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EU Law Tracker

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

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EUROPEAN UNION LAW TRACKER

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

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EXECUTIVE SUMMARY

EU Law Tracker Research Purpose

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

These EU Law Tracker reports – and the detailed EU Law Tracker set out in Annex 1 – are designed to serve as a reference tool for parliamentarians, officials, stakeholders, and the wider public, seeking to better understand the SG alignment commitment as well as its effects on law and policy development in Scotland. In this respect, the information and analysis contained in this issue of the EU Law Tracker compliments the Constitution *et al* Committees' 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 recently (December 2024) gathered 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 first 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 January 2025 and the end of June 2025.

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, 40 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 2025 approximately 1525 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 2 new EU acts that are or may be in scope of the SG alignment commitment.
- At least 10 new EU acts adopted in 2024 were identified as either 'under consideration' for alignment 'for future consideration' for alignment or for alignment by the Scottish Government but for which no specific legislative provision has yet been made in Scotland.

Scots Law / UK Law Changes

- None of the 8 acts of primary law passed in Scotland during the reporting period are considered to be directly relevant to the SG alignment commitment.
- Of the 199 statutory instruments passed for Scotland during the research period, at least 16 were identified by this research to be (directly or indirectly) relevant to the SG alignment commitment; most of these implement provisions that align with relevant EU law changes.
- 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.
- While the period covered by this EU Law Tracker Report has seen relatively few new EU acts adopted (as it is still relatively early in the new European Parliament and Commission mandate), a series of new EU acts adopted during 2024 and so far in 2025 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.
- 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 adoption of new acts in the Scottish Parliament that provide for 'broad alignment' with the objectives and/or direction of similar or equivalent EU policies.
 - The making of Scottish statutory instruments that give effect to standards and/or approaches that are 'shared' with the EU.
- **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 Annual Report on the Continuity Act (covering Sept 2023 to Aug 2024) is the first to fully implement the revised more detailed approach to reporting on SG use of the Continuity Act powers, and on the policy to align with EU law more broadly. This SG Report represents the most comprehensive and official account of alignment/divergence with EU law produced by any UK based government or department to date. In this respect the SG revised approach to reporting continues to support transparency, aid legal clarity and assist legislative scrutiny.**
 - **This issue of the EU Law Tracker nonetheless also highlights some areas for potential further improvement in SG reporting practices. For example:**
 - Lists provided in Annex C regarding 'EU Proposals Relevant to Devolved Competence or Having a Devolved Impact' could usefully be updated to include relevant EU document references (for policy documents, communications etc.) and/or relevant references to entries in the Official Journal (for new EU acts or finalised proposals) – this would help parliamentarians and interested stakeholders to cross-read the content of SG Annual Reports with relevant ongoing developments in the EU.
 - Information provided by the SG appears to prioritise new EU proposals and initiatives over updates and revisions of established EU acts. While understandable, this approach also creates the possibility of changes to established EU acts which are or may be relevant to the SG alignment commitment being missed.
 - The difference between policy alignment and legislative alignment could be made more clear in the information provided by the SG in Policy Notes accompanying SSIs.
 - **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) is 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.**

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)

- 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 the 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 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.
- Once the legal texts of the new UK-EU Agreements are finalised and published, it will be possible to more accurately map the interaction, in EU law terms, between the SG alignment commitment and the any UK-wide dynamic regulatory alignment obligations.
- 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 the initial view of the Scottish Government on the implementation of the new UK-EU Agreements once finalised including scrutiny arrangements.

Recommendations for the Constitution *et al* and Subject Committees

- Where case studies included in this EU Law Tracker report highlight specific examples of actual or potential divergence, Subject Committees may wish to seek an update from the Scottish Government, or seek a further update in cases that were identified in previous reports but for

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)

which the Scottish Government have not (yet) made legislative provision or further related statements. Such initiatives may include:

- The Rural Affairs and Islands Committee may wish to seek further information from the SG on its potential pursuit of alignment with the EU on organics products and labelling of organic products in view of the coming into force of the Organic Production Regulation (EU) 2018/848 in January 2022 and the approximately 82 implementing and delegated EU acts adopted by the EU under the OP Regulation since the end of the UK Transition Period. The Committee may also want to seek SG views on the effect of relevant provisions of the TCA on equivalence of standards regarding organics between the EU and UK and the implications for any SG alignment decision.
 - The Net Zero, Energy and Transport Committee may wish to seek more information or request updates from the SG on its consideration of alignment with Regulation (EU) 2024/216 which amends Regulation (EU) 2019/1009 in respect to the digital labelling of EU fertilising products which has been identified as 'for future consideration' in the most recent draft SG Annual Report.
 - The Net Zero, Energy and Transport Committee may wish to seek further information from the SG regarding its consideration of alignment with Regulation (EU) 2024/1781 establishing a framework for the setting of ecodesign and sustainable products; the most recent draft SG Annual Report identified the ecodesign and sustainable products regulation (ESPR) as one of those EU acts 'for future consideration' regarding alignment.
 - The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its consideration of alignment in respect to Regulation (EU) 2024/3110 on construction products which it identified as 'under consideration'.
 - The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding progress on securing alignment with Regulation (EU) 2024/1991 on Nature Restoration which has been identified as one of those EU acts with which Scotland will align.
 - The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its consideration of aligning with the new Directive (EU) 2024/1785 on industrial emissions and landfill waste which the SG has identified as being 'under consideration' for alignment.
- 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 Health, Social Care and Sport Committee may wish to seek an update from the SG regarding its consideration of alignment with the European Health Data Space Regulation ((EU) 2025/327).
 - The Net Zero, Energy and Transport Committee may wish to seek a view from the SG on Directive (EU) 2025/1237 which amends the Habitats Directive (Council Directive 92/43/EEC) as regards the protection status of the wolf.
- In view of EU laws adopted in 2024 and identified by the Scottish Government as being considered for or for alignment, Subject Committees may wish to seek an update from the Scottish Government in relation to plans for or deliberations regarding alignment with the following:
- 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) – identified as 'under consideration' for alignment by the SG.
 - The Equalities, Human Rights and Civil Justice Committee may wish to seek an update from the SG regarding the Directive (EU) 2024/2841 of the European Parliament and of the Council of 23 October 2024 establishing the European Disability Card and the European Parking Card for persons with disabilities – 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 its consideration of 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 – identified as ‘yes’ 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 Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its consideration of Regulation (EU) 2024/3024 of the European Parliament and of the Council of 27 November 2024 amending Regulation (EU) No 691/2011 as regards introducing new environmental economic account modules – 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 regarding its consideration of Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings – 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 regarding its consideration of 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 ‘for future 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 – identified as ‘yes’ for alignment by the SG.
 - The Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding its consideration of alignment in respect to Directive (EU) 2024/3019 concerning urban wastewater treatment (recast).
 - 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 with digital elements (the ‘Cyber Resilience Act’).
 - 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.
 - 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).
- In some instances it may be that the Scottish Government are waiting for clarification on the scope, in EU law terms, of the anticipated new UK-wide dynamic regulatory alignment obligation prior to making specific legislative provisions for alignment in Scotland. Notably, however, several 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 fifth 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.³

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 Committee⁴ that set a baseline for the possible scope and implications of the SG alignment commitment in EU law terms.⁴ Building on the baseline research, this fifth 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 fourth EU Law Tracker report was published; this report therefore covers developments between the start of January 2025 and the end of June 2025. 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 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.

³ 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)

⁴ 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.⁵

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.⁶ 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

⁵ The Scottish Government’s stated aim in ‘keeping pace’ is to ensure “Scotland can then continue to benefit from developments in EU laws and standards” and thereby through the ‘keeping pace’ policy to “send a strong signal to the EU that Scotland continues to uphold the EU’s core values” on the premise that this “could help to ease an independent Scotland’s application for membership as an independent country” – Scottish Government (2020) ‘Protecting Scotland, Renewing Scotland: The Government’s Programme for Scotland 2020-2021’ *gov.scot* Available: <https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/pages/9/> (Accessed 11 Sept 2024).

⁶ *UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021* asp 4 Available: <https://www.legislation.gov.uk/asp/2021/4/contents> (Accessed 11 Sept 2024)

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

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

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

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

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

Notwithstanding the importance of the purposive lens provided by section 2(1) of the EU Continuity Act 2021 for the exercise of ‘keeping pace’ powers granted under its section 1(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, three such reports have been published; the first two reports stated that Scottish Ministers did not make use

of the section 1(1) powers during the relevant reporting period, while the third report detailed Scottish Ministers' use of section 1(1) powers on one occasion, to keep pace with EU law changes related to the quality of water for human consumption (see section 2.2.1). The fourth SG alignment report states that the Scottish Ministers did not make use of the section 1(1) powers but intend to do so in relation to two regulations to be passed in the upcoming reporting period (see Section 2.2.1).

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 fifth edition of the EU Law Tracker draw in particular on the fourth (draft) SG annual report as this provides the most up to date information regarding the SG view on relevant EU law changes.

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.⁷ 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.

⁷ Analysis is based on analysis of UKG Frameworks Analysis produced as part of the Common Frameworks process – for details see the Baseline Research Report (n2) and Cabinet Office (2021) 'Frameworks Analysis 2021: Breakdown of areas previously governed by EU law that intersect with devolved competence in Scotland, Wales and Northern Ireland', [gov.uk](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031808/UK_Common_Frameworks_Analysis_2021.pdf) Available: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031808/UK_Common_Frameworks_Analysis_2021.pdf (Accessed 11 Sept 2024).

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

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

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, 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 1779 implementing or delegated acts of tertiary EU law.⁸ 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.

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

⁸ Includes basic and amending delegated acts as well as basic and amending implementing acts. For detail see ‘Legal acts – statistics’ section on EUR-Lex (2025) ‘Legal acts – statistics’ *eur-lex.europa.eu* Available: <https://eur-lex.europa.eu/statistics/2024/legislative-acts-statistics.html> (Accessed 10 January 2025)

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.⁹

Section Three presents the main substance of this report. It sets out a series of policy case-studies of instances of divergence and/or alignment between EU law and Scots Law that have taken place during the reporting period of January to June 2025. 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.

⁹ *Retained EU Law (Revocation and Reform) Act 2023* c. 28. Available: <https://www.legislation.gov.uk/ukpga/2023/28/enacted> (accessed 11 Sept 2024)

2. CONTEXT

2.1 Summary of European Union Developments

2.1.1 Summary of European Commission Work Programme

The European Commission Work Programme 2025 was published in February of the year.¹⁰ Based on a cross-reading of the ECWP for 2025 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. Based on this analysis, at least: 4 of the New Initiatives (listed in Annex I of the ECWP); 3 of the planned Evaluations and Fitness Checks (listed in Annex II of the ECWP); and 15 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 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 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](#)

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

¹⁰ https://commission.europa.eu/strategy-and-policy/strategy-documents/commission-work-programme/commission-work-programme-2025_en

<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 2027.¹¹ 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

¹¹ 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)

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 – January 2025 to June 2025 – 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 January 2025 to June 2025

New EU Act	Adopted	Amending or Replacing	Scottish Government Annual Report Statement (where applicable)
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	Mar 2025	Directive 2011/24/EU	Under Consideration
Directive (EU) 2025/1237 of the European Parliament and of the Council of 17 June 2025 amending Council Directive 92/43/EEC as regards the protection status of the wolf (<i>Canis lupus</i>)	Jun 2024	Council Directive 92/43/EEC	No Specific Statement

In view of the adopted of these new EU acts, relevant Scottish Parliament Committees may wish to seek updates from the Scottish Government.

- The Health, Social Care and Sport Committee may wish to seek an update from the SG regarding its consideration of alignment with the European Health Data Space Regulation ((EU) 2025/327).
- The Net Zero, Energy and Transport Committee may wish to seek a view from the SG on Directive (EU) 2025/1237 which amends the Habitats Directive (Council Directive 92/43/EEC) as regards the protection status of the wolf.

2.2 Summary of Scottish Law Developments

Under section 10 of the EU Continuity Act 2021 (as set out in Section 1.2.2 above) the Scottish Government is obliged to provide annual reports detailing: how the ‘keeping pace’ powers have been used; how any use has contributed towards maintaining and advancing standards related to the five section 2(1) policy areas; any consideration of the use of the section 1(1) powers that has taken place; and/or how they intend to use the ‘keeping pace’ power in the next reporting period. To date, three such reports 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 2023/2024) was published in draft form in October 2024; a final version followed in August 2025, the next subsection considers its contents in detail.¹²

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 2022.¹³ 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 2023.¹⁴ 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”.¹⁵

¹² 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 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)

¹³ 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)

¹⁴ 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)

¹⁵ *Ibid.*

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.¹⁶

A draft of the third Annual Report was published in October 2023, a final version was published in February 2024.¹⁷ 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.¹⁸ 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).¹⁹ 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.”²⁰ 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”.²¹ 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)*

¹⁶ See EU Law Tracker: Report Two (n.1)

¹⁷ 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)

¹⁸ 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)

¹⁹ Scottish Government (2023c) ‘Report by Scottish Ministers’ (n.12): para. 8

²⁰ *Ibid.* Annex B.

²¹ *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).

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.²²

The third SG Annual Report included an additional section on ‘EU Law Relevant to Devolved Competence or Having a Devolved Impact’ which provided a list of EU legislation, in progress at the start of “formalised monitoring in July 2023”, and which the SG view as “potentially within devolved competence or having devolved impact”.²³ 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.²⁴

A draft of the fourth SG Annual Report was published in October 2024.²⁵ 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 draft 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 EIA Directive) and which previously would have been made under the ECA 1972. The *Masterplan Consent Area Scheme Regulations* were made in December 2024; the *Town and Country Planning Regulations* have not yet been made.²⁶

Reflecting SG’s revised approach to reporting on the alignment commitment, the latest Annual Report provided substantial additional information on the variety of other means by which the alignment policy was implemented during the relevant reporting period.

A high-level summary of the relevant sections is as follows.

- Regarding Scottish legislation:

²² *Ibid.* para. 10-11.

²³ *Ibid.* Annex C.

²⁴ *Ibid.*

²⁵ ‘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)

²⁶ 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 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
- 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 SG draft Annual Report 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). Such a comprehensive list of those EU (legislative and non-legislative) initiatives that have been reviewed by the SG in the relevant reporting period is very welcome and can be expected to aid transparency and scrutiny for both parliamentarians and stakeholders. As noted in the last edition of the EU Law Tracker Report, to further strengthen the service provided by the SG revised reporting approach the terminology used to refer to EU proposals could usefully include relevant EU document references and/or relevant EU Official Journal references. At present, readers of the draft SG Annual Report who are unfamiliar with the relevant colloquial title for a given EU measure may find it difficult to know which EU proposals, legislative or non-legislative initiatives some of the entries are referring to.

