

EU law repeals and deregulation

The government has sent out its latest update of progress in repealing, amending and incorporating EU law into UK law. It gives us the apparent good news that 2000 laws have now been repealed or reformed in total. This leaves another 4500 to deal with.

The latest list of laws repealed or amended continues with the official approach of doing many repeals to items that are already time expired or did not apply to us in the first place. The first 3 on the list that I checked out from the latest report were:

Commission decision of 29 June 2005 (2005/477/EC) This was a temporary permission for plants *Vitis L* to be allowed into the Community from Croatia between January and March 2006. This was requested by Italy.

Commission decision of 9 March 2001 (2001/199/EC) This was a temporary permission for New Zealand potatoes to enter the EC from 1 March to 31 August 2001.

Commission decision of 29 January 2004 (2004/110/EC) was measures to handle the risk of BSE at a time when the UK had BSE in the cattle herd. This no longer applies with the end of BSE.

It is difficult to assess progress when lumping in so many items that never applied, applied temporarily or apply only in circumstances no longer applying to the UK.

Many of the other items recorded in the list show how industrious the civil service has been to transfer many EU requirements into new SIs or Acts of Parliament, sometimes reinforcing their regulatory impact. The Aviation(Consumers) Amendment Regulations 2023 may well be important “restatements of EU case law related to compensation and assistance for passengers” but they are not repeals or deregulations. They keep us close to EU ways of doing this.

The Energy Savings Opportunity Scheme Amendment Regulations 2023 “amended the EU 2014 regulations ...to report additional information concerning ESOS assessments/energy performance data and provide an action plan with annual progress updates”. In other words this one strengthens and extends the requirements of the EU regulation.

There is plenty more scope to do some good by repealing the unnecessary and simplifying the important. I have set out many examples in previous blogs of what can be done.