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PARLIAMENTARY DEBATES
(HANSARD)

# HOUSE OF LORDS
## OFFICIAL REPORT

*ORDER OF BUSINESS*

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The following abbreviations are used to show a Member's party affiliation:

| Abbreviation | Party/Group |
|---|---|
| CB | Cross Bench |
| Con | Conservative |
| DUP | Democratic Unionist Party |
| GP | Green Party |
| Ind Lab | Independent Labour |
| Ind SD | Independent Social Democrat |
| Ind UU | Independent Ulster Unionist |
| Lab | Labour |
| Lab Co-op | Labour and Co-operative Party |
| LD | Liberal Democrat |
| Non-afl | Non-affiliated |
| PC | Plaid Cymru |
| UUP | Ulster Unionist Party |

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

# House of Lords

*Wednesday 17 May 2023*

*3 pm*

*Prayers—read by the Lord Bishop of Gloucester.*

## COP 28
*Question*

*3.06 pm*

*Asked by* ***Baroness Boycott***

To ask His Majesty's Government what preparations they have made for COP28 and which Minister has responsibility for representing the United Kingdom at the negotiations.

**The Parliamentary Under-Secretary of State, Department for Energy Security and Net Zero (Lord Callanan) (Con):** My Lords, the right honourable Graham Stuart MP will be representing the United Kingdom as the Minister responsible for the UN and CCC negotiations at COP 28. Following the UK's COP 26 presidency, we of course continue to work with countries around the world to ensure that commitments made in the Glasgow climate pact are turned into action. We want to support the agenda of the incoming UAE presidency and drive an ambitious outcome for COP 28 to keep 1.5 degrees within reach.

**Baroness Boycott (CB):** I thank the Minister for that Answer, and of course we all welcome Minister Stuart, but the fact that he is not a Cabinet Member raises some alarms as to quite how seriously we are taking this incredibly important conference that is coming up later in the year. Can the Minister provide clarity on when the UK will formally respond to the global stocktake of progress towards our nationally determined contributions? They are due in June but the CCC has noted that we are behind on both adaptation and mitigation.

**Lord Callanan (Con):** I disagree. Graham Stuart is a very senior Minister who is committed to this agenda, and he has already taken part in a number of the ministerial negotiations. There is a cross-government group of Ministers chaired by the Chancellor of the Duchy of Lancaster meeting to co-ordinate the Government's response.

**Lord McColl of Dulwich (Con):** My Lords, are the Government aware of President Macron's recent plea for a pause in EU environmental regulations in a push to reindustrialise France? Do the Government agree that we ought to consider that, especially in view of the fact that an increasing number of countries are profoundly disturbed about the cost of trying to limit global warming?

**Lord Callanan (Con):** I had not seen President Macron's intervention. Happily, what France and the EU do has nothing to do with us any more. They can have their own negotiations. We are just getting on with the job.

**Lord Teverson (LD):** I agree with the noble Baroness that it is a great disappointment that we do not have a Secretary of State going to the Gulf for COP 28. Will the UK still be chairing the Powering Past Coal Alliance that it has led and chaired in the past? If so, will it therefore cancel its coal mine intentions in Cumbria, here in the UK?

**Lord Callanan (Con):** I am not going to get into the debate about Minister Stuart. He does an excellent job and is well respected across the international community for his work, building on the work that we did at COP 26. We are committed to the Powering Past Coal Alliance. I think the noble Lord is being slightly disingenuous; he knows that the coal mine in Cumbria is nothing to do with power generation.

**Lord Watts (Lab):** Do noble Lords share my concern that the Minister has just said that what France is doing does not concern him? Does he not understand that, if we are to deal with climate change, we all need to work together?

**Lord Callanan (Con):** I think I said that what negotiations go on between France and the EU are not our concern any more because we are not a member of the EU. Of course we work collaboratively with many countries across the world, not just in the EU. This is a worldwide problem and we need to negotiate on a worldwide basis, which of course we do. Carbon emissions do not respect international borders.

**Baroness Hayman (CB):** My Lords, I declare my interests as set out in the register. Since 2008 developing countries' debt has doubled, and many of the countries most at risk from catastrophic climate change are actually paying more in debt repayment than they are able to spend on climate adaptation. At COP 28, will the UK be talking with international finance institutions about issues such as debt swap, which could address this problem?

**Lord Callanan (Con):** The noble Baroness makes an important point, although it is slightly off the topic of the COP 28 agenda. We are incredibly proud of the massive contribution of £11.6 billion that this Government are making towards international climate finance, helping those very countries. The wider issue of debt relief is also important and will be taken forward by international development colleagues.

**Lord Lennie (Lab):** My Lords, the Government have already set out some of their priorities for COP 28, one of which is to actively follow up on the phase-down of coal and the phase-out of all fossil fuels. The recent words of COP 28 president Sultan Al Jaber have been widely interpreted as meaning using carbon capture and storage to capture $CO_2$ emissions and not completely phase out fossil fuels. What consideration have the Government given to these remarks and what steps have been taken to address them?

**Lord Callanan (Con):** The noble Lord makes an important point, citing the chairman of COP. The reality is that there will still be a requirement for fossil

[Lord Callanan]
fuels in the years to come. There will still be a requirement in the UK, which is why we have an ambitious programme—we are spending £20 billion on carbon capture usage and storage. That still enables emissions to take place but of course they will be captured and stored back underground.

**Lord Howell of Guildford (Con):** Regardless of the status of whoever represents us at COP 28, will the Minister make sure that the Government understand and explain to the public that while we are getting on very well in decarbonising the electric power sector, that is only one-fifth of our total energy usage? Therefore, we are only still in the foothills of trying to climb the net-zero peak target, which requires massive expansion of both nuclear power—preferably small nuclear power—and wind power on a scale not yet contemplated and not yet being invested for.

**Lord Callanan (Con):** My noble friend of course knows this subject very well from his time as Energy Minister and makes an important point. We already have invested massively in renewables. We have the biggest wind sector in Europe by far. We have the first, second and third-largest wind farms in Europe, so we are massively expanding our renewables sector. It makes sense because particularly wind power and solar power are cheap compared to fossil fuel generation, but renewables are intermittent, which is why we will also need our nuclear generation. He draws attention to the scale of the problem we face.

**Baroness Sheehan (LD):** My Lords, I ask the Minister whether our Government are fully behind the COP 28 declaration to phase out fossil fuels, something that we tried to do at COP 27—not successfully. I assume the answer to that question is yes so, to help realise that aim, will the Government commit to the UK joining the fossil fuel non-proliferation treaty?

**Lord Callanan (Con):** We are committed to phasing out fossil fuels and I outlined in a previous answer the progress we are making. But it is a transition: we have a requirement for fossil fuels during that transition period and have had exchanges about that before. I do not know the details of the declaration that the noble Baroness refers to, but I will certainly have a look at it.

**Lord Hamilton of Epsom (Con):** My noble friend made reference to our co-operation with other countries. Do they include China and India, which continue to build coal-fired power stations and make the attainment of net zero pretty unlikely?

