plant Health			
EC Work Programme EU Law Tracker Entry: N/A			
EU Law (or Proposal)	Relevant SG Alignment	Divergence vs Alignment	Competence
Proposal for a Regulation on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 and repealing Council Directive 1999/105/EC	Yes	Divergence For Future Consideration	Devolved
The ECWP 2026 includes a <u>proposal</u> for a Regulation on the production and marketing of forest reproductive material. If adopted, the new FRM Regulation would contain updates in line with other aspects of EU environmental policy (such as the Green New Deal, the European Climate Law, the EU Forest Strategy for 2030 and the EU Biodiversity Strategy for 2030)		<p>The proposed FRM Regulation would repeal the current FRM Directive (1999/105/EC) and amend the Plant Health Regulation ((EU) 2015/2031 and the Official Controls Regulation ((EU) 2017/625) all of which are in scope of the SG alignment policy.</p> <p>The FRM Directive is implemented in Scotland as assimilated EU law including via The Forest Reproductive Material (Great Britain) Regulations 2002 (SI 2002/3026), these were amended to reflect EU Exit in Scotland (via SSI 2019/130).</p> <p>The 2025 SG reports identify the 'Plant Reproductive Material' proposal as being 'for future consideration' for alignment.</p> <p>The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its intention to consider the EU proposal to adopt a new FRM Regulation.</p>	

4. ANALYSIS

4.1 Summary of Legislative Changes

4.1.1 EU Initiated Change

Of the roughly 250 EU laws that, pre-Brexit, were either fully or partially in the competence of the Scottish Government and therefore potentially in scope of the alignment commitment 41 have been repealed since the end of the UK Transition Period (see Annex 1).⁷³ Not all of the repealed EU acts have been directly replaced because the effect of some changes during the reporting period was to replace numerous established acts with one more comprehensive new EU act. In particular this applies to the introduction of the Animal Health Law and the Official Controls Act – the former accounts for 13 of the repealed EU acts and the latter for 6 repealed acts. According to this analysis, approximately 234 acts of secondary EU law (regulations and directives) are currently in scope of the SG alignment commitment – this is a conservative estimate as it does not include all recently adopted new EU laws or draft EU proposals which are likely to be in scope in future.

As part of the normal process of EU law-making, tertiary (implementing or delegated) acts are frequently adopted. In the time period covered by all the EU Law Tracker Reports – January 2021 to January 2026 – approximately 1588 acts of tertiary EU law have been adopted in relation to acts that are considered in scope of the Scottish Government alignment commitment (see Annex 1). By definition tertiary EU acts make technical or operational provisions for the implementation of the ‘parent act’ to which they relate – changes made at this level do not tend to alter policy trajectories and are therefore not often likely to have a significant divergence effect. That said on occasion EU implementing law makes changes that, although still technical in nature, nonetheless result in divergence of standards that are relevant for Scotland and its policy of alignment. Examples of tertiary law changes are included in the case studies of this Report (see section 3.1) and the detailed EU Law Tracker (see Annex 1) provides a full record of where updates have been made; notably, tertiary EU laws are only made under certain secondary ‘parent’ EU acts. To demonstrate, of the 1588 acts of tertiary EU law adopted in relation to acts considered in scope of the SG alignment commitment: 596 have been adopted under Regulation (EU) 2016/429, the Animal Health Law; 334 have been adopted under Regulation (EU) No 528/2012 concerning the use and sale of biocidal products; 142 have been adopted under Regulation (EU) 2017/625 on official controls regarding agri-food goods and EU plant and animal health rules; 135 have been adopted under Regulation (EU) 2016/2031 on protective measures against pests of plants. This asymmetry in the adoption of EU tertiary laws that are relevant to the SG alignment commitment means that, notwithstanding the high number of specific implementing acts, the majority occur in relation to specific areas of policy, thus making it possible to target scrutiny accordingly.

⁷³ A small number of additional acts have been repealed by a new act, but the repeal has not yet taken place due to transitional arrangements – these cases are not included in the total.

Although any one individual change in EU tertiary law is unlikely to have a visible impact, the cumulative effect of multiple changes of this nature over time is likely to result in evident divergence, assuming no corresponding changes are made in Scotland. Additionally, where there are corresponding but separate developments in domestic law – Scotland specific or UK-wide – the effect of technical changes in EU law 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”.⁷⁴

The frequency and manner in which EU tertiary law is adopted is also relevant to the anticipated UK-EU SPS Agreement following the commitment to conclude one in the UK-EU Common Understanding (see section 2.1.2). Presuming an SPS Agreement is reached and, as per the UKG commitment, this will involve the UK dynamically aligning with relevant EU rules, it is likely that the EU acts (listed above) that generate a high number of EU tertiary acts will be in scope of the SPS Agreement and therefore in scope of the new arrangement for the UK's dynamic alignment with EU rules. For Scotland, the way in which dynamic alignment under the SPS Agreement is implemented domestically will be important as it is likely to involve agreeing to follow EU rules in areas of devolved competence which are currently in scope of the SG alignment commitment. This raises questions for the Scottish Parliament (and the UK Parliament) regarding arrangements for scrutiny of policy change that results from dynamic alignment with the EU under an SPS Agreement, presuming one is concluded.

When a considerable amount of change has been made to an EU regulation, directive, or decision via tertiary EU law, a ‘consolidated version’ of the parent act is often published wherein all changes and updates are incorporated in the original text. Although not an exact measure, tracking the number of consolidated text versions published during the reporting period for EU law instruments in scope of the alignment commitment can therefore give an indicator of the level of change being made via tertiary law. Since the end of the UK Transition Period until the end of the report period, 122 consolidated text versions have been published for relevant EU law instruments (see Annex 1); 16 of these have been published in the research period covered by this EU Law Tracker.

A significant number of proposals for new EU regulations and directives are relevant to the Scottish Government's alignment commitment. This research indicates that at least 18 of the new initiatives, 4 of the evaluations and 13 of the priority proposals identified in the European Commission Work Programme for 2026 relate to EU laws that are in scope of the devolved government in Scotland and are therefore likely to be in scope of the SG alignment commitment. Additionally, at least 4 of the new initiatives, 3 of the evaluations and 15 of the priority proposals identified in the European Commission Work Programme for last year, 2025, related to existing acts of EU law in scope of the alignment commitment. If not for EU Exit these proposed EU instruments and initiatives could therefore have been expected to be fully or partially in scope of the alignment commitment. In the period covered by this EU Law Tracker, 4 of the 15 priority

⁷⁴ 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-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2023/explanatory-note-on-representations.pdf](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.

proposals from ECWP 2025 have been adopted as new EU laws. These add to the growing number of EU acts that were adopted in 2024 and in 2025 that are in scope of the SG alignment commitment, and which have been identified by the SG as either for alignment or 'under consideration' or 'future consideration' for alignment. However, based on the analysis of domestic law in this edition of the EU Law Tracker (see section 4.1.2) alongside reporting by the Scottish Government in its Continuity Act annual reports, no new Scottish legislative provision has been made for the relevant EU acts. What this means is that there is now a commitment from the Scottish Government to align with or to consider aligning with new EU rules across a wide range of policy areas and on a significant number of specific policy issues. In view of the anticipated change in the wider UK-EU relationship, the Scottish Parliament may wish to seek a general view from the Scottish Government regarding its plans for continued monitoring of new EU laws and reporting on its plans regarding alignment with them, where relevant. Scottish Parliamentary Committees may also want to follow up with the Scottish Government regarding specific plans to progress towards aligning with specific new EU acts or the consideration to do so.

Examples from 2024 include:

- Directive (EU) 2024/884 of the European Parliament and of the Council of 13 March 2024 amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) – identified as 'under consideration' for alignment by the SG. [Net Zero, Energy and Transport Committee]
- Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869 – previously identified as 'yes' now identified as 'under consideration' for alignment by the SG. [Rural Affairs and Islands Committee]
- Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011 – identified as 'under consideration' for alignment by the SG. [Local Government, Housing and Planning Committee]
- Directive (EU) 2024/3099 of the European Parliament and of the Council of 27 November 2024 amending Directive 2009/16/EC on port State control - identified as 'for future consideration' for alignment by the SG. [Net Zero, Energy and Transport Committee]
- Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 – identified as 'yes' for alignment by the SG. [Net Zero, Energy and Transport Committee]
- Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims – identified as 'under consideration' for alignment by the SG. [Criminal Justice Committee]
- Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC – previously identified as 'yes' now identified as 'under consideration' for alignment by the SG. [Health, Social Care and Sport Committee]

Examples from 2025 include:

- Directive (EU) 2025/1892 of the European Parliament and of the Council of 10 September 2025 amending Directive 2008/98/EC on waste – identified as 'for future consideration' for alignment by the SG. [Net Zero, Energy and Transport Committee]

- Directive (EU) 2025/2360 of the European Parliament and of the Council of 12 November 2025 on soil monitoring and resilience (Soil Monitoring Law) – identified as ‘under consideration’ for alignment by the SG. [Net Zero, Energy and Transport Committee]
- Regulation (EU) 2025/2365 of the European Parliament and of the Council of 12 November 2025 on preventing plastic pellet losses to reduce pollution – identified as ‘under consideration’ by the SG. [Net Zero, Energy and Transport Committee]
- Regulation (EU) 2025/2457 of the European Parliament and of the Council of 26 November 2025 amending Regulations (EC) No 178/2002, (EC) No 401/2009, (EU) 2017/745 and (EU) 2019/1021 as regards the reattribution of scientific and technical tasks and improving cooperation among Union agencies in the area of chemicals – not specifically mentioned by SG. [Net Zero, Energy and Transport Committee]

Examples of potentially relevant EU proposals for 2026 include:

- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 1272/2008, (EC) No 1223/2009 and (EU) 2019/1009 as regards simplification of certain requirements and procedures for chemical products – No specific statement in latest SG reporting.
- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Chemicals Agency and amending Regulations (EC) No 1907/2006, (EU) No 528/2012, (EU) No 649/2012 and (EU) 2019/1021 – No specific statement in latest SG reporting.
- Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC as regards the extension of the period in which zero-emission heavy-duty vehicles can benefit from significantly reduced rates of infrastructure or user charges or from exemptions to pay them – Identified as ‘for future consideration’ in latest SG reporting.
- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 765/2008, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/1230, (EU) 2023/1542 and (EU) 2024/1781 as regards digitalisation and common specifications – Identified as ‘for future consideration’ in latest SG reporting.
- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005 – Identified as ‘under consideration’ in latest SG reporting.
- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on circularity requirements for vehicle design and on management of end-of-life vehicles, amending Regulations (EU) 2018/858 and 2019/1020 and repealing Directives 2000/53/EC and 2005/64/EC – Identified as ‘for future consideration’ in latest SG reporting.
- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material) – Identified as ‘for future consideration’ in latest SG reporting.
- Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO2 emission class of heavy-duty vehicles with trailers – Identified as ‘for future consideration’ in latest SG reporting.
- Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substantiation and communication of explicit environmental claims (Green Claims Directive) – Identified as ‘for future consideration’ in latest SG reporting.
- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse – Identified as ‘for future consideration’ in latest SG reporting.
- 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 – Identified as ‘under consideration’ in latest SG reporting.

- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on plants obtained by certain new genomic techniques and their food and feed and amending Regulation (EU) 2017/625 – Identified as ‘for future consideration’ in latest SG reporting.
- Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA – Identified as ‘under consideration’ in latest SG reporting.

