

# Supplementary Legislative Consent Memorandum

## Retained EU Law (Revocation And Reform) Bill

### Introduction

1. This memorandum has been lodged by Angus Robertson MSP, Cabinet Secretary for the Constitution, Europe, and External Affairs, under Rule 9B.3.1(c) (ii) of the Parliament's standing orders.
2. The Retained EU Law (Revocation and Reform) Bill ("**the Bill**") was introduced to the House of Commons on 22 September 2022. The Bill is a relevant Bill under Rule 9B of the Scottish Parliament's standing orders and the Scottish Government ("**SG**") lodged a Legislative Consent Memorandum on 8 November 2022 ("**the November LCM**").<sup>1</sup> On 29 November 2022, the Scottish Parliament voted in favour of a motion calling on the UK Government ("**UKG**") to withdraw the Bill. On 8 December 2022, the Cabinet Secretary gave evidence to the Constitution, Europe, External Affairs and Culture ("**CEEAC**") committee as they worked on their report for the November LCM. On 15 February 2023, the CEEAC committee published its report on the November LCM setting out the Committee's "deep and wide-ranging" concerns about the Bill.<sup>2</sup> On 23 February 2023, the Scottish Parliament voted to withhold consent for the Bill.
3. The Bill completed its passage in the House of Commons on 18 January 2023 and was brought forward to the House of Lords on 19 January 2023. In advance of House of Lords Report stage, the UKG tabled amendments which are a significant change to the Bill. These amendments were accepted in to the Bill on 15 May<sup>3</sup>. The SG has lodged this Memorandum to enable the Scottish Parliament to express its view on these amendments.<sup>4</sup>

### Overview of the Bill

4. For a full description of the Bill as introduced, including an explanation of the incorporation of retained EU law ("**REUL**") in the UK, please see the November LCM. In summary, the Bill as introduced included the following provision:-

- **Automatic revocation of REUL ("sunsetting"):** The Bill as introduced provided for the automatic revocation of most REUL by a set date. All EU-

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<sup>1</sup> [Retained EU Law \(Revocation and Reform\) Bill | Scottish Parliament Website](#)

<sup>2</sup> [Legislative Consent Memorandum for the Retained EU Law \(Revocation and Reform\) Bill \(UK Parliament legislation\) | Scottish Parliament](#)

<sup>3</sup> [Retained EU Law \(Revocation and Reform\) Bill \(parliament.uk\)](#)

<sup>4</sup> References to clause numbers in this Memorandum are to the Bill print following House of Lords Committee stage

derived domestic legislation (except primary legislation) and all retained direct EU legislation would cease to have legal effect by the end of 2023. The Bill conferred a power on Ministers (including the Scottish Ministers) to make regulations to specify particular pieces of REUL to be carved out of the sunset, i.e. to be preserved. UK Ministers had a delegated power to move the sunset to a date no later than 23 June 2026;

- **“Assimilation”**: The Bill provided for any REUL which remained after the sunset to become known as “assimilated law”. Assimilated law would be changed by the abolition of supremacy and the retained general principles of EU law at the end of 2023.

The Bill would also make REUL/assimilated law easier to amend by secondary legislation by removing some of the current provisions in EUWA that protect retained direct EU legislation from amendment (retained direct EU legislation would no longer be treated as equivalent to UK primary legislation) and changing the scrutiny process for such secondary legislation;

- **New powers**: The Bill conferred broad new powers on UK and Scottish Ministers to modify REUL/assimilated law;
- **New functions for the courts and law officers**: The Bill will make it easier for the courts to depart from retained case law.<sup>5</sup> It will create a reference procedure for courts and law officers (including the Lord Advocate) to refer questions about departing from retained case law to the higher UK courts.

5. Pre-Lords Report stage, the Bill had been amended since introduction by Government amendments. These amendments have been technical in nature and have not modified the overall policy or effect of the Bill.

## Engagement with the UK Government

6. It remains a matter of regret that the Scottish Ministers were not consulted on, or given advance sight of, the most controversial clauses of the Bill, including the sunset clause, before its introduction to the House of Commons. The SG has been consistent in its opposition to the Bill and has made repeated representations to the UKG requesting that the Bill be withdrawn or amended to limit its damaging effects in Scotland.

- On 22 September 2022 the Cabinet Secretary for Constitution, External Affairs and Culture wrote to the then-Secretary of State in charge of the Bill, Jacob Rees-Mogg MP to express the SG’s “deep concern” and “fundamental opposition” to the Bill, specifically highlighting the risks to standards and devolution.<sup>6</sup>

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<sup>5</sup> Retained case law comprises the judgments and principles of the courts (the CJEU and the UK’s domestic courts) about the interpretation of any law which became REUL.

<sup>6</sup> [Retained EU Law Bill: letter to the UK Government - gov.scot \(www.gov.scot\)](https://www.gov.scot/Retained-EU-Law-Bill-letter-to-the-UK-Government)

- On 8 November the Cabinet Secretary wrote to the new Secretary of State, Grant Shapps MP, to outline the reasons the SG would recommend the Scottish Parliament withhold its consent to the Bill.<sup>7</sup>
- On 15 November 2022, the Cabinet Secretary wrote to the Secretary of State setting out the SG's published amendments to the UKG while reiterating the SG's view that the Bill should be entirely withdrawn.<sup>8</sup> These draft amendments set out the SG's primary concerns with the Bill and how these could be addressed.
- On 21 December 2022, the Secretary of State wrote to the Cabinet Secretary in response to the letters of 8 and 15 November. The Secretary of State acknowledged the concerns raised by the SG but did not commit to tabling any of the SG's amendments ahead of the House of Commons Report stage.
- On 10 February 2023, the Cabinet Secretary wrote to the new Secretary of State with responsibility for the Bill, Kemi Badenoch MP, ahead of the Lords committee stage to restate the SG's objections to the Bill and urge the UKG to table the SG's proposed amendments.
- On 12 March, the First Minister and the First Minister of Wales, Mark Drakeford, wrote to the Prime Minister seeking an urgent Heads of Devolved Governments Council meeting on REUL. The Prime Minister offered a meeting instead with Michael Gove MP focusing on REUL. This meeting never occurred and was ultimately replaced with an IMSC on 17 May, which had REUL as an agenda item among other topics for discussion.