**Lord Callanan (Con):** My noble friend makes an important point. We continue to liaise with and talk to those countries, as we do many others. The situation is complicated. While it is true that China continues to expand its coal-fired generation, it has also massively increased use of renewables. In fact, it has the largest offshore wind sector in the world now; it took over our lead on that.

**Lord Birt (CB):** My Lords, following the contribution of the noble Lord, Lord Howell, I would be the first to recognise that the route to net zero is fraught with challenge and difficulty. But will the Government publish a considered integrated assessment of the optimum route forward for the UK and a detailed plan—which we do not have at the moment—of where we go over the next five to 10 years?

**Lord Callanan (Con):** I am sorry to disagree, but we do have detailed plans on where we are going. We have laid them out in our building strategy and in our net-zero plan. Only just before the Recess we published our *Powering Up Britain* plan, outlining exactly the kind of details that the noble Lord referred to.

**Lord Razzall (LD):** My Lords, do the Government have any view on the impact on COP 28 of the invitation for President Assad to attend?

**Lord Callanan (Con):** I saw that the COP 28 presidency had invited Assad and all world leaders. It is a UN body, so of course we do not control who gets invited or who chairs it. Clearly, we deplore the invitation of such an appalling man to this event, but it is not something for which we are responsible.

## Vagrancy Act 1824

*Question*

*3.16 pm*

*Asked by* ***Baroness Kennedy of Cradley***

To ask His Majesty's Government when they expect to commence the relevant provisions in the Police, Crime, Sentencing and Courts Act 2022 that repeal the Vagrancy Act 1824.

**The Parliamentary Under-Secretary of State, Home Office (Lord Sharpe of Epsom) (Con):** My Lords, as we made clear at the time of the PCSC Act and as was recently set out in the Government's *Anti-Social Behaviour Action Plan*, we will repeal the Vagrancy Act when suitable replacement legislation is brought forward. This will be done at the earliest parliamentary opportunity.

**Baroness Kennedy of Cradley (Non-Afl):** My Lords, the delay in commencing the repeal of the Vagrancy Act has left this matter unresolved for more than a year. In that time, more than 1,000 vulnerable people have been arrested under its provisions. The plans the Minister refers to recriminalise homelessness through new anti-social behaviour legislation and are contrary to the principles established in the Government's rough sleeping initiative. That is, in effect, the Vagrancy Act by the back door. When will the Government move past criminalisation as a response to homelessness and offer genuine, workable support measures? When will they finally repeal the Vagrancy Act?

**Lord Sharpe of Epsom (Con):** My Lords, at the start of the year the Home Office was asked to take forward provisions to repeal and replace the Vagrancy Act, as

the noble Baroness has referred to. That builds on the Lords amendment to the PCSC Act 2022 to repeal the Vagrancy Act once replacement offences have been considered. That amendment received support across parties in both the Lords and the Commons. The Department for Levelling Up, Housing and Communities remains the policy lead on homelessness and rough sleeping. We are working closely with that department to determine the replacement legislation. That legislation is not ready yet. An extensive action plan for anti-social behaviour has been published, which goes into significant mitigations for homelessness. As soon as parliamentary time allows, we will do this.

**Lord Bird (CB):** My Lords, between 1964 and 1969 capital punishment was not used. It was allowed to fall into non-use. Could we do the same with the Vagrancy Act, which is one of the most heinous crimes because it turns homeless people into criminals?

**Lord Sharpe of Epsom (Con):** My Lords, the Government do not collect figures on the police usage of the Vagrancy Act and as the police are operationally independent, we cannot comment on figures. The Ministry of Justice figures on prosecution show that it is a very small number of people. There were four prosecutions for sleeping out in 2021 and 459 prosecutions for begging in 2021.

**Lord German (LD):** My Lords, this is a very important piece of legislation which the Government are seeking to provide. Can the Minister give us an assurance that the Bill, or whatever the legislation is, will be delivered and completed by the next general election?

**Lord Sharpe of Epsom (Con):** I cannot give that assurance but, as I said, last year we consulted on options for replacement legislation, along with other stakeholder engagement, and we are considering those complex issues carefully. The Government will publish responses to the Vagrancy Act consultation in due course. As soon as parliamentary time allows, that legislation will appear in front of your Lordships.

**Baroness Chakrabarti (Lab):** My Lords, what is the Government's approach to commencement orders more generally? There was an engagement in your Lordships' House last week about the non-commencement of journalists' protection in the Public Order Act. Do the Minister and the Government understand that to delay commencement indefinitely, and thus to thwart the will of Parliament, is an unlawful abuse of power?

**Lord Sharpe of Epsom (Con):** Of course, commencement is not really within the spirit of the Question, but I understand where the noble Baroness is coming from. There was no suggestion that commencement would be delayed indefinitely under the circumstances to which she refers.

**Lord Best (CB):** My Lords, the various charities which campaigned for this change, led by Crisis, were deeply grateful for the amendment your Lordships passed which led to this legislative change. But a year on from the Government agreeing to legislate accordingly, we do not have that commencement. We do have the *Anti-Social Behaviour Action Plan*, which seems to be mostly about a rather penal attitude towards people begging. It does contain some positive comments about new powers—I am not sure whether there will be new money too—to help people who are currently homeless and in need of extra support. Can we hear a little more about the positive aspects of what the Government are attempting to do? In the meantime, can we abolish this piece of legislation before its 200th anniversary?

**Lord Sharpe of Epsom (Con):** I am happy to give a bit more detail on the positive aspects of this. So far, we have invested up to £500 million through our flagship rough sleeping initiative 2022-25 so that local authorities can provide tailored support to end rough sleeping. We have launched the £200 million single homelessness accommodation programme, which will deliver up to 2,400 homes for vulnerable people sleeping rough or at risk of rough sleeping. In addition to the 6,000 homes being delivered by rough sleeping accommodation programmes, we have committed £42 million of funding since 2018 towards the subregional Housing First pilots in various regions. We have also committed up to £186.5 million in funding for substance misuse treatment services.

**The Lord Bishop of Gloucester:** My Lords, I thank the Minister for those statistics and for his assurance of an eventual commitment to no one being criminalised simply for having nowhere to live. Is he aware of the Ministry of Justice data which shows that people released from prison to homelessness are over 50% more likely to offend within a year? What more is being done to ensure that prison leavers have a home on release?

**Lord Sharpe of Epsom (Con):** I cannot specifically answer as regards all prison leavers. I know that a lot of work is being done with the rehabilitation of drug addicts in an effort to prevent recidivism. I will come back to the right reverend Prelate with more detail, if I can find it.

**Lord Ponsonby of Shulbrede (Lab):** My Lords, the 1824 Act makes reference to "idle and disorderly" persons, "rogues and vagabonds". I would be grateful if the Minister could confirm that this is not a reference to Conservative Peers. The 2019 manifesto committed the party opposite to ending rough sleeping by 2024, yet it continues to rise. It is up by 74% in the last 10 years and may be up by a quarter in the last year. What do the Government intend to do to reverse this trend?