4.1.2 Scotland and UK Initiated Change

As noted in this Report, alongside use of the EU (Continuity) Act 2021 powers to keep pace with EU policy, the Scottish Government may opt to pass primary acts of law that help fulfil the commitment to stay aligned with EU law as appropriate. For this reason, tracking the evolution of primary Scottish law is an important aspect of monitoring the implementation of the alignment commitment. None of the 7 primary acts of law passed in Scotland during the reporting period are considered relevant to the alignment commitment. Of the 95 statutory instruments passed for Scotland during the research period of potential relevance, 15 are (directly or indirectly) related to the alignment commitment. Most of these SSIs implement provisions that align with relevant EU law changes (see Table 5 and section 2.2.2.2) of those that introduce changes that diverge from EU rules most of these are necessary as a consequence of the UK no longer being part of the EU.

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

Six new UK-wide (or GB-wide) Act were passed, and 4 new Bills were laid during the reporting period that make provisions which are directly or indirectly relevant to the SG 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 domestic law changes – made either in Holyrood or Westminster – on the alignment commitment going forward.

On arrangements for reporting on the implementation of the alignment policy, the Scottish Government’s revised approach was a welcome development and one that continues to support transparency and aid legislative clarity. In the latest 2025 EU alignment reporting further improvements have been made in the quality of information provided in terms of its specificity

and the level of detail given. This is another welcome progression and a further demonstration of the Scottish Government delivering on their commitment to aid parliamentary scrutiny of the implementation of the alignment policy.

It is still worth noting that the main focus of SG Annual Reports is on new EU initiatives and proposals and less on revisions and updates to established EU laws via tertiary or amending secondary EU acts. This is an understandable approach; however, it also creates the possibility of potentially relevant changes to established EU acts being missed. This is particularly notable in view of the possible future introduction of dynamic alignment with aspects of EU law following the conclusion of a UK-EU SPS Agreement because the implementation of updates to established EU acts would be a key aspect of such an agreement.

4.2 Overall Assessment of Alignment vs Divergence

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

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

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

As indicated in previous issues of the EU Law Tracker, the potential for divergence between Scots Law and EU Law increases over time as the two legal orders and regulatory regimes continue to develop separately after Brexit. It is therefore unsurprising that this edition of the EU Law Tracker Report (similarly to the two 2025 Reports) contains more examples of divergence between the two parties.

Determining the precise extent of divergence depends on how it is defined. In view of the Scottish Government's approach to reporting on alignment, as detailed throughout this EU Law Tracker, a distinction can usefully be made between 'policy alignment' and 'legislative alignment' the former referring to shared principles or objectives and the latter referring to adopting the same legal rules or standards. Where Scots law initiatives are stated by the SG to uphold the alignment commitment, this is often on the level of policy alignment rather than legal alignment of the kind experienced and practiced in EU Member States and by those outside the EU, but which have an agreed legal arrangement for some degree of alignment with EU law. This is not necessarily unexpected given the current terms of the wider UK-EU relationship; however it also means that, even in areas where Scotland is 'aligning' with EU policy principles, legal differences and the lack of recognition of any alignment is likely to still result in regulatory and trading frictions. The conclusion of the UK-EU Common Understanding and with it the commitment to conclude an

SPS and ETS Agreement that involves dynamic alignment for the whole of the UK with a selection of EU rules, the degree of regulatory and trading frictions between Scotland and the EU can be expected to decrease significantly.

Looking ahead, the anticipated change in the wider UK-EU trading relationship raises a series of questions for Scotland and its alignment commitment. Presuming the 'Common Understanding' is translated into a new legal arrangement – expected by 2027 – the UK as a whole will require to be aligned with a selection of EU laws concerning sanitary and phytosanitary standards and emissions trading. These anticipated new UK-EU Agreements can therefore be expected to establish dynamic regulatory alignment in *some* areas of policy currently covered by the SG alignment commitment but not all. It remains to be seen whether or not the Scottish Government opts to change its approach to alignment in areas not covered by future UK-EU SPS and ETS Agreements but currently covered by the alignment commitment. Unless and until the new UK-EU Agreements are finalised it is not possible to determine exactly which EU laws will be covered by the anticipated UK-wide dynamic regulatory alignment obligation and which will not. It is however possible to make an indicative assessment of those areas currently in scope of the alignment commitment that are likely to be covered by a UK-EU SPS Agreement and those that are not. As Table 8 suggests, of the policy areas covered in the detailed EU Law Tracker, 4 are likely to be covered by an SPS Agreement, 2 are likely to be partially covered and 6 are not likely to be covered at all. This raises questions for the Scottish Government regarding its intended approach to alignment and reporting on it for areas not covered or partially covered by any future UK-EU agreements. It also raises consequential questions for the Scottish Parliament regarding its approach to scrutiny of policy areas outside any future UK-EU agreements that are currently in scope of the alignment commitment. In this regard it is notable how many EU policy proposals are currently under consideration or for future consideration for alignment and are unlikely to be in scope of a future UK-EU SPS agreement. Should the alignment commitment *not* continue or SG reporting on it end, it is unclear whether work conducted so far on consideration of alignment would continue and, if it did, how scrutiny of relevant policy areas would be conducted. The Committee may wish to highlight this issue in its legacy paper

Table 8: Areas in Scope of Alignment Likely to be in Scope of SPS Agreement

Likely Covered	Likely Partially Covered	Not Likely Covered
Animal Health and Welfare	Environmental Protection	Equality, Non-Discrimination and Human Rights
Plant Health	Public Health	Social Protection
Food Standards		Economy and Trade
Chemicals		Police and Judicial Cooperation
		Transport
		Goods Regulation

The prospect of new UK-wide agreements with the EU also raises questions regarding scrutiny of areas likely to be in scope of the same. Implementing any commitment to UK-wide dynamic regulatory alignment with aspects of EU law may, for example, result in a centralisation of relevant policy areas within the UK, even where these are devolved. In view of the planned changes in the UK-EU relationship, the Scottish Parliament may therefore wish to consider: (1) the likely approach to scrutiny of domestic legislation necessary to give effect to any new UK-

EU Agreements and (2) the likely arrangements for scrutiny of subsequent legislation required to comply with any new obligations for dynamic regulatory alignment of the UK with the EU in areas covered by any new UK-EU Agreements.

The UK-EU Summit in May 2025 marked a new chapter in post-Brexit political relations between the UK and EU, one that is anticipated to lead to more regulatory alignment between the two parties, however, the legal terms of the relationship are still the same pending the translation of political commitments into legal texts. For Scotland and its alignment commitment, therefore, while a future change in the regulatory relationship between the EU and UK as a whole is likely to mitigate the need for Scotland-led alignment with the EU in the specific areas of sanitary and phytosanitary rules and (to a lesser extent) emissions trading, the scope of an UK-EU SPS Agreement and UK-EU ETS Linkage Agreement will almost certainly be narrower than that of the SG alignment commitment. This raises questions regarding the future of the alignment commitment and arrangements for reporting on and scrutinising its implementation. At present, the regulation making powers in section 1(1) of the Continuity Act 2021 are due to end in March 2027. Under the terms of the 2021 Act an extension could be made until 2031 if regulations to that effect are passed by affirmative procedure. Importantly, such a decision would need to be taken by Scottish Ministers and the Scottish Parliament following the May 2026 elections. The Committee may wish to highlight this issue in its legacy paper

Pending the translation of the UK-EU Common Understanding commitments into law, it is still the case that, across a range of policy areas divergence is the default if Scotland does not actively pursue the same legislative provisions as the EU in areas within its devolved competence and therefore potentially in scope of the alignment commitment. In this regard, it is notable how many EU acts adopted in 2024 and 2025 are in scope of the SG alignment commitment, have been identified by the SG as being under or for future consideration, but for which legislative provision to align has not yet been made (see section 4.1.1). These are in addition to proposed new EU acts set out in the ECWP 2026 which are likely to also be in scope of the alignment commitment. Importantly, it is also still the case that initiatives being pursued at a UK-wide or GB-wide level are likely to, on occasion, sit in tension with the Scottish Government's commitment to alignment and may 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

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) and/or specifically identified by the Scottish Government are listed in Column 2. Any changes that have subsequently been made by the EU through its ordinary legislative processes to these EU instruments are indicated in **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 1 January 2026. 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 automatically in UK law. Where changes have 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 a summary account where 30+ acts are relevant. Please note, amendments made via implementing/delegated legislation are an important, but not the only, mechanism by which EU instruments can be changed, to access more updated versions see the consolidated text of the relevant act (Column 4) as appropriate.

The presentation of the detailed EU Law Tracker in these Annexes is intended to provide an indicative reference only. To allow for closer study of the content of the Tracker please see accompanying pdf.

Policy Area Summary: ENVIRONMENTAL PROTECTION

EU acts in scope: 53 directives and regulations.

Total EU tertiary acts since 1 January 2021: 98 implementing and delegated acts.

Change since last EU Law Tracker report: 1 secondary and 9 tertiary acts.

European Union Law, Status and Processes						
No.	Policy Area	Official Journal	Consolidated Text	EU Law Updates	EU Implementing Law Updates	Since Last EU Tracker
	ENVIRONMENTAL PROTECTION					EU (Secondary) Law EU (Tertiary) Law
	Carbon Capture and Storage					
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 85/376/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/56/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006	L 360, 5.6.2009 p. 114-135	Consolidated: 24.12.2018	N/A	N/A	N/A N/A
	Energy Efficiency					
	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; date of end of validity 11.10.2025	L 318, 14.11.2012 p. 156	Consolidated: 4.6.2022	Repealed by Directive 2023/1791: Article 38 Commission Delegated Regulation (EU) 2023/1791	N/A	N/A
2	Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2022/950	L 231, 20.9.2023 p. 1-111			Commission Delegated Regulation (EU) 2024/1164	1 N/A
	Energy Planning Consents					
3	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment	L 26, 28.1.2012 p. 1-21	Consolidated: 18.09.2014	N/A	N/A	N/A N/A
4	Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/376/EEC and 96/61/EC - Statement by the Commission	L 196, 25.6.2003 p. 17-26	Consolidated: 31.12.2016	N/A	N/A	N/A N/A
5	Directive 2014/62/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment	L 124, 25.4.2014 p. 1-18	N/A	N/A	N/A	N/A N/A
	Onshore Hydrocarbons Licensing					
6	Directive 2002/6/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospecting, exploration and production of hydrocarbons	L 164, 30.6.1994 p. 3-8	Consolidated: 24.12.2018	N/A	N/A	N/A N/A
	Renewable Energy					
7	Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast)	L 328, 21.12.2018	Consolidated: 16.7.2024	N/A	Commission Delegated Regulation (EU) 2021/2003, 2022/759, 2023/1184, 2023/1185, 2023/1186, 2024/1405, 2024/1408; Commission Implementing Decision (EU) 2022/903, 2022/904, 2022/905, 2022/911, 2022/909, 2022/900, 2022/907, 2022/902, 2022/910, 2022/908, 2022/901, 2022/959, 2022/906, 2022/996, 2022/1657, 2023/1765, 2024/805, 2024/851, 2024/850, 2024/824, 2024/826, 2024/966, 2024/954, 2024/976, 2024/919, 2024/9181, 2024/9180, 2024/918, 2025/108, 2025/397, 2025/462, 2025/478, 2025/473, 2025/458, 2025/1546, 2025/2292	N/A 1
	Biodiversity - Resource Access & Benefit Sharing					
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	L 150, 20.5.2014 p. 59-71	N/A	N/A	Latest: 13 October 2015	N/A N/A
9	Commission Implementing Regulation (EU) 2013/1866 of 13 October 2013 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	L 275, 20.10.2013 p. 4-19	N/A	N/A	N/A	N/A N/A
	Flood Risk Management					
10	Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks	L 208, 6.11.2007 p. 27-34	N/A	N/A	N/A	N/A N/A
	Marine Environment					
11	Directive 2008/6/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)	L 165, 25.6.2008 p. 19-40	Consolidated: 7.6.2017	N/A	N/A	N/A N/A
12	Commission Directive (EU) 2017/845 of 17 May 2017 amending Directive 2008/6/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies	L 125, 18.5.2017 p. 27-33	N/A	N/A	N/A	N/A N/A
	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	L 337, 4.11.2014 p. 39-55	Consolidated: 14.12.2018	N/A	Commission Implementing Regulation (EU) 2020/2108, 2024/1422	N/A 1
14	Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of 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	L 308, 9.11.1991 p. 1-4	N/A	N/A	N/A	N/A N/A
15	Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds	L 20, 26.1.2010 p. 7-26	Consolidated: 26.06.2019	N/A	N/A	N/A N/A
16	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora	L 209, 22.7.1992 p. 7-50	Consolidated: 1.7.2011	N/A	N/A	N/A N/A
17	Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos	L 94, 9.4.1999 p. 24-26	N/A	N/A	N/A	N/A N/A
18	Council Directive 83/298/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom	L 91, 9.4.1983 p. 30-31	Consolidated: 15.6.1992	N/A	N/A	N/A N/A
	Noise Management					
19	Directive 2002/49/EC of the European Parliament and of the Council of 26 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise	L 189, 18.7.2002 p. 12-25	Consolidated: 29.7.2021	N/A	N/A	N/A N/A
	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)	L 108, 25.4.2007 p. 1-14	Consolidated: 26.11.2024	N/A	N/A	N/A N/A
21	Decision (EU) 2024/289 of the European Parliament and of the Council of 23 October 2024 amending Directive 2007/2/EC as regards certain reporting requirements for infrastructures for spatial information	L 2024/289, 26.11.2024		N/A	N/A	N/A N/A
	Water Quality					
22	Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment	L 138, 30.5.1991 p. 49-59	Consolidated: 1.1.2014	N/A	N/A	N/A N/A
23	Directive (EU) 2024/3019 of the European Parliament and of the Council of 27 November 2024 concerning urban wastewater treatment (recast)	L 2024/3019, 19.12.2024	N/A	N/A	N/A	N/A N/A
24	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	L 307, 22.12.2000 p. 1-73	Consolidated: 20.11.2014	N/A	N/A	N/A N/A
	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	L 330, 5.12.1998 p. 92-94	Consolidated: 27.10.2015	Repealed by Directive 2020/2184: Article 26	N/A	N/A N/A
25	Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast)	L 400, 23.12.2020 p. 1-20	N/A	N/A	Commission Implementing Decision (EU) 2022/679, 2024/366, 2024/367, 2024/368, Commission Delegated Regulation (EU) 2024/369, 2024/370, 2024/441	N/A N/A