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 (January 2025 to June 2025)

Acts of the Scottish Parliament	Year Ref	Relationship to EU Law in Scope of Alignment*
2025		
Prisoners (Early Release) (Scotland) Act 2025	2025 asp 1	Not Related
Social Security (Amendment) (Scotland) Act 2025	2025 asp 2	Not Related
Judicial Factors (Scotland) Act 2025	2025 asp 3	Not Related
Scottish Elections (Representation and Reform) Act 2025	2025 asp 4	Not Related
Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025	2025 asp 5	Not Related
Welfare of Dogs (Scotland) Act 2025	2025 asp 6	Not Related
Budget (Scotland) Act 2025	2025 asp 7	Not Related
Regulation of Legal Services (Scotland) Act 2025	2025 asp 8	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, 199 Scottish Statutory Instruments have been made. Of the total number, 82 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 (January 2025 to June 2025)

Acts of the Scottish Parliament	Year Ref	Relationship to EU Law in Scope of Alignment
2025		

The Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order	2025 No. 199	Indirectly Related This SSI amends the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 to include offences created by the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 it therefore relates to the regulation of packaging waste which the EU regulates. The Policy Note states that this SSI is not related to the alignment commitment. ²⁷
The Teachers' Pensions (Remediable Service) (Scotland) Amendment (No. 2) Regulations 2025	2025 No. 197	Not Related
The Social Security (Miscellaneous Amendment) (Scotland) Regulations 2025	2025 No. 195	Indirectly Related Policy Note states: "This legislation is not related to the Scottish Government's policy to maintain alignment with the EU, because each EU member state has its own social security laws. EU rules co-ordinate these separate social security systems between member states to support freedom of movement, but this legislation is not relevant to social security co-ordination specifically." ²⁸
The Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Order 2025	2025 No. 189	Directly Related Policy Note states: "The relevant EU legislation that relates to Scotland's DRA includes Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment; Directive 94/62/EC on packaging and packaging waste (PPWD); and Regulation (EU) 2025/40 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (PPWR). Under the PPWD EU member states were required to take measures, such as national programmes, incentives through extended producer responsibility schemes and other economic instruments, to prevent the generation of packaging waste and to minimise the environmental impact of packaging and to meet recycling targets. This will be repealed by the PPWR which applies from August 2026. Amongst other things, the PPWR establishes further requirements for extended producer responsibility, packaging waste prevention, such as the reduction of unnecessary packaging and the re-use or refill of packaging, as well as the collection and treatment, including recycling, of packaging waste. In particular, it obliges EU member states, by 1 January 2029, to ensure the separate collection of at least 90% per year by weight of the following packaging formats which are introduced on to its market for the first time in a given calendar year: single-use plastic beverage bottles with a capacity of up to 3 litres; single-use metal beverage containers with a capacity of up to 3 litres. To achieve these targets, EU member states must ensure that deposit and return systems (DRS) are set up for the relevant packaging formats and that a deposit is charged at the point of sale. The PPWR also stipulates minimum requirements that DRS systems must meet, including requirements in relation to a scheme administrator such as : a single system operator is established or, in the case there is more than one system operator, there are to be measures in member states to ensure coordination between the different system operators; the system operator is a non-profit and independent legal entity; the system operator coordinates the functioning of the deposit and return system. This instrument together with the 2020 Regulations [SI 2020/154] provide the necessary legislation to align with the requirement of the PPWR to increase recycling rates of single-use plastic and metal drinks containers to at least 90% and to establish a DRS to do so." ²⁹
The Deposit and Return Scheme for Scotland Amendment Regulations 2025	2025 No. 188	Directly Related Policy Note states: "The relevant EU legislation ... point of sale [see 2025/189]. The PPWR also stipulates minimum requirements that DRS systems must meet, including: ensuring equal access and fair conditions for all economic operators; establishing control procedures and reporting systems; fixing a minimum deposit amount to achieve the collection targets; obliging final distributors to accept the deposit bearing packaging; deposit bearing packaging is clearly labelled. In line with a derogation in the PPWR, hospitality retailers are not required to charge a deposit for scheme articles which are consumed on the premises. The PPWR also allows a derogation to exclude scheme articles with a minimum size of 100ml where it is

²⁷ https://www.legislation.gov.uk/ssi/2025/199/pdfs/ssipn_20250199_en_001.pdf

²⁸ https://www.legislation.gov.uk/ssi/2025/195/pdfs/ssipn_20250195_en_001.pdf

²⁹ https://www.legislation.gov.uk/ssi/2025/189/pdfs/ssipn_20250189_en_001.pdf

		technically not feasible to include them in DRA. At the moment this instrument provides for a minimum scheme article size of 150ml, but this will be kept under review. The 2020 Regulations [SI 2020/154] (as amended by this instrument) together with the Order provide the necessary legislation to align with the requirement of the PPWR to increase recycling rates of single-use plastic and metal drinks containers to at least 90% and to establish a DRS to do so. ³⁰
The Firefighters' Pensions (Remediable Service) (Scotland) Amendment (No. 2) Regulations 2025	2025 No. 187	Not Related
The Restitution Fund (Scotland) Order 2025	2025 No. 184	Not Related
The Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Order 2025	2025 No.183	Not Related
The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 (Commencement No. 2 and Transitional Provision) Regulations 2025	2025 No.179	Not Related
The Regional Strategic Bodies and Regional Colleges (Glasgow and Lanarkshire) Order 2025	2025 No.177	Not Related
The Bovine Viral Diarrhoea (Scotland) Amendment Order 2025	2025 No. 176	Not Related Policy Note states: "This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU. Under Commission Implementing Regulation (EU) 2018/1882, BVD is a 'category C disease' under Regulation (EU) 2016/429 (the Animal Health Law) for optional control and eradication within the member states." ³¹
The Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (Commencement No. 1) Regulations 2025	2025 No. 175	Not Related
The Circular Economy (Scotland) Act 2024 (Commencement No. 2) Regulations 2025	2025 No. 170	Indirectly Related This SSI (2025/170) allows for certain elements of the Circular Economy (Scotland) Act to come into effect from 1 August 2025. Although the SSI does not have a Policy Note or statement regarding its relevance to the SG alignment commitment, during its parliamentary process the Circular Economy (Scotland) Bill was stated to: "...give the Scottish Ministers powers to set statutory circular economy targets through secondary regulations... This will create a focus for action and maintain alignment with the direction of EU policy" ³² – the latest SG Annual Report stated that the CE(S) Act aligns with EU legislation. ³³
The Charities (Regulation and Administration) (Scotland) Act 2023 (Commencement No. 2, Transitional and Saving Provisions) Regulations 2025	2025 No. 168	Not Related
The Agricultural and Rural Communities (Scotland) Act 2024 (Commencement No. 1) Regulations 2025	2025 No. 167	Indirectly Related This SSI (2025/167) allows for certain elements of the Agriculture and Rural Communities (Scotland) Act to come into effect from 16 June 2025 – the latest SG Annual Report stated that the ARC Act aligns with EU legislation. Although the SSI does not have a Policy Note or statement regarding its relevance to the SG alignment commitment, during the parliamentary process for the Agriculture and Rural Communities (Scotland) Bill, which provides for replacement rural support schemes in view of the removal of the EU CAP, it was noted that: "Primary legislation is needed to establish the framework and set policy objectives for a future scheme of rural support, outwith CAP. Agriculture is devolved, and as farmers in Scotland face challenges not found elsewhere in the UK then divergence from the UK Government's approach is to be expected. The UK administrations

³⁰ https://www.legislation.gov.uk/ssi/2025/188/pdfs/ssipn_20250188_en_001.pdf

³¹ https://www.legislation.gov.uk/ssi/2025/176/pdfs/ssipn_20250176_en_001.pdf

³² <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/circular-economy-scotland-bill/introduced/policy-memorandum-accessible.pdf>

³³ <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eu-alignment-annual-reports--31-october-2024.pdf>

		have a mutually agreed Common Frameworks process in place specifically to manage such divergence. At the same time, Ministers are mindful of the need and desire to stay broadly aligned with EU CAP objectives." ³⁴
The Town and Country Planning (Fees for Appeals) (Scotland) Amendment Regulations 2025	2025 No. 166	Not Related
The Environmental Authorisations (Scotland) Amendment Regulations 2025	2025 No. 165	<p>Directly Related</p> <p>Policy Note states: "This instrument, and the consequential revocation of the various existing regulations in this area maintains alignment with EU law and, in particular, the relevant Directives, including the Waste Framework Directive (2008/98/EC), the Landfill Directive (1999/31/EC), the Sludge Directive (86/278/EEC), the Industrial Emissions Directive (2010/75/EU), the Medium Combustion Plant Directive (2015/2193/EU), the Petrol Vapours Directives (94/63/EC and 2009/126/EC), the Energy Efficiency Directive (2012/27/EU), the Water Framework Directive (2000/60/EC) and the Basic Safety Standards Directive (2013/59/Euratom)." In a statement from the Cabinet Secretary for Net Zero and Energy the Policy Note further states: "The provisions in the 2025 Regulations [SSI 2025/165] are ...largely in keeping with the current regimes...which are being amended or revoked".³⁵</p>
The Children (Scotland) Act 2020 (Commencement No. 3 and Saving Provision) Regulations 2025	2025 No. 157	Not Related
The Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2025	2025 No. 155	<p>Directly Related</p> <p>Policy Note states: "This instrument is relevant to the Scottish Government's policy to maintain alignment with the EU. The UK (or Great Britain since NI still applies EU law) is the only country to be granted EU wide equivalence for fruit plants and fruit plant propagating material. Details of the equivalence decision can be found in Commission Implementing Decision 2020/2219. The UK Plant Variety and Seed Committee (PVSC) concluded that to reduce the risk of loss of EU equivalence for fruit propagating material and fruit plants, the best option was to pursue alignment as far as possible with the EU timetable. The current EU proposal states that EU member states should have transcribed the requirements by 31st July 2025, and officials consider Scotland should make these changes as soon as possible in order to cause no equivalence impacts. Alignment across UK governments (Defra, the Scottish Government and the Welsh Government) is necessary to prevent any disadvantage to the industry. Consequently, the coming into force data has been delayed to allow Welsh Government adequate time to align with the process. A revised date of 7th October 2025 has been set, as this is the earliest achievable timeline for all administrations to commit to. This delay will have minimal impact on industry while maintaining equivalence with minimal risk."³⁶</p>
The Seed (Fees) (Scotland) Amendment Regulations 2025	2025 No. 154	<p>Indirectly Related</p> <p>This SSI (2025/154) updates the fees charged for seed certification and associated licensed activities in Scotland. The Policy Note states that SSI 2025/154 is not related to the SG alignment commitment but also notes that the standards of seed certification regime in Scotland "remain aligned with the EU."³⁷</p>
The Teachers' Pension Scheme (Scotland) (Amendment) Regulations 2025	2025 No. 152	Not Related
The St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2025	2025 No. 151	Not Related
The Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No. 3) Regulations 2025	2025 No. 150	Not Related

³⁴ <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/agriculture-and-rural-communities-scotland-bill/introduction/policy-memorandum-accessible.pdf>

³⁵ https://www.legislation.gov.uk/ssi/2025/165/pdfs/ssipn_20250165_en_001.pdf

³⁶ https://www.legislation.gov.uk/ssi/2025/155/pdfs/ssipn_20250155_en_001.pdf

³⁷ https://www.legislation.gov.uk/ssi/2025/154/pdfs/ssipn_20250154_en_001.pdf

The Firefighters' Pension Scheme (Amendment) (Scotland) Regulations 2025	2025 No. 149	Not Related
The Health Boards (Membership and Procedure) (Scotland) Amendment Regulations 2025	2025 No. 147	Not Related
The Valuation (Proposals Procedure) (Scotland) Regulations 2025	2025 No. 146	Not Related
The Bankruptcy and Diligence (Scotland) Act 2024 (Consequential Amendments and Forms) Regulations 2025	2025 No. 145	Not Related
The Education (Appeal Committee Procedures) (Scotland) Amendment Regulations 2025	2025 No. 144	Not Related
The Social Security Information-sharing (Scotland) Amendment Regulations 2025	2025 No. 143	Not Related
The Scottish Public Services Ombudsman Act 2002 Amendment Order 2025	2025 No. 142	Not Related
The Human Tissue (Supply of Information about Transplants) (Scotland) Regulations 2025	2025 No. 139	Indirectly Related This SSI 2025/139 creates a duty on relevant clinicians to notify the Human Tissue Authority if they are made aware that their patient has received a transplant outside the UK or reasonably suspect that specified offences under human tissue or modern slavery legislation may have been committed. The Policy Note states: "This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU. However it is worth noting that no EU member states permit payments for organs from either living or deceased donors; this is prohibited under Directive 2010/45/EU on standards of quality and safety of human organs intended for transplantation." ³⁸
The Public Service Vehicles (Registration of Local Services) (Local Services Franchises Transitional Provisions) (Scotland) Regulations 2025	2025 No. 137	Not Related
The Education (Fees and Student Support) (Miscellaneous Amendment and Revocation) (Scotland) Regulations 2025	2025 No. 136	Not Related
The Town and Country Planning (Fees for Local Reviews) (Scotland) Regulations 2025	2025 No. 126	Not Related
The Town and Country Planning (Fees for Applications) (Scotland) Amendment Regulations 2025	2025 No. 125	Not Related
The Town and Country Planning (Fees for Appeals) (Scotland) Regulations 2025	2025 No. 124	Not Related
The Teachers' Pensions (Remediable Service) (Scotland) Amendment Regulations 2025	2025 No. 121	Not Related
The Social Security (Amendment) (Scotland) Act 2025 (Commencement No. 1 and Saving and Transitional Provisions) Regulations 2025	2025 No. 199	Not Related
The Children (Care and Justice) (Scotland) Act 2024 (Commencement No. 2) Regulations 2025	2025 No. 115	Not Related
The Police Pensions (Remediable Service) (Scotland) Amendment Regulations 2025	2025 No. 114	Not Related