**Lord Sharpe of Epsom (Con):** The noble Lord is a magistrate. I will not comment on his first point, other to say that I am sure most of my colleagues would prefer not to appear in front of him. The statistics he gives are not quite as bad as he made them sound. The numbers are much lower than when homelessness peaked in 2017. Although there was a slight spike last year, they are significantly below previous peak levels.

**Lord Watts (Lab):** My Lords, is it not a bit rough for the Government to massively increase the number of homeless people in this country and then do nothing to stop them being arrested?

**Lord Sharpe of Epsom (Con):** I think I have already answered questions around this particular line of inquiry.

**Lord Shipley (LD):** My Lords, I have listened carefully to the Minister's replies to all the questions so far. I am still none the wiser as to why the Government are not delivering the repeal of the Vagrancy Act. It should have been repealed. I do not understand what is stopping the Government moving forward.

**Lord Sharpe of Epsom (Con):** My Lords, as noble Lords know and as I have tried to explain, we are hard at work on coming up with a suitable replacement, which is not a like-for-like replacement of the Vagrancy Act in its current form. But it is right that the police, local authorities and so on have the tools that they need to respond effectively to begging and rough sleeping. That work is ongoing.

**Lord Grocott (Lab):** My Lords, the Minister said two or three times that one of the factors is as soon as parliamentary time becomes available. We are already in an inordinately long Session, with no date yet announced for when it will end and when the King's Speech will be. So is it not a pretty lame excuse to say that it is just a matter of finding parliamentary time? What we really need to see is the Government getting their act together.

**Lord Sharpe of Epsom (Con):** I shall pass on the noble Lord's comments.

**Lord Kamall (Con):** My noble friend the Minister said that it is important to think about what could possibly replace the Vagrancy Act. Could he enlighten us about the thinking on why there needs to be a replacement, rather than purely repealing it?

**Lord Sharpe of Epsom (Con):** It is felt that certain other types of activity associated with vagrancy should be looked into, including things such as nuisance and organised begging.

**Lord Baker of Dorking (Con):** My Lords, is the Minister aware that the Vagrancy Act 1824 was introduced because many soldiers who had fought in the Napoleonic Wars had no employment and resorted to begging? As far as I know, from our recent war in Iraq, no vagrants are now begging. Does the Minister not think that he ought to catch up with what has happened in the last 200 years?

**Lord Sharpe of Epsom (Con):** I thank my noble friend for the history lesson.

**Lord Hunt of Kings Heath (Lab):** My Lords, can the Minister explain why the Government need to spend an inordinate amount of time looking at what to replace the Vagrancy Act with, having said that they will rescind it? Why will they not spend a similar amount of time on EU regulations?

**Lord Sharpe of Epsom (Con):** That is well beyond the scope of this Question, but I am sure that everyone will have heard the noble Lord's point.

## Pharmacies: Medicines at Home

*Question*

*3.26 pm*

*Asked by* ***Baroness Wheeler***

To ask His Majesty's Government what steps they are taking to ensure the provision of essential services provided by pharmacies, particularly the assembly of blister medicine packs, to support the safe administration of medicines at home by patients, care workers and unpaid carers.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Markham) (Con):** Pharmacies in England do an incredible job, dispensing over 1 billion medicines every year and supporting patients with their medication. Where appropriate, that includes blister packs or other medicine adherence aids. To support patients with taking their medication, we have introduced structured medication reviews in general practice and extra support in community pharmacy. On 9 May, we announced an additional investment of up to £645 million in community pharmacies over this and next year.

**Baroness Wheeler (Lab):** My Lords, given the urgent need to get thousands of people out of hospital and provide care and support in the community and in their homes, it is surprising that the Government do not recognise the importance of having a national or local data overview of the scale of funding for this essential core service for home care, which is being withdrawn from hundreds of chemists across the country. Hard-pressed domiciliary care workers, providing daily care to thousands of people in their homes, depend on blister packs to administer medicine safely. They will not have the time to sort out multiple medicines each day for their clients, or to risk responsibility for possible mistakes and overdosing. Are the Government saying that, in the future, it is okay for the complex task of sorting out daily medicine doses to be yet another burden placed on unpaid carers, on top of everything else that they have to do? How will people living on their own be able to cope and stay safe?

**Lord Markham (Con):** NICE and the Royal Pharmaceutical Society are clear that they do not recommend widespread adoption but prefer a case-by-case basis. There are many examples of where blister packs are not appropriate: some pills cannot be stored next to each other, some pills need to be stored in their original packaging and some blister packs cannot have more than four pills. So it is clear that you need a case-by-case review to make sure of what is right for the patient.

**Baroness Manzoor (Con):** My Lords, the Government have the excellent Pharmacy First initiative. Can my noble friend the Minister say what the Government are doing to support community pharmacists with technology, and to advise those with chronic diseases, such as diabetes and heart disease, what their roles and responsibilities could be in relation to the technology that may be available to them?

**Lord Markham (Con):** I thank my noble friend. She is right to stress the importance of how we support Pharmacy First as a way of delivering primary services and supporting pharmacies in and of themselves. Technology will play a key part in that, both in terms of navigating the patient, when appropriate, to use the pharmacy and by allowing them to book pharmacy appointments.

**Baroness Finlay of Llandaff (CB):** My Lords, an estimated £300 million-worth of prescribed NHS medicines are wasted every year. Over half of those come from medicines either disposed of in care homes or returned to pharmacies. Do the Government have plans to ensure that, where terminally ill patients are being cared for at home, "just in case" medication, which is personalised, is available so that if a crisis arises out of hours it can be dealt with rapidly and appropriately, and so that some of that wastage could be decreased?

**Lord Markham (Con):** Absolutely. That is one of the major reasons why blister packs are not always the right solution, because there are many cases of wastage in exactly the way that the noble Baroness has mentioned. Wastage is one of the many reasons why both NICE and the Royal Pharmaceutical Society have come out against the blanket use of blister packs.

**Lord Winston (Lab):** My noble friend on the Front Bench is absolutely right. As somebody who is currently taking hourly medication, I can tell the Minister that it is extremely difficult to keep that up. Does he not recognise that we need to have set blood levels for many drugs, and that it is really important that those are not delayed if we are to have proper pharmaceutical action in the blood stream?

**Lord Markham (Con):** Yes. There are occasions when it is absolutely appropriate that medicines are packaged in that way; I am sure we all have plenty examples of friends and relatives for whom that is very useful. The whole point is that the blanket application of blister packs is not the right approach.

**Lord Allan of Hallam (LD):** My Lords, the Government's welcome plans for pharmacists to play a broader role in primary healthcare depend on there being pharmacies present in every area of the country, yet we have seen hundreds of community pharmacies close over recent years. If this trend is not reversed and there are even fewer community pharmacies in a year's time, would it be reasonable for us to see this as a failure of government policies?