Energy Performance of Buildings							
28	Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast)	L_103_18.6.2010_p-13-35	Consolidated: 1.1.2021	N/A	Commission Implementing Regulation (EU) 2020/2156 and Commission Delegated Regulation (EU) 2020/2155	N/A	N/A
	Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings (recast)	L_2024/1275.8.5.2024		N/A	Commission Implementing Regulation (EU) 2025/328; Commission Delegated Regulation (EU) 2025/2273	N/A	2
Environmental Impact Assessment Directive							
29	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment	L_26.29.1.2012_p-1-21	Consolidated: 15.5.2014	N/A	N/A	N/A	N/A
Strategic Environmental Assessment							
30	Directive 2014/6/EU of the European Parliament and of the Council of 27 June 2014 on the assessment of the effects of certain plans and programmes on the environment	L_197_21.7.2021_p-20-37		N/A	N/A	N/A	N/A
Control of Major Accident Hazards							
31	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)	L_197_24.7.2012_p-1-37		N/A	N/A	Commission Implementing Decision (EU) 2022/3979 and Commission Implementing Decision (EU) 2025/113	N/A
Radioactive Substances							
32	Council Directive 2013/61/EU of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption	L_206_7.11.2013_p-12-21		N/A	N/A	N/A	N/A
Air Quality							
33	Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe	L_153_11.6.2008_p-1-44	Consolidated: 18.9.2016	N/A	N/A	N/A	N/A
34	Directive 2004/30/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air	L_02.26.1.2005_p-3-10	Consolidated: 18.9.2016	N/A	N/A	N/A	N/A
35	Directive (EU) 2024/881 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe (recast)	L_2024/881.20.11.2024		N/A	N/A	N/A	N/A
Industrial Emissions - Best Available Techniques (BAt)							
36	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)	L_334_17.12.2010_p-17-110	Consolidated: 4.8.2024	N/A	Commission Implementing Decision (EU) 2020/2009, 2021/2326, 2022/2110, 2022/2427, 2022/2508 and 2023/2748, 2024/2974	N/A	N/A
37	Directive (EU) 2024/1785 of the European Parliament and of the Council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste	L_2024/1785.19.7.2024		N/A	N/A	N/A	N/A
Waste & Resources							
38	Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste	L_180_18.7.1999_p-1-10	Consolidated: 4.8.2024	N/A	N/A	N/A	N/A
39	Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives	L_312_22.11.2008_p-3-30	Consolidated: 18.10.2026	N/A	N/A	Consolidated	N/A
40	Directive 2012/19/EC of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)	L_107_24.7.2012_p-30-71	Consolidated: 8.4.2024	N/A	Latest 17 December 2019	N/A	N/A
41	Directive (EU) 2024/884 of the European Parliament and of the Council of 13 March 2024 amending Directive 2012/19/EC on waste electrical and electronic equipment (WEEE)	L_2024/884.19.3.2024		N/A			
42	Directive 2006/61/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC	L_266_26.9.2006_p-1-14	Consolidated: 4.7.2018	N/A	N/A	N/A	N/A
43	Directive 2000/63/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles	L_269_21.10.2000_p-34-43	Consolidated: 20.3.2023	N/A	N/A	N/A	N/A
44	European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste	L_365_31.12.1994_p-10-23	Consolidated: 4.7.2018	N/A	N/A	N/A	N/A
45	Directive 2006/61/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/30/EC	L_102_11.4.2006_p-15-34	Consolidated: 7.8.2009	N/A	N/A	N/A	N/A
46	Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC	L_197_24.7.2012_p-1-37		N/A	Commission Implementing Decision (EU) 2022/3979 and Commission Implementing Decision (EU) 2025/113	N/A	N/A
Ozone Depleting Substances and F-gases							
47	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 843/2006 (No longer in force; date of end of validity: 31.12.2024)	L_150_20.5.2014_p-105	Repealed by Regulation (EU) 2024/573: Article 37	Commission Implementing Decision 2020/3604, 2021/456, 2021/980, 2023/2423, and 2024/598	N/A	N/A	
	Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/937 and repealing Regulation (EU) No 517/2014	L_2024/573.20.2.2024		Commission Implementing Decision (EU) 2024/563, 2024/571, 2024/579, 2024/581, 2024/587, 2024/572, 2024/576, 2024/572, 2024/5122, 2024/5120, 2025/53, 2025/118, 2025/4523, 2025/4527, 2025/4525, 2025/2155, 2025/1907, 2025/1993, 2025/1870	N/A	4	
48	Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer - No longer in force; date of end of validity: 23.3.2025	L_186_31.10.2009_p-1	Consolidated: 19.4.2017	Repealed by Regulation (EU) 2024/590: Article 31	N/A	N/A	N/A
	Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer, and repealing Regulation (EC) No 1005/2009	L_2024/590.20.2.2024		N/A	N/A	N/A	N/A
Ecodesign							
49	Directive 2009/25/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (recast)	L_285_31.10.2009_p-10	Consolidated: 4.12.2012			N/A	N/A
50	Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2022/5142 and repealing Directive 2009/125/EC	L_2024/1781.28.6.2024				N/A	N/A
Net Zero							
51	Regulation (EU) 2024/1785 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724	L_2024/1785.28.6.2024	Consolidated: 17.8.2025	Commission Implementing Regulation (EU) 2025/1178, 2025/1176, 2025/1100; Commission Delegated Regulation (EU) 2025/1477, 2025/2463		Consolidated	N/A
Nature Restoration							
52	Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869	L_2024/1991.29.7.2024		Commission Implementing Regulation (EU) 2025/612; Commission Delegated Regulation (EU) 2025/2188		N/A	1
Environmental Economic Accounts							
53	Regulation (EU) 2024/3024 of the European Parliament and of the Council of 27 November 2024 amending Regulation (EU) No 693/2011 as regards introducing new environmental economic account modules	L_2024/3024.6.12.2024				N/A	N/A
					Total Implementing Decisions	29	1

Policy Area Summary: ANIMAL HEALTH & WELFARE

EU acts in scope: 26 directives and regulations.

Total EU tertiary acts since 1 January 2021: 784 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary act and 66 tertiary acts.

						EU (Secondary) Law	EU (Tertiary) Law
ANIMAL HEALTH & WELFARE							
Animal Disease Control, Zoonoses Control							
54	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	L147/31.5.2001 n.1	Consolidated: 17.03.2025	N/A	N/A	N/A	N/A
	Council Directive 77/954/EEC of 17 May 1977 introducing Community measures for the eradication of brucellosis, tuberculosis and leprosy in cattle: No longer in force, date of end of validity: 20.4.2021	L145/13.3.1977 n.44	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270	N/A	N/A	N/A
	Council Directive 79/82/EEC of 13 December 1977 establishing Community criteria for national plans for the accelerated eradication of brucellosis, tuberculosis and enzootic leprosy in cattle: No longer in force, date of end of validity: 20.4.2021	L110/10.1.1978 n.34	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270	N/A	N/A	N/A
	Council Directive 2000/86/EC of 29 September 2000 on Community measures for the control of foot-and-mouth disease repealing Directive 90/319/EEC and Decisions 90/318/EEC and 93/646/EEC and amending Directive 92/40/EEC: No longer in force, date of end of validity: 20.4.2021	L309/22.1.2000 n.1	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270; and Regulation (EU) 2020/667	N/A	N/A	N/A
	Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC: No longer in force, date of end of validity: 20.4.2021	L110/14.1.2006 n.10	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270; and Regulation (EU) 2020/667	N/A	N/A	N/A
	Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever: No longer in force, date of end of validity: 20.4.2021	L126/1.12.2001 n.5	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270; and Regulation (EU) 2020/667	N/A	N/A	N/A
	Council Directive 2002/65/EC of 29 April 1992 laying down control rules and measures to combat African swine sickness: No longer in force, date of end of validity: 20.4.2021	L157/10.5.1992 n.19	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270	N/A	N/A	N/A
	Council Directive 2002/66/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	L192/20.7.2002 n.27	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270	N/A	N/A	N/A
55	Regulation (EC) No 256/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents	L320/12.12.2003 n.1	Consolidated: 21.4.2021	N/A	N/A	N/A	N/A
	Council Directive 92/46/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	L260/5.9.1992 n.1	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270	N/A	N/A	N/A
	Council Directive 92/136/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	L62/15.3.1993 n.69	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270	N/A	N/A	N/A
56	Directive 2000/99/EC of the European Parliament and of the Council of 27 November 2000 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 90/117/EEC	L326/12.12.2000 n.31	Consolidated: 1.7.2013	N/A	N/A	N/A	N/A
	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	L327/22.12.2000 n.74	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270	N/A	N/A	N/A
57	Regulation (EU) 2014/202 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")	L88/31.3.2016 n.1208	Consolidated: 21.4.2021	N/A	31 Delegated and 565 Implementing since 1 Jan 2021	N/A	58
58	Commission Delegated Regulation (EU) 2020/649 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	L174/3.6.2020 n.64	Consolidated: 1.8.2023	N/A	N/A	N/A	N/A
Animal Identification							
	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 90/102/EEC and 64/32/EEC: No longer in force, date of end of validity: 20.4.2021	L30/9.1.2004 n.8	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270	N/A	N/A	N/A
59	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	L204/11.8.2000 n.1	Consolidated: 21.4.2021	N/A	N/A	N/A	N/A
	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	L213/8.8.2008 n.31	N/A	Repealed and replaced by Regulation (EU) 2016/429; Article 270	N/A	N/A	N/A
Animal Welfare							
60	Council Regulation (EC) No 12/2004 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/430/EEC and 80/136/EEC and Regulation (EC) No 1255/97	L15/1.2005 n.1	Consolidated: 14.12.2012	N/A	N/A	N/A	N/A
61	Council Regulation (EC) No 325/2002 of 1 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	L309/9.11.1991 n.1	N/A	N/A	N/A	N/A	N/A
62	Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products	L386/31.10.2009 n.36	Consolidated: 16.10.2016	N/A	N/A	N/A	N/A
63	Regulation (EC) No 152/2007 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	L345/27.12.2007 n.1	N/A	N/A	N/A	N/A	N/A
64	Council Regulation (EC) No 109/2009 of 24 September 2009 on the protection of animals at the time of killing	L303/18.11.2009 n.1	Consolidated: 14.12.2012	N/A	N/A	N/A	N/A
65	Council Directive 83/329/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom	L91/9.4.1983 n.30	Consolidated: 15.6.1988	N/A	N/A	N/A	N/A
GMOS - Marketing & Cultivation							
66	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 90/200/EEC - Commission Declaration	L106/17.4.2001 n.1-36	Consolidated: 27.3.2021	N/A	N/A	N/A	N/A
67	Regulation (EC) No 183/2003 of the European Parliament and of the Council of 23 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	L368/18.10.2003 n.24-28	Consolidated: 26.7.2019	N/A	N/A	N/A	N/A
68	Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms	L287/5.11.2003 n.1-10	N/A	N/A	N/A	N/A	N/A
GMOS - Marketing & Cultivation							
69	Directive 2004/14/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms	L128/21.5.2009 n.75-97	N/A	N/A	N/A	N/A	N/A
Zootech							
70	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 89/600/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ("Animal Breeding Regulation")	L171/29.6.2016 n.66-143	N/A	N/A	Commission Implementing Regulation (EU) 2020/602, 2021/761, 2021/963, 2022/2077	N/A	N/A
Organic Production Regulation							
71	Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EC) No 2059/91	L189/20.7.2007 n.1-33	Consolidated: 1.1.2022	N/A	N/A	N/A	N/A
	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: date of end of validity: 31.12.2023	L250/18.9.2008 n.1-84	Consolidated: 1.1.2022	Repealed by Commission Implementing Regulation (EU) 2021/166; Article 11	N/A	N/A	N/A
	Commission Regulation (EC) No 715/2009 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	L204/6.8.2009 n.11-34	N/A	Implicitly Repealed by Commission Implementing Regulation (EU) 2021/166; Article 11	N/A	N/A	N/A