7. The SG's continued opposition to the Bill over the time period outlined above was concurrent with a vast range of cross-sector criticism of the Bill, from across the UK. For example:

- The Institute of Directors, alongside a dozen other organisations including the TUC and CIPD, wrote to Grant Shapps MP on 24 November 2022 calling for the withdrawal of the Bill.<sup>9</sup> The groups said it would cause "significant confusion and disruption for businesses, working people and those seeking to protect the environment."
- The Scottish SPCA told the CEEAC committee that the Bill could have "a catastrophic impact on Scotland's animals."<sup>10</sup>
- George Peretz KC, described the Bill as "at best a waste of scarce resources better employed on working out where real improvement is

<sup>7</sup> [Retained EU Law Bill - letter to the UK Government: 8 November 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/news/2022/11/08/retained-eu-law-bill-letter-to-the-uk-government-8-november-2022/)

<sup>8</sup> [Retained EU Law Bill and proposed amendments - letter to the UK Government: 15 November 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/news/2022/11/15/retained-eu-law-bill-and-proposed-amendments-letter-to-the-uk-government-15-november-2022/)

<sup>9</sup> [Letter to the Business Secretary - Withdrawal of the Retained EU Law \(Revocation and Reform\) Bill | IoD](https://www.parliament.scot/DocumentDownload.aspx?DocumentID=10247)

<sup>10</sup> [scottish-sPCA\\_retained-eu-law-revocation-and-reform-bill.pdf \(parliament.scot\)](https://www.parliament.scot/DocumentDownload.aspx?DocumentID=10247)

possible, and at worst a ministerial power-grab aimed at chipping away at EU protections without anyone noticing.”<sup>11</sup>

- UNISON described the Bill as an “attack on working women”.<sup>12</sup>

## Requirement for a supplementary LCM

8. Rule 9B.3 of the Scottish Parliament’s standing orders requires the SG to lodge an LCM in respect of any amendments which make relevant provision for the first time. An amendment will make relevant provision if it applies to Scotland for any purpose within the legislative competence of the Parliament, or which alters that legislative competence or the executive competence of the Scottish Ministers.

## Government amendments tabled for House of Lords Report stage

9. On 10 May, the UKG tabled a number of amendments to the Bill<sup>13</sup> accompanied by a Written Statement to the House of Commons.<sup>14</sup> These amendments were agreed to by the House on 15 May 2023. The amendments are described in full in Part 1 of Annex A. In summary, they modify the Bill in the following ways:

- **The sunset:** The automatic sunset of REUL is removed. The Bill will no longer revoke all “EU-derived subordinate legislation” and “retained direct EU law” unless preserved and those terms are no longer relevant to the sunset. This is a significant change to the Bill and represents a step change in its overall policy.

As detailed in the November LCM, the revocation of devolved REUL is within the legislative competence of the Scottish Parliament. The removal of the automatic revocation of that law by amendment is therefore a provision which is within the legislative competence of the Parliament and so this change requires a supplementary LCM.

- **Revocation Schedule:** Instead of the automatic sunset of REUL, the Bill instead provides that 587 specific instruments listed in a new Schedule are revoked, in a “sunset” list. The date of the revocation remains “the end of 2023”. The UKG have published the list, alongside their rationale for removing this REUL from the statute book.<sup>15</sup> The list is divided into Part 1 (subordinate legislation) and Part 2 (retained direct EU legislation), with instruments appearing in the order that they were made.

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<sup>11</sup> [George Peretz KC UA on Twitter](#)

<sup>12</sup> [The Retained EU Law Bill: An attack on working women | News | News | UNISON National](#)

<sup>13</sup> The amendments, in the name of Lord Callanan, are available here: [HL Bill 117\(n\) \(parliament.uk\)](#)

<sup>14</sup> [Written statements - Written questions, answers and statements - UK Parliament](#)

<sup>15</sup> [Schedule of retained EU law - GOV.UK \(www.gov.uk\)](#)

The Schedule contains provisions which are within the legislative competence of the Scottish Parliament. This change requires a supplementary LCM.

- **Preservation and extension powers:** The power to preserve REUL is replaced with a new power which relates to instruments listed in the Schedule. Anything in the Schedule which is specified in regulations made by a relevant national authority will not be revoked (including the Scottish Ministers when exercising the power to the extent that instruments to be revoked are within devolved competence). This power is subject to the affirmative procedure and cannot be exercised after 31 October 2023. The UKG's extension power is removed so there will be no scope to move the sunset beyond the end of 2023.

This conferral of powers on the Scottish Ministers is a modification of executive competence and so this change requires a supplementary LCM.

- **Consequential amendment powers:** The Scottish Ministers, together with other devolved governments, are conferred the consequential amendment powers at clause 20 and clause 23 of the Bill. These are currently limited to UKG Ministers only. The failure to confer these powers at introduction carried a risk that the Scottish Ministers would not be able to make consequential changes to manage the significant changes to the devolved statute book being brought forward by the Bill. It is welcome that representations for this change have been accepted.

This conferral of powers on the Scottish Ministers is a modification of executive competence and so this change requires a supplementary LCM.

10. The UKG has written to the SG seeking consent to the amendments which the Government tabled for Lords Report. This request covers the new powers which are conferred on the Scottish Ministers by those amendments. However, the UK Government has not sought consent for the legislation which is listed in the Schedule and makes provision with the legislative competence of the Scottish Parliament. We therefore disagree with their assessment of which amendments require legislative consent.

11. The amendments do not affect other parts of the Bill. The clauses providing for assimilation, retained case law and the modification of retained EU law/assimilated law will remain on the face of the Bill.<sup>16</sup>

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<sup>16</sup> Additionally, there is a change to the procedure for references from lower courts to higher courts about points of retained case law. This change will give discretion to the higher court to reject the reference (as the Bill is currently drafted, the court "must" accept it). These provisions of the Bill are not within devolved competence and so are not relevant for the purposes of this supplementary LCM.

12. The SG has reviewed the list of 587 REUL instruments which is set out in the new Schedule. The SG was not given advance notice of the content of the Schedule and analysis of such a large volume of instruments has been a significant undertaking. In the limited time available it has not been possible to comprehensively review all aspects of the Schedule and the Scottish Government has therefore prioritised: (1) the identification of REUL with an element of devolved provision applicable in Scotland; and (2) a cautious assessment of whether or not that element of devolved provision can be said to be obsolete.

13. Of the 587 instruments listed on the Schedule, the SG assesses the 139 listed in Annex C to this supplementary LCM as making some devolved provision but the instruments being obsolete.

14. The SG has not treated as definitive the UKG's reasons for "sunsetting", as published on 15 May<sup>17</sup> and has carried out its own assessment of each instrument assessed as containing at least some devolved provisions applicable in Scotland. In this regard the SG considers an instrument obsolete if it can be determined with confidence that an instrument is redundant in Scotland and additionally that there will be no adverse effect if it sunsets.

15. From the instruments assessed as containing at least some devolved provision, to date the SG considers that 9 cannot yet be said to be obsolete; and therefore opposes their sunset. A list of these instruments is set out, with explanations, in Annex B.