**Lord Markham (Con):** No. What I want to be tested on is how many people are using their pharmacies for primary appointments—that is the real measure. I think we will see a marked change, and we will see it as a real convenience. The fact that this will drive more footfall to pharmacies will mean that more pharmacies will probably gain extra business and stay open. We have 24,000 more pharmacy workers than in 2010—there has been an increase in that number since then.

**Lord Jackson of Peterborough (Con):** My Lords, on the subject of support services, is my noble friend the Minister aware of, and does he deprecate, the widespread practice of catheterising very elderly people who are only temporarily immobile or infirm? In the long term, that reduces their independence and adds to the cumulative costs to the state of their care, particularly to primary care, the NHS and local authorities.

**Lord Markham (Con):** Yes.

**Lord Hunt of Kings Heath (Lab):** My Lords, the Minister referred to the Royal Pharmaceutical Society guidelines, but those were issued in 2013—some 10 years ago. If it was so important, why has it taken Boots and Lloyds Pharmacy so long to phase them out? Surely, the Minister recognises, as his noble friend said, that there must be automated ways of delivering blister packs safely, thereby helping very vulnerable people to take the right medicine?

**Lord Markham (Con):** As noble Lords are aware, I hold the technology brief, so, if there are automated ways, I am absolutely all for them. As I learned while researching this Question, this is a complicated area, given the number of permutations of pills that can be there in each circumstance. I have not seen those solutions, but I will look into them.

**Lord Patel (CB):** My Lords, medicines reconciliation —the right drug to the right dose at the right time—is an important part of managing diseases, particularly for patients who are on multiple medications. Blister packs were seen as one of the solutions to reduce risks, as 10% to 15% of older people on multiple medications end up in acute medical wards. If blister packs are not the solution, what solution does the Minister propose to reduce issues with medicines reconciliation?

**Lord Markham (Con):** I am sorry: I will try to be clear to make sure that I am fully understood. There are many, many people for whom a blister pack is absolutely the right solution. Basically, what has been put in place here is a structured medicine review, so that, in each case, it will be the responsibility of the pharmacist to make sure that they have the right solution for the patient. What I am saying equally is that blister packs are not a blanket solution, and it needs to be done on a case-by-case basis.

**Baroness McIntosh of Hudnall (Lab):** My Lords, I cannot claim any expertise in this matter; I have just been listening to the conversation that has been going on. My noble friend's original Question referred to the burden on carers. I have not heard the Minister say much about that, particularly when the negotiation over what is the right way of dispensing certain kinds of medicine presumably has to go on between a patient, a pharmacist and, presumably, a doctor somewhere in it, or somebody representing the patient who would, in many cases, be the carer. In what way are carers being helped to engage in that negotiation, with all the knowledge and expertise that they bring about what actually works in the circumstances?

**Lord Markham (Con):** The noble Baroness is absolutely correct. It is the patient, or often their proxy or carer, who absolutely should be considered in this. It is the responsibility of the pharmacist to make sure that they are taking that into account. Again, I say very clearly to patients or pharmacists: if patients do not believe that they are getting the right packaging, and they believe that they need blister packs, they should absolutely be speaking to the pharmacist and the pharmacist should be providing that solution.

**Lord Scriven (LD):** My Lords, the Minister said that there were an extra 24,000 pharmacists. He will be aware that community pharmacists have complained that primary care networks are poaching them because they can afford to pay them more and community pharmacy is £1 billion short for providing existing services. What are the Government doing to plug that £1 billion gap in order to ensure that there are enough community pharmacists?

**Lord Markham (Con):** As I say, I do not recognise those numbers. I do recognise that we are putting £645 million more into this space to fund this, and also that this will drive more people into pharmacies, who will not only go there for an appointment, but, no doubt because they are already there, they will generate other business off the back of it. I think and hope that this will actually reinvigorate the local pharmacy sector to the good of local communities and local people.

## Residential Leasehold

*Question*

*3.37 pm*

*Asked by* ***Lord Kennedy of Southwark***

To ask His Majesty's Government what action, if any, they are taking to abolish residential leasehold before the end of this Parliament.

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, in begging leave to ask this Question, I refer to my interests in the register and declare that I am a leaseholder.

**The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con):** My Lords, while I cannot set out precise details of a future Bill at this stage, the Government have been clear about our commitment to addressing the historic imbalance in the leasehold system and to extending the benefits of freehold ownership to more home owners. We will bring forward further reforms later in this Parliament.

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, that is just not good enough. It is extremely disappointing but, sadly, par for the course. Promises and pledges have been made, and promises and pledges have been broken. Over the last year—on 20 June, 14 July, 20 July, 17 October, 12 January, 20 February, 22 February, 23 March and, most recently, 2 May—I have raised these issues and been told that the Government intend to bring

"the outdated and feudal system of leasehold to an end."—[*Official Report*, 20/2/2023; col. 1444.]

We now hear from the media that that is not going to happen in this Parliament. That is just not good enough. Will the Minister take the opportunity here today to apologise to all the people trapped in the leasehold nightmare who have been let down by these broken promises, and explain to the House why we should believe these latest promises and pledges?

**Baroness Scott of Bybrook (Con):** My Lords, as I have said before, property law is fiendishly complex. It is absolutely right that the Government take the time needed to make sure that the reforms are right. As I have said before, the Government will bring reforms to the leasehold system in this Parliament, but I cannot pre-empt the King's Speech by confirming at this time what will or will not be in future legislation.

**Lord Young of Cookham (Con):** My Lords, has my noble friend read the article in last Sunday's *Sunday Times*, which outlined the problems facing leaseholders who want to extend their lease? Because of the uncertainty to which the noble Lord has just referred, they do not know whether to extend their lease now or wait until the legislation that has been proposed, which may enable them to extend on fairer terms. This blight is beginning to affect the market in leasehold. Is not it important that the Government are clear as soon as possible as to what their proposals will be?

**Baroness Scott of Bybrook (Con):** I understand the concerns, and yes, the Government will be as clear as they possibly can, when they can. Importantly, every leaseholder is in a very different situation and has different considerations. Specialist legal advice should be taken by leaseholders at this time if they are considering enfranchisement or extensions. The Association of Leasehold Enfranchisement Practitioners and the Leasehold Advisory Service can offer that advice to leaseholders, and I urge them to take it in this time, before we can make any further announcements.

**Lord Truscott (Non-Afl):** My Lords, as a landlord, leaseholder and former renter, may I ask the Minister this: since the Government seem to be backtracking on abolishing leasehold by the end of this Parliament, can she at least commit to reforming this archaic and feudal system?

**Baroness Scott of Bybrook (Con):** I do not agree with the noble Lord. The Secretary of State has made it clear that we want to bring forward reforms to leasehold, and we want to do so during this Parliament. We wish to extend the benefits of freehold ownership to more home owners. In line with our manifesto commitments, we will continue leasehold reform during this Parliament. We are working with the Law Commission to bring forward game-changing reforms to the system, and we thank the commission for all the work it has done in this area. As I have said, I cannot at this Dispatch Box pre-empt the King's Speech.