³⁸ https://www.legislation.gov.uk/ssi/2025/139/pdfs/ssipn_20250139_en_001.pdf

The Firefighters' Pensions (Remediable Service) (Scotland) Amendment Regulations 2025	2025 No. 113	Not Related
The Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No. 2) Regulations 2025	2025 No. 112	Not Related
The Disease Control (Miscellaneous Amendment) (Scotland) Order 2025	2025 No. 108	<p>Directly Related</p> <p>Policy Note states: "The provision of Commission Delegated Regulation (EU) 2020/689, supplementing Regulation (EU) 2016/429 as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases, is relevant to this instrument. This Regulation requires that surveillance of highly pathogenic avian influenza includes surveillance activities in kept and wild animals of species not listed when the epidemiological situation indicates that those species may constitute a risk for animal and human health. The provisions of the Avian Influenza of Avian Origin in Mammals (Scotland) Order 2006 currently make provision which is aligned with that requirement, as do the amendments relevant to surveillance made to that Order by this instrument. Infection with influenza virus of avian origin in mammals is not currently a listed disease for the purposes of EU legislative, and EU law does not prevent Member States from putting in place particular legislative measures as a contingency to control influenza virus of avian origin in mammals where disease is suspected or confirmed. The amendment made to the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 aligns with the type of provision which may be made in the EU to give effect to the relevant EU Regulation."³⁹</p>
The Bankruptcy and Diligence (Scotland) Act 2024 (Commencement No. 2, Transitional and Saving Provisions) Regulations 2025	2025 No. 107	Not Related
The Scottish Elections (Representation and Reform) Act 2025 (Commencement No. 1) Regulations 2025	2025 No. 106	Not Related
The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2025	2025 No. 105	Not Related
The Moveable Transactions (Scotland) Act 2023 Amendment Regulations 2025	2025 No. 104	Not Related
The Registers of Scotland (Fees and Plain Copies) Miscellaneous Amendments Order 2025	2025 No. 103	Not Related
The Social Security Up-rating (Scotland) Order 2025	2025 No. 102	Not Related
The Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Saving Provisions) Regulations 2025	2025 No. 101	Not Related
The Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2025	2025 No. 100	Not Related
The National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2025	2025 No. 99	Not Related
The Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Qualifications Scotland as Specified Authority) Order 2025	2025 No. 98	Not Related
The Public Services Reform (Scotland) Act 2010 (Part 2 Further Extension) Order 2025	2025 No. 97	Not Related

³⁹ https://www.legislation.gov.uk/ssi/2025/108/pdfs/ssipn_20250108_en_001.pdf

The Budget (Scotland) Act 2024 Amendment Regulations 2025	2025 No. 93	Not Related
The Tied Pubs (Miscellaneous Amendment) (Scotland) Regulations 2025	2025 No. 92	Not Related
The Disclosure (Scotland) Act 2020 (Commencement No. 5, Saving and Transitional Provision) Amendment (No. 2) Regulations 2025	2025 No. 84	Not Related
The Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2025	2025 No. 82	Not Related
The Railway Closure (Exclusion) (Hairmyres) Order 2025	2025 No. 81	Not Related
The Aggregates Tax and Devolved Taxes Administration (Scotland) Act 2024 (Commencement No. 1) Regulations 2025	2025 No. 79	Not Related
The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Amendment (No. 2) Regulations 2025	2025 No. 78	<p>Directly Related</p> <p>Policy Note states: "This SSI [2025/78] maintains alignment with EU law. These changes clarify the references to volumes of PCBs and continue to ensure full alignment with the original policy intention of both Directive 96/59/EC on the disposal of PCBs and the relevant provision in the EU POPs Regulation dealing with PCBs. This SSI also ensures that in maintaining EU alignment, we are also complying with the requirements of the Stockholm Convention."⁴⁰</p>
The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No. 2) Order 2025	2025 No. 77	Not Related
The Regulated Roles with Children and Adults (Scotland) Amendment Regulations 2025	2025 No. 76	Not Related
The Disclosure (Scotland) Act 2020 (List A and B Offences) Amendment Regulations 2025	2025 No. 75	Not Related
The Disclosure (Scotland) Act 2020 (Incidental, Supplementary and Consequential Provision) Regulations 2025	2025 No. 74	Not Related
The Disclosure (Scotland) Act 2020 (Commencement No. 5, Saving and Transitional Provision) Amendment Regulations 2025	2025 No. 73	Not Related
The International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2025	2025 No. 69	Not Related
The Recognition of Overseas Qualifications (Charges) (Scotland) Regulations 2025	2025 No. 67	<p>Indirectly Related</p> <p>This SSI (2025/67) makes provision for charges for services related to the comparability and recognition of UK and overseas qualifications, in pursuance of international obligations. Policy Note states: "The UK [European Network of Information Centres] services support obligations under two international treaties: the Global Convention on the Recognition of Qualifications concerning Higher Education... and the Convention on the Recognition of Qualifications concerning Higher Education in the European Region... The Scottish Regulations [2025/67] support the Scottish Government's commitment to maintaining and advancing the high standards that Scotland shares with the EU. These instruments indirectly support the Scottish Government's policy to maintain alignment with the EU. The UK ENIC services are important in supporting foreign students in progressing with studies at Scottish HEIs and foreign workers securing employment in Scotland... These instruments are consistent with EU law and practices. These instruments support: maintaining and advancing the</p>

⁴⁰ https://www.legislation.gov.uk/ssi/2025/78/pdfs/ssipn_20250078_en_001.pdf

		high standards that Scotland shares with the EU, through the mutual recognition and validation of qualifications; reciprocal access to EU markets for people and services, as explained above; and a future Scotland's reaccession by maintaining cross-border ties and supporting the movement of people across borders." ⁴¹
The St. Andrews Harbour Revision Order 2025	2025 No. 64	Not Related
The Local Government Finance (Scotland) Order 2025	2025 No. 60	Not Related
The Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2025	2025 No. 59	Directly Related Policy Note states: "The 2025 Regulations will align with recent changes to EU law, insofar as possible and meaningful. The measures will ensure broad alignment to EU CAP objectives. The new EU CAP will support European agriculture to contribute to the ambitions contained in the European Green Deal. This will emphasise actions in pursuit of achieving environmental and climate ambitions whilst contributing to the Green Deal targets. The 2025 [2025/59] Regulations will similarly contribute to ambitions to seek to tackle the climate and nature crises by addressing environmental matters of concern. These measures will not make it more difficult for Scotland to accede to the EU as an independent state." ⁴²
The Police Pension Scheme (Scotland) Amendment Regulations 2025	2025 No. 58	Not Related
The Council Tax (Exempt Dwellings) (Scotland) Amendment Order 2025	2025 No. 56	Not Related
The Council Tax Reduction and Council Tax (Discounts) (Miscellaneous Amendment) (Scotland) Regulations 2025	2025 No. 55	Not Related
The Bail and Release from Custody (Scotland) Act 2023 (Commencement No. 2) Regulations 2025	2025 No. 52	Not Related
The Good Food Nation (Scotland) Act 2022 (Commencement No. 2 (Amendment) and Commencement No. 3) Regulations 2025	2025 No. 49	Not Related
The Local Government Pension Scheme (Scotland) (Amendment) Regulations 2025	2025 No. 48	Not Related
The Burial and Cremation (Inspection) (Scotland) Regulations 2025	2025 No. 46	Not Related
The Burial (Management) (Scotland) Regulations 2025	2025 No. 45	Not Related
The Education (Scotland) Act 1980 (Modification) Regulations 2025	2025 No. 44	Not Related
The National Health Service (Common Staffing Method) (Scotland) Amendment Regulations 2025	2025 No. 43	Not Related
The Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2025	2025 No. 41	Not Related
The Non-Domestic Rates (Hospitality Relief) (Scotland) Regulations 2025	2025 No. 40	Not Related
The Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2025	2025 No. 39	Not Related

⁴¹ https://www.legislation.gov.uk/ssi/2025/67/pdfs/ssipn_20250067_en_001.pdf

⁴² https://www.legislation.gov.uk/ssi/2025/59/pdfs/ssipn_20250059_en_001.pdf

The Non-Domestic Rates (Levying and Miscellaneous Amendment) (Scotland) Regulations 2025	2025 No. 38	Not Related
The Non-Domestic Rate (Scotland) Order 2025	2025 No. 37	Not Related
The Local Governance (Scotland) Act 2004 (Remuneration) Amendment (Amendment) Regulations 2025	2025 No. 36	Not Related
The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2025	2025 No. 31	Not Related
The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2025	2025 No. 30	Not Related
The Cost of Living (Tenant Protection) (Saving Provision) (Scotland) Regulations 2025	2025 No. 29	Not Related
The Environmental Protection (Injurious Articles) (Fixed Penalty Notices and Miscellaneous Amendments) (Scotland) Regulations 2025	2025 No. 28	<p>Directly Related</p> <p>Policy Note states: "There is currently no EU legislation banning the sale or supply of single-use vapes, meaning there are no EU alignment consequences as a result of this instrument. Interventions by individual member states... indicate no detrimental impact as a result of this instrument on the Scottish Government's policy to maintain alignment with the EU where possible and meaningful to do so. The Environmental Protection (Cotton Buds) (Scotland) Regulations 2019 and Environmental Protection (Single-Use Plastic Products) (Scotland) Regulations 2021 bring the Scottish Government into partial alignment with article 5 of the EU Directive 2019/904 on the reduction of the impact of certain plastic products on the environment. The Environmental Protection (Microbeads) (Scotland) Regulations 2018 pre-date, but align with, action taken at the EU-level in 2023 in respect of the use of micro-plastics in cosmetics, personal care products and detergents. The addition of an FPN procedure as an enforcement tool in these regulations does not impact upon that alignment and there is no detrimental impact as a result of the amendments made by this instrument on the Scottish Government's policy to maintain alignment with the EU where possible and meaningful to do so."⁴³</p>
The Disclosure (Scotland) Act 2020 (Commencement No. 5, Saving and Transitional Provision) Regulations 2025	2025 No. 27	Not Related
The Level 1 and Level 2 Disclosure Review Application (Scotland) Regulations 2025	2025 No. 26	Not Related
The Fees for Scheme Membership and Disclosure Applications (Scotland) Regulations 2025	2025 No. 25	Not Related
The Council Tax Reduction (Miscellaneous Amendment) (Scotland) Regulations 2025	2025 No. 24	Not Related
The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2025	2025 No. 19	Not Related
The Scottish Road Works Register (Prescribed Fees) Regulations 2025	2025 No. 18	Not Related
The Prisoners (Early Release) (Scotland) Act 2025 (Commencement) Regulations 2025	2025 No. 17	Not Related
The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2025	2025 No. 12	Not Related

⁴³ https://www.legislation.gov.uk/ssi/2025/28/pdfs/ssipn_20250028_en_001.pdf

The Electronic Monitoring (Use of Devices and Information) (Scotland) Regulations 2025	2025 No. 11	Not Related
The Circular Economy (Scotland) Act 2024 (Commencement No. 1) Regulations 2025	2025 No. 10	Indirectly Related This SSI (2025/10) allows for certain elements of the Circular Economy (Scotland) Act to come into effect from 1 August 2025. Although the SSI does not have a Policy Note or statement regarding its relevance to the SG alignment commitment, during its parliamentary process the Circular Economy (Scotland) Bill was stated to: "...give the Scottish Ministers powers to set statutory circular economy targets through secondary regulations... This will create a focus for action and maintain alignment with the direction of EU policy" ⁴⁴ – the latest SG Annual Report stated that the CE(S) Act aligns with EU legislation. ⁴⁵
The Sheriff Appeal Court Fees Amendment Order 2025	2025 No. 9	Not Related
The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2025	2025 No. 8	Not Related
The Little Loch Broom Scallops Several Fishery (Variation) Order 2025	2025 No. 7	Not Related
The Building (Fees) (Scotland) Amendment Regulations 2025	2025 No. 6	Not Related
The Disclosure Information (Accredited Bodies) (Scotland) Regulations 2025	2025 No. 5	Not Related
The Protection of Vulnerable Groups (Prescribed Services and Activities) (Protected Adult) (Scotland) Regulations 2025	2025 No. 4	Not Related
The Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025	2025 No. 3	Not Related Policy Note states: "This legislation is not relevant to the Scottish Government's policy to maintain alignment with the EU, because each EU member state has its own social security laws. EU rules coordinate these separate social security systems between member states to support freedom of movement, but this legislation is not relevant to social security coordination specifically." ⁴⁶
The Disclosure (Scotland) Act 2020 (Commencement No. 4) Regulations 2025	2025 No. 2	Not Related
The Climate Change (Local Development Plan) (Repeals) (Scotland) Order 2025	2025 No. 1	Not Related

Of the 117 potentially relevant instruments made during the reporting period, 16 can be said to be either indirectly or directly relevant to the keeping pace policy. This assessment is based on information contained in policy notes accompanying the legislation read together with the comprehensive EU Law Tracker annexed to this Report. SG statements, as articulated in policy notes accompanying relevant SSIs, on the applicability or otherwise of the keeping pace policy are included in Table 5. Although earlier issues of the EU Law Tracker⁴⁷ noted some inconsistencies in the level of information being provided by the SG in policy notes

⁴⁴ <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/circular-economy-scotland-bill/introduced/policy-memorandum-accessible.pdf>

⁴⁵ <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eu-alignment-annual-reports--31-october-2024.pdf>

⁴⁶ https://www.legislation.gov.uk/ssi/2025/3/pdfs/ssipn_20250003_en_001.pdf

⁴⁷ 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>

accompanying SSIs regarding their relevance to EU alignment, more recent issues⁴⁸ 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.⁴⁹

Of the SSIs that are directly relevant to the SG alignment commitment, almost all 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) Regulations 2025 (SSI 2025/59)* makes provisions to the (replacement) CAP legislation that applies in Scotland, introduces a ‘green’ conditionality objective which “will ensure broad alignment to EU CAP objectives” that requires implementation of the EU CAP to support its European Green Deal. 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.

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.⁵⁰

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

⁴⁸ 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>

⁴⁹ 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)

⁵⁰ For further discussion see EU Law Tracker Report Two, n.1.

UK law; two 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 January and June 2025, and which make provision in areas that were previously covered by EU law and/or that relate directly to the fact of the UK's withdrawal from the EU. For reference, Scottish legislative consent memorandums are linked and any relevant extracts concerning EU alignment are included.