16. In the SG's view a special case identified so far appears to be the Control of Industrial Air Pollution (Registration of Works) Regulations 1989 (S.I. 1989/318) which appears to have already been revoked. These Regulations were made under the Alkali &c Works Regulation Act 1906 which the SG considers to be repealed in England and Wales and in Scotland<sup>18</sup>. SG concerns about the devolved instruments in Annex B were flagged to UKG officials ahead of the lodging of this supplementary LCM.

## Non-UKG amendments at Lords Report stage

17. The House of Lords voted to uphold a number of amendments. These are set out in detail in Part 2 of the Annex A to this supplementary LCM.

18. Two amendments introduce additional legislative oversight of the sunset. The first provides that legislation in the Schedule will only sunset if approved by both Houses of Parliament. The second provides that clause 4 of the Bill (revocation of certain rights etc. which originated in EU law and currently form part of UK law (under section 4 of the European Union (Withdrawal) Act 2018)) will not apply if a legislature in the UK (including the Scottish Parliament) votes to retain the law in question.

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<sup>17</sup> [Schedule of retained EU law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414444/Schedule_of_retained_EU_law_-_GOV.UK_(www.gov.uk).pdf)

<sup>18</sup> In Scotland from 1 April 2015 by virtue of the Environmental Protection Act 1990 (Commencement No. 20) (Scotland) Order 2015 (S.S.I. 2015/72 (C. 14)).

19. Further amendments create additional conditions which must be satisfied before the powers in Clauses 13, 14, 16 or 17 can be exercised where the subject matter of their exercise concerns law relating to environmental protection or food standards. To the extent that these amendments modify the powers conferred on the Scottish Ministers in the Bill they require a supplementary LCM.

20. Given that these amendments are potentially subject to being reversed, the SG commits to providing further updates as required to the Scottish Parliament once the Bill print is settled, with any required recommendation on legislative consent.

## UKG amendments pre-Lords Report stage

21. Prior to the House of Lords Report stage, the UKG had made a number of amendments to the Bill since introduction. These were minor, technical amendments that did not trigger the requirement for a supplementary LCM.

## Recommendation on Legislative Consent

22. The SG recommends the Scottish Parliament withhold consent for **all** UKG amendments tabled on 10 May 2023. Scottish Ministers remain fundamentally opposed to the Bill, its deregulatory intent and the substantial risks it poses to vital protections the people of Scotland have gained through 47 years of EU membership. To the SG, no amendment to this Bill can be viewed in isolation to the risks of the overall Bill or be sufficient in removing the dangers attached to it – and it is the SG’s view that it should be withdrawn entirely. It is the view of the SG that the UKG, for this Bill, has taken the decision to bypass entirely the recognised processes for seeking consent from the devolved governments and legislatures. Indeed Lord Callanan, the UKG Bill Minister in the House of Lords, told the chamber on 22 May that the UKG “intends to proceed with the Bill” without the consent of the devolved governments.

23. The Bill will return to the House of Commons on Wednesday 24 May – the same day as the deadline for the SG to lodge a supplementary LCM with the Scottish Parliament for its consideration. This timeline, along with Lord Callanan’s comments on 22 May, is a clear signal that the UKG are prioritising Royal Assent for the Bill over any consideration of the views of any of the devolved governments, and reason enough for the SG to recommend consent be withheld.

24. The SG’s existing, and remaining, concerns with the Bill are presented again at paragraph 28, to provide full context for the recommendations that now follow.

25. The SG recommend the Scottish Parliament withhold consent for the UKG amendment removing the clause 1 sunset and inserting a Schedule of REUL to be sunset. SG has been vocal in its opposition to the sunset clause ever since the Bill’s introduction, as have a vast majority of legal experts and organisations across the UK. The UKG removing this cliff edge as the default for the majority of retained EU law removes a substantial risk originally posed by the Bill. This UKG amendment

identifies law that is to be removed, rather than law automatically disappearing if not identified and preserved – something Scottish Ministers have been pushing for. However, it is vitally important to acknowledge that it remains the case that all REUL not identified within the Schedule is subject to the powers conferred on UK Ministers to revoke, reform or restate REUL with no requirement to obtain consent from the devolved governments, up until June 2026, remain in the Bill.

26. Moreover, the SG and Scottish Parliament were not consulted on the list of 587 REUL instruments in the Schedule, nor our consent sought for items of REUL to be included in it. Officials were given no advance sight of the full Schedule before it was tabled as an amendment on 10 May by the UKG ahead of the House of Lords Report stage. REUL affecting devolved areas is in the Schedule for sunseting but the UKG have given no indication of their assessment of the impact of the Schedule on devolved law. We have asked SG Directorates to carry out a focussed assessment of the effect on devolved areas of REUL in the Schedule being revoked in the timeframe required in submission of this paper, as explained in paragraphs 12-15. Given we have assessed 9 instruments as having at least some devolved provision and which we cannot yet conclude are obsolete, the SG believe consent should be withheld. This is a wholly inadequate way for the UKG to legislate, and a disrespectful way to handle intergovernmental relations with the devolved governments and legislatures. In addition, the current assessment of the majority of REUL on the schedule being “obsolete” (it having no effect on the current statute book), renders the need for it to be in such a schedule – and revoked to an arbitrary timeline – unnecessary. If “obsolete” REUL is having no detrimental effect by simply sitting on the statute book, then the rush to revoke it is a poor use of resources and still carries a risk of inadvertent consequences pending a proper analysis. Also, it cannot be excluded that the UKG will seek to revoke hundreds more instruments than the current 587 listed before the Bill receives Royal Assent, or afterwards by revocation Statutory Instrument.

27. Finally, the SG recommend the Scottish Parliament withhold consent for the UKG amendments which introduce new powers for Scottish Ministers in relation to the Schedule and the consequential amendment powers. These are changes Scottish Ministers and officials have been pushing the UKG for since the Bill’s introduction but they are only the bare minimum required to ensure the Scottish Ministers have the necessary tools to prevent unintended consequences for the devolved, Scottish statute book. The UKG have only acknowledged this late in the Bill’s parliamentary passage. The powers are conferred on the Scottish Ministers and UK Ministers and there is no requirement for UK Ministers to seek consent before using them. Furthermore, within the context of the Bill ultimately representing an attempt to reduce standards gained via EU membership, these are powers the SG would rather to have no part in exercising.