**Lord Cormack (Con):** My Lords, my noble friend in answer to a question a moment or two ago referred to people taking legal advice, but how can lawyers give advice if they do not know what the Government are proposing to do?

**Baroness Scott of Bybrook (Con):** I thank my noble friend for that question. What they can do is give them the options they should consider at this time.

**Baroness Pinnock (LD):** My Lords, on the current plight of leaseholders, there are 11,000 high-rise and medium-rise blocks in need of life-critical safety work since the Grenfell fire tragedy. The Government have made progress and done a contract with 43 or more developers that will put right those blocks—but only 1,100 of them. What assurance can the Minister give the other 10,000 that their work will be done at no cost to those leaseholders?

**Baroness Scott of Bybrook (Con):** I assure the noble Baroness that the Government are doing everything they can. They are making sure that, as she has said, the perpetrator pays, and they have put large amounts of money into this. It takes time to work through the remediation of these buildings, but we are working at pace and pushing the industry the whole time to ensure that it makes these buildings safe as soon as possible.

**Lord Bach (Lab):** The Minister agrees that some leaseholders will need advice, but who is going to pay for that advice? Do the Government think they might extend legal aid to cover it?

**Baroness Scott of Bybrook (Con):** No, we do not intend to extend legal aid. For leaseholders who are considering what to do in future, we have made it very clear that it will be in this Parliament, and they just need to wait and take advice at this time until we can get these changes in place.

**Baroness Fox of Buckley (Non-Afl):** What is the Minister's response to the revelation from the Commonhold Now campaign that, according to polling, 60% of those who voted Conservative in 2019 support the abolition—not the reform—of leasehold? Perhaps that might concentrate minds.

The Minister says that she cannot at the Dispatch Box pre-empt what is in the King's Speech, but it is at the Dispatch Box here and in the other place that the Minister and the Secretary of State have constantly assured the noble Lord, Lord Kennedy, and others that leasehold will be abolished. If it is too difficult for this Government to do, maybe that says more about them than it does about leasehold law.

**Baroness Scott of Bybrook (Con):** We have made it very clear that we wish to extend the benefits of freehold ownership to more home owners. That is why we have committed to ending the sale of new leasehold homes and houses to reinvigorate commonhold, so it can finally be a genuine alternative to leasehold. But, as I have said before, we know that, on commonhold work for flats, the Government, industry and consumers will all need to work together, which is why we established the Commonhold Council to prepare home owners and the market for what we want to do, which is to give this freedom to more home owners.

**Lord Kamall (Con):** My noble friend just said that property law is fiendishly complicated and that is why this has taken some time. Will she enlighten us as to some of the complicated issues that have to be tackled before this law can be brought forward?

**Baroness Scott of Bybrook (Con):** The Government are working with the Law Commission; we have asked it to recommend reforms to commonhold legislation, and it published its report in July 2020. We are considering those recommendations and will respond to them in due course, but it is a fiendishly complex system.

**Lord Brownlow of Shurlock Row (Con):** My Lords, earlier my noble friend Lord Young of Cookham presented a choice for leaseholders today. I think the Minister has just indicated that leaseholders should wait. Maybe she meant they should continue to weigh up their options until things become clearer.

**Baroness Scott of Bybrook (Con):** I thank my noble friend. That is perhaps exactly what I should have said: they need to just wait until we have clarification, and it will not be long, because it will be in this Parliament.

**Lord Cromwell (CB):** My Lords, is not one of the obstacles to movement forward on this that landlords are going to find that the leaseholders have become freeholders, and that they are going to seek compensation? If so, from whom?

**Baroness Scott of Bybrook (Con):** I have had no indication that they will do that, but if they do we will have to look at that issue.

## Redcar Steelworks

*Private Notice Question*

*3.47 pm*

*Asked by* ***Lord Scriven***

To ask His Majesty's Government what assessment they have made of allegations of corruption related to the redevelopment of the Redcar Steelworks site in Teesside.

**The Parliamentary Under-Secretary of State, Department for Levelling Up, Housing & Communities (Baroness Scott of Bybrook) (Con):** My Lords, the department has seen no evidence of corruption, wrongdoing or illegality within the South Tees Development Corporation. The mayor and the combined authority are working tirelessly to level up the area of Teesside, including supporting economic growth and high-quality job creation. Private sector investment and a joint venture were always a core part of the business case for this site, and the National Audit Office review in 2022 found that government funding had been used as intended.

**Lord Scriven (LD):** My Lords, everybody wants to see regeneration in Teesside, but the National Audit Office has not conducted an audit, just a light-touch

[Lord Scriven]
review. The last full public audit was carried out 18 months ago, since when reports in the press, including the *Yorkshire Post*, have indicated the potential risk to hundreds of millions of pounds of taxpayers' money, with superprofiteering to a monopoly private company. The Tees Valley Mayor yesterday said he has no objection to the National Audit Office carrying out a full audit. That has to be at the instigation of the Government, so what is stopping the Government agreeing to implement Section 6(3)(d) of the National Audit Act allowing a full National Audit Office audit to investigate that taxpayers are not being short-changed by excessive profits going to one private company?

**Baroness Scott of Bybrook (Con):** My Lords, the noble Lord is correct; the Mayor of Tees Valley has written to the Secretary of State, giving his full support for an independent review. The department will reply to him shortly. As a Government, we will continue, as we have right the way through this scheme, to monitor the spend and delivery on-site. We will do that for two years after public spending on the site. The Tees Valley Combined Authority has also judged that the joint venture presented value for money. Independent auditors of the STDC's accounts have not raised any concerns around that judgment or the management of that organisation.

**Baroness Taylor of Stevenage (Lab):** My Lords, it is vital that the public, particularly the public of Teesside, get answers to the very serious questions about the transfer of this key public asset into private ownership, with the potential losses that may have been incurred to the public purse. That is why my honourable friend the shadow Secretary of State has written to the National Audit Office to call for a full inquiry. Ministers and civil servants seem to have had little or no knowledge about what was going on in Teesside, and the whole process was entirely opaque.

It was originally intended that public funding would be used to clean up the land, but also that it would remain in public ownership. However, a decision taken in private in 2021 changed that model. The taxpayer appears to have invested more than £260 million and provided a public loan worth £100 million. It seems that developers have secured £45 million in dividends, despite failing to invest any of their own money in the project. When were the Government aware of the transfer of 90% of the shares in Teesworks to private developers? What scrutiny and oversight did they have of decisions made by Tees Valley Mayoral Development Corporation to establish the joint venture that became Teesworks without a public procurement process? Lastly, what action will the Government take to provide reassurance that the public interest is protected, now and in the future?

**Baroness Scott of Bybrook (Con):** I will just explain the investment of this site to the noble Baroness. It was always going to be a public/private investment. She is right that £246 million of public money has been invested in this site, and this has already secured £2 billion in private sector investment, with the prospect of 2,725 long-term jobs created as a result. To make the site investor-ready cost £482.6 million, already leaving a funding gap of £200 million; that has had to come from the private sector. It has always been the plan to kick-start the land remediation and then divest the site and risk to the private sector, which we are doing. As a result, the JV partnership—the demolition programme—which was due to take up to five years, concluded in less than three years. It is now up to the private developers to develop that site for these jobs, and for this area of our country.