Official Controls		111 Commission Implementing Decisions and 34 Commission Delegated Regulations since 1 January 2021			
72	<p>Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities to ensure the application of rules on feed, rules on animal health and welfare, plant health and plant protection products, and repealing Regulation (EC) No 967/2009, Council Directive 2000/29/EC and Council Directive 2000/29/EC, (EU) No 1331/2012, (EU) No 625/2014, (EU) 2016/429 and (EU) 2016/401 of the European Parliament and of the Council, Council Regulation (EC) No 1099/2009 and (EC) No 1099/2009 and Council Directives 98/65/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 98/60/EC, 89/62/EC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EC (Official Controls Regulation)</p> <p>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</p> <p>Regulation (EC) No 884/2004 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</p> <p>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 89/62/EEC, 90/425/EEC and 98/65/EEC - No longer in force, date of end of validity 13.12.2019</p> <p>Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries - No longer in force, date of end of validity 13.12.2019</p> <p>Council Directive 90/426/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</p> <p>Council Directive 89/62/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</p>	195_7.4.2017_n.1	Consolidated: 5.1.2026	N/A	N/A
			Repeated and Replaced by Regulation (EU) 2017/625; Article 146	N/A	N/A
			146_30.4.2004_n.1	N/A	N/A
			Repeated and Replaced by Regulation (EU) 2017/625; Article 146	N/A	N/A
			149_30.4.2004_n.206	N/A	N/A
			Repeated and Replaced by Regulation (EU) 2017/625; Article 146	N/A	N/A
			168_24.1.1991_n.56	N/A	N/A
			Repeated and Replaced by Regulation (EU) 2017/625; Article 146	N/A	N/A
			124_30.1.1998_n.9	N/A	N/A
			Repeated and Replaced by Regulation (EU) 2017/625; Article 146	N/A	N/A
			124_18.8.1990_n.20	N/A	N/A
			Repeated and Replaced by Regulation (EU) 2017/625; Article 146	N/A	N/A
			186_30.12.1989_n.13	N/A	N/A
			Repeated and Replaced by Regulation (EU) 2017/625; Article 146	N/A	N/A
Fisheries & Aquaculture		Commission Implementing Regulation (EU) 2024/8094, (EU) 2020/0967; Commission Delegated Regulation (EU) 2025/2593 (EU) 2025/2192 (EU) 2025/2169 (EU) 2025/719, (EU) 2024/2024 (EU) 2024/0993, (EU) 2024/0899, (EU) 2024/0900, (EU) 2024/0922, (EU) 2024/0491, (EU) 2024/0492, (EU) 2024/0493, (EU) 2022/2087, (EU) 2022/2598, (EU) 2022/1307, (EU) 2022/2026, (EU) 2023/303, (EU) 2022/200, (EU) 2022/199, (EU) 2021/2324, (EU) 2021/1473, (EU) 2021/1160			
73	Commission Regulation (EU) No 370/2006 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish	181_28.12.1985_n.63	Consolidated: 28.7.2005	N/A	N/A
74	Council Regulation (EU) No 213/2009 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products	122_22.7.1989_n.79	Consolidated: 31.12.2008	N/A	N/A
75	Council Regulation (EC) No 1530/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito	163_17.6.1992_n.1	N/A	N/A	N/A
76	Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products	134_23.12.1996_n.1	Consolidated: 2.6.2005	N/A	N/A
	Council Regulation (EC) No 858/96 of 30 March 1988 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	125_27.4.1998_n.1	N/A	Repeated and replaced by Regulation (EU) 2019/1241; Article 39	N/A
77	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 1907/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2011, (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 813/2004 and (EC) No 2187/2005	198_27.7.2019_n.105	Consolidated: 21.8.2026	N/A	Commission Implementing Regulation (EU) 2024/8094, (EU) 2020/0967; Commission Delegated Regulation (EU) 2025/2593 (EU) 2025/2192 (EU) 2025/2169 (EU) 2025/719, (EU) 2024/2024 (EU) 2024/0993, (EU) 2024/0899, (EU) 2024/0900, (EU) 2024/0922, (EU) 2024/0491, (EU) 2024/0492, (EU) 2024/0493, (EU) 2022/2087, (EU) 2022/2598, (EU) 2022/1307, (EU) 2022/2026, (EU) 2023/303, (EU) 2022/200, (EU) 2022/199, (EU) 2021/2324, (EU) 2021/1473, (EU) 2021/1160
					Consolidated 3
Fisheries & Aquaculture Marketing		Commission Delegated Regulation (EU) 2021/2064, (EU) 2022/0065, (EU) 2022/0064, (EU) 2022/0062, (EU) 2022/2287, (EU) 2022/2564, (EU) 2023/340, (EU) 2023/369, (EU) 2023/3697, (EU) 2023/2460, (EU) 2023/3918, (EU) 2024/0910, (EU) 2024/0926, (EU) 2024/0943, (EU) 2025/898, (EU) 2025/1181, (EU) 2025/1160			
78	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 Regulation (EC) No 104/2001, insofar as it concerns provisions relating to marketing standards and consumer information	154_28.12.2013_n.1	Consolidated: 27.11.2024	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	198_24.11.2006_n.14	Consolidated: 6.3.2014	Repeated and replaced by Regulation (EU) 2016/429; Article 270	N/A
79	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 1964/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2373/2002 and (EC) No 639/2004 and Council Decision 2004/685/EC, insofar as it concerns provisions relating to marketing standards for fishery and aquaculture products	154_28.12.2013_n.22	Consolidated: 1.1.2023	N/A	Commission Delegated Regulation (EU) 2021/2064, (EU) 2022/0065, (EU) 2022/0064, (EU) 2022/0062, (EU) 2022/2287, (EU) 2022/2564, (EU) 2023/340, (EU) 2023/369, (EU) 2023/3697, (EU) 2023/2460, (EU) 2023/3918, (EU) 2024/0910, (EU) 2024/0926, (EU) 2024/0943, (EU) 2025/898, (EU) 2025/1181, (EU) 2025/1160
					2
			Total Implementing / Delegated	744	8 68

Policy Area Summary: PLANT HEALTH

EU acts in scope: 18 directives and regulations.

Total EU tertiary acts since 1 January 2021: 474 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 53 tertiary acts.

PLANT HEALTH		EU (Secondary) Law EU (Tertiary) Law			
Plant Health		127 Commission Implementing Regulations and 2 Commission Delegated Regulations			
80	Regulation (EU) 2016/2031 of the European Parliament 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 96/46/EEC, 74/647/EEC, 93/65/EEC, 98/67/EEC, 2000/29/EC, 2006/91/EC and 2007/33/EC	131_23.11.2016_n.4	Consolidated: 5.1.2026	N/A	N/A 27
81	Council Regulation (EU) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein	161_3.3.1997_n.1	Consolidated: 20.5.2023	N/A	N/A N/A
	Regulation (EU) 2024/1118 of the European Parliament and of the Council of 27 November 2024 amending Regulation (EU) 2016/2031 as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and establishment of procedures for granting them, temporary import requirements for high-risk plants, plant products and other objects, the establishment of procedures for the listing of high-risk plants, the content of phytosanitary certificates and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests and amending Regulation (EU) 2017/625 as regards certain notifications of non-compliance	120_24.11.2013_n.22	Consolidated: 16.12.2024	N/A	N/A N/A
Pesticides, Biocides		329 Commission Implementing Decisions and 6 Commission Delegated Regulations			
83	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	130_24.11.2009_n.1	Consolidated: 21.11.2022	N/A	N/A N/A
84	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 of plant and animal origin and amending Council Directive 91/414/EEC	170_16.3.2005_n.1	Consolidated: 24.8.2026	N/A	Consolidated N/A
85	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	167_27.6.2012_n.1	Consolidated: 11.6.2024	N/A	N/A 26
Plant Reproductive Material		N/A			
86	Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed	125_11.7.1966_n.209		N/A	N/A N/A
87	Council Directive 68/193/EEC of 4 April 1968 on the marketing of material for the vegetative propagation of the vine	163_17.4.1968_n.15	Consolidated: 16.2.2028	N/A	N/A N/A
88	Council Directive 1999/30/EC of 22 December 1999 on the marketing of forest reproductive material	111_15.1.2000_n.17		N/A	N/A N/A
89	Council Directive 2002/56/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species	193_20.7.2002_n.1	Consolidated: 18.4.2024	N/A	N/A N/A
90	Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed	125_11.7.1966_n.208	Consolidated: 1.9.2022	N/A	N/A N/A
91	Council Directive 98/66/EC of 20 July 1998 on the marketing of propagating material of ornamental plants	126_13.8.1998_n.16	Consolidated: 30.6.2014	N/A	N/A N/A
92	Council Directive 2008/26/EC of 15 July 2008 on the marketing of vegetative propagating and planting material, other than seed	120_1.8.2008_n.29	Consolidated: 16.8.2022	N/A	N/A N/A
93	Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed	110_20.7.2002_n.12	Consolidated: 1.9.2022	N/A	N/A N/A
94	Council Directive 2002/56/EC of 13 June 2002 on the marketing of vegetable seed	110_20.7.2002_n.33	Consolidated: 24.12.2024	N/A	N/A N/A
95	Council Directive 2002/66/EC of 13 June 2002 on the marketing of seed potatoes	110_20.7.2002_n.60	Consolidated: 9.1.2024	N/A	N/A N/A
96	Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed of oil and fibre plants	110_20.7.2002_n.74	Consolidated: 24.12.2024	N/A	N/A N/A
97	Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for that production	120_8.10.2008_n.8	Consolidated: 13.10.2022	N/A	N/A N/A
			Total Implementing / Delegated	474	8 68

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

EU acts in scope: 8 directives and regulations.