## Remaining concerns

28. The SG set out its concerns about the Bill in the November LCM. Up until 10 May 2023, and the announcement of the UKG amendments at paragraph 9, these risks were:



- Deregulation – the Bill puts at risk the high standards people in Scotland have rightly come to expect as a result of EU membership and will create significant uncertainties for business during an economic crisis. It threatens to eliminate 47 years of vital environmental protections, food standards, workers’ rights and much else, in a rush to facilitate a deregulated, race-to-the-bottom economy and society.
- Devolution/Sewel Convention – The Bill allows UK Ministers to use concurrent powers to legislate in devolved areas without seeking consent or consultation. This is unacceptable and breaches the Sewel Convention. This is why the SG, and the Welsh Government, have made it clear that there must be a statutory consent requirement for the use of concurrent powers.
- Democratic Deficit –The Bill grants Ministers (including Scottish Ministers) powers to amend or abandon legislation with minimal democratic scrutiny. Far from Parliament “taking back control” through Brexit, this Bill side-lines Parliament in London and the devolved nations.
- Resource pressures – The reckless 2023 sunset date will place considerable resource demands on SG directorates (and Whitehall counterparts) to identify REUL which needs to be preserved, to engage with any change proposals and to make any changes to account for the loss of supremacy.
- Common Frameworks and Internal Market Act interaction – The UKG has not been able to explain how the Bill would do anything other than radically undermine common frameworks. Were UKG Ministers to use concurrent powers to legislate in devolved areas for the whole of the UK/GB, common frameworks would be bypassed entirely. Were UKG Ministers to unilaterally sunset or diminish REUL in reserved matters for England, the automatic operation of the Internal Market Act would mean that in many cases, Scotland would be powerless to stop products produced to lower standards being placed on the Scottish Market, regardless of the rules in Scotland.

29. Regardless of the significant amendments tabled by the UKG on 10 May 2023 in response to the SG and many others’ protestations on the Bill, the majority of the concerns outlined above remain.

30. While the removal of the automatic 31 December 2023 sunset is a step in the right direction by the UKG, the Bill is ultimately still deregulatory in nature and poses risks to the high standards Scotland benefitted from through EU membership. The risk of deregulation remains stark and as set out in Annex B it is not immediately obvious to the SG that all of the devolved instruments in the schedule can safely be sunset.

31. None of the 10 May 2023 UKG amendments address the danger the Bill poses to the devolution settlement. UK Ministers will still be able to revoke, replace or restate devolved REUL with no requirement to obtain the consent of the devolved

governments or legislatures. The SG remain in line with the Welsh Government on this issue in particular.

32. Powers are still concentrated in the hands of the Executive, rather than Parliament; there are still significant resource implications; and how Common Frameworks may be involved in any use of the Bill's powers by Ministers remains unexplained by the UKG.

33. It is therefore reasonable to conclude that the Bill still risks significant damage to Scotland and the foundations of the devolution settlement, despite the changes outlined in the UKG's 10 May 2023 amendments.

## Conclusion

34. For the reasons outlined above, the SG recommend that:

- the Scottish Parliament withhold consent for the UK Government and non-government amendments due to the significant undermining of devolution demonstrated by the refusal to seek consent from the Scottish Parliament and Scottish Government and the disrespect to both shown by UK Government in pursuing Royal Assent for the Bill; the UK Government's refusal to commit to a consent requirement when acting in devolved areas; and the overall divergent and deregulatory intent of the Bill alongside the Scottish Government's fundamental opposition to it.

Scottish Government  
May 2023

# Annex A

## House of Lords Report stage amendments

### Part 1: Government Amendments tabled at Lords Report

**Amendment 1** omits clause 1(1) from the Bill. Accordingly, the Bill will no longer revoke all “EU-derived subordinate legislation” and “retained direct EU law” unless preserved. Instead, clause 1 will introduce a new Schedule. Any subordinate legislation or retained direct legislation which is listed in the Schedule will be revoked (to the extent it is specified there) at the end of 2023.

**Amendment 5** omits clauses 1(3) and (4) from the Bill. These subclauses made provision in respect of the scope of the sunset. This amendment inserts new clauses 1(3) and (4) which confer a new power on the relevant national (as defined in clause 22(1)). The revocation legislation listed in the Schedule by the new clause 1(1) will not apply to “anything specified” in regulations made by a relevant national authority (which includes the Scottish Ministers). This power is subject to the affirmative procedure and cannot be exercised after 31 October 2023.

**Amendment 9** omits clause 2 of the Bill which set out the exceptions to sunset in clause 1. This included any devolved REUL specified in regulations made by the Scottish Ministers. The new power inserted by amendment 5 is an equivalent power in respect of the legislation listed in the Schedule.

**Amendment 13** omits clause 3 of the Bill which conferred a power on the UK Government’s to extend the sunset date up to 23 June 2026. There will be no scope to move the sunset beyond the end of 2023.

**Amendment 24, amendment 25, amendment 27 and amendment 29** modify clause 8 which establishes the procedure by which references from lower courts may be made to higher courts about points of retained case law. As introduced, the higher court would be obliged to accept a reference. This change will give discretion to the higher court enabling it to reject the reference.

**Amendment 52, amendment 53** modify clause 20. Clause 20 confers a power on Ministers of the Crown to make consequential provision in relation to the Bill. These amendments modify that power so that it is conferred on the relevant national authority instead. This will enable the Scottish Ministers to exercise the power in respect of devolved areas.

**Amendment 54, amendment 55 and amendment 56** consequentially amend clause 21 of the Bill which makes provision about regulations to account for the conferral of the power in clause 20 on a relevant national authority.

**Amendment 57, amendment 58, amendment 59, amendment 60**, modify the power conferred by clause 23(4). This is a power to make transitional, transitory and saving provision in connection with the coming into force of the Bill, the revocation of anything by clause 1 or the cessation of any rights under clause 4. This power modified so as to be exercisable by a relevant national authority and not only by Ministers of the Crown.

**Amendment 62 and amendment 63** modify clause 24. This provision governs the Bill's extent and the amendment confirms that that the revocation, repeal or revocation made by the Bill has the same extent within the United Kingdom as the provision to which it relates.

**Amendment 64** introduces a new Schedule headed "Sunset Of Subordinate Legislation and Retained Direct EU Legislation". It is split into two parts. Part 1 lists the subordinate legislation which is to be revoked and Part 2 lists the retained direct EU law. Instruments listed in the Schedule are to be revoked to the extent specified in column two. This can either be in whole or in part.

**Amendment 65, amendment 66, amendment 67, amendment 68 and amendment 69** modify Schedule 4. This Schedule makes provision regarding the exercise of powers under the Bill and these changes are consequential on the government amendments which relate to the conferral of powers.

## Part 2: Non-government amendments accepted at Lords Report

**Amendment 2 (as an amendment to Amendment 1)** was tabled by Lord Anderson of Ipswich, Lord Hope of Craighead, and Lord Hamilton of Epsom. This amendment modifies the new clause 1 which was inserted by Government amendment. It provides an additional procedure whereby the legislation in Schedule may be scrutinised by the UK Parliament. That legislation will only be revoked if both Houses of Parliament pass a motion to that effect. This amendment does not account for the devolution settlement and does not enable the Scottish Parliament to scrutinise or vote on the revocation of devolved legislation in the Schedule.