**Lord Shipley (LD):** My Lords, I think anyone who read yesterday's *Financial Times* full-page article on this matter would welcome a full investigation by the National Audit Office. Since we are almost between Committee and Report on the Levelling-up and Regeneration Bill, there is an opportunity to make changes on Report in terms of audit, insofar as it might impact upon development corporations. Will the Government, through the Minister, agree to ensure that this is thoroughly checked out, to make sure that the processes being followed on Teesside are appropriate and in the public interest?

**Baroness Scott of Bybrook (Con):** I do not think I need to repeat it, but the Mayor of Tees Valley has said that he is very happy for an independent review. Whether that is an independent review or the National Audit Office doing a full review, I think he is quite happy. The department is looking into that and will reply to him shortly. I do not think I can add any more. Nobody is stopping a full review if that is necessary, but what is important is that we have millions of pounds of private sector investment in an area that desperately needs it, for jobs and for the people of Teesside. That is levelling up; that is the important bit of this.

**Baroness Chapman of Darlington (Lab):** My Lords, as someone who lives on Teesside, I respectfully tell the Minister that doubt over this site will damage future investment. It is already making people ask questions. The mayor has said that he wants an investigation and voices in this Chamber are clearly calling for one. I have not heard anybody here or in Teesside oppose an investigation. It is important that it is done quickly and it should be the fullest possible type of investigation that the NAO can offer, to regain the confidence that we need to enable more investment in the Tees Valley.

**Baroness Scott of Bybrook (Con):** I have to ask those opposite who is creating this uncertainty. It is certainly not the Government, who have invested in this area. Once more, the mayor is very happy for any type of review.

**Baroness Wheatcroft (CB):** My Lords, can the Minister confirm that it was always part of the plan that public sector investment on a massive scale should be used to hugely enrich two private sector developers?

**Baroness Scott of Bybrook (Con):** Let me give a little background. Three Thai banks had a hold on the former SSI steelworks land. As negotiations to secure that land broke down, a compulsory purchase order

was launched. JC Musgrave Capital and Northern Land Management already had back options on parcels of land within the Teesworks site that were key to those negotiations with the three banks over land owned by SSI, which was already in receivership. The STDC was advised by a top KC that, without this private sector involvement, it would very likely lose that compulsory purchase order. The public/private partnership was agreed by the TVCA, the Cabinet and the STDC board, and it was envisaged in the original business case approved by the Department for Business, Energy and Industrial Strategy, MHCLG and the Treasury that that should be the partnership to take this site forward.

**Baroness Jones of Moulsecoomb (GP):** My Lords, it is not people on this side creating the concern; these are reports from local people, businesses and a lot of newspapers. Please do not be offensive to this side of the Chamber. We do our best to hold the Government to account—that is our job. In this instance, the Government seem absolutely blind to the fact that there could be problems. Moving forward, an investigation is necessary and should be part of the Government's plan.

**Baroness Scott of Bybrook (Con):** We are not blind to that fact. We are monitoring continually, as we do when we invest in these projects, and the National Audit Office did its audit and said that the public money was being spent as intended. We will look at anything further that needs to be done. As I have said, the mayor is very happy to take part in any review.

**Baroness Pinnock (LD):** My Lords, at the heart of this controversy is the perceived lack of transparency and accountability. This may arise from the mayoral development corporation having a board that, as the *Yorkshire Post* reports, is appointed solely by the mayor. Does the Minister believe that this power to appoint the board and select people who will do his will is at the heart of the problem? Will she consider changes to the Levelling-up and Regeneration Bill to change that and improve transparency and governance?

**Baroness Scott of Bybrook (Con):** No, it is up to the mayor to decide the best people to be on his board. We have seen absolutely no evidence—if there is any, we would like to see it—of corruption, wrongdoing or illegal acts.

**Lord West of Spithead (Lab):** My Lords, the loss of Redcar was part of the blight on British Steel. Does the Minister agree that perhaps we should put in the orders that have been thought about, but not yet ordered, for a large number of ships and that the steel in the ships being built should be found from within British Steel?

**Baroness Scott of Bybrook (Con):** I am not going to respond to a question on British Steel, but I can say that public money—quite rightly—has decontaminated the site and taken away all the hazards, and therefore it is now right for modern green technology.

**Lord Scriven (LD):** My Lords, does the Minister think it is okay for the joint venture to flip from a 50:50 share to a 90:10 share in favour of the private sector partners, when millions of pounds have been spent on reclaiming and decontaminating certain parts of the site? The site was then sold, reportedly for £1 per acre. When the private sector company bought it a few weeks later, it flipped it and sold it on for more than £70 million. That is why a National Audit Office report is required and the Government urgently need to implement Section 6(3)(d) of the National Audit Act.

**Baroness Scott of Bybrook (Con):** The mayor has offered a review. We have only just got that letter; we are considering it. The public funding we put in did not create any positive land value. It was designed to remove the ongoing liability of £80 million a year that was falling to the Government after the liquidation of SSI UK Ltd. The issue of the 50:50 share shifting to 90% concerned further private investment.

**Baroness Boycott (CB):** My Lords, can the Minister update us on what has happened with the investigation into the massive shellfish die-off, which many scientists believe was the result of the dredging when we got this land ready for sell-off, and the chemicals released from the deep seabed? It is still disputed; if there is a review, can this question be included?

**Baroness Scott of Bybrook (Con):** I am sorry; I do not have an answer to that question, but I will take it forward to Defra and we will get an answer.

**Baroness Chapman of Darlington (Lab):** The Minister said the Government will consider whether they will ask the NAO to conduct a further investigation, and we are grateful for that. We are very concerned, but perhaps it would help us to be bit calmer if the Minister could indicate when that might be decided upon.

**Baroness Scott of Bybrook (Con):** I said the mayor had written to us, saying that he was happy to take part in a review, and we are looking to respond to that. Of course it is an important issue, but public money has been quite rightly invested in an area that desperately needs it after the steel industry left. There are opportunities for modern technology industries to come in—we are hearing about wind farm factories, et cetera—and we must keep this steady and online so that it can be delivered and we do not lose the investment we have.

## Business of the House

*Motion on Standing Orders*

*4.04 pm*

*Moved by* ***The Lord Privy Seal***

That Standing Order 44 (*No two stages of a Bill to be taken on one day*) be dispensed with on Tuesday 23 May to enable the Northern Ireland (Interim Arrangements) Bill to be taken through its remaining stages that day and that, in accordance with Standing Order 47 (*Amendments on Third Reading*), amendments shall not be moved on Third Reading.

*Motion agreed.*

## Non-Domestic Alternative Fuel Payment Application Scheme Pass-through Requirement Regulations 2023

*Motion to Approve*

*4.04 pm*

*Moved by* ***Lord Callanan***

That the Regulations laid before the House on 17 April be approved.