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

Acts or Bills of the UK Parliament	Year Reference	Legislative Consent	Explanation of Relevance
2025 Acts			
Great British Energy Act	2025 c. 16	LCM	<p>This Act makes provision for special arrangements in relation to the regulation of a company which is designated by the Secretary of State with the objects of facilitating, encouraging or participating in: the production, distribution, storage and supply of clean energy; the reduction of greenhouse gas emissions from energy produced from 15 fossil fuels; improvements in energy efficiency and measures for ensuring security of the supply of energy. In its initial Legislative Consent Memorandum, the SG was "broadly supportive" of the UKG's stated ambitions for Great British Energy the SG opted to lodge an LCM without any recommendation on consent preferring instead to await further analysis.</p> <p>Subsequent supplementary memorandums saw the Scottish Government recommend consent to the Bill.</p> <p>On EU alignment the LCM states "The Scottish Government's third supplementary memorandum stated "The Scottish Government does not consider the proposed amendments to impact on alignment with EU law."⁵¹</p>
Data (Use and Access) Act	2025 c. 18	LCM	<p>This Bill makes provision for a variety of measures relating to the use of and access to data. The SG recommended legislative consent to the provisions of the Bill relevant to Scotland.</p> <p>On EU alignment the LCM states: "While the Bill makes changes to the UK GDPR, which is an area regulated/harmonised at the EU level, the provisions within the scope of this LCM do not impact on the policy of EU alignment in Scotland."⁵²</p>
2025 Bills			
Border Security, Asylum and Immigration Bill	2025	LCM	<p>This Bill 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 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>
Public Authorities (Fraud, Error and Recovery) Bill	2025	LCM	<p>This Bill makes provisions intended to safeguard the public purse against fraud and error. The SG recommended consent to all provisions in the scope of devolved powers with the exception at this time of provisions related to overpayment recovery which are</p>

⁵¹ 'Legislative Consent Memorandum: Great British Energy Bill' Available: <https://www.parliament.scot/-/media/files/legislation/bills/lcms/great-british-energy-bill/legislative-consent-memorandum.pdf> (Accessed 18 January 2025) Third supplementary legislative consent memorandum was tabled in February 2025: <https://www.parliament.scot/-/media/files/legislation/bills/lcms/great-british-energy-bill/third-supplementary-legislative-consent-memorandum.pdf>

⁵² 'Legislative Consent Memorandum: Data (Use and Access) Bill' Available: <https://www.parliament.scot/-/media/files/legislation/bills/lcms/data-use-and-access-bill/legislative-consent-memorandum.pdf> (Accessed 19 January 2025)

			<p>subject to ongoing discussion and will be subject of a supplementary legislative consent motion.</p> <p>On EU alignment the 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 Scottish Government considers the provisions are consistent with the Scottish Government's commitment to align with EU law."⁵³</p>
Planning and Infrastructure Bill	2025	LCM	<p>The aim of this Bill 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. 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 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>
Animal Welfare (Import of Dogs, Cats and Ferrets) Bill	2025	LCM	<p>This bill 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</p>

⁵³ <https://www.parliament.scot/-/media/files/legislation/bills/lcms/public-authorities-fraud-error-and-recovery/splcms655.pdf>

			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.
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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.⁵⁴ Where changes are being made to assimilated law outside Scotland but in areas that are in scope of the alignment commitment these may impact on decisions taken by the SG as regards to alignment 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 (August 2024 – January 2025)

UK Statutory Instruments	Year Ref	Territorial Application	Relationship to EU Law in Scope of Alignment
2025			
The Medical Devices (Amendment) (Great Britain) Regulations	SI 2025/591	England, Scotland and Wales	Directly related. This instrument amends the Medical Devices Regulations 2002 (SI 2002/618) to remove the revocation date of four pieces of assimilated EU law (Commission Decision 2022/364; Commission Regulation (EU) No 207/2012; Regulation (EU) No 722/2012 and Regulation (EU) No 920/2013) which would otherwise expire in May 2025 and thereby create a significant gap in the regulatory framework and risk to patient safety. The UKG Explanatory Memoranda states that "The government does not intend for this assimilated EU law to be kept in place indefinitely. This instrument serves as a temporary measure to maintain the status quo until more permanent measures are in place; the first of those is expected to come into force in 2026."
The Ecodesign for Energy-Related Products and Energy Information (Amendment) (Northern Ireland) Regulations	SI 2025/497	Northern Ireland	Directly related. This instrument makes provisions that are specific to Northern Ireland to ensure that it continues to comply with EU rules on eco-design and energy labelling in accordance with the requirements of the Windsor Framework. The UKG EM states that the "impact of the legislation on the UK internal market is expected to be minimal. However, these changes do deliver certain consumer and environmental benefits" to Northern Ireland and therefore the UKG will be "consulting as soon as reasonably practicable on adopting a consistent regime across the whole of the UK" ⁵⁵

⁵⁴ Due to the arrangements made for Northern Ireland under the Windsor Framework, it is in a different position in most relevant policy areas.

⁵⁵ https://www.legislation.gov.uk/uksi/2025/497/pdfs/uksem_20250497_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 Annex C of its 2024 draft Annual Report published in accordance with the 2021 Continuity Act.

Policy Area: Plant Health			
EC Work Programme EU Law Tracker Entry: 80			
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	308 implementing or delegated EU law acts adopted.	Partial Alignment	Mixed
<p>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.</p>	<p>Since the end of the UK Transition Period the EU have adopted 308 implementing or delegated EU acts under the BPR. Of these, 30 have been adopted since the last EU Law Tracker.</p> <p>Almost all acts of tertiary law adopted under the BPR concern authorisations of specific biocidal products.</p>	<p>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.</p> <p>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 and SI 2024/352) – the first of these extended the deadline for transitioning to HSE authorisations of biocidal products and the second updated data requirements under the GB BPR to reflect scientific developments.</p> <p>In the SG draft Annual Report for 2024 three Commission Implementing Regulations adopted under the EU BPR are highlighted (CIR (EU) 2024/241 CIR (EU) 2024/247 and CIR (EU) 2024/1290) – regarding the first the SG state that 'yes' currently aligned with the EU for use of this active substance in that it is also not authorised under GB BPR'; regarding the second the SG state 'yes' to alignment ; and regarding the third, the SG state 'under consideration' for alignment.</p>	

		In view of the high number of EU tertiary acts adopted under the EU BPR 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.	
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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.⁵⁶

Policy Area: Environmental Protection			
Detailed EU Law Tracker Entry: 47			
EU Law Instrument	Evolution of EU Law	Divergence vs Alignment	Competence
Regulation (EC) No 1005/2009 on substances that deplete the ozone layer	1 new EU Regulation.	Divergence	Mixed
<p>The Ozone Depleting Substances Regulation ((EC) No 1005/2009) lays down rules on the production, import, export, sale, use, recovery, recycling, reclamation and destruction of substances that damage the ozone layer.</p> <p>In February 2024 the EU adopted a new ODS Regulation ((EU) 2024/590) to replace (EC) No 1005/2009. The replacement took full effect in March 2025.</p>	<p>The new ODS Regulation sets rules for ozone depleting substances regarding: production, import, export, placing on the market, storage and supply; use, recovery, recycling, reclamation and destruction; information reporting on the substances and on products and equipment containing them.</p> <p>The ODS Regulation also ensures EU compliance with the Montreal Protocol on ODS.</p>	<p>The old ODS Regulation (EC) No 1005/2009 still applies in the UK as assimilated law.</p> <p>Amendments were made to the UK version of the old ODS Regulation in view of EU Exit via three statutory instruments – SI 2019/583, SI 2020/1616 and SI 2021/1397 – these were intended to ensure the ODS Regulation continued to operate effectively.</p>	

⁵⁶ Other relevant EU acts have been repealed by new EU acts but the repeal has not yet taken effect – examples of this kind are included in section 3.3.

		The new ODS Regulation does not apply in Great Britain.	
		Scottish Government Position	
		The t SG Continuity Act Annual Report 2024 does not mention the ODS Regulation. The Net Zero, Transport and Energy Committee may wish to seek the SG view on alignment with the new ODS Regulation.	

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. Only 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, this is to be expected given that the new European Parliament and European Commission were still being established during the research period covered by the edition and following the 2024 EP elections.

Although not many relevant new EU acts have been adopted between January and June 2025, several EU acts were adopted towards the end of 2024 and were then identified by the SG as being under consideration 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.

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	Current Divergence; Potential Future Alignment 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. 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>The 2024 SG Annual Report identified the EHDS to be 'under consideration' for future alignment. Noting that the "initiative focuses on promoting health data exchange across the EU and supporting health research, particularly on new preventative strategies but also on treatments, medicines, medical devices and outcomes, tackling barriers to the cross-border division of digital health services and products".</p> <p>In view of the SG position, the SP Health, Social Care and Sport Committee may wish to inquire further as regards the SG consideration of aligning with the EU act now that it has been adopted.</p>	
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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
<p>Regulation (EU) 2024/1781 establishing a framework for the setting of ecodesign requirements for sustainable products.</p>	Yes	<p>Divergence</p> <p>Alignment For Future Consideration</p>	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; improve availability of information on product sustainability. Additionally the ESPR introduces a 'digital product passport' for products, components and materials.</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>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</p>	

<p>The ESRP came into effect in July 2024 however some aspects of the Ecodesign Directive continue to apply until 2026 and others until 2030.</p>		<p>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 ESRP 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>	
		<p>SG Position</p> <p>The 2024 SG Annual Report identified the ESRP as one of those EU acts ‘for future consideration’ regarding potential alignment.</p> <p>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.</p>	

Policy Area: Environmental Protection			
EC Work Programme EU Law Tracker Entry: 19			
EU Law (or Proposal)	Relevant SG Alignment	Divergence vs Alignment	Competence
<p>Regulation (EU) 2024/1991 of the European Parliament and of the Council on Nature Restoration</p>	<p>Yes</p>	<p>Intended Alignment</p>	<p>Mixed</p>
<p>In June 2024 the EU adopted a new Nature Restoration Regulation.</p>	<p>The new EU law complements and relates to the Birds</p>	<p>The EU acts to which the NR Regulation relates are implemented in Scotland</p>	

<p>The overarching aim of the NR Regulation is to: contribute to the continuous, long-term, and sustained recovery of biodiverse and resilient nature across the EU's land and sea areas by restoring ecosystems and contributing to EU climate mitigation and adaptation objectives. To this end the NR Regulation sets multiple binding restoration targets and obligations across a broad range of ecosystems covering at least 20% of the EU's land and sea areas by 2030 and all ecosystems in need of restoration by 2050.</p>	<p>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.</p>	<p>through a range of different legislative instruments.</p> <p>The Birds Directive is implemented (non-exhaustively) by the Marine (Scotland) Act 2010 and The Conservation (Natural Habitats) Amendment (Scotland) Regulations 2011.</p> <p>The Habitats Directive is implemented by (non-exhaustively) Nature Conservation (Scotland) Act 2004; The Conservation (Natural Habitats) Amendment (Scotland) Regulations 2007; The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006; The Conservation (Natural Habitats) (Amendment) (No. 2) (Scotland) Regulations 2007; and The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Scotland) Regulations 2007.</p> <p>The Water Framework Directive is implemented by (non-exhaustively) The Water Environment (Drinking Water Protected Areas) (Scotland) Order 2013; The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013; the Water Environment and Water Services (Scotland) Act 2003.</p> <p>The Marine Strategy Framework Directive is implemented by Marine (Scotland) Act 2010 (asp. 5).</p>	
	<p>SG Position</p> <p>The 2024 SG Annual Report identified the NR Regulation as one of those EU acts with which the SG intends to align.</p> <p>The SP Net Zero, Energy and Transport Committee may wish to seek an update from the SG regarding progress on ensuring alignment with the NR 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 40 have been repealed since the end of the UK Transition Period (see Annex 1).⁵⁷ 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 June 2025– approximately 1525 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 1525 acts of tertiary EU law adopted in relation to acts considered in scope of SG alignment: 538 have been adopted under Regulation (EU) 2016/429, the Animal Health Law; 308 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; 112 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.

⁵⁷ 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 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”.⁵⁸

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 involves the UK dynamically aligning with relevant EU rules, it is likely that some of 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 therefore be important as it is likely to involve agreeing to follow EU rules in areas of devolved competence and which are currently therefore in scope of the SG alignment commitment.

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, 106 consolidated text versions have been published for relevant EU law instruments (see Annex 1); 20 of these have been published in the research period covered by this EU Law Tracker.

Several initiatives for new EU regulations or directives are relevant to the Scottish Government’s alignment commitment. At least 15 of the priority proposals; 4 of the new initiatives; and 3 of the evaluations identified in the European Commission Work Programme for 2025 relate to existing acts of EU law that are in scope of the alignment commitment. If not for UK withdrawal from the EU these proposed EU instruments and initiatives could have been expected to enact measures that are fully or partially within Scottish competence; they are therefore relevant to the alignment commitment. Because the ECWP 2025 was just agreed in February this year, none of the relevant new initiatives have yet become law. Several new EU acts adopted in 2024, however, are in scope of the SG alignment commitment were identified by the SG in the most recent (draft) Annual Report as being ‘under consideration’ or ‘for future consideration’ but for which, based on the analysis of domestic law in this edition of the EU Law Tracker (see section 4.1.2), no new Scottish legislative provision has been made. Scottish Parliamentary Committees may therefore

⁵⁸ Scottish Government 2023, June 28 ‘Document Summarising Consideration of the Representations Made on the Draft Annual Report on the Scottish Ministers Exercise of the Power in Section 1 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 Laid in Draft in Parliament on 27 October 2022’ [SG/2023/138] *parliament.scot* Available: <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2023/explanatory-note-on-representations.pdf> (Accessed 11 September 2023): para. 16.

want to follow up with the Scottish Government regarding its plans to or progress towards aligning with these new EU acts or the consideration to do so. Examples 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 – identified as ‘yes’ 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]
- Regulation (EU) 2024/3024 of the European Parliament and of the Council of 27 November 2024 amending Regulation (EU) No 691/2011 as regards introducing new environmental economic account modules – identified as ‘under consideration’ for alignment by the SG. [Net Zero, Energy and Transport Committee]
- Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings – identified as ‘under consideration’ for alignment by the SG. [Net Zero, Energy and Transport 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 ‘for future consideration’ 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 – identified as ‘yes’ for alignment by the SG. [Health, Social Care and Sport Committee]
- Directive (EU) 2024/2841 of the European Parliament and of the Council of 23 October 2024 establishing the European Disability Card and the European Parking Card for persons with disabilities – identified as ‘for future consideration’ for alignment by the SG. [Equalities, Human Rights and Civil Justice Committee]

The CEEAC Committee or other Subject Committees in the Scottish Parliament may wish to seek updates from the Scottish Government on all or some of these new EU acts (listed above) that are relevant to the alignment commitment.