**Amendment 15** was tabled by Lord Anderson of Ipswich, Lord Hope of Craighead, Lord Mcloughlin and Lord Hamilton of Epsom. This modifies clause 4 of the Bill which provides for the revocation of anything retained by section of the European Union (Withdrawal) Act 2018. The amendment creates a new procedure whereby both Houses of Parliament, the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly, as the case may be, have a role in scrutinising the revocation of that law. If one of those legislatures votes that a particular right, power, liability, obligation, restriction, remedy or procedure is to be retained then the revocation in clause 4 will not apply to it.

**Amendment 48** was tabled by Lord Krebs, Baroness Parminter, Baroness Hayman of Ullock and Lord Duncan of Springbank. It modifies the powers which are conferred on relevant national authorities by clauses 13, 14, 16 and 17 of the Bill. These powers could only be exercised if the Minister making the regulations is satisfied they do not reduce or conflict with certain environmental standards and seek advice from certain environmental authorities.

**Amendment 76** was tabled by Lord Hope of Craighead, Lord Anderson of Ipswich, Lord Mcloughlin and Lord Hamilton of Epsom. It provides an additional procedure which must be followed before Ministers of the Crown may make regulations under clauses 13, 14 and 16 of the Bill.

## Annex B

List of Schedule instruments considered by the SG to contain at least some devolved provisions applicable in Scotland, and that the SG is not satisfied are obsolete

Title	Extent of revocation	UKG analysis as published <sup>19</sup>	SG reasons why instrument should not sunset in Scotland
<b>Department for Environment and Rural Affairs (six instruments)</b>			
<p>Commission Implementing Decision (EU) 2018/1522 of 11 October 2018 laying down a common format for national air pollution control programmes under Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants</p>	<p>The whole Decision</p>	<p>We will be removing some items of REUL relating to the National Air Pollution Control Plan (NAPCP). The current format of the NAPCP is long, complicated, resource intensive and duplicative, and does nothing to improve the quality of the air we breathe. By repealing this item, we can better focus on what will actually help clean up our air, such as by delivering on the ambitious air quality targets we have set in statute through the Environmental Act; This regulation has either been</p>	<p>This revocation is linked to the revocation of regulations 9 and 10 of the National Emission Ceilings Regulations (S.I. 2018/129), referenced below.</p> <p>The SG is not persuaded that the provisions of the two instruments can be revoked without greater clarity as to the future of the Air Quality: Revised UK National Air Pollution Control Programme<sup>20</sup> and assurance that there would be no legislative gaps.</p>

<sup>19</sup> [Schedule of retained EU law - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

<sup>20</sup> [Air Quality: Revised UK National Air Pollution Control Programme - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Title	Extent of revocation	UKG analysis as published <sup>19</sup>	SG reasons why instrument should not sunset in Scotland
		superseded by UK legislation or is a duplicate of existing domestic legislation and is no longer required.	
Council Decision of 3 October 2002 establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council the summary information format relating to the placing on the market of genetically modified organisms as or in products (2002/812/EC)	The whole Decision	Establishing standardising application info: summarised application - summary notification information (SNIF) (marketing). This is a request for information that we no longer submit to the EU since we are no longer a member state. Removing this REUL would improve the application process by removing this requirement for redundant information; This regulation relates to a requirement/scheme/agreement which is no longer in operation, or is no longer relevant to the UK.	This Decision is referred to in regulation 16(2)(j) of the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 (S.S.I. 2002/541) and therefore is not obsolete.
Council Decision of 3 October 2002 establishing, pursuant to Directive 2001/18/EC of the European Parliament and of	The whole Decision	Establishing standardising application info: summarised application - summary notification information (SNIF)	This Decision is referred to in regulation 11(1)(d) of the Genetically Modified Organisms (Deliberate

Title	Extent of revocation	UKG analysis as published <sup>19</sup>	SG reasons why instrument should not sunset in Scotland
the Council, the summary notification information format for notifications concerning the deliberate release into the environment of genetically modified organisms for purposes other than for placing on the market (2002/813/EC)		(non-marketing). This is a request for information that we no longer submit to the EU since we are no longer a member state. Removing this REUL would improve the application process by removing this requirement for redundant information; This regulation relates to a requirement/scheme/agreement which is no longer in operation, or is no longer relevant to the UK.	Release) (Scotland) Regulations 2002 and therefore is not obsolete.
National Emission Ceilings Regulations (S.I. 2018/129)	Regulations 9 and 10	Implements the National Emission Ceilings Directive (2016/2284/EC). We will be removing some items of REUL relating to the National Air Pollution Control Plan (NAPCP). The current format of the NAPCP is long, complicated, resource intensive and duplicative, and does nothing to improve the quality of the air we breathe. By repealing this item, we can	This revocation is linked to the revocation of Commission Implementing Decision (EU) 2018/1522 of 11 October 2018, referenced above.  The SG is not persuaded that the provisions of the two instruments can be revoked without greater clarity as to the future of the Air Quality: Revised UK National Air Pollution Control



Title	Extent of revocation	UKG analysis as published <sup>19</sup>	SG reasons why instrument should not sunset in Scotland
		better focus on what will actually help clean up our air, such as by delivering on the ambitious air quality targets we have set in statute through the Environmental Act; This regulation has either been superseded by UK legislation or is a duplicate of existing domestic legislation and is no longer required.	Programme <sup>21</sup> and assurance that there would be no legislative gaps.
Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009	The whole Regulation	Sets out measures for the establishment and administration of import and export tariff quotas subject to licences. Legislation ceases to have effect in UK due to Schedule 7, Part 1, paragraph 1 (1) of the Taxation (Cross-Border Trade) Act 2018; This regulation has either been superseded by UK legislation or is a duplicate of existing domestic legislation and is no longer required.	The SG does not consider this instrument to be obsolete and there are no other exceptional reasons for the instrument to be sunset.

<sup>21</sup> [Air Quality: Revised UK National Air Pollution Control Programme - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Title	Extent of revocation	UKG analysis as published <sup>19</sup>	SG reasons why instrument should not sunset in Scotland
<b>Department for Energy Security and Net Zero (two instruments)</b>			
Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 (S.I. 2014/1403)	The whole Regulations	Implements the 2012 Energy Efficiency Directive. NB only sets binding target up to and including 2020; This legislation is largely inoperable because it concerns targets that have expired, and otherwise includes duties that are being met elsewhere or where revocation would not otherwise lead to a change of policy.	This instrument provides for ongoing duties and further analysis is required before it can be concluded that this instrument can safely be sunset.
Promotion of the Use of Energy from Renewable Sources Regulations 2011 (S.I. 2011/243)	The whole Regulations	Implements the 2009 Renewable Energy Directive. NB only sets binding target up to and including 2020; This legislation is largely inoperable because it concerns targets that have expired, and otherwise includes duties that are being met elsewhere or where revocation would not otherwise lead to a change of policy.	Regulations 5, 7 and 8 in this instrument provide for ongoing duties and further analysis is required before it can be concluded that this instrument can safely be sunset.