*Relevant document: 37th Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 16 May.*

*Motion agreed.*

## National Crime Agency Investigation: Javad Marandi

*Commons Urgent Question*

*The following Answer to an Urgent Question was given in the House of Commons on Tuesday 16 May.*

"The honourable Lady asks about a law enforcement operation, and she and the House know that the Government do not and cannot comment on investigations being undertaken by law enforcement. This Chamber and this Dispatch Box are not the place, cannot and should not be the place, and never have been the place to comment on live investigations by law enforcement. That remains as much the case today as it has been for the last several decades.

UK electoral law sets out a stringent regime of donation controls to ensure that only those with a legitimate interest can make donations, and that those donations are transparent. Permissible donors include registered electors, UK-registered companies carrying out business in the UK, trade unions and other UK-based entities. I remind the House that this Government have taken significant steps to strengthen the integrity of our elections and to update electoral law to ensure that our democracy remains secure, modern, transparent and fair.

This includes reforms to election finance. The Elections Act 2022 introduced a restriction on foreign third-party campaigning at elections. It is an important and existing principle that only those with a legitimate interest in UK elections can spend money to seek to influence the electorate. The Act, moreover, strengthened transparency in the political finance framework by introducing a new requirement for political parties with assets and liabilities above £500, which of course includes the SNP, to produce an assets and liabilities declaration upon registration. It also introduced a new, lower, registration threshold for third-party campaigners spending more than £10,000 during the regulated period before an election.

The Government are developing a new anti-corruption strategy, which we plan to launch later this year, which seeks to address the impact of corruption on our national security and to strengthen trust in our institutions. The Government are committed to the fight against corruption, and since 2010 the United Kingdom has led international efforts to combat corruption through the delivery of the 2017 to 2022 anti-corruption strategy, on which we will continue to build."

*4.04 pm*

**Lord Coaker (Lab):** My Lords, the National Crime Agency investigation into the Azerbaijan laundromat is extremely serious, with an alleged $2.9 billion in stolen money laundered through UK companies. An individual with alleged links to this is also being investigated—an individual who gave three-quarters of a million pounds to the Conservative Party and who got an OBE and access to government Ministers. Can the Minister confirm whether this is accurate? In the other place, the Minister said that the National Security Bill is to be considered again in the Lords on ping-pong, as we know, and we may see it return to us. In the light of this investigation, what amendments are the Government going to support in the Lords, or what amendments are they going to bring forward themselves, in order to deal with this and ensure that we all have confidence that there is no dirty money in our politics and that this issue will be addressed at last?

**The Parliamentary Under-Secretary of State, Home Office (Lord Sharpe of Epsom) (Con):** The noble Lord will be aware that I cannot comment on ongoing investigations; no Minister at the Dispatch Box would. With regard to Mr Marandi's status in the United Kingdom, he is a citizen of this country, as I am sure the noble Lord is aware, and his honours and so on are a matter of public record. As for political donations, UK electoral law already sets out a robust regime of donations and controls to ensure that only those with a legitimate interest in UK elections can make political donations, and that political donations are transparent. It is an offence to attempt to evade the rules on donations by concealing information, giving false information, or knowingly facilitating the making of an impermissible donation. I think this structure is pretty robust already, and a large number of various Bills, strategies and so on have recently been published which contribute to this debate.

**Lord German (LD):** My Lords, all political parties have had problems with political donations. For that reason, the Liberal Democrats have put in place a stringent, robust system to protect our integrity. I think the Minister was referring to an Answer given by the Minister in the House of Commons, when he said that our

"electoral law sets out a stringent regime of donation controls".—[*Official Report*, Commons, 16/5/23; col. 701.]

Manifestly, it does not do that. It specifies who can give donations but not where that money might come from. So far from being stringent, there is now a danger that laundered money may have been introduced into our democratic processes. If the system is as stringent as the Government make out, how was it possible for the Conservative Party to accept donations from this individual while the laundromat investigation was ongoing?

**Lord Sharpe of Epsom (Con):** My Lords, I am going to repeat what I have said: there is a long-standing principle, first introduced by the Committee on Standards

in Public Life in 1998, that if you are eligible to vote for a party in an election, you are also eligible to donate to that party. That includes overseas electors, as noble Lords will be aware, with reference to the Elections Act. Coming back to that Act, I remind the House that the Government have already taken significant steps to strengthen the integrity of our elections and update our electoral law. This was done to ensure that our democracy remains secure, modern, transparent and fair. I could go on in considerable detail about the Elections Act, but it has been much debated in this House.

**Lord Carlile of Berriew (CB):** Is not the case referred to in this Question an illustration of the opacity, rather than transparency, of the financial system relating to political parties? Is it not very important that we should put all protections in place to ensure that political parties have a well-understood and common system of ensuring that donations, in particular those emanating from foreign powers, are dealt with in a proper way? In those circumstances, would the Minister agree to meet me to discuss the amendment in lieu—replacing Lords Amendment 22—which I tabled last Friday for the next stage of the National Security Bill?

**Lord Sharpe of Epsom (Con):** I would be very happy indeed to meet the noble Lord to discuss his amendment. I remind noble Lords that, as I say, any suspected breaches of the law are a matter for the Electoral Commission or the police. It is not appropriate to comment on individual cases or ongoing investigations, but if a donation is from a permissible donor, it is for the recipient to decide whether or not they want to accept that donation.

**Lord Browne of Ladyton (Lab):** My Lords, the Minister will be aware of Operation Branchform, the Scottish police investigation into the finances of the Scottish National Party. What he will not be aware of is that earlier today, Alexander Burnett, the Conservative Whip in the Scottish Parliament, wrote to the Presiding Officer demanding a parliamentary inquiry into that while that investigation is going on. In a published statement, he said that such a new committee would

"give the public confidence that the whole truth around this increasingly murky affair involving Scotland's ruling party will be laid bare once and for all".

What advice would the Minister give his parliamentary colleague, who speaks for the party: that maybe he should have removed the plank from his own eye before suggesting that, or that this is a good idea, and what is sauce for the goose is sauce for the gander?

**Lord Sharpe of Epsom (Con):** The noble Lord will not be surprised to know that I was not aware of the Scottish dimension to this subject, so I will refrain from further comment.

**Lord Evans of Weardale (CB):** My Lords, I declare an interest as the chair of the Committee on Standards in Public Life, and I am grateful to the Minister for his reference to the report made by my predecessors in 1998. I draw the Minister's attention to a 2021 report, made by that same committee, which looked at electoral finance. The Minister may remember that the committee made a number of recommendations for reinforcing the provisions to ensure that improper funds were not coming into the electoral system, and it is a cause of great regret to myself and the committee that the Government decided not to take forward any of those recommendations. In the light of the most recent suggestions that there are problems, might the Government wish to revisit that decision and take into consideration more positively the recommendations of the independent and cross-party Committee on Standards in Public Life?