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

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

					EU (Secondary) Law	EU (Tertiary) Law
	EQUALITY, NON-DISCRIMINATION, AND HUMAN RIGHTS					
98	Voting Rights in Local Government Elections Article 202(3) TFEU and Article 22 TFEU	L_326_26.10.2012_n_47300	N/A	N/A	N/A	N/A
	Equal Treatment Legislation					
99	Council Directive 2004/136/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	L_373_23.12.2004_n_3743	N/A	N/A	N/A	N/A
100	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	L_204_26.7.2006_n_2330	N/A	N/A	N/A	N/A
101	Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin	L_180_19.7.2000_n_2226	N/A	N/A	N/A	N/A
102	Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation	L_303_2.12.2000_n_1622	N/A	N/A	N/A	N/A
103	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 96/51/EC	L_180_16.7.2010_n_16	N/A	N/A	N/A	N/A
104	Council Directive 79/707/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security	L_6_10.1.1979_n_2420	N/A	N/A	N/A	N/A
105	Directive (EU) 2024/2841 of the European Parliament and of the Council of 23 October 2024 establishing the European Disability Card and the European Paving Card for persons with disabilities	L_2024_0841_14.11.2024	N/A	N/A	N/A	N/A
					Total Implementing / Delegated	0
						0

Policy Area Summary: SOCIAL PROTECTION

EU acts in scope: 3 directives and regulations.

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

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

					EU (Secondary) Law	EU (Tertiary) Law
	SOCIAL PROTECTION					
	EU Social Security Coordination					
106	Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems	L_166_30.4.2004_n_1123	Consolidated: 31.7.2019	N/A	N/A	N/A
107	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	L_294_30.10.2009_n_143	Consolidated: 1.1.2018	N/A	N/A	N/A
108	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	L_149_5.7.1971_n_250	Consolidated: 1.5.2010	N/A	N/A	N/A
	Regulation (EEC) No 1408/72 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	L_74_27.3.1972_n_183	Consolidated: 2.3.2009	Repeated and Replaced by Regulation (EC) No 987/2009; Article 96	N/A	N/A
					Total Implementing / Delegated	0
						0

Policy Area Summary: FOOD STANDARDS

EU acts in scope: 31 directives and regulations.

Total EU tertiary acts since 1 January 2021: 122 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary act and 15 tertiary acts.

					EU (Secondary) Law	EU (Tertiary) Law
	FOOD STANDARDS					
	Food Composition Standards and Labelling					
109	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	L_31_1.2.2002_n_1	Consolidated: 1.7.2024	N/A	N/A	N/A
	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 (Text with EEA relevance) (EU) No 1924/2009 and (EU) No 1925/2009 of the European Parliament and of the Council, and repealing Commission Directive 2002/65/EC, Council Directive 2004/67/EC, Commission Directive 1999/10/EC, Directive 2000/33/EC of the European Parliament and of the Council, Commission Directives 2003/67/EC and 2008/8/EC and Commission Regulation (EC) No 608/2004	L_304_22.11.2011_n_18	Consolidated: 1.4.2025	N/A	Commission Implementing Regulation (EU) 2021/834, (EU) 2021/845, (EU) 2022/100, Commission Delegated Regulation (EU) 2024/2522	N/A
111	Directive 2011/95/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	L_334_16.12.2011		N/A	N/A	N/A
112	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	L_354_31.12.2008_n_1	Consolidated: 27.3.2024	N/A	N/A	N/A
113	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 2001/12/EC and Regulation (EC) No 258/97	L_354_31.12.2008_n_7	Consolidated: 3.12.2012	N/A	N/A	N/A
114	Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives	L_354_31.12.2008_n_16	Consolidated: 31.7.2025	N/A	N/A	Consolidated
115	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 (EC) No 1601/91, Regulation (EC) No 2230/96 and (EC) No 110/2008 and Directive 2000/36/EC	L_354_31.12.2008_n_34	Consolidated: 26.2.2025	N/A	N/A	N/A
116	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	L_183_12.7.2002_n_51	Consolidated: 26.11.2026	N/A	N/A	Consolidated
117	Regulation (EC) No 1925/2008 of the European Parliament and of the Council of 20 December 2008 on the addition of vitamins and minerals and of certain other substances to foods	L_404_30.12.2008_n_26	Consolidated: 26.11.2026	N/A	N/A	Consolidated
118	Regulation (EC) No 2066/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods	L_309_26.11.2003_n_1	Consolidated: 27.3.2021	N/A	N/A	N/A
119	Council Regulation (EC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food	L_37_13.2.1993_n_1	Consolidated: 7.8.2009	N/A	N/A	N/A
120	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 1882/2001	L_377_11.12.2015_n_1	Consolidated: 27.3.2021	N/A	113 Commission Implementing Regulations	N/A
						10

121	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 90/62/EEC, Commission Directives 96/6/EC, 1999/21/EC, 2006/125/EC and 2006/143/EC, Directive 2009/93/EC of the European Parliament and of the Council and Commission Regulations (EU) No 412/2009 and (EC) No 963/2009	L181.29.6.2013 n.35	Consolidated: 19.3.2025	N/A	Commission Delegated Regulation (EU) 2021/671, (EU) 2023/672, (EU) 2023/1041, (EU) 2023/1040, (EU) 2023/519, (EU) 2022/2182, (EU) 2023/429, (EU) 2023/589, (EU) 2024/684, (EU) 2024/791, (EU) 2025/1735, (EU) 2025/2017	Consolidated 1
122	Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts	L66.13.3.1999 n.20	Consolidated: 18.11.2013	N/A	N/A	N/A N/A
123	Directive 2000/96/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption	L197.3.8.2000 n.19	Consolidated: 18.11.2013	N/A	N/A	N/A N/A
124	Council Directive 2001/10/EC of 20 December 2001 relating to honey	L10.10.1.2002 n.67	Consolidated: 23.6.2014	N/A	N/A	N/A N/A
125	Council Directive 2001/11/EC of 20 December 2001 relating to certain sugars intended for human consumption	L10.10.1.2002 n.53	Consolidated: 18.11.2013	N/A	N/A	N/A N/A
	Commission Implementing Regulation (EU) No 545/2011 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. No longer in force; date of end of validity: 31.12.2024	L157.15.6.2011 n.1	Consolidated: 24.10.2022	Repealed and Replaced by Commission Delegated Regulation (EU) 2023/429	N/A	N/A N/A
126	Commission Delegated Regulation (EU) 2023/429 of 17 August 2023 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for the fruit and vegetables sector, certain processes fruit and vegetable products and the bananas sector, and repealing Commission Regulation (EC) No 1666/1999 and Commission Implementing Regulation (EU) No 543/2011 and (EU) No 133/2011	L2023/429 n.3.11.2023		N/A	N/A	N/A N/A
127	Council Directive 2001/11/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption	L10.10.1.2002 n.58	Consolidated: 5.10.2014	N/A	N/A	N/A N/A
128	Council Directive 2001/13/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption	L10.10.1.2002 n.67	Consolidated: 18.11.2013	N/A	N/A	N/A N/A
129	Council Directive 2001/14/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption	L10.10.1.2002 n.19	Consolidated: 18.11.2013	N/A	N/A	N/A N/A
130	Directive (EU) 2015/203 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	L314.1.12.2015 n.1	N/A	N/A	N/A	N/A N/A
	Nutrition Labelling, Composition and Standards					
131	Regulation (EC) 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods	L404.30.12.2006 n.9	Consolidated: 13.12.2014	N/A	N/A	N/A N/A
	Food Hygiene					
132	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	L139.30.4.2004 n.55	Consolidated: 18.11.2025	N/A	N/A	Consolidated N/A
133	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs	L139.30.4.2004 n.1	Consolidated: 24.3.2021	N/A	N/A	N/A N/A
134	Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption	L60.11.2.1989 n.34	Consolidated: 1.7.2013	N/A	N/A	N/A N/A
	Regulation of Tobacco and Related Products					
135	Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC	L127.20.4.2014 n.38	Consolidated: 23.10.2023	N/A	Commission Delegated Directive (EU) 2022/2100 and Commission Implementing Regulation (EU) 2023/448	N/A N/A
136	Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products	L152.20.6.2003 n.16-19	Consolidated: 20.6.2003	N/A	N/A	N/A N/A
	Organic Products					
137	Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EC) No 2092/91. Repealed by (EU) 2018/648 but with partial continued application.	L189.20.7.2007 n.1	Consolidated: 1.1.2022	Repealed and Replaced by Regulation (EU) 2018/648: Article 56 [but with partial continued application]	N/A	N/A N/A
138	Regulation (EU) 2018/648 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007	L150.14.6.2018 n.1	Consolidated: 25.3.2020	N/A	39 Commission Delegated Regulations and 50 Commission Implementing Regulations	N/A 4
139	Regulation (EU) 2023/2419 of the European Parliament and of the Council of 18 October 2023 on the labelling of organic pet food	L2023/2419 n.27.10.2023		N/A	N/A	N/A N/A
				Total Implementing / Delegated	122	8 15

Policy Area Summary: CHEMICALS

EU acts in scope: 6 directives and regulations.

Total EU tertiary acts since 1 January 2021: 31 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 2 tertiary acts.

					EU (Secondary) Law	EU (Tertiary) Law
	Chemicals					
	Permit Regulation					
140	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	L304.21.11.2003 n.194	Consolidated: 20.6.2021	Repealed and Replaced by Regulation (EU) 2019/1009: Article 51	N/A	N/A N/A
	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	L170.20.6.2019 n.114	Consolidated: 20.11.2024	N/A	Commission Delegated Regulation (EU) 2021/1768, (EU) 2021/2006, (EU) 2021/2007, (EU) 2021/2008, (EU) 2022/993, (EU) 2022/1173, (EU) 2022/2119, (EU) 2022/4009, (EU) 2024/1662, (EU) 2024/2770, (EU) 2024/2780, (EU) 2024/2787, (EU) 2024/2788, (EU) 2024/2789, (EU) 2025/1421	N/A 1
	Good Laboratory Practice					
141	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)	L150.20.7.2004 n.39.43	Consolidated: 26.7.2010	N/A	N/A	N/A N/A
142	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	L150.20.7.2004 n. 44-59	Consolidated: 20.4.2009	N/A	N/A	N/A N/A
	REACH					
143	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 (EC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/655/EEC, 93/67/EEC, 93/106/EEC and 2000/21/EC	L396.30.12.2006 n.1	Consolidated: 1.9.2025	N/A	N/A	Consolidated N/A
	Persistent Organic Pollutants					
144	Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants	L169.25.6.2019 n.45	Consolidated: 3.10.2026	N/A	Commission Delegated Regulation (EU) 2023/866, (EU) 2022/2291, (EU) 2023/868, (EU) 2024/2555, (EU) 2024/2570, (EU) 2025/718, (EU) 2025/1390, (EU) 2025/843, (EU) 2025/1482	Consolidated 1
	Hazardous Chemicals					
145	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	L201.27.7.2012 n.60	Consolidated: 1.3.2026	N/A	Commission Implementing Decision C/2021/640, C/2023/659 and (EU) 2024/1796; Commission Delegated Regulation (EU) 2022/443, (EU) 2023/1696, (EU) 2024/9199	N/A N/A
				Total Implementing / Delegated	31	0 2

Policy Area Summary: ECONOMY & TRADE

EU acts in scope: 6 directives and regulations.