Title	Extent of revocation	UKG analysis as published <sup>19</sup>	SG reasons why instrument should not sunset in Scotland
<b>Department for Transport (two instruments)</b>			
Port Services Regulations 2019 (S.I. 2019/575)	The whole Regulations	UK regulations which implement discretionary and mandatory elements of Regulation (EU) 2017/352 to mandate transparency on financial reporting for ports; The UK has a highly competitive, mostly private sector-owned port sector. The removal of this legislation will remove an unnecessary reporting burden on our ports sector, freeing them from this reporting requirement. The Harbours Act 1964 will continue to require publication of standard charges, among other protections for port users.	The SG's position is being considered further.
Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common	The whole Regulation	Establishes a framework for the provision of port services and common rules on financial transparency and on port service and port infrastructure charges; The UK has a highly competitive, mostly private	The SG's position is being considered further.

Title	Extent of revocation	UKG analysis as published <sup>19</sup>	SG reasons why instrument should not sunset in Scotland
rules on the financial transparency of ports		sector-owned port sector. The removal of this legislation will remove an unnecessary reporting burden on our ports sector, freeing them from this reporting requirement. The Harbours Act 1964 will continue to require publication of standard charges, among other protections for port users.	

## Annex C

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

Instruments are listed in Bill Schedule order with entries 1-17 being Part 1 (subordinate legislation) and entries 18-139 being Part 2 (retained direct EU legislation)

1. European Communities (Privileges of the Joint European Torus) Order 1978 (S.I. 1978/1033)
2. Agriculture and Horticulture Development Regulations 1980 (S.I. 1980/1298)
3. Agriculture Improvement Scheme 1985 (S.I. 1985/1029)
4. Farm Business Non-Capital Grant Scheme 1988 (S.I. 1988/1125)
5. Loading and Unloading of Fishing Vessels Regulations 1988 (S.I.1988/1656)
6. Agriculture Improvement (Variation) (No. 2) Scheme 1988 (S.I. 1988/1983)
7. Farm and Conservation Grant Scheme 1989 (S.I. 1989/128)
8. Control of Industrial Air Pollution (Registration of Works) Regulations 1989 (S.I. 1989/318)
9. Farm and Conservation Grant (Variation) Scheme 1991 (S.I. 1991/1338)
10. Temporary Set-Aside Regulations 1991 (S.I. 1991/1847)
11. Road Tolling (Interoperability of Electronic Road User Charging and Road Tolling Systems) Regulations 2007 (S.I. 2007/58)
12. Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007 (S.I. 2007/292)
13. Food Enzymes Regulations 2009 (S.I. 2009/3235) Regulation 10
14. Flood Risk (Cross Border Areas) Regulations 2010 (Regulations 2 to 25) (S.I. 2010/1102)
15. Paragraphs 2(5), 9, 16(5)(a) and 24 of Schedule 7 to The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484)
16. Energy Efficiency (Eligible Buildings) Regulations 2013 (S.I. 2013/3220)
17. Energy Efficiency (Building Renovation and Reporting) Regulations 2014 (S.I. 2014/952)
18. Council Regulation (EEC) No 1899/85 of 8 July 1985 establishing a minimum mesh size for nets used when fishing for capelin in that part of the zone of the Convention on future multilateral cooperation in the north-

- east Atlantic fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention
19. Council Regulation (EEC) No 1096/88 of 25 April 1988 establishing a Community scheme to encourage the cessation of farming
  20. Council Decision of 29 March 1996 concerning the signing and provisional application of the International Tropical Timber Agreement 1994 on behalf of the European Community (96/493/EC)
  21. Commission Decision of 22 April 1998 concerning the placing on the market of genetically modified maize (*Zea mays* L. line MON 810), pursuant to Council Directive 90/220/EEC (98/294/EC)
  22. Commission Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council on biocidal products
  23. Commission Regulation (EC) No 2056/2001 of 19 October 2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the west of Scotland
  24. Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs
  25. Commission Decision of 23 February 2004 laying down detailed arrangements for the operation of the registers for recording information on genetic modifications in GMOs, provided for in Directive 2001/18/EC of the European Parliament and of the Council (2004/204/EC)
  26. Commission Decision of 19 March 2004 concerning guidance for implementation of Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air (2004/279/EC)
  27. Commission Decision of 4 May 2005 establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (2005/381/EC)
  28. Commission Decision of 21 June 2005 establishing a network group for the exchange and coordination of information concerning coexistence of genetically modified, conventional and organic crops (2005/463/EC)
  29. Commission Decision of 20 December 2006 concerning the extension of the deadline for placing on the market of biocidal products containing certain active substances not examined during the ten-year work programme referred to in Article 16(2) of Directive 98/8/EC (2007/70/EC)
  30. Commission Decision of 23 May 2007 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (2007/364/EC)
  31. Commission Decision of 2 October 2007 establishing a common format for the submission of data and information pursuant to regulation (EC) No

- 850/2004 of the European Parliament and of the Council concerning persistent organic pollutants (2007/639/EC)
32. Commission Decision of 29 November 2007 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC (2007/794/EC)
  33. Commission Decision of 8 May 2008 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2008/423/EC)
  34. Commission Decision of 31 October 2008 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC (2008/831/EC)
  35. Commission Decision of 20 November 2008 defining a format for the submission of the information by Member States in accordance with Article 7(4)(b)(iii) of the Regulation (EC) No 850/2004 of the European Parliament and of the Council (2009/63/EC)
  36. Commission Decision of 16 March 2009 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (2009/244/EC)
  37. Commission Decision of 8 April 2009 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2009/321/EC)
  38. Council Regulation (EC) No 754/2009 of 27 July 2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008
  39. Commission Decision of 9 February 2010 setting a new deadline for the submission of a dossier for terbutryn to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2010/77/EU)
  40. Commission Decision of 9 February 2010 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2010/84/EU)
  41. Commission Regulation (EU) No 237/2010 of 22 March 2010 laying down detailed rules for the application of Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks
  42. Council Decision of 17 May 2010 on the signing of a Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (2010/615/EU)