4.1.2 Scotland and UK Initiated Change

As noted in this Report, alongside use of the EU (Continuity) Act 2021 powers to keep pace with EU policy, the Scottish Government may opt to pass primary acts of law that help fulfil the commitment to stay aligned with EU law as appropriate. For this reason, tracking the evolution of primary Scottish law is an important aspect of monitoring the implementation of the alignment

commitment. None of the 8 primary acts of law passed in Scotland during the reporting period are considered relevant to the alignment commitment. Of the 199 statutory instruments passed for Scotland during the research period of potential relevance, 16 are (directly or indirectly) related to the alignment commitment. Notably, most of these SSIs implement provisions that align with relevant EU law changes (see Table 5).

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

Two new UK-wide (or GB-wide) Act was 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 very welcome development and one that continues to support transparency and aid legislative clarity. As was underlined in the previous edition of the EU Law Tracker, to strengthen further the service provided by the SG Annual Reports some minor changes could be made to the use of terminology regarding EU proposals – for example consistently including references to the relevant EU document, communication or legislation – in pursuit of greater clarity for parliamentarians and stakeholders engaging with the content of the reports. It is also worth noting that the main focus of SG Annual Reports is more on new EU initiatives and proposals and less on revisions and updates to established EU laws via tertiary or amending secondary EU acts; while an understandable approach, this does create the possibility of potentially relevant changes to established EU acts being missed.

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 Great Britain) Law

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

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

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 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 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 worth underlining, however, that some areas of policy currently in scope of the alignment commitment, and therefore featured in EU Law Trackers, are not likely to be covered by future UK-EU Agreements based on the information currently available.

The prospect of new UK-wide agreements with the EU also raises questions regarding scrutiny. 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 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. While it is not yet clear what role devolved legislatures generally and the Scottish Parliament in particular will have in either of these two scrutiny processes, the CEEAC Committee may wish to seek the initial view of the Scottish Government on the implementation of the new UK-EU Agreements once finalised including scrutiny arrangements.

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 can be expected to be narrower than that of the SG alignment commitment. After (and presuming) the expected new UK-EU Agreements are finalised it will be possible to more accurately determine their implications for the SG alignment commitment in terms of EU laws in scope and out of scope of any arrangements for UK-wide dynamic regulatory alignment with certain EU laws.

Pending the translation of the UK-EU Common Understanding commitments into law, it is still the case that, across a range of policy areas there is potential for divergence by 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 recently adopted EU acts 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 taken (see section 4.1.1). Importantly, it is also still the case that initiatives being pursued at a UK-wide or GB-wide level are likely to, at least on occasion, sit in tension with the Scottish Government's commitment to alignment and may 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 30 June 2025. 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: 52 directives and regulations.
Total EU tertiary acts since 1 January 2021: 89 implementing and delegated acts.
Change since last EU Law Tracker report: 1 secondary and 15 tertiary acts.

European Union Law, Status and Processes							Since Last EU Tracker	
No.	Policy Area	Official Journal	Consolidated Text	EU Law Updates	EU Implementing Law Updates		EU (Secondary) Law	EU (Tertiary) Law
ENVIRONMENTAL PROTECTION								
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 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/14/EC and Regulation (EC) No 1013/2006	L 140, 5.6.2009, p. 114-130	Consolidated: 25.12.2019	N/A	N/A		N/A	N/A
Energy Efficiency								
2	Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/65/EU and repealing Directives 2004/80/EC and 2006/32/EC	L 310, 14.11.2012, p. 1-10	Consolidated: 4.5.2023	N/A	Commission Delegated Regulation (EU) 2023/234 and (EU) 2023/602		N/A	N/A
Energy Planning Constraints								
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, 26.1.2012, p. 1-21	Consolidated: 16.05.2014	N/A	N/A		N/A	N/A
4	Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC - Statement by the Commission	L 156, 26.6.2003, p. 17-26	Consolidated: 31.12.2016	N/A	N/A		N/A	N/A
5	Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment	L 124, 26.4.2014, p. 1-10	N/A	N/A	N/A		N/A	N/A
Onshore Hydrocarbons Licensing								
6	Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospecting, exploration and production of hydrocarbons	L 164, 30.6.1994, p. 8-11	Consolidated: 22.12.2018	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 326, 21.12.2018	Consolidated: 16.7.2024	N/A	Commission Delegated Regulation (EU) 2021/2003, 2022/759, 2023/1184, 2023/1185, 2023/1640, 2024/1405, 2024/1406, Commission Implementing Decision (EU) 2022/603, 2022/604, 2022/605, 2022/611, 2022/609, 2022/610, 2022/617, 2022/602, 2022/610, 2022/608, 2022/601, 2022/599, 2022/606, 2022/596, 2022/1667, 2022/1666, 2022/1665, 2022/0448, 2022/0461, 2023/1760, 2024/605, 2024/661, 2024/2630, 2024/2624, 2024/2626, 2024/2696, 2024/3194, 2024/3176, 2024/3191, 2024/3181, 2024/3180, 2025/18, 2025/108, 2025/387, 2025/462, 2025/478, 2025/473, 2025/468, 2025/1046		N/A	8
Biodiversity - Resource Access & Benefit Sharing								
8	Regulation (EU) No 513/2014 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 120, 26.1.2014, p. 10-21	N/A	N/A	Latest: 13 October 2015		N/A	N/A
9	Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EU) No 513/2014 of the European Parliament and of the Council as regards the register of collections, monitoring user compliance and best practices	L 270, 26.10.2015, p. 6-12	N/A	N/A	N/A		N/A	N/A
Food Risk Management								
10	Directive 2007/65/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of food risks	L 288, 6.11.2007, p. 27-31	N/A	N/A	N/A		N/A	N/A
Marine Environment								
11	Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)	L 164, 26.6.2008, p. 19-40	Consolidated: 7.6.2017	N/A	N/A		N/A	N/A
12	Commission Directive (EU) 2017/845 of 17 May 2017 amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies	L 126, 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 317, 6.11.2014, p. 36-59	Consolidated: 14.12.2019	N/A	Commission Implementing Regulation (EU) 2021/2100, 2024/674		N/A	N/A
14	Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of ligthoid traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of ligthoid 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 30, 26.1.2010, p. 7-20	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 206, 26.7.1992, p. 7-50	Consolidated: 1.7.2013	N/A	N/A		N/A	N/A
17	Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos	L 94, 6.4.1999, p. 24-26	N/A	N/A	N/A		N/A	N/A
18	Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom	L 91, 9.4.1983, p. 30-31	Consolidated: 11.6.1999	N/A	N/A		N/A	N/A
Noise Management								
19	Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise	L 169, 16.7.2002, p. 12-24	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, 26.4.2007, p. 1-11	Consolidated: 26.11.2024	N/A	N/A		N/A	N/A
21	Decision (EU) 2024/2829 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 302, 29.10.2024		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 130, 29.5.1991, p. 40-50	Consolidated: 1.1.2014	N/A	N/A		N/A	N/A
23	Directive (EU) 2024/3013 of the European Parliament and of the Council of 27 November 2024 concerning urban wastewater treatment (recast)	L 302, 29.11.2024	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. 1-23	Consolidated: 26.11.2014	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 12.1.2025	L 330, 5.12.1998, p. 32-54	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 428, 23.12.2020, p. 1-62	N/A	N/A	Commission Implementing Decision (EU) 2022/679, 2024/968, 2024/967, 2024/965, Commission Delegated Regulation (EU) 2024/969, 2024/970, 2024/1441		N/A	N/A

	Habours - Waste Management						
26	Directive 2011/60/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 26.1.2012 p.1-12	Consolidated: 15.5.2014	N/A	N/A	N/A	N/A
27	Directive 2014/62/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/60/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
	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 160 18.6.2010 p.1-35	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 5.5.2024		N/A		N/A	N/A
	Environmental Impact Assessment Directive						
29	Directive 2011/62/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 26.1.2012 p.1-21	Consolidated: 15.5.2014	N/A	N/A	N/A	N/A
	Strategic Environmental Assessment						
30	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment	L 207 21.7.2001 p.30-37	N/A	N/A	N/A	N/A	N/A
	Control of Major Accident Hazards						
31	Directive 2013/58/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 26.7.2012 p.1-37	N/A	N/A	Commission Implementing Decision (EU) 2022/1979 and Commission Implementing Decision (EU) 2025/113	N/A	1
	Radioactive Substances						
32	Council Directive 2013/51/Euratom of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption	L 266 7.11.2013 p.12-21	N/A	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 162 11.6.2008 p.1-46	Consolidated: 16.9.2023	N/A	N/A	N/A	N/A
34	Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air	L 23 26.1.2005 p.3-10	Consolidated: 16.9.2015	N/A	N/A	N/A	N/A
35	Directive (EU) 2024/2381 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe (recast)	L 2024/2381 26.11.2024		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 304 17.12.2010 p.17-119	Consolidated: 4.8.2024	N/A	Commission Implementing Decision (EU) 2020/2009, 2021/2326, 2022/2110, 2022/2427, 2022/2508 and 2023/2748, 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 10.7.2024		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 182 15.7.1999 p.1-13	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: 18.9.2024	N/A	N/A	N/A	N/A
40	Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)	L 207 24.7.2012 p.38-71	Consolidated: 8.4.2024	N/A	Latest 17 December 2019	N/A	N/A
	Directive 2024/4864 of the European Parliament and of the Council of 13 March 2024 amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)	L 2024/4864 19.3.2024					
41	Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/57/EEC	L 266 26.9.2006 p.1-34	Consolidated: 4.7.2018	N/A	N/A	N/A	N/A
42	Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles	L 269 21.10.2000 p.34-43	Consolidated: 20.9.2023	N/A	N/A	N/A	N/A
43	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
44	Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC	L 102 11.4.2006 p.16-24	Consolidated: 7.8.2009	N/A	N/A	N/A	N/A
45	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 26.7.2012 p.1-37		N/A	Commission Implementing Decision (EU) 2022/1979 and Commission Implementing Decision (EU) 2025/113	N/A	1
	Ozone Depleting Substances and F-gases						
	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 130 20.5.2014 p.1-195		Repealed by Regulation (EU) 2024/573: Article 37	Commission Implementing Decision 2020/1604, 2021/456, 2021/680, 2023/2432, and 2024/586	N/A	N/A
46	Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/2337 and repealing Regulation (EU) No 517/2014	L 2024/573 20.2.2024			Commission Implementing Decision (EU) 2024/2053, 2024/2174, 2024/2196, 2024/2215, 2024/2473, 2024/2729, 2024/2767, 2024/3122, 2024/3126, 2025/50, 2025/126, 2025/423, 2025/627, 2025/625	N/A	5
	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: 23.2.2025	L 266 21.10.2009 p.1	Consolidated: 18.9.2017	Repealed by Regulation (EU) 2024/590: Article 31	N/A	N/A	N/A
47	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	1	N/A
	Ecodesign						
48	Directive 2009/125/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 265 31.10.2009 p.10	Consolidated: 4.12.2019			N/A	N/A
49	Regulation (EU) 2024/781 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) 2023/1542 and repealing Directive 2009/125/EC	L 2024/781 26.6.2024				N/A	N/A
	Net Zero						
50	Regulation (EU) 2024/725 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 2024/725 26.6.2024				N/A	N/A
	Nature Restoration						
51	Regulation (EU) 2024/1291 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869	L 2024/1291 29.7.2024				N/A	N/A
	Environmental Economic Accounts						
52	Regulation (EU) 2024/2024 of the European Parliament and of the Council of 27 November 2024 amending Regulation (EU) No 691/2011 as regards introducing new environmental economic account modules	L 2024/2024 6.12.2024				N/A	N/A
				Total Implementing/ Delegated	18	1	16

Policy Area Summary: ANIMAL HEALTH & WELFARE
EU acts in scope: 26 directives and regulations.
Total EU tertiary acts since 1 January 2021: 717 implementing and delegated acts.
Change since last EU Law Tracker report: 0 secondary act and 57 tertiary acts.

	ANIMAL HEALTH & WELFARE					EU (Secondary) Law	EU (Tertiary) Law
	Animal Disease Control, Zoonosis Control						
53	Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies	L 147 31.5.2001 p.1	Consolidated: 12.03.2025	N/A	N/A	Consolidated	N/A
	Council Directive 77/391/EEC of 17 May 1977 introducing Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle - No longer in force, date of end of validity: 20.4.2021	L 143 13.6.1977 p.44	N/A	Repealed and replaced by Regulation (EU) 2016/429: Article 279	N/A	N/A	N/A
	Council Directive 78/13/EEC of 13 December 1977 establishing the Community criteria for national plans for the accelerated eradication of brucellosis, tuberculosis and enzootic leucosis in cattle - No longer in force, date of end of validity: 20.4.2021	L 15 19.1.1978 p.34	N/A	Repealed and replaced by Regulation (EU) 2016/429: Article 279	N/A	N/A	N/A
	Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC - No longer in force, date of end of validity: 20.4.2021	L 268 27.1.2003 p.1		Repealed and replaced by Regulation (EU) 2016/429: Article 270; and Regulation (EU) 2020/687	N/A	N/A	N/A
	Council Directive 2005/84/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/46/EEC - No longer in force, date of end of validity: 20.4.2021	L 31 14.1.2006 p.16		Repealed and replaced by Regulation (EU) 2016/429: Article 270; and Regulation (EU) 2020/687	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	L 316 1.12.2001 p.5		Repealed and replaced by Regulation (EU) 2016/429: Article 270; and Regulation (EU) 2020/687	N/A	N/A	N/A