Total EU tertiary acts since 1 January 2021: 27 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 5 tertiary acts.

					EU (Secondary) Law	EU (Tertiary) Law
	ECONOMY & TRADE					
	Late Payment - Commercial Transactions					
146	Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions	L 48/23/2/2011 n-3/10	N/A	N/A	N/A	N/A
	Mutual Recognition of Professional Qualifications - Cross-Sectoral					
147	Directive 2005/60/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications	L 205/30/9/2005 n-22/142	Consolidated: 29/10/2020	N/A	N/A	Consolidated
	Services Directive					
148	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market	L 376/27/12/2006 n-36/48	N/A	N/A	N/A	N/A
	Public Procurement					
149	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	L 94/28/3/2014 n-65/242	Consolidated: 1/1/2014	N/A	Commission Delegated Regulation (EU) 2022/1962 and (EU) 2023/496; Commission Implementing Regulation (EU) 2022/2303, (EU) 2023/2884, (EU) 2025/2152	N/A
150	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	L 94/28/3/2014 n-243/374	Consolidated: 1/1/2014	N/A	Commission Implementing Decision (EU) 2022/418, (EU) 2022/1286, (EU) 2022/1296, (EU) 2022/1297, (EU) 2022/3003, (EU) 2023/64, (EU) 2023/1228, (EU) 2023/978, (EU) 2023/2884, (EU) 2024/138, (EU) 2024/2224, (EU) 2025/477, (EU) 2025/2059, (EU) 2025/2277; Commission Delegated Regulation (EU) 2021/1963, (EU) 2023/2494, (EU) 2025/2150	N/A
151	Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts	L 94/28/3/2014 n-1/64	Consolidated: 1/1/2014	N/A	Commission Delegated Regulation (EU) 2021/1961, (EU) 2023/497, (EU) 2025/2151; Commission Implementing Regulation (EU) 2022/2303 and (EU) 2023/2884	N/A
					Total Implementing / Delegated	27
						6
						5

Policy Area Summary: POLICE & JUDICIAL COOPERATION

EU acts in scope: 53 directives and regulations.

Total EU tertiary acts since 1 January 2021: 3 implementing and delegated acts.

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

					EU (Secondary) Law	EU (Tertiary) Law
	POLICE & JUDICIAL COOPERATION					
	European Judicial Network					
152	Council Decision 2009/767/EC of 16 December 2008 on the European Judicial Network	L 248/24/12/2008 n-130/134	N/A	N/A	N/A	N/A
	Joint Action on Organised Crime					
153	97/827/EC: Joint Action of 6 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	L 344/10/12/1997 n-7/9	N/A	N/A	N/A	N/A
	Falses and Authentic Documents Online (FAD O)					
154	98/700/EC: 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 (FAD O)	L 333/9/12/1998 n-6/7	N/A	N/A	N/A	N/A
	European Police College (CEPOL)					
155	Council Decision 2005/619/EC of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/EC of 20 September 2000 establishing the European Police College (CEPOL) and repealing Decision 2000/820/EC of 20 September 2000	L 295/1/10/2005 n-63/70	Consolidated: 1/9/2014	Repeated and Replaced by Regulation (EU) 2015/2219; Article 40	N/A	N/A
155	Regulation (EU) 2018/2030 of the European Parliament and of the Council of 26 November 2018 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/619/EC	L 319/4/12/2018 n-1/20	N/A	N/A	N/A	N/A
	EUJISA					
156	Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 26 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	L 286/1/11/2011 n-1/17	Consolidated: 9/10/2018	Repeated and Replaced by Regulation (EU) 2018/1729; Article 57	N/A	N/A
156	Regulation (EU) 2018/1729 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 (euJISA) and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/EC and repealing Regulation (EU) No 1077/2011	L 295/21/11/2018 n-99/137	Consolidated: 28/1/2025	N/A	N/A	N/A
	EUROPOL					
157	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 2009/965/JHA	L 139/24/5/2016 n-53/114	Consolidated: 28/6/2024	N/A	N/A	N/A
	EURO JUST					
158	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 2002/367/JHA	L 295/21/11/2018 n-138/183	Consolidated: 4/11/2024	N/A	Latest 19 December 2019	Consolidated
	European Criminal Records Information System (ECRIS)					
159	Council Framework Decision 2009/351/EC of 26 February 2009 on the organization and content of the exchange of information extracted from the criminal record between Member States	L 93/7/4/2009 n-72/32	Consolidated: 27/8/2019	N/A	N/A	N/A
	Prüm Framework (data sharing)					
160	Council Decision 2008/616/EC of 23 June 2008 on the implementation of Decision 2008/615/EC on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime	L 210/6/8/2008 n-12/72	Consolidated: 29/4/2024	N/A	N/A	N/A
161	Council Decision 2008/615/EC of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime	L 210/6/8/2008 n-1/11	Consolidated: 29/4/2024	N/A	N/A	N/A
162	Regulation (EU) 2024/682 of the European Parliament and of the Council of 13 March 2024 on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/616/EC and 2008/610/EC and Regulations (EU) 2018/1726, (EU) No 2019/617 and (EU) 2019/618 of the European Parliament and of the Council (the Prüm II Regulation)	L 2024/682/5/2024		N/A	N/A	N/A
	Schengen Information System (SIS II)					
163	Council Decision 2007/639/EC 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	L 200/7/4/2007 n-63/34	Consolidated: 26/12/2023	Repeated and Replaced by Regulation (EU) 2018/1862; Article 78	N/A	N/A
163	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 2007/639/EC, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU	L 312/7/19/2018 n-56/106	Consolidated: 1/8/2024	N/A	Commission Implementing Decision (EU) 2023/201, (EU) 2022/2206, (EU) 2021/31	N/A

Minimum Standards Legislation - Cybercrime						
164	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 2005/223/JHA	L_218_14.8.2013_n-8.14	N/A	N/A	N/A	N/A
Minimum Standards Legislation - Human Trafficking						
165	Directive 2011/95/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	L_101_19.4.2011_n-1.11	Consolidated: 14.7.2024	N/A	N/A	N/A
166	Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/95/EU on preventing and combating trafficking in human beings and protecting its victims	2024/1712_24.6.2024		N/A	N/A	N/A
Asset Recovery Offices						
167	Council Decision 2007/645/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	L_332_18.12.2007_n-103-105	N/A	N/A	N/A	N/A
Cooperation Legislation - Child Sexual Exploitation						
168	Council Decision of 29 May 2009 to combat child pornography on the Internet	L_138_9.5.2009_n-1.14	N/A	N/A	N/A	N/A
Schengen Convention - Law Enforcement Cooperation (Article 49)						
169	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	L_210_6.9.2008_n-17.7	Consolidated: 26.4.2024	N/A	N/A	N/A
European Investigation Order						
170	Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters	L_130_1.5.2014_n-1.36	Consolidated: 13.3.2022	N/A	N/A	N/A
Joint Investigation Teams						
171	Council Framework Decision of 13 June 2002 on joint investigation teams	L_162_20.6.2002_n-1.3	Consolidated: 10.9.2022	N/A	N/A	N/A
Mutual Recognition of Assets Freezing						
	Council Framework Decision 2003/777/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	L_109_2.8.2003_n-45.56	Consolidated: 2.8.2003	Repeated and Replaced by Regulation (EU) 2018/1805	N/A	N/A
Mutual Recognition of Confiscation Orders						
	Council Framework Decision 2006/838/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders. No longer in force; date of end of validity: 18.12.2020	L_328_24.11.2006_n-59.78	Consolidated: 28.3.2009	Repeated and Replaced by Regulation (EU) 2018/1805	N/A	N/A
172	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	L_303_28.11.2018_n-1.38	Consolidated: 1.8.2025	N/A	N/A	N/A
Cross-Border Data Exchange - 'Swedish Initiative'						
	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. No longer in force; date of end of validity: 11.12.2024	L_386_29.12.2006_n-89-100	Consolidated: 30.12.2006	Repeated and Replaced by Directive (EU) 2023/977	N/A	N/A
173	Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA	L_158_22.5.2023_n-1.24		N/A	N/A	N/A
Cooperation on Football Disorder						
174	2002/346/JHA: Council Decision of 29 April 2002 concerning security in connection with football matches with an international dimension	L_121_8.5.2002_n-1.3	Consolidated: 16.6.2007	N/A	N/A	N/A
Forensic Service Providers - Mutual Recognition						
175	Council Framework Decision 2009/959/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities	L_327_9.12.2009_n-14.16	N/A	N/A	N/A	N/A
Passenger Name Records (PNR) Data						
176	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	L_119_4.6.2016_n-132-149	N/A	N/A	Latest: 28 April 2017	N/A
Applicable Law in Contracts and Non-Contractual Obligations						
177	Regulation (EC) No 959/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (None I)	L_177_4.7.2008_n-6.16	Consolidated: 24.7.2008	N/A	N/A	N/A
178	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 (None II)	L_199_31.7.2007_n-40.49	N/A	N/A	N/A	N/A
Legal Mediation - Cross-Border						
180	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	L_136_24.5.2008_n-3.8		N/A	N/A	N/A
Civil and Commercial Law - Jurisdiction, Recognition and Enforcement						
181	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	L_351_20.12.2012_n-1.32	Consolidated: 26.2.2015	N/A	Latest: 26 November 2014	N/A
	Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings: date of end of validity 26.6.2017	L_169_30.6.2000_n-1.18	Consolidated: 21.10.2016	Repeated and Replaced by Regulation (EU) 2015/848: Article 91	N/A	N/A
182	Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings	L_141_5.6.2015_n-19.72	Consolidated: 6.11.2025	N/A	Latest: 4 June 2019	Consolidated
Family Law - Jurisdiction, Recognition and Enforcement						
	Council Regulation (EC) No 220/2003 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	L_338_23.12.2003_n-1.29	Consolidated: 1.3.2005	Repeated and Replaced by Council Regulation (EU) 2019/1111: Article 104	N/A	N/A
183	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	L_178_2.7.2019_n-1.11	N/A	N/A	N/A	N/A
184	Council Regulation (EC) No 420/2008 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations	L_7.10.1.2009_n-1.29	Consolidated: 31.12.2018	N/A	N/A	N/A
185	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	L_181_29.6.2013_n-4.12	Consolidated: 1.5.2025	N/A	Latest: 2 September 2014	N/A
Legal Aid - Cross-Border Cases						
186	Council Directive 2002/60/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	L_26.31.1.2003_n-41.47	Consolidated: 31.1.2003	N/A	N/A	N/A

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Service of Documents & Taking Evidence							
187	Regulation (EC) No 139/2007 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	L 324_10.12.2007 p-79-120	Consolidated_1.7.2013	N/A	N/A	N/A	N/A
188	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	L 174_27.6.2001 p-1-24	Consolidated_4.12.2008	N/A	N/A	N/A	N/A
189	2001/476/EC: Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters	L 174_27.6.2001 p-26-31	Consolidated_1.1.2011	N/A	N/A	N/A	N/A
Civil and Commercial Law - Small Claims, Enforcement and Order for Payment							
190	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	L 361_24.12.2015 p-1-13	N/A	N/A	N/A	N/A	N/A
191	Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure	L 199_31.7.2007 p-1-22	Consolidated_1.5.2005	N/A	N/A	N/A	N/A
192	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	L 143_30.4.2004 p-15-39	Consolidated_1.5.2005	N/A	N/A	N/A	N/A
193	Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure	L 299_20.12.2006 p-1-22	Consolidated_1.5.2005	N/A	N/A	N/A	N/A
Child Sexual Exploitation - Minimum Standards Measures							
194	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	L 335_17.12.2011 p-1-14	Consolidated_17.12.2011	N/A	N/A	N/A	N/A
Mutual Recognition of Criminal Court Judgments - Cross-Border Cooperation							
195	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	L 357_8.12.2008 p-27-46	Consolidated_28.3.2009	N/A	N/A	N/A	N/A
196	Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order	L 309_21.12.2011 p-2-18	N/A	N/A	N/A	N/A	N/A
197	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	L 264_11.11.2009 p-20-40	N/A	N/A	N/A	N/A	N/A
198	Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties	L 79_22.2.2005 p-10-30	Consolidated_29.3.2009	N/A	N/A	N/A	N/A
199	Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims	L 261_8.6.2004 p-15-18	N/A	N/A	N/A	N/A	N/A
Procedural Rights - Minimum Standards							
200	Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings	L 162_1.6.2012 p-1-10	N/A	N/A	N/A	N/A	N/A
201	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	L 290_26.10.2010 p-1-7	N/A	N/A	N/A	N/A	N/A
Legal Services - Provision							
202	Directive 98/6/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	L 77_14.3.1998 p-36-43	Consolidated_1.7.2013	N/A	N/A	N/A	N/A
203	Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services	L 78_26.3.1977 p-17-18	Consolidated_1.7.2013	N/A	N/A	N/A	N/A
Sentencing - Accounting for Convictions							
204	Council Framework Decision 2008/875/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	L 230_11.8.2008 p-37-34	N/A	N/A	N/A	N/A	N/A
Victims Rights - Minimum Standards							
205	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	L 315_14.11.2012 p-57-73	N/A	N/A	N/A	N/A	N/A
						Directive 2012/29/EU	8
							9
							9

Policy Area Summary: PUBLIC HEALTH

EU acts in scope: 16 directives and regulations.