43. Commission Decision of 21 May 2010 on the establishment of a Register for Biocidal Products (2010/296/EU)
44. Council Decision of 27 September 2010 on the signing of a Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (2011/200/EU)
45. Commission Decision of 22 October 2010 adjusting the Union-wide quantity of allowances to be issued under the Union Scheme for 2013 and repealing Decision 2010/384/EU (2010/634/EU)
46. Commission Decision of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO<sub>2</sub> as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (2010/670/EU)
47. Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a system for greenhouse gas emission allowances trading within the Community
48. Commission Decision of 7 March 2011 on historical aviation emissions
49. Commission Decision of 29 March 2011 establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean
50. Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (2011/278/EU)
51. Commission Regulation (EU) No 550/2011 of 7 June 2011 on determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, certain restrictions applicable to the use of international credits from projects involving industrial gases
52. Commission Decision of 30 June 2011 on the Union-wide quantity of allowances referred to in Article 3e(3)(a) to (d) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (2011/389/EU)
53. Commission Implementing Decision of 13 July 2011 adopting guidelines for reporting by the Member States under Directive 2010/40/EU of the European Parliament and of the Council (2011/453/EU)
54. Commission Implementing Decision of 10 February 2012 laying down rules concerning the transitional national plans referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (2012/115/EU)



55. Commission Implementing Decision of 2 May 2012 amending Decision 2011/207/EU establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean (2012/246/EU)
56. Commission Decision of 17 August 2012 amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage (2012/498/EU)
57. Commission Decision of 20 August 2012 setting a new deadline for the submission of dossiers for certain substances to be examined under the 14-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2012/483/EU)
58. Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency
59. Decision No 377/2013/EU of the European Parliament and of the Council of 24 April 2013 derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community
60. Commission Implementing Decision of 13 August 2013 amending Decision 2011/207/EU establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean (2013/432/EU)
61. Commission Decision of 5 September 2013 on the standard capacity utilisation factor pursuant to Article 18(2) of Decision 2011/278/EU (2013/447/EU)
62. Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (2013/448/EU)
63. Council Decision of 23 September 2013 on the signing, on behalf of the European Union, of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products to the European Union (2013/486/EU)
64. Commission Regulation (EU) No 1123/2013 of 8 November 2013 on determining international credit entitlements pursuant to Directive 2003/87/EC of the European Parliament and of the Council
65. Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU
66. Decision No 1359/2013/EU of the European Parliament and of the Council of 17 December 2013 amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances

67. Commission Decision of 18 December 2013 amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage (2014/9/EU)
68. Commission Delegated Regulation (EU) No 473/2014 of 17 January 2014 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards supplementing Annex III thereto with new indicative maps
69. Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters
70. Commission Implementing Decision of 18 March 2014 on the organisation of a temporary experiment providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize pursuant to Council Directive 66/402/EEC (2014/150/EU)
71. Commission Implementing Decision of 21 March 2014 amending Decision 2005/381/EC as regards the questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council (2014/166/EU)
72. Council Decision of 14 April 2014 on the conclusion of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products to the European Union (2014/284/EU)
73. Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES)
74. Commission Decision of 24 June 2014 concerning the placing on the market for essential use of biocidal products containing copper (2014/395/EU)
75. Commission Implementing Decision of 25 June 2014 regarding restrictions of authorisations of biocidal products containing IPBC notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (2014/402/EU)
76. Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008
77. Commission Decision of 27 October 2014 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, for the period 2015 to 2019 (2014/746/EU)

78. Commission Implementing Decision of 29 October 2014 concerning restrictions of the authorisations of biocidal products containing IPBC and propiconazole notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (2014/756/EU)
79. Commission Implementing Decision of 29 October 2014 concerning restrictions of the authorisation of a biocidal product containing IPBC notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (2014/757/EU)
80. Commission Implementing Decision of 30 October 2014 establishing the type, format and frequency of information to be made available by the Member States on integrated emission management techniques applied in mineral oil and gas refineries, pursuant to Directive 2010/75/EU of the European Parliament and of the Council (2014/768/EU)
81. Commission Decision (EU) 2015/191 of 5 February 2015 amending Decision 2010/670/EU as regards the extension of certain time limits laid down in Article 9 and Article 11(1) of that Decision
82. Commission Delegated Regulation (EU) 2015/1829 of 23 April 2015 supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries.
83. Commission Implementing Decision (EU) 2015/692 of 24 April 2015 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (*Dianthus caryophyllus* L., line 25958) genetically modified for flower colour
84. Commission Implementing Decision (EU) 2015/694 of 24 April 2015 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (*Dianthus caryophyllus* L., line 26407) genetically modified for flower colour
85. Commission Decision (EU) 2015/1158 of 8 July 2015 on the position to be taken by the Commission, on behalf of the European Union, in the Joint Implementation Committee set up by the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on Forest Law Enforcement, Governance and Trade in timber products into the European Union as regards the amendments to the Annexes I, II, and V of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia
86. Commission Implementing Decision (EU) 2015/1737 of 28 September 2015 postponing the expiry date of approval of bromadiolone, chlorophacinone and coumatetralyl for use in biocidal products for product-type 14
87. Commission Implementing Decision (EU) 2015/1751 of 29 September 2015 on the terms and conditions of the authorisation of a biocidal product containing bromadiolone referred by the United Kingdom in accordance

- with Article 36 of Regulation (EU) No 528/2012 of the European Parliament and of the Council
88. Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC
  89. Commission Implementing Regulation (EU) 2015/1831 of 7 October 2015 laying down rules for application of Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in the third countries
  90. Commission Implementing Regulation (EU) 2015/1897 of 21 October 2015 amending Commission Regulation (EC) No 2056/2001 as regards the landing obligation
  91. Commission Delegated Regulation (EU) 2016/758 of 4 February 2016 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards adapting Annex III thereto
  92. Commission Implementing Decision (EU) 2016/209 of 12 February 2016 on a standardisation request to the European standardisation organisations as regards Intelligent Transport Systems (ITS) in urban areas in support of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport
  93. Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding
  94. Commission Implementing Decision (EU) 2016/1175 of 15 July 2016 on the terms and conditions of the authorisation of a biocidal product containing spinosad referred by the United Kingdom in accordance with Article 36 of Regulation (EU) No 528/2012 of the European Parliament and of the Council
  95. Commission Decision of 13 November 2006 on avoiding double counting of greenhouse gas emission reductions under the Community emissions trading scheme for project activities under the Kyoto Protocol pursuant to Directive 2003/87/EC of the European Parliament and of the Council (2006/780/EC)
  96. Commission Implementing Decision (EU) 2016/2050 of 22 November 2016 as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4)
  97. Regulation (EU) 2016/2094 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No