54	Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness. No longer in force, date of end of validity: 20.4.2021	1157.10.6.1992 p.18	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	1157.20.7.2002 p.27	N/A	Repealed and replaced by Regulation (EU) 2016/429: Article 270	N/A	N/A	N/A
	Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents	1325.12.12.2003 p.31	Consolidated: 21.6.2021	N/A	N/A	N/A	N/A
	Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease. No longer in force, date of end of validity: 20.4.2021	1250.5.9.1992 p.1	N/A	Repealed and replaced by Regulation (EU) 2016/429: Article 270	N/A	N/A	N/A
	Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease. No longer in force, date of end of validity: 20.4.2021	162.15.3.1993 p.60	N/A	Repealed and replaced by Regulation (EU) 2016/429: Article 270	N/A	N/A	N/A
55	Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC	1325.12.12.2003 p.31	Consolidated: 1.7.2013	N/A	N/A	N/A	N/A
	Council Directive 2000/75/EC of 29 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	1327.22.12.2000 p.74	N/A	Repealed and replaced by Regulation (EU) 2016/429: Article 270	N/A	N/A	N/A
56	Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law')	166.31.3.2016 p.1.206	Consolidated: 21.6.2021	N/A	30 Delegated and 508 Implementing since 1 Jan 2021	N/A	57
57	Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards rules for the prevention and control of certain listed diseases	1174.3.6.2020 p.64	Consolidated: 3.5.2023	N/A	N/A	N/A	N/A
Animal Identification							
58	Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 84/432/EEC. No longer in force, date of end of validity: 20.4.2021	10.9.1.2004 p.6	N/A	Repealed and replaced by Regulation (EU) 2016/429: Article 270	N/A	N/A	N/A
	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	1204.1.8.2000 p.1	Consolidated: 21.6.2021	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	1213.6.6.2008 p.31	N/A	Repealed and replaced by Regulation (EU) 2016/429: Article 270	N/A	N/A	N/A
Animal Welfare							
59	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 609/136/EEC and 93/119/EC and Regulation (EC) No 1255/97	13.5.1.2005 p.1	Consolidated: 14.12.2019	N/A	N/A	N/A	N/A
60	Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leg-hold traps in the Community and their production in the Community of traps and manufactured goods of certain wild animal species originating in countries which catch them by means of leg-hold traps or trapping methods which do not meet international humane trapping standards	1308.9.11.1991 p.1	N/A	N/A	N/A	N/A	N/A
61	Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products	1268.31.10.2009 p.36	Consolidated: 18.10.2016	N/A	N/A	N/A	N/A
62	Regulation (EC) No 1523/2007 of the European Parliament and of the Council of 11 December 2007 banning the placing on the market and the import, or export from, the Community of cat and dog fur, and products containing such fur	1343.27.12.2007 p.1	N/A	N/A	N/A	N/A	N/A
63	Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing	1303.18.11.2009 p.1	Consolidated: 14.12.2019	N/A	N/A	N/A	N/A
64	Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom	161.9.6.1983 p.36	Consolidated: 15.6.1988	N/A	N/A	N/A	N/A
GMOs - Marketing & Cultivation							
65	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 90/269/EEC - Commission Declaration	1106.17.6.2001 p.1.36	Consolidated: 27.3.2021	N/A	N/A	N/A	N/A
66	Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 concerning the safety and labelling of genetically modified organisms and the safety of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC	1268.18.10.2003 p.24.28	Consolidated: 26.7.2019	N/A	N/A	N/A	N/A
67	Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms	1267.6.11.2003 p.1.10	N/A	N/A	N/A	N/A	N/A
GMOs							
68	Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms	1120.21.5.2009 p.70.97	N/A	N/A	N/A	N/A	N/A
Biotech							
69	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 repealing Regulation (EU) No 609/2014, Council Directive 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation')	1171.29.6.2016 p.66.145	N/A	N/A	Commission Implementing Regulation (EU) 2020/652, 2021/761, 2021/963, 2022/2077	N/A	N/A
Organic Production Regulation							
70	Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91	1189.20.7.2007 p.1.91	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	1250.10.9.2008 p.1.84	Consolidated: 1.1.2022	Repealed by Commission Implementing Regulation (EU) 2021/1165: Article 11	N/A	N/A	N/A
	Commission Regulation (EC) No 710/2009 of 5 August 2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production: date of end of validity 31.12.2021	1204.6.8.2009 p.15.91	N/A	Implicitly Repealed by Commission Implementing Regulation (EU) 2021/1165: Article 11	N/A	N/A	N/A

	Official Controls						
71	Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)	1957420172017-1	Consolidated: 5.1.2025	N/A	108 Commission Implementing Regulations and 34 Commission Delegated Regulations since 1 January 2021	Consolidated	N/A
	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	116530420042004-1	N/A	Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A	N/A	N/A
	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of food controls on products of animal origin intended for human consumption - No longer in force, date of end of validity 13.12.2019	113930420042004-206	N/A	Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A	N/A	N/A
	Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC - No longer in force, date of end of validity 13.12.2019	126820919911991-46	N/A	Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A	N/A	N/A
	Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries - No longer in force, date of end of validity 13.12.2019	124301119982000-5	N/A	Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A	N/A	N/A
	Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with views to the completion of the internal market - No longer in force, date of end of validity 13.12.2019	127418819901990-29	N/A	Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A	N/A	N/A
	Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market - No longer in force, date of end of validity 13.12.2019	1095301719891989-40	N/A	Repealed and Replaced by Regulation (EU) 2017/625: Article 146	N/A	N/A	N/A
72	Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish	1051281219851985-83	Consolidated: 29.7.2006	N/A	N/A	N/A	N/A
73	Council Regulation (EEC) No 2138/89 of 21 June 1989 laying down common marketing standards for preserved sardines and sardine-type products	1012207219891989-79	Consolidated: 31.12.2006	N/A	N/A	N/A	N/A
74	Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito	116317619922000-1	N/A	N/A	N/A	N/A	N/A
75	Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products	1034201219961996-1	Consolidated: 2.6.2006	N/A	N/A	N/A	N/A
	Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the reproduction of juveniles of marine organisms, in so far as it concerns provisions relating to minimum sizes of marine organisms - No longer in force, date of end of validity 13.8.2019	112527419981998-1	N/A	Repealed and replaced by Regulation (EU) 2019/1241: Article 39	N/A	N/A	N/A
76	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 1987/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 384/97, (EC) No 850/98, (EC) No 2549/2006, (EC) No 354/2002, (EC) No 812/2004 and (EC) No 2187/2005	116820720192019-100	Consolidated: 1.1.2025	N/A	Commission Implementing Regulation (EU) 2024/3094, (EU) 2020/967, Commission Delegated Regulation (EU) 2024/3204 (EU) 2024/3093, (EU) 2024/3089, (EU) 2024/3080 (EU) 2024/492, (EU) 2024/491, (EU) 2024/1966, (EU) 2023/56, (EU) 2022/2587, (EU) 2023/2586, (EU) 2022/1387, (EU) 2022/826, (EU) 2022/303, (EU) 2022/200, (EU) 2022/199, (EU) 2021/2324, (EU) 2021/1473, (EU) 2021/1160	Consolidated	N/A
	Fisheries & Aquaculture Marketing						
77	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 1841/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000, in so far as it concerns provisions relating to marketing standards and consumer information	1054281220132013-1	Consolidated: 27.11.2024	N/A	Latest 12 March 2018	Consolidated	N/A
	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	1370261120062006-14	Consolidated: 6.9.2024	Repealed and replaced by Regulation (EU) 2016/429: Article 270	N/A	N/A	N/A
78	Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC, in so far as it concerns provisions relating to marketing standards for fishery and aquaculture products	1054281220132013-22	Consolidated: 1.1.2023	N/A	Commission Delegated Regulation (EU) 2021/2064, (EU) 2021/2065, (EU) 2022/204, (EU) 2023/1824, (EU) 2023/652, (EU) 2022/2287, (EU) 2022/2564, (EU) 2023/340, (EU) 2023/1609, (EU) 2023/1697, (EU) 2023/2460, (EU) 2023/2918, (EU) 2024/2910, (EU) 2024/2926, (EU) 2024/2943	N/A	N/A
				Total Implementing/Delegated	747	8	57

Policy Area Summary: PLANT HEALTH
EU acts in scope: 18 directives and regulations.
Total EU tertiary acts since 1 January 2021: 421 implementing and delegated acts.
Change since last EU Law Tracker report: 0 secondary and 44 tertiary acts.

	PLANT HEALTH					EU (Secondary) Law	EU (Tertiary) Law
	Plant Health						
79	Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/15/EEC, 96/37/EC, 2006/29/EC, 2006/91/EC and 2007/33/EC	1017231120162016-4	Consolidated: 5.1.2025	N/A	110 Commission Implementing Regulations and 2 Commission Delegated Regulations	Consolidated	14
80	Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein	1013310972000-1	Consolidated: 20.5.2023	N/A	N/A	N/A	N/A
	Regulation (EU) 2024/3115 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	12024311516122024		N/A	N/A	N/A	N/A
	Pesticides, Biocides						
81	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	1069241120092009-1	Consolidated: 21.11.2023	N/A	N/A	N/A	N/A
82	Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC	12016320052005-1	Consolidated: 12.5.2025	N/A	N/A	Consolidated	N/A
83	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	116727620122012-4	Consolidated: 11.6.2024	N/A	303 Commission Implementing Regulations and 5 Commission Delegated Regulations	N/A	30
	Plant Reproductive Material						
84	Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed	L125 11.7.1966 p.2309		N/A	N/A	N/A	N/A
85	Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine	10017419681968-16	Consolidated: 10.2.2026	N/A	N/A	N/A	N/A
86	Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material	11110120002000-17		N/A	N/A	N/A	N/A
87	Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species	119320720022002-1	Consolidated: 18.4.2004	N/A	N/A	N/A	N/A
88	Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed	100111719661966-278	Consolidated: 1.9.2022	N/A	N/A	N/A	N/A
89	Council Directive 96/56/EC of 20 July 1996 on the marketing of propagating material of ornamental plants	102613819961996-16	Consolidated: 30.6.2014	N/A	N/A	N/A	N/A
90	Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed	120081820082008-26	Consolidated: 16.8.2022	N/A	N/A	N/A	N/A
91	Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed	119320720022002-12	Consolidated: 1.9.2022	N/A	N/A	N/A	N/A
92	Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed	119320720022002-33	Consolidated: 24.12.2024	N/A	N/A	N/A	N/A
93	Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes	119320720022002-60	Consolidated: 9.1.2024	N/A	N/A	N/A	N/A
94	Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants	119320720022002-74	Consolidated: 24.12.2024	N/A	N/A	N/A	N/A
95	Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production	120781020082008-8	Consolidated: 13.10.2022	N/A	N/A	N/A	N/A
				Total Implementing/Delegated	421	0	44

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

EQUALITY, NON-DISCRIMINATION, AND HUMAN RIGHTS						EU (Secondary) Law	EU (Tertiary) Law
Voting Rights in Local Government Elections							
96	Article 20(2)(b) TFEU and Article 22 TFEU	C-326/20-2021-0-87-306	N/A	N/A	N/A	N/A	N/A
Equal Treatment Legislation							
97	Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services	L-279-21-12-2004-0-97-61	N/A	N/A	N/A	N/A	N/A
98	Directive 2006/54/EC of the European Parliament and of the Council of 15 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation	L-204-26-7-2006-0-23-36	N/A	N/A	N/A	N/A	N/A
99	Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin	L-180-19-7-2000-0-22-26	N/A	N/A	N/A	N/A	N/A
100	Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation	L-180-19-7-2000-0-16-22	N/A	N/A	N/A	N/A	N/A
101	Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/115/EEC	L-180-19-7-2010-0-1-6	N/A	N/A	N/A	N/A	N/A
102	Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security	L-6-10-1-1979-0-24-26	N/A	N/A	N/A	N/A	N/A
103	Directive (EU) 2024/2841 of the European Parliament and of the Council of 23 October 2024 establishing the European Disability Card and the European Parking Card for persons with disabilities	L-2024-276-1-14-11-2024	N/A	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.

SOCIAL PROTECTION						EU (Secondary) Law	EU (Tertiary) Law
EU Social Security Coordination							
104	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-186-30-4-2004-0-1-128	Consolidated: 11-7-2018	N/A	N/A	N/A	N/A
105	Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedures for implementing Regulation (EC) No 883/2004 on the coordination of social security systems	L-184-30-19-2009-0-1-62	Consolidated: 11-7-2018	N/A	N/A	N/A	N/A
106	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-149-5-7-1971-0-2-30	Consolidated: 11-7-2018	N/A	N/A	N/A	N/A
107	Regulation (EEC) No 174/72 of the Council of 21 March 1972 laying down the procedures 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 expiry 30.4.2010	L-74-27-3-1972-0-1-33	Consolidated: 7-3-2009	Repealed and Replaced by Regulation (EC) No 987/2009: Article 96	N/A	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: 106 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary act and 11 tertiary acts.

FOOD STANDARDS						EU (Secondary) Law	EU (Tertiary) Law
Food Compositional Standards and Labeling							
108	Regulation (EC) No 176/2002 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-11-1-2-2002-0-1	Consolidated: 1-7-2024	N/A	N/A	N/A	N/A
109	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directives 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004	L-104-27-11-2011-0-18	Consolidated: 1-4-2025	N/A	Commission Implementing Regulation (EU) 2021/334, (EU) 2021/945, (EU) 2022/100; Commission Delegated Regulation (EU) 2024/2512	Consolidated	N/A
110	Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the origin of foodstuffs	L-134-16-12-2011	Consolidated: 27-3-2021	N/A	N/A	N/A	N/A
111	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 flavorings	L-134-31-12-2008-0-1	Consolidated: 27-3-2021	N/A	N/A	N/A	N/A
112	Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97	L-134-31-12-2008-0-7	Consolidated: 3-12-2012	N/A	N/A	N/A	N/A
113	Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives	L-134-31-12-2008-0-16	Consolidated: 23-4-2025	N/A	N/A	Consolidated	N/A
114	Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC	L-134-31-12-2008-0-14	Consolidated: 19-2-2025	N/A	N/A	Consolidated	N/A
115	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-181-12-7-2002-0-51	Consolidated: 16-3-2025	N/A	N/A	Consolidated	N/A
116	Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods	L-184-30-12-2006-0-28	Consolidated: 17-7-2024	N/A	N/A	N/A	N/A
117	Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 19 November 2003 on smoke flavourings used or intended for use in or on foods	L-180-26-11-2003-0-1	Consolidated: 27-3-2021	N/A	N/A	N/A	N/A
118	Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food	L-37-19-2-1993-0-1	Consolidated: 7-8-2009	N/A	N/A	N/A	N/A
119	Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001	L-127-11-12-2015-0-1	Consolidated: 27-3-2021	N/A	103 Commission Implementing Regulations	N/A	8

	Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009	1181.29.6.2013 p.35	Consolidated: 20.11.2024	N/A	Commission Delegated Regulations (EU) 2021/571, (EU) 2021/672, (EU) 2021/644, (EU) 2021/1640, (EU) 2022/519, (EU) 2022/2182, (EU) 2023/439, (EU) 2023/569, (EU) 2024/2684, (EU) 2024/2791	N/A	N/A
120	Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts	168.13.3.1999 p.26	Consolidated: 18.11.2013	N/A	N/A	N/A	N/A
121	Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption	1197.9.8.2000 p.19	Consolidated: 18.11.2013	N/A	N/A	N/A	N/A
122	Council Directive 2001/110/EC of 20 December 2001 relating to honey	110.12.1.2002 p.47	Consolidated: 23.6.2014	N/A	N/A	N/A	N/A
123	Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption	110.12.1.2002 p.53	Consolidated: 18.11.2013	N/A	N/A	N/A	N/A
124	Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors. No longer in force, date of end of validity: 31.12.2024	1197.15.6.2011 p.1	Consolidated: 24.10.2022	Repealed and Replaced by Commission Delegated Regulation (EU) 2023/2429	N/A	N/A	N/A
125	Commission Delegated Regulation (EU) 2023/2429 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 processed fruit and vegetable products and the banana sector, and repealing Commission Regulation (EC) No 1666/1999 and Commission Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011	12023/2429 p.11.2023		N/A	N/A	N/A	N/A
126	Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption	110.12.1.2002 p.56	Consolidated: 9.10.2014	N/A	N/A	N/A	N/A
127	Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption	110.12.1.2002 p.62	Consolidated: 18.11.2013	N/A	N/A	N/A	N/A
128	Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption	115.17.1.2002 p.19	Consolidated: 18.11.2013	N/A	N/A	N/A	N/A
129	Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to cassins and cassins intended for human consumption and repealing Council Directive 83/417/EEC	1314.1.12.2015 p.1	N/A	N/A	N/A	N/A	N/A
Nutrition Labeling, Composition and Standards							
130	Regulation (EC) 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods	4654.30.12.2006 p.8	Consolidated: 13.12.2014	N/A	N/A	N/A	N/A
Food Hygiene							
131	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	1119.30.4.2004 p.55	Consolidated: 9.11.2024	N/A	N/A	N/A	N/A
132	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs	1119.30.4.2004 p.1	Consolidated: 24.3.2021	N/A	N/A	N/A	N/A
133	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	148.11.12.1988 p.26	Consolidated: 1.7.2013	N/A	N/A	N/A	N/A
Regulation of Tobacco and Related Products							
134	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	1127.20.6.2014 p.1-18	Consolidated: 23.10.2021	N/A	Commission Delegated Directive (EU) 2022/2100 and Commission Implementing Regulation (EU) 2023/448	N/A	N/A
135	Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products	1152.20.6.2003 p.16-19	Consolidated: 20.6.2003	N/A	N/A	N/A	N/A
Organic Products							
136	Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91. Replaced by (EU) 2018/848 but with partial continued application.	1169.20.7.2007 p.1	Consolidated: 1.1.2022	Repealed and Replaced by Regulation (EU) 2018/848 Article 56 [but with partial continued application]	N/A	N/A	N/A
137	Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007	1168.14.6.2018 p.1	Consolidated: 25.3.2025	N/A	38 Commission Delegated Regulations and 47 Commission Implementing Regulations	Consolidated	3
138	Regulation (EU) 2023/2419 of the European Parliament and of the Council of 18 October 2023 on the labelling of organic products	12023/2419.27.10.2023		N/A	N/A	N/A	11
Total Implementing / Delegated					106	0	11

Policy Area Summary: CHEMICALS
EU acts in scope: 6 directives and regulations.
Total EU tertiary acts since 1 January 2021: 26 implementing and delegated acts.
Change since last EU Law Tracker report: 0 secondary and 1 tertiary acts.

CHEMICALS						EU (Secondary) Law	EU (Tertiary) Law
Further Regulation							
139	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)	1304.21.11.2003 p.1-184	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	1178.25.6.2019 p.1-114	Consolidated: 20.11.2024	N/A	Commission Delegated Regulation (EU) 2021/1768, (EU) 2021/2086, (EU) 2021/2087, (EU) 2021/2088, (EU) 2022/973, (EU) 2022/1171, (EU) 2022/1519, (EU) 2023/409, (EU) 2024/1682, (EU) 2024/2770, (EU) 2024/2790, (EU) 2024/2787, (EU) 2024/2788, (EU) 2024/2786	N/A	N/A
Good Laboratory Practice							
140	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 (GMP)	150.20.2.2004 p.28-31	Consolidated: 26.7.2019	N/A	N/A	N/A	N/A
141	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	150.20.2.2004 p.44-50	Consolidated: 20.6.2009	N/A	N/A	N/A	N/A
REACH							
142	Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC	1306.30.12.2006 p.1	Consolidated: 22.4.2025	N/A	N/A	Consolidated	N/A
Persistent Organic Pollutants							
143	Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants	1169.20.6.2019 p.46	Consolidated: 17.10.2024	N/A	Commission Delegated Regulation (EU) 2023/866, (EU) 2022/2291, (EU) 2023/1608, (EU) 2024/2555, (EU) 2024/2576, (EU) 2025/718	N/A	1
Hazardous Chemicals							
144	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	1201.27.7.2012 p.60	Consolidated: 13.2025	N/A	Commission Implementing Decision C/2021/6140, C/2023/3459 and (EU) 2024/1736; Commission Delegated Regulation (EU) 2022/643, (EU) 2023/1656, (EU) 2024/3199	Consolidated	N/A
Total Implementing / Delegated					26	0	1

Policy Area Summary: ECONOMY & TRADE

EU acts in scope: 6 directives and regulations.

Total EU tertiary acts since 1 January 2021: 22 implementing and delegated acts.

Change since last EU Law Tracker report: 0 secondary and 1 tertiary acts.

	ECONOMY & TRADE					EU (Secondary) Law	EU (Tertiary) Law
	Late Payment - Commercial Transactions						
145	Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions	145/2011/EC	N/A	N/A	N/A	N/A	N/A
	Mutual Recognition of Professional Qualifications - Cross-Sectoral						
146	Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications	146/2005/EC	Consolidated: 75.6.2024	N/A	N/A	N/A	N/A
	Services Directive						
147	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market	147/2006/EC	N/A	N/A	N/A	N/A	N/A
	Public Procurement						
148	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 with EEA relevance	148/2014/EC	Consolidated: 1.1.2024	N/A	Commission Delegated Regulation (EU) 2021/1952 and (EU) 2023/2495 Commission Implementing Regulation (EU) 2022/2303 and (EU) 2023/2884	N/A	N/A
149	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	149/2014/EC	Consolidated: 1.1.2024	N/A	Commission Implementing Decision (EU) 2022/418, (EU) 2022/1286, (EU) 2022/1296, (EU) 2022/1376, (EU) 2022/2303, (EU) 2023/264, (EU) 2023/1228, (EU) 2023/1978, (EU) 2023/2884, (EU) 2024/2136, (EU) 2024/3224, (EU) 2025/477; Commission Delegated Regulation (EU) 2021/1953, (EU) 2023/2496	N/A	1
150	Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts	150/2014/EC	Consolidated: 1.1.2024	N/A	Commission Delegated Regulation (EU) 2021/1951 and (EU) 2023/2497 and Commission Implementing Regulation (EU) 2022/2303 and (EU) 2023/2884	N/A	N/A
					Total Implementing / Delegated	22	1

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.

	POLICE & JUDICIAL COOPERATION					EU (Secondary) Law	EU (Tertiary) Law
	European Judicial Network						
151	Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network	151/2008/EC	N/A	N/A	N/A	N/A	N/A
	Joint Action on Organised Crime						
152	97/827/JHA Joint Action of 5 December 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime	152/1997/JHA	N/A	N/A	N/A	N/A	N/A
	File and Authenticate Documents Online (FADO)						
153	98/700/JHA Joint Action of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO)	153/1998/JHA	N/A	N/A	N/A	N/A	N/A
	European Police College (CEPOL)						
154	Council Decision 2005/681/JHA of 25 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2006/820/JHA; date of end of validity 1.7.2016	154/2005/EC	Consolidated: 1.8.2016	Repealed and Replaced by Regulation (EU) 2015/2219; Article 40	N/A	N/A	N/A
	Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA	154/2015/EC	N/A	N/A	N/A	N/A	N/A
	EU-LISA						
155	Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice; date of end of validity 10.12.2018	155/2011/EC	Consolidated: 9.10.2018	Repealed and Replaced by Regulation (EU) 2018/1726; Article 57	N/A	N/A	N/A
	Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011	155/2018/EC	Consolidated: 28.1.2025	N/A	N/A	Consolidated	N/A
	EUROPOL						
156	Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA	156/2016/EC	Consolidated: 28.6.2022	N/A	N/A	N/A	N/A
	EUROJUST						
157	Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA	157/2018/EC	Consolidated: 31.10.2023	N/A	Latest 19 December 2019	N/A	N/A
	European Criminal Records Information System (ECRIS)						
158	Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from their criminal record between Member States	158/2009/EC	Consolidated: 27.8.2018	N/A	N/A	N/A	N/A
	Prüm Framework (data sharing)						
159	Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime	159/2008/EC	Consolidated: 25.4.2024	N/A	N/A	N/A	N/A
160	Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime	160/2008/EC	Consolidated: 25.4.2024	N/A	N/A	N/A	N/A
161	Regulation (EU) 2024/982 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 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) No 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (the Prüm II Regulation)	161/2024/EC		N/A	N/A	N/A	N/A
	Schengen Information System (SIS II)						
162	Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II); date of end of validity 6.3.2023	162/2007/EC	Consolidated: 28.12.2025	Repealed and Replaced by Regulation (EU) 2018/1862; Article 78	N/A	N/A	N/A
	Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU	162/2018/EC	Consolidated: 1.8.2022	N/A	Commission Implementing Decision (EU) 2023/201, (EU) 2022/2206, (EU) 2021/31	N/A	N/A

Minimum Standards Legislation - Cybercrime							
163	Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA	1718 14.8.2013 p.8-14	N/A	N/A	N/A	N/A	N/A
Minimum Standards Legislation - Human Trafficking							
164	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA	1101 15.4.2011 p.3-11	Consolidated: 14.7.2024	N/A	N/A	N/A	N/A
165	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	2024/1712 24.6.2024		N/A	N/A	N/A	N/A
Asset Recovery Offices							
166	Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime	1332 18.12.2007 p.102-105	N/A	N/A	N/A	N/A	N/A
Cooperation Legislation - Child Sexual Exploitation							
167	Council Decision of 29 May 2006 to combat child pornography on the Internet	1338 8.6.2006 p.3-4	N/A	N/A	N/A	N/A	N/A
Schengen Convention - Law Enforcement Cooperation (Article 40)							
168	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	1210 6.8.2008 p.12-72	Consolidated: 25.6.2024	N/A	N/A	N/A	N/A
European Investigation Order							
169	Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters	1130 1.5.2014 p.1-36	Consolidated: 13.3.2022	N/A	N/A	N/A	N/A
Joint Investigation Teams							
170	Council Framework Decision of 13 June 2002 on joint investigation teams	1162 20.6.2002 p.3-3	Consolidated: 10.3.2022	N/A	N/A	N/A	N/A
Mutual Recognition of Assets Freezing							
	Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, date of validity 18.12.2020	1198 2.8.2003 p.45-56	Consolidated: 2.8.2023	Repealed and Replaced by Regulation (EU) 2018/1805	N/A	N/A	N/A
Mutual Recognition of Confiscation Orders							
	Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders. No longer in force, date of expiry: 18.12.2020	1328 24.11.2006 p.59-78	Consolidated: 28.3.2009	Repealed and Replaced by Regulation (EU) 2018/1805	N/A	N/A	N/A
171	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	1303 28.11.2018 p.1-38	Consolidated: 1.5.2023	N/A	N/A	Consolidated	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 expiry: 11.12.2024	1366 29.12.2006 p.83-100	Consolidated: 30.12.2006	Repealed and Replaced by Directive (EU) 2023/977	N/A	N/A	N/A
172	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	1334 22.5.2023 p.1-24		N/A	N/A	N/A	N/A
Cooperation on Football Disorder							
173	2002/7348/JHA Council Decision of 25 April 2002 concerning security in connection with football matches with an international dimension	1111 8.5.2002 p.1-3	Consolidated: 16.6.2007	N/A	N/A	N/A	N/A
Forensic Service Providers - Mutual Recognition							
174	Council Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities	1302 9.10.2009 p.44-46	N/A	N/A	N/A	N/A	N/A
Passenger Name Records (PNR) Data							
175	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	1119 6.6.2016 p.132-148	N/A	N/A	Latest 28 April 2017	N/A	N/A
Applicable Law in Contracts and Non-Contractual Obligations							
176	Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)	1177 4.7.2008 p.6-16	Consolidated: 24.7.2008	N/A	N/A	N/A	N/A
177	Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II)	1100 31.7.2007 p.40-48	N/A	N/A	N/A	N/A	N/A
Legal Mediation - Cross-Border							
178	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	1135 24.5.2008 p.3-8		N/A	N/A	N/A	N/A
Civil and Commercial Law - Jurisdiction, Recognition and Enforcement							
179	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	1351 20.12.2012 p.1-32	Consolidated: 26.2.2015	N/A	Latest 26 November 2014	N/A	N/A
	Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings, date of expiry 26.6.2017	1160 30.6.2000 p.1-18	Consolidated: 12.10.2016	Repealed and Replaced by Regulation (EU) 2015/848/Article 91	N/A	N/A	N/A
180	Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings	1411 6.6.2015 p.10-72	Consolidated: 1.5.2023	N/A	Latest 4 June 2019	Consolidated	N/A

Family Law - Jurisdiction, Recognition and Enforcement									
	Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000; date of end of validity 31.7.2022	L 338/23/12/2003 p.1-29	Consolidated: 1.3.2005	Repealed and replaced by Council Regulation (EU) 2019/1111: Article 104	N/A		N/A	N/A	
181	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 178/27/2019 p.1-116	N/A	N/A	N/A		N/A	N/A	
182	Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations	L 7/18/1/2009 p.1-79	Consolidated: 31.12.2016	N/A	N/A		N/A	N/A	
183	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 81/26/6/2013 p.6-12	Consolidated: 1.6.2025	N/A	Latest: 2 September 2014		Consolidated	N/A	
Legal Aid - Cross-Border Cases									
184	Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes	L 26/31/2/2003 p.41-47	Consolidated: 31.12.2023	N/A	N/A		N/A	N/A	
Service of Documents & Taking Evidence									
185	Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000	L 324/18/12/2007 p.79-129	Consolidated: 1.7.2019	N/A	N/A		N/A	N/A	
186	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: 6.12.2006	N/A	N/A		N/A	N/A	
187	2001/1470/EC: Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters	L 174/27/6/2001 p.25-31	Consolidated: 1.1.2011	N/A	N/A		N/A	N/A	
Civil and Commercial Law - Small Claims, Enforcement and Order for Payment									
188	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 341/24/12/2015 p.1-13	N/A	N/A	N/A		N/A	N/A	
189	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.1-32	Consolidated: 14.7.2017	N/A	N/A		N/A	N/A	
190	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: 1.6.2025	N/A	N/A		Consolidated	N/A	
191	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 339/30/12/2006 p.1-32	Consolidated: 1.6.2025	N/A	N/A		Consolidated	N/A	
Child Sexual Exploitation - Minimum Standards Measures									
192	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									
193	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 357/5/12/2008 p.27-66	Consolidated: 28.3.2025	N/A	N/A		N/A	N/A	
194	Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order	L 338/31/12/2011 p.2-18	N/A	N/A	N/A		N/A	N/A	
195	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 284/11/11/2009 p.20-60	N/A	N/A	N/A		N/A	N/A	
196	Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties	L 78/27/3/2005 p.16-30	Consolidated: 28.3.2025	N/A	N/A		N/A	N/A	
197	Council Directive 2004/69/EC of 19 April 2004 relating to compensation to crime victims	L 261/6/6/2004 p.16-18	N/A	N/A	N/A		N/A	N/A	
Procedural Rights - Minimum Standards									
198	Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the rights of information in criminal proceedings	L 142/16/6/2012 p.1-10	N/A	N/A	N/A		N/A	N/A	
199	Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the rights to interpretation and translation in criminal proceedings	L 280/26/10/2010 p.1-7	N/A	N/A	N/A		N/A	N/A	
Legal Services - Provision									
200	Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained	L 77/14/3/1998 p.36-43	Consolidated: 1.7.2019	N/A	N/A		N/A	N/A	
201	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: 1.7.2019	N/A	N/A		N/A	N/A	
Sentencing - Accounting for Convictions									
202	Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings	L 220/15/6/2008 p.32-34	N/A	N/A	N/A		N/A	N/A	
Victims Rights - Minimum Standards									
203	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 215/14/11/2012 p.57-73	N/A	N/A	N/A		N/A	N/A	

Policy Area Summary: PUBLIC HEALTH

EU acts in scope: 16 directives and regulations.