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

Change since last EU Law Tracker report: 0 secondary and 2 tertiary acts.

EU (Secondary) Law					EU (Tertiary) Law	
PUBLIC HEALTH						
	Public Health Protection					
206	Decision (EU) 2022/2033 of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/86EC; date of validity: 26.12.2022	L 293/5.11.2013 p.1-15	Consolidated 5.11.2013	N/A	Commission Implementing Decision (EU) 2021/858, (EU) 2022/1212	N/A N/A
207	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 1682/2023EU	L 314/6.12.2022 p.26-63	N/A	N/A	Commission Implementing Regulation (EU) 2023/1808, (EU) 2024/892, (EU) 2024/2959, (EU) 2025/2537 and Commission Delegated Regulation (EU) 2024/1232	N/A 1
208	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	L 149/30.4.2004 p.1-11	Consolidated 26.12.2022	N/A	N/A	N/A N/A
Blood Safety & Quality						
209	Directive 2002/96/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 2003/83/EC	L 93/2.2.2003 p.30-40	Consolidated 7.8.2009	N/A	N/A	N/A N/A
210	Commission Directive 2004/83/EC of 22 March 2004 implementing Directive 2002/96/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components	L 91/30.3.2004 p.25-39	Consolidated 9.1.2015	N/A	N/A	N/A N/A
211	Commission Directive 2006/61/EC of 30 September 2006 implementing Directive 2002/96/EC of the European Parliament and of the Council as regards traceability requirements and notification of serious adverse reactions and events	L 256/1.10.2006 p.92-49	N/A	N/A	N/A	N/A N/A
212	Commission Directive 2006/62/EC of 30 September 2006 implementing Directive 2002/96/EC of the European Parliament and of the Council as regards Community standards and specifications relating to a quality system for blood establishments	L 256/1.10.2006 p.41-48	Consolidated 15.8.2016	N/A	N/A	N/A N/A
Organs, Tissues and Cells						
213	Council Directive 2010/63/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	L 207/6.8.2010 p.14-29	Consolidated 6.8.2010	N/A	Latest: 9 October 2012	N/A N/A
214	Commission Implementing Directive 2012/86/EU of 9 October 2012 laying down information procedures for the exchange, between Member States, of human organs intended for transplantation	L 275/10.10.2012 p.27-32	N/A	N/A	N/A	N/A N/A
215	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	L 109/7.4.2004 p.49-58	Consolidated 7.8.2009	N/A	N/A	N/A N/A
216	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	L 38/9.2.2006 p.40-52	Consolidated 17.12.2012	N/A	N/A	N/A N/A
217	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	L 284/25.10.2006 p.10-30	Consolidated 29.4.2013	N/A	N/A	N/A N/A
218	Commission Directive 2012/29/EU of 26 November 2012 amending Directive 2006/17/EC as regards certain technical requirements for the testing of human tissues and cells	L 227/27.11.2012 p.24-29	N/A	N/A	N/A	N/A N/A
219	Commission Directive (EU) 2015/656 of 8 April 2015 amending Directive 2006/86/EC as regards certain technical requirements for the coding of human tissues and cells	L 09/9.4.2015 p.43-55	N/A	N/A	N/A	N/A N/A
220	Commission Directive (EU) 2015/656 of 8 April 2015 amending Directive 2004/23/EC as regards the procedures for verifying the equivalent standards of quality and safety of imported tissues and cells	L 09/9.4.2015 p.56-69	N/A	N/A	N/A	N/A N/A
221	Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/96/EC and 2004/23/EC	L 2024/1938/17.7.2024	Consolidated 17.7.2024	N/A	Commission Implementing Regulation (EU) 2025/3467	N/A 1
Reciprocal Cross-Border Healthcare						
222	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	L 88/4.4.2011 p.45-49	Consolidated 12.1.2020	N/A	Latest: 15 July 2020	N/A N/A
					Total Implementing / Delegated	8 3

Policy Area Summary: TRANSPORT

EU acts in scope: 12 directives and regulations.

Total EU tertiary acts since 1 January 2021: 13 implementing and delegated acts.

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

TRANSPORT					EU (Secondary) Law	EU (Tertiary) Law
Aviation - Compensation Public Service Obligation						
222	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	L 293/31-10-2008 p-9-20	Consolidated: 18.12.2020	N/A	N/A	N/A
Bus Franchising Rules						
223	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 Regulation (EC) Nos 1191/99 and 1107/97	L 315/3-12-2007 p-1-13	Consolidated: 24.12.2017	N/A	N/A	N/A
Charging of HGVs						
224	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	L 187/30-7-1999 p-42-50	Consolidated: 24.12.2006	N/A	N/A	Consolidated
Electronic Road Toll Systems						
225	Directive 2004/50/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	L 106/90-4-2004 p-120-143	Consolidated: 20.4.2005	Repealed and Replaced by Directive (EU) 2019/620; Article 33	N/A	N/A
225	Directive (EU) 2019/620 of the European Parliament and of the Council of 29 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	L 91/29-3-2019 p-45-76	Consolidated: 24.3.2022	N/A	Latest: 28 November 2019	N/A
Ports Services/Facilities						
226	Regulation (EU) 2017/862 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	L 167/3-3-2017 p-1-18	Consolidated: 28.5.2020	N/A	N/A	N/A
	Directive 2006/96/EC of the European Parliament and of the Council of 27 November 2006 on port reception facilities for ship-generated waste and cargo residues; date of end of validity 16.6.2019	L 337/28-12-2006	Consolidated: 9.12.2015	Repealed and Replaced by Directive (EU) 2019/620; Article 22	N/A	N/A
227	Directive (EU) 2018/883 of the European Parliament and of the Council of 27 April 2018 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2006/96/EC	L 161/7-6-2018 p-116-142	N/A	N/A	Commission Implementing Regulation (EU) 2022/89, (EU) 2022/92, (EU) 2022/90, (EU) 2022/91, (EU) 2024/917	N/A
228	Directive (EU) 2024/100 of the European Parliament and of the Council of 27 November 2024 amending Directive 2009/21/EC on compliance with flag State requirements	L 2024/3100-16.12.2024	N/A	N/A		N/A
229	Directive (EU) 2024/999 of the European Parliament and of the Council of 27 November 2024 amending Directive 2009/16/EC on port State control	L 2024/999-16.12.2024	N/A	N/A		N/A
Intelligent Transport Systems						
230	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	L 207/6-8-2010 p-1-13	Consolidated: 20.12.2023	N/A	Commission Delegated Regulation (EU) 2022/670, (EU) 2024/490, (EU) 2024/1064 and Commission Implementing Decision of 12 Nov 2024 (C/2024/750)	N/A
Road Infrastructure Safety Management						
231	Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management	L 319/29-11-2008 p-59-67	Consolidated: 16.12.2019	N/A	N/A	N/A
Trans-European Transport Network						
232	Regulation (EU) No 1335/2013 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/EP; date of end of validity 17.7.2024	L 348/20-12-2013 p-1-28	Consolidated: 9.7.2023	Repealed and Replaced by Regulation (EU) 2024/679; Article 68	Commission Delegated Regulation (EU) 2023/1176	N/A
	Regulation (EU) 2024/679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1335/2013	L 2024/679-28-6-2024			Commission Implementing Decision (EU) 2025/1332, (EU) 2025/1715, (EU) 2025/2198	3
Maritime - Public Service Contracts/Obligation						
233	Council Regulation (EC) No 357/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage)	L 364/12-12-1992 p-7-10	Consolidated: 1.7.2013	N/A	N/A	N/A
					Total Implementing / Delegated	13
						*
						3

Policy Area Summary: GOODS REGULATION

EU acts in scope: 3 directives and regulations.

Total EU tertiary acts since 1 January 2021: 28 implementing and delegated acts.

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

GOODS REGULATION					EU (Secondary) Law	EU (Tertiary) Law
Market Surveillance						
234	Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011	L 169/25-6-2019 p-1-44	Consolidated: 23.5.2024	N/A	Commission Implementing Regulation (EU) 2025/626, 2024/2216, 2024/456, 2023/2712, 2023/697, 2023/733, 2022/1267, 2023/2248, 2023/1121	N/A
Construction Products						
235	Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/396/EEC Text with EEA relevance	L 88/4-6-2011 p-6-43	Consolidated: 17.11.2024	N/A	Commission Implementing Decision (EU) 2025/623, 2025/1255, 2025/1769, 2025/671, 2024/294, 2024/194, 2024/237, 2023/2461, 2023/1473, 2023/1910, 2023/2424, 2022/2387, 2022/1517, 2022/281, 2021/1789, 2021/1163; and Commission Delegated Regulation (EU) 2024/2769, 2024/1681, 2024/2399	3
236	Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011	L 2024/3110-18.12.2024		N/A		N/A
					Total Implementing / Delegated	28
						*
						3