- 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks
98. Commission Decision of 23 November 2006 amending Decision 2005/381/EC establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (2006/803/EC)
  99. Commission Delegated Regulation (EU) 2017/849 of 7 December 2016 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards the maps in Annex I and the list in Annex II to that Regulation
  100. Commission Decision (EU) 2017/126 of 24 January 2017 amending Decision 2013/448/EU as regards the establishment of a uniform cross-sectoral correction factor in accordance with Article 10a of Directive 2003/87/EC of the European Parliament and of the Council
  101. Commission Implementing Decision (EU) 2017/547 of 21 March 2017 on the organisation of a temporary experiment under Council Directive 2002/56/EC as regards seed potato tubers derived from true potato seed
  102. Commission Decision (EU) 2017/2172 of 20 November 2017 amending Decision 2010/670/EU as regards the deployment of non-disbursed revenues from the first round of calls for proposals
  103. Decision (EU) 2017/2380 of the European Parliament and of the Council of 12 December 2017 amending Directive 2010/40/EU as regards the period for adopting delegated acts
  104. Regulation (EU) 2017/2392 of the European Parliament and of the Council of 13 December 2017 amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021
  105. Commission Implementing Decision (EU) 2017/2334 of 14 December 2017 postponing the expiry date of approval of creosote for use in biocidal products of product-type 8
  106. Commission Implementing Decision (EU) 2018/1479 of 3 October 2018 postponing the expiry date of approval of sulfuranyl fluoride for use in biocidal products of product-type 8
  107. Commission Delegated Regulation (EU) 2019/7 of 30 October 2018 amending Regulation (EU) No 1031/2010 as regards the auctioning of 50 million unallocated allowances from the market stability reserve for the innovation fund and to list an auction platform to be appointed by Germany
  108. Commission Delegated Regulation (EU) 2019/254 of 9 November 2018 on the adaptation of Annex III to Regulation (EU) No 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network

109. Commission Implementing Decision (EU) 2018/2023 of 17 December 2018 on amending Implementing Decision (EU) 2017/1984 determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values as regards reference values for the period from 30 March 2019 to 31 December 2020 for producers or importers established within the United Kingdom, which have lawfully placed on the market hydrofluorocarbons from 1 January 2015, as reported under that Regulation
110. Commission Delegated Regulation (EU) 2019/856 of 26 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund
111. Commission Implementing Regulation (EU) 2019/533 of 28 March 2019 concerning a coordinated multiannual control programme of the Union for 2020, 2021 and 2022 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin
112. Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726
113. Council Decision (EU) 2019/858 of 14 May 2019 on the position to be taken on behalf of the European Union in the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties of the SIOFA
114. Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816
115. Commission Implementing Decision (EU) 2019/994 of 17 June 2019 postponing the expiry date of approval of etofenprox for use in biocidal products of product-type 8
116. Commission Implementing Decision (EU) 2019/1030 of 21 June 2019 postponing the expiry date of approval of indoxacarb for use in biocidal products of product-type 18
117. Commission Implementing Decision (EU) 2019/1300 of 26 July 2019 as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line FLO-40685-2)
118. Commission Delegated Regulation (EU) 2019/1868 of 28 August 2019 amending Regulation (EU) No 1031/2010 to align the auctioning of allowances with the EU ETS rules for the period 2021 to 2030 and with the classification of allowances as financial instruments pursuant to Directive 2014/65/EU of the European Parliament and of the Council

119. Council Decision (EU) 2019/1563 of 16 September 2019 on the position to be taken on behalf of the European Union within the Western Central Atlantic Fishery Commission (WECAFC)
120. Council Decision (EU) 2019/1570 of 16 September 2019 on the position to be taken on behalf of the European Union within the Fishery Committee for the Eastern Central Atlantic (CECAF)
121. Council Decision (EU) 2019/2025 of 18 November 2019 on the signing on behalf of the EU and the provisional application of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas
122. Commission Implementing Decision (EU) 2019/1950 of 25 November 2019 postponing the expiry date of approval of K-HDO for use in biocidal products of product-type 8
123. Commission Implementing Decision (EU) 2019/1951 of 25 November 2019 postponing the expiry date of approval of tebuconazole for use in biocidal products of product-type 8
124. Commission Implementing Decision (EU) 2019/1969 of 26 November 2019 postponing the expiry date of approval of IPBC for use in biocidal products of product-type 8
125. Commission Implementing Decision (EU) 2020/27 of 13 January 2020 postponing the expiry date of approval of propiconazole for use in biocidal products of product-type 8
126. Commission Implementing Regulation (EU) 2020/466 of 30 March 2020 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States' control systems due to coronavirus disease (COVID-19)
127. Commission Implementing Regulation (EU) 2020/714 of 28 May 2020 amending Implementing Regulation (EU) 2020/466 as regards the use of electronic documentation for the performance of official controls and other official activities and the period of application of temporary measures
128. Commission Implementing Regulation (EU) 2020/977 of 7 July 2020 derogating from Regulations (EC) No 889/2008 and (EC) No 1235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic
129. Commission Implementing Regulation (EU) 2020/1001 of 9 July 2020 laying down detailed rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards the operation of the Modernisation Fund supporting investments to modernise the energy systems and to improve energy efficiency of certain Member States
130. Commission Implementing Decision (EU) 2020/1037 of 15 July 2020 postponing the expiry date of approval of acrolein for use in biocidal products of product-type 12
131. Commission Implementing Decision (EU) 2020/1038 of 15 July 2020 postponing the expiry date of approval of creosote for use in biocidal products of product-type 8

132. Commission Implementing Regulation (EU) 2020/1087 of 23 July 2020 amending Implementing Regulation (EU) 2020/466 as regards the performance of official controls and other official activities by specifically authorised natural persons, the performance of analyses, testing or diagnoses and the period of application of temporary measures
133. Commission Implementing Regulation (EU) 2020/1341 of 28 September 2020 amending Implementing Regulation (EU) 2020/466 as regards the period of application of temporary measures
134. Commission Implementing Decision (EU) 2020/1604 of 23 October 2020 determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values for the period 1 January 2021 to 31 December 2023 for each producer or importer which has lawfully placed hydrofluorocarbons on the market in the Union from 1 January 2015, as reported under that Regulation
135. Commission Decision (EU) 2020/1722 of 16 November 2020 on the Union-wide quantity of allowances to be issued under the EU Emissions Trading System for 2021
136. Decision (EU) 2020/1782 of the European Parliament and of the Council of 25 November 2020 amending Decision No 573/2014/EU on enhanced cooperation between Public Employment Services (PES)
137. Commission Implementing Decision (EU) 2020/2124 of 9 December 2020 not granting a Union authorisation for the biocidal product family 'Contec Hydrogen Peroxide'
138. Commission Decision (EU) 2020/2166 of 17 December 2020 on the determination of the Member States' auction shares during the period 2021-2030 of the EU Emissions Trading System
139. Commission Implementing Decision (EU) 2020/2239 of 23 December 2020 concerning the extension of the action taken by the United Kingdom Health and Safety Executive permitting the making available on the market and use of hand disinfection products following the WHO-recommended Formulation 2 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council





This Supplementary Legislative Consent Memorandum relates to the Retained EU Law (Revocation and Reform) Bill (UK legislation) and was lodged with the Scottish Parliament on 24 May 2023

# Retained EU Law (Revocation and Reform) Bill – Supplementary Legislative Consent Memorandum

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