Total EU tertiary acts since 1 January 2021: 6 implementing and delegated acts.

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

	PUBLIC HEALTH					EU (Secondary) Law	EU (Tertiary) Law
	Public Health Protection						
	Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC; date of end of validity: 25.12.2022	1082/2013/EU	Consolidated: 6.11.2013	N/A	Commission Implementing Decision (EU) 2021/858, (EU) 2021/1212	N/A	N/A
204	Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU	1022/2371	Consolidated: 26.02.2023	N/A	Commission Implementing Regulation (EU) 2023/1808, (EU) 2024/892, (EU) 2024/2959 and Commission Delegated Regulation (EU) 2024/1232	N/A	N/A
205	Regulation (EC) No 853/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control	1004/853	Consolidated: 26.12.2023	N/A	N/A	N/A	N/A
	Blood Safety & Quality						
206	Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC	2003/98	Consolidated: 7.8.2009	N/A	N/A	N/A	N/A
207	Commission Directive 2004/43/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components	2004/43	Consolidated: 9.1.2016	N/A	N/A	N/A	N/A
208	Commission Directive 2005/61/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards traceability requirements and notification of serious adverse reactions and events	2005/61	Consolidated: 15.8.2016	N/A	N/A	N/A	N/A
209	Commission Directive 2005/62/EC of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards Community standards and specifications relating to a quality system for blood establishments	2005/62	Consolidated: 15.8.2016	N/A	N/A	N/A	N/A
	Organs, Tissues and Cells						
210	Council Directive 2010/45/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation	2010/45	Consolidated: 6.8.2010	N/A	Latest: 9 October 2012	N/A	N/A
211	Commission Implementing Directive 2012/25/EU of 9 October 2012 laying down information procedures for the exchange, between Member States, of human organs intended for transplantation	2012/25	Consolidated: 27.7.2012	N/A	N/A	N/A	N/A
212	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	2004/23	Consolidated: 7.8.2009	N/A	N/A	N/A	N/A
213	Commission Directive 2006/17/EC of 18 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	2006/17	Consolidated: 17.12.2011	N/A	N/A	N/A	N/A
214	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	2006/86	Consolidated: 29.6.2016	N/A	N/A	N/A	N/A
215	Commission Directive 2012/39/EU of 26 November 2012 amending Directive 2006/17/EC as regards certain technical requirements for the testing of human tissues and cells	2012/39	Consolidated: 24.7.2012	N/A	N/A	N/A	N/A
216	Commission Directive (EU) 2015/565 of 8 April 2015 amending Directive 2006/86/EC as regards certain technical requirements for the coding of human tissues and cells	2015/565	Consolidated: 13.5.2015	N/A	N/A	N/A	N/A
217	Commission Directive (EU) 2015/566 of 8 April 2015 implementing Directive 2004/23/EC as regards the procedures for verifying the equivalent standards of quality and safety of imported tissues and cells	2015/566	Consolidated: 13.5.2015	N/A	N/A	N/A	N/A
218	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	2024/1938	Consolidated: 17.7.2024	N/A	N/A	N/A	N/A
	Reciprocal Cross-Border Healthcare						
219	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	2011/24	Consolidated: 12.7.2025	N/A	Latest: 15 July 2026	Consolidated	N/A
					Total Implementing / Delegated	6	0

Policy Area Summary: TRANSPORT
EU acts in scope: 12 directives and regulations.
Total EU tertiary acts since 1 January 2021: 10 implementing and delegated acts.
Change since last EU Law Tracker report: 0 secondary and 0 tertiary acts.

	TRANSPORT					EU (Secondary) Law	EU (Tertiary) Law
	Aviation - Compensation Public Service Obligation						
220	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	2008/1008	Consolidated: 18.12.2020	N/A	N/A	N/A	N/A
	Bus Franchising Rules						
221	Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70	2007/1370	Consolidated: 24.12.2017	N/A	N/A	N/A	N/A
	Charging of HGVs						
222	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	1999/62	Consolidated: 24.3.2022	N/A	N/A	N/A	N/A
	Electronic Road Toll Systems						
	Directive 2004/72/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	2004/72	Consolidated: 20.6.2009	Repealed and Replaced by Directive (EU) 2019/520: Article 33	N/A	N/A	N/A
223	Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union	2019/520	Consolidated: 24.3.2022	N/A	Latest: 28 November 2019	N/A	N/A
	Ports Services/Facilities						
224	Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports	2017/352	Consolidated: 28.5.2020	N/A	N/A	N/A	N/A
	Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues; date of end of validity: 16.6.2019	2000/59	Consolidated: 9.12.2016	Repealed and Replaced by Directive (EU) 2019/883: Article 22	N/A	N/A	N/A
225	Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC	2019/883	Consolidated: 11.6.142	N/A	Commission Implementing Regulation (EU) 2022/89, (EU) 2022/92, (EU) 2022/99, (EU) 2022/91, (EU) 2024/917	N/A	N/A
226	Directive (EU) 2024/3100 of the European Parliament and of the Council of 27 November 2024 amending Directive 2009/21/EC on compliance with flag State requirements	2024/3100	Consolidated: 16.12.2024	N/A	N/A	N/A	N/A
227	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	2024/3099	Consolidated: 16.12.2024	N/A	N/A	N/A	N/A
	Intelligent Transport Systems						
228	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	2010/40	Consolidated: 20.12.2023	N/A	Commission Delegated Regulation (EU) 2022/670, (EU) 2024/490, (EU) 2024/1084 and Commission Implementing Decision of 12 Nov 2024 (C/2024/7750)	Consolidated	N/A
	Road Infrastructure Safety Management						
229	Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management	2008/96	Consolidated: 16.12.2018	N/A	N/A	N/A	N/A
	Trans-European Transport Network						
	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; date of end of validity: 17.7.2024	2013/1315	Consolidated: 9.7.2023	Repealed and Replaced by Regulation (EU) 2024/1679: Article 66	Commission Delegated Regulation (EU) 2023/1176	N/A	N/A
230	Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013	2024/1679	Consolidated: 28.6.2024	N/A	N/A	N/A	N/A
	Maritime - Public Services Contracts/Obligations						
231	Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage)	1992/3577	Consolidated: 1.7.2013	N/A	N/A	N/A	N/A
					Total Implementing / Delegated	10	0

Policy Area Summary: GOODS REGULATION

EU acts in scope: 3 directives and regulations.
Total EU tertiary acts since 1 January 2021: 25 implementing and delegated acts.
Change since last EU Law Tracker report: 0 secondary and 2 tertiary acts.

GOODS REGULATION						EU(Secondary) Law	EU(Tertiary) Law
Market Surveillance							
232	Regulation (EU) 2019/1026 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	169 25 6 2019 n 1 44	Consolidated: 23 5 2024	N/A	Commission Implementing Regulation (EU) 2025/526, 2024/2216, 2024/1456, 2023/2712, 2023/975, 2023/733, 2022/1267, 2021/2248, 2021/1121	N/A	1
Construction Products							
233	Regulation (EU) No 305/2011 of the European Parliament and of the Council of 19 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC Text with EEA relevance	169 4 4 2011 n 5 43	Consolidated: 17 11 2024	N/A	Commission Implementing Decision (EU) 2025/871, 2024/2904, 2024/1944, 2024/237, 2023/2461, 2023/1473, 2023/910, 2023/424, 2022/2357, 2022/1517, 2022/381, 2021/1789, 2021/1183, and Commission Delegated Regulation (EU) 2024/2769, 2024/1681, 2024/1198	N/A	1
234	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	12024/3110 16 12 2024		N/A		N/A	N/A
				Total Implementing / Delegated	25	0	2

Appendix Two: European Commission Work Programme 2025
Analysis

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 European's Sustainable Prosperity and Competitiveness						See: Annual Report	
1	Targeted revision of the REACH Regulation	Legislative	Q4 2025	REACH Regulation (EC) No 1907/2006		"EU proposals for reform of the EU REACH regulation and related chemicals 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."	
Sustaining our quality of life: food security, water and nature						See: Annual Report	
2	European Climate Law Amendment	Legislative	Q1 2025	Multiple		SG Annual Report mentions European Climate Law in relation to the (non-legislative) 'Green Deal Industrial Plan for the Net-Zero Age' which it identified 'for future consideration'	
3	Vision for Agriculture and Food	Non-Legislative	Q1 2025	Multiple		No Specific Statement	
4	European Water Resilience Strategy	Non-Legislative	Q2 2025	Council Directive 91/271/EEC, Directive (EU) 2024/2019, Directive 2000/60/EC, Directive (EU) 2020/2184		SG Annual Report does not contain specific statement on European Water Resilience Strategy but EU proposals on the Drinking Water Directive and Bathing Water Directive are 'for future consideration' and the Urban Waste Water Directive is 'under consideration'	
Annual Plan on Evaluations and Fitness Checks (Annex II)						Scottish Government Position	
1	Evaluation of Public Procurement Directives		Q4 2025	Directive 2014/24/EU, Directive 2014/25/EU and Directive 2014/23/EU		No Specific Statement	
2	Evaluation of the National Emission Reduction Commitments Directive		Q4 2025	Directive 2018/75/EU and Directive (EU) 2024/1785		No Specific Statement	
3	Evaluation of Radioactive Waste Directives		Q4 2025	Council Directive 2013/51/Euratom		No Specific Statement	
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
A New Plan for European's Sustainable Prosperity and Competitiveness						See: Annual Report	
1	Proposal for a regulation of the European Parliament and of the Council amending Regulations (EC) No 178/2002, (EC) No 401/2009, (EU) 2017/745 and (EU) 2019/1021 of the European Parliament and of the Council as regards the re-tribution of scientific and technical tasks and improving cooperation among Union agencies in the area of chemicals	COM(2024)793 final	December 2023	Food Law Regulation ((EC) No 178/2002) and Persistent Organic Pollutants Regulation ((EU) 2019/1021)		In process	N/A
2	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	COM(2024)770 final	December 2023	Animal Transport (Council Regulation (EC) No 1/2005)		In process	N/A
3	Proposal for a regulation of the European Parliament and of the Council on the safety requirements for vehicle design and on management of end-of-life vehicles, amending Regulations (EU) 2018/858 and 2019/1020 and repealing Directives 2009/53/EC	COM(2024)451 final	July 2023	Market Surveillance Regulation ((EU) 2019/1020) and End-of-Life Vehicle Directive (2000/53/EC)		In process	N/A
4	Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste	COM(2024)420 final	July 2023	Waste Directive (2008/98/EC)		In process	N/A
5	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)	COM(2024)415 final	July 2023	Forest Reproductive Material Directive (1999/105/EC), Animal Health Law Regulation ((EU) 2016/2031) and Official Controls Regulation ((EU) 2017/625)		In process	N/A
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 Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 68/159/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2006/72/EC and 2008/90/EC (Regulation on plant reproductive material)	COM(2024)414 final	July 2023	Animal Health Law Regulation ((EU) 2016/2031), Official Controls Regulation ((EU) 2017/625), Organic Production Regulation ((EU) 2018/848) and Council Directives 66/401/EEC, 66/402/EEC, 68/159/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2006/72/EC and 2008/90/EC on plant reproductive material		In process	N/A
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(2024)217 final	July 2023	Market Surveillance Regulation ((EU) 2019/1020)		In process	N/A
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(2024)189 final	May 2023	Heavy-Goods Charging Directive 1999/62/EC and Interoperability of Road Tolls Directive (EU) 2019/520		In process	N/A
A New Plan for European Defence and Security						See: Annual Report	
9	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing an application for the electronic submission of travel data ("EU Digital Travel Application") and amending Regulations (EU) 2016/799 and (EU) 2018/1726 of the European Parliament and of the Council and Council Regulation (EC) No 2252/2004, as regards the use of digital travel credentials	COM(2024)670 final	October 2024	EU-USA Regulation (EU) 2018/1726		In process	N/A
10	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings, and on enhancing Europe's support to preventing and combating such crimes and amending Regulation (EU) 2016/794	COM(2024)754 final	November 2023	EUROPOL Regulation (EU) 2016/794		In process	N/A
Sustaining our quality of life: food security, water and nature						See: Annual Report	
11	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on monitoring frameworks for resilient European forests	COM(2024)728 final	November 2023	Habitats Directive (92/43/EEC)		In process	N/A
12	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Soil Monitoring and Resilience (Soil Monitoring Law)	COM(2024)416 final	July 2023	Habitats Directive (92/43/EEC) Water Framework Directive (2000/60/EC) Floods Directive		In process	N/A
13	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, amending Regulation (EU) 2017/625	COM(2024)411 final	July 2023	Official Controls Regulation ((EU) 2017/625)		In process	N/A
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 2008/118/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(2024)549 final	October 2022	Water Framework Directive (2000/60/EC)		In process	N/A
Protecting our democracy, upholding our values						See: Annual Report	
15	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 2003/226/JHA	COM(2024)424 final	July 2023	Victims of Crime Directive (2012/29/EU)		In process	N/A