Appendix Two: European Commission Work Programme Analysis

ECWP 2025

Scottish Government Alignment Commitment & European Commission Work Programme 2025							
New Initiatives (Annex I)		Legislative or Non-Legislative	Indicative Timing	EU Law In Scope of Alignment Impacted by or Related to New EU Act		Scottish Government Position	
A New Plan for Europe's Sustainable Prosperity and Competitiveness							
1	Targeted revision of the REACH Regulation	Legislative	Q4 2025	REACH Regulation (EC) No 1907/2006		See: Annual Report	
2	European Climate Law Amendment	Legislative	Q1 2025	Multiple	Commission Press Release on 2040 Target	<p>"EU proposals for reform of the EU REACH regulation and related downstream legislation are a key concern. We want to make sure that the equivalent UK REACH regulation aligns with EU REACH where appropriate and as far as possible, within the limited powers of the specific role Scottish Ministers play in this complex UK legislation."</p> <p>See: Annual Report</p>	
3	Vision for Agriculture and Food	Non-Legislative	Q1 2025	Multiple	European Vision for Agriculture and Food	No Specific Statement	
4	European Water Resilience Strategy	Non-Legislative	Q2 2025	Council Directive 91/271/EEC, Directive (EU) 2024/3019, Directive 2000/60/EC, Directive (EU) 2020/2184	European Water Resilience Strategy	<p>See: Annual Report</p> <p>\$0 Annual Report describes the proposed treatment on European Water Resilience Strategy as 'Under Consideration' on the Drinking Water Directive and Bathing Water Directive are 'For Future Consideration' and the Urban Waste Water Directive is 'Under Consideration'</p>	
Annual Plan on Evaluations and Fitness Checks (Annex II)							
1	Evaluation of Public Procurement Directives		Q4 2025	Directive 2014/25/EU and Directive 2014/23/EU	Commission Summary Published October 2025	No Specific Statement	
2	Evaluation of the National Energy Efficiency Directive		Q4 2025	Directive 2010/75/EU and Directive (EU) 2024/1785	Evaluation Published December 2025	No Specific Statement	
3	Evaluation of Radioactive Waste Directives		Q4 2025	Council Directive 2013/51/Euratom		No Specific Statement	
Priority Pending Proposals (Annex III)							
New Plan for Europe's Sustainable Prosperity and Competitiveness		EC Document Reference	Proposal Published	EU Law In Scope of Alignment Impacted by or Related to New EU Act	Progress	Final EU Act	
1	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 178/2002, (EC) No 401/2009, (EU) 2017/745 and (EU) 2013/1021 of the European Parliament and of the Council as regards the attribution of powers to the Commission to adopt measures to combat the illegal production and marketing of plant reproductive material, amending Council Regulation (EC) No 1/2005	COM/2023/783 final	December 2023	Food Law Regulation ((EC) No 178/2002) and Persistent Organic Pollutants Regulation ((EU) 2019/1021)	Completed	Regulation (EU) 2023/2457	No Specific Statement
2	Proposal for a Regulation of the European Parliament and of the Council on the revision of the rules on the production and marketing of plant reproductive material, amending Council Regulation (EC) No 1/2005	COM/2023/770 final	December 2023	Animal Transport and Council Regulation ((EC) No 1/2005)	In process	N/A	Under Consideration
3	Proposal for a Regulation of the European Parliament and of the Council on circularity requirements for vehicle design and on management of end-of-life vehicles, amending Regulation (EU) 2018/858 and 2019/1020 and repealing Directive 2000/53/EC	COM/2023/451 final	July 2023	Market Surveillance Regulation ((EU) 2019/1020) and End of Life Vehicle Directive (2000/53/EC)	In process	N/A	No Specific Statement
4	Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste	COM/2023/420 final	July 2023	Waste Directive (2008/98/EC)	Completed	Directive (EU) 2025/1894	See: Annual Report
5	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of plant reproductive material, amending Regulation (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on plant reproductive material)	COM/2023/415 final	July 2023	Forest Reproductive Material Directive (1999/105/EC), Animal Health Law Regulation ((EU) 2016/2031) and Council Directive 1999/105/EC	In process	N/A	No Specific Statement but on 'Waste Framework Directive: Average Loss Rate' the \$0 Annual Report states 'For Future Consideration'
6	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of plant reproductive material in the Union, amending Regulation (EU) 2016/2031, 2017/625 and 2018/148 of the European Parliament and of the Council, and repealing Council Directives 68/401/EEC, 68/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material)	COM/2023/1414 final	July 2023	Animal Health Law Regulation ((EU) 2016/2031), Official Control Regulation ((EU) 2017/625) and Organic Production Regulation ((EU) 2018/848) and Council Directives 68/401/EEC, 68/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC on plant reproductive material	In process	N/A	No Specific Statement
7	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on detergents and surfactants, amending Regulation (EU) 2019/1020 and repealing Regulation (EC) No 648/2004	COM/2023/217 final	July 2023	Market Surveillance Regulation ((EU) 2019/1020)	In process	N/A	No Specific Statement
8	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO2 emission class of heavy-duty vehicles with trailers	COM/2023/1189 final	May 2023	Heavy Goods Charging Directive (1999/62/EC) and Interoperability of Road Tolls Directive (EU) 2019/520	In process	N/A	No Specific Statement but on Commission Regulation (EU) 2017/2400 on certification of NOx CO2 emissions the \$0 Annual Report states 'No' as this area is reserved.
9	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing an application for the electronic submission of raw data ("EU Digital Travel application") and amending Regulation (EU) 2018/1726 of the European Parliament and of the Council and Council Regulation (EC) No 225/2004, as regards the use of digital and electronic means	COM/2023/670 final	October 2024	EU-LBA Regulation (EU) 2018/1726	In process		No Specific Statement
10	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on enhancing police cooperation in relation to prevention, detection and investigation of trafficking in human beings and on combatting Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794	COM/2023/1764 final	November 2023	EUROPOL Regulation (EU) 2016/794	Completed	Awaiting Publication	No Specific Statement but on the Anti-Trafficking Directive ((EU) 2024/1712) the \$0 Annual Report states 'Under Consideration' for amendment.
11	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a monitoring framework for residential European forests	COM/2023/728 final	November 2023	Habitats Directive (92/43/EEC)	In process		No Specific Statement
12	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Soil Monitoring and Recovery (Soil Monitoring Law)	COM/2023/1416 final	July 2023	Habitats Directive (92/43/EEC) Water Framework Directive (2000/60/EC) Roads Directive (2007/60/EC)	Completed	Directive (EU) 2025/2380	Under Consideration
13	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on plant obtained by certain new genomic techniques and their food and feed, and amending Regulation (EU) 2017/625	COM/2023/1411 final	July 2023	Official Controls Regulation ((EU) 2017/625)	In process		For Future Consideration
14	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2000/60/EC (establishing a framework for Community action in the field of water policy), Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy	COM/2022/540 final	October 2022	Water Framework Directive (2000/60/EC)	In process		No Specific Statement on Groundwater Directive but Drinking Water Directive, Bathing Water Directive and Urban Waste Water Directive are 'For Future Consideration' or 'Under Consideration'
15	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2012/29/EU (establishing minimum standards on the fight against and supporting protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA)	COM/2023/424 final	July 2023	Victims of Crime Directive (2012/29/EU)	In process		Under Consideration

ECWP 2026

Scottish Government Alignment Commitment & European Commission Work Programme 2026

See European Commission Work Programme 2026

New Initiatives (Annex I)		Legislative or Non-Legislative	Indicative Timing	EU Law in Scope of Alignment Impacted by or Related to New EU Act		Scottish Government Position	
A New Plan for Europe's Sustainable Prosperity and Competitiveness							
1	Circular Economy Act	Legislative	Q3 2026	Ongoing	EC Information	See Annual Report	
2	Setting up of energy efficiency framework	Legislative	Q3 2026	Ongoing	EC Information	No Specific Statement	
3	Setting up of renewable energy framework	Legislative	Q3 2026	Ongoing	EC Information	No Specific Statement	
4	Revision of national targets and flexibilities in the EU climate policy framework	Legislative	Q4 2026	Ongoing	EC Information	No Specific Statement	
5	European integrated framework for climate resilience	Legislative and Non-Legislative	Q4 2026	Ongoing	EC Information	No Specific Statement	
Supporting people, strengthening our societies and our social model							
6	Initiative on short-term rentals	Legislative and Non-Legislative	Q2 2026	Ongoing	EC Information	Yes	
7	Construction Services Act	Legislative	Q4 2026	Ongoing	EC Information	No Specific Statement	
8	Quality Jobs Act	Legislative	Q4 2026	Ongoing	EC Information	No Specific Statement	
9	European school alliances and Basic Skills Support Scheme	Non-Legislative	Q3 2026	Ongoing	EC Information	No Specific Statement	
10	2030 Roadmap on the future of digital education and skills	Non-Legislative	Q3 2026	Ongoing	EC Information	For Future Consideration	
11	Intergenerational fairness strategy	Non-Legislative	Q1 2026	Ongoing	EC Information	No Specific Statement	
12	Anti-poverty strategy	Non-Legislative	Q2 2026	Ongoing	EC Information	No Specific Statement	
13	Strengthening the child guarantee	Non-Legislative	Q2 2026	Ongoing	EC Information	No Specific Statement	
Sustaining our quality of life: food security, water and nature							
14	Livestock strategy including demands on animal welfare	Non-Legislative	Q2 2026	Ongoing	EC Information	See Annual Report	
15	Vision 2040 for nature and biodiversity	Non-Legislative	Q3 2026	Ongoing	EC Information	See Annual Report	
Protecting our democracy, upholding our values							
16	Proposed EU Directive on the protection of whistleblowers	Non-Legislative	Q1 2026	Ongoing	EC Information	No Specific Statement	
17	Gender equality strategy 2026-2030	Non-Legislative	Q1 2026	Published	LGBTQ+ Equality Strategy	Under Consideration	
18	Enhancing the strategy for the rights of persons with disabilities up to 2030	Non-Legislative	Q2 2026	Ongoing	EC Information	No Specific Statement	
Annual Plan on Evaluations and Fitness Checks (Annex II)							
Indicative Finalisation Time		EU Law in Scope of Alignment Impacted by or Related to Evaluation			Scottish Government Position		
1	Evaluation of the fertilising products regulation	Q3 2026	Fertilising Products Regulation (EU) 2019/1009	Ongoing	EC Information	No Specific Statement	
2	Evaluation of the tobacco control legislative framework	Q2 2026	Tobacco Products Directive 2014/40/EU	Ongoing	EC Information	For Future Consideration	
3	Evaluation of the biocidal products regulation	Q4 2026	Biocidal Products Regulation (EU) 528/2012	Ongoing	EC Information	No Specific Statement	
4	Evaluation of the animal health regulation	Q2 2026	Animal Health Law Regulation (EU) 2016/429	Ongoing	EC Information	For Future Consideration	
Priority Pending Proposals (Annex III)							
EC Document Reference	Proposal Published	EU Law in Scope of Alignment Impacted by or Related to New EU Act			Progress	Final EU Act	Scottish Government Position
1	COM(2025)531 final	July 2025	Fertilising Products Regulation (EU) 2019/1009	In process			No Specific Statement
2	COM(2025)386 final	July 2025	REACH Regulation (EU) No 1907/2006, Hazardous Chemicals Regulation (EU) No 648/2012 and Biocidal Products Regulation (EU) No 528/2012	In process			No Specific Statement
3	COM(2025)348 final	June 2025	Charging Heavy Goods Vehicles Directive 1999/62/EC	Completed	Directive (EU) 2025/2459		For Future Consideration
4	COM(2025)504 final	May 2025	Ecodesign for Sustainable Products Regulation (EU) 2024/1781	In process			For Future Consideration
5	COM(2023)770 final	December 2023	Transport of Animals Council Regulation (EC) No 1/2005 and Protection of Animals Council Directive	In process			Under Consideration
6	COM(2023)451 final	July 2023	End-of-Life Vehicles Directive 2000/53/EC and Product Environmental Footprint Regulation (PEF) 2020/1020	In process			For Future Consideration
7	COM(2023)415 final	July 2023	Reproductive Material, Plant Health Regulation (EU) 2015/2031 and Official Controls Regulation	In process			For Future Consideration
8	COM(2023)189 final	May 2023	Charging Heavy Goods Vehicles Directive 1999/62/EC and Interoperability Directive (EU) 2019/520	In process			For Future Consideration
9	COM(2023)166 final	March 2023	Ecodesign for Sustainable Products Regulation (EU) 2024/1781	In process			For Future Consideration
A New Plan for European Defence and Security							
10	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse	COM(2022)209 final	Combating Child Sexual Abuse Directive 2011/93/EU	In process			For Future Consideration
Supporting people, strengthening our societies and our social model							
11	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 replacing Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004	COM(2016)815 final	Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 on Coordination of Social Security Systems	In process			Under Consideration
12	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on plants obtained by certain new genomic techniques and their food and feed, and amending Regulation (EU) 2017/625	COM(2023)411 final	Official Controls Regulation (EU) 2017/625	In process			See Annual Report
Protecting our democracy, upholding our values							
13	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substitution and communication of explicit environmental claims (Green Claims Directive)	COM(2023)424 final	Victims Directive 2012/29/EU	In process			Under Consideration