**Lord Sharpe of Epsom (Con):** My Lords, the Government responded to the report published by the noble Lord's committee, *Regulating Election Finance*, in September 2021, and the Elections Act 2022, to which I have already referred, contains measures which closely link to recommendations made in the report; for example, the new requirement on political parties to declare their assets and liabilities over £500 on registration, and a restriction of third-party campaigning to UK-based or otherwise eligible campaigners. The Government have stated that the recommendations in the report deserve full consideration, electoral law is complex, and more work is required to consider the implications and practicalities.

**Lord Forsyth of Drumlean (Con):** Just to follow on from that question from the noble Lord, Lord Evans, does my noble friend accept that all organisations, however properly conducted, can find themselves in difficulty over the money laundering regulations—as, for example, happened with HSBC, of which the noble Lord, Lord Evans, was a director?

**Lord Sharpe of Epsom (Con):** Yes; I absolutely accept my noble friend's point. Certainly, in relation to the question that has been asked, it is incumbent on all parties to be vigilant about all donations at all times.

**Lord Wallace of Saltaire (LD):** My Lords, I am sure that the Minister shares the general concern about maintaining public confidence in the integrity of our electoral process, including political finance. He must be aware that there have been persistent rumours, with a good deal of circumstantial evidence, that there have been flows of money indirectly from the Russian state into Conservative Party funds. So long as that suspicion is maintained and we do not have transparency about what really happened, there will be questions about the integrity of our political process. Should the Government not ensure that there is full transparency about these various reports and publish some of the redacted parts of the ISC's *Russia* report?

**Lord Sharpe of Epsom (Con):** My Lords, we have gone back and forth on this issue on a number of occasions. The noble Lord refers to rumours, but he is prone to starting some. I remind the noble Lord that, as my right honourable friend the Policing Minister pointed out in the other place, an MP from the noble Lord's party in the other place accepted sizeable donations from somebody who was later identified by MI5 as a foreign agent. Those in glass houses.

**Lord Watts (Lab):** My Lords, it would be more effective if the political parties had to repay that money. That might be an incentive not to accept money that we think is dodgy.

**Lord Sharpe of Epsom (Con):** My Lords, I do not believe that was a question.

## Retained EU Law (Revocation and Reform) Bill

*Report (2nd Day)*

*Relevant documents: 28th Report from the Secondary Legislation Scrutiny Committee, 25th and 33rd Reports from the Delegated Powers Committee, 13th Report from the Constitution Committee*

*4.15 pm*

*Amendment 51A*

*Moved by* ***Baroness Noakes***

**51A:** After Clause 19, insert the following new Clause—

**"Report on retained EU law**

(1) Within 6 months from the day that this Act is passed, and every 12 months thereafter, the Secretary of State must prepare a report setting out the following in respect of each item of EU derived subordinate legislation or retained direct EU legislation which has not been revoked by section 1—

(a) whether and to what extent it remains in force, including the effect of any modifications made whether under powers in this Act or otherwise;

(b) details of any plans to modify, repeal or replace it.

(2) Any reports prepared under subsection (1) must be laid before each House of Parliament.

(3) This section ceases to have effect after a report showing that all items of EU derived subordinate legislation or retained direct EU legislation have been modified, repealed or replaced."

**Baroness Noakes (Con):** My Lords, I am grateful to my noble friends Lord Jackson of Peterborough, Lord Frost and Lady Lawlor for adding their names to Amendment 51A.

The Government have made very significant changes to the Bill, with the new schedule revoking around 600 pieces of retained EU law, in place of the previous plan to revoke all extant EU law, broadly, at the end of this year. As I said on Monday, I welcome this pragmatic approach, but it has created a new need for visibility of progress in dealing with the total population of retained EU law, and my Amendment 51A tries to give that visibility.

Specifically, my amendment introduces a new clause which calls for the Secretary of State to prepare a report within six months of the Bill passing and every 12 months thereafter. That report should show the status of all items of retained EU law, other than those being revoked by the Bill, together with the Government's plans for dealing with them. Subsection (2) of the new clause proposed by my amendment requires the reports to be laid before Parliament, and subsection (3) says that the reports should continue until all the items of retained EU law have been dealt with.

Last week, the Secretary of State for Business and Trade assured the other place that the revocation of the 600 bits of EU law in the new schedule was not the limit of the Government's ambition, and I would certainly like to believe that. My fear is that once the Bill is passed, government departments will heave a sigh of relief and move on to things that are more interesting than working out what to do with their retained EU law.

Legislation cannot make the government machine complete the task, but it can provide for transparency, and I see this as having two benefits. First, the Secretary of State for Business and Trade will have a tool at her disposal to keep the pressure up on her Cabinet colleagues to do their part. Secondly, and perhaps as importantly, Parliament will have information which it can use to hold the Executive to account.

I was already concerned about how to monitor progress on dealing with retained EU financial services legislation. That legislation has been carved out of the Bill and is dealt with in the separate Financial Services and Markets Bill. In the other place last week, the Secretary of State for Business and Trade claimed that 500 pieces of retained EU law will be repealed by the Financial Services and Markets Bill by the end of this year. Unfortunately, this is not true. Schedule 1 to that Bill contains long lists of financial services laws which are identified for repeal, but repeal will be activated only when the Treasury decides to do so, and it will certainly not be by the end of this year. The Treasury has been clear that the process will take "a number of years", and it has no plan or timetable to complete the work. I already have some amendments ready for Report on the Financial Services and Markets Bill next month.

Given the initial drafting of the Bill, I thought that the Treasury's approach to retained EU law was going to be the exception, but it now appears to be the new normal. What happens to retained EU law and when it will be determined by the various government departments is not clear at the moment. I want to ensure that progress on dealing with retained EU law across the whole of government is kept in sharp focus.

I drafted this amendment in haste once the Government had tabled their own amendments to the Bill last week. I am fairly sure that the Minister's lawyers will be able to tear it apart, but I hope he will see it as an opportunity to create a transparency and oversight mechanism that will complement the Government's new approach to retained EU law. I beg to move.

**Lord Jackson of Peterborough (Con):** My Lords, it is a pleasure to follow my noble friend Lady Noakes on this issue, and I am delighted to have had the opportunity to support her by adding my name to the amendment. Noble Lords will remember that during the passage of the EU withdrawal Bill there was a great deal of discussion about whether this House sought to gain for itself executive powers—that is, to become the Government in directing government policy with respect to the withdrawal Act and exiting from the European Union, rather than performing its proper constitutional role, which we all concede is effective scrutiny and oversight.

This amendment is a helpful compromise in seeking to direct Ministers, the Government and the Civil Service to a place where we can all agree. I am sure

that noble Lords who earlier this week supported Amendments 2 and 4 and spoke to Amendment 76, which I gather later today we are likely to divide on, will welcome this amendment—you need congestion charging on the road to Damascus, because the traffic is quite heavy at the moment. Those who were happy to turn a blind eye to the huge corpus of EU legislation from 1973 to 2020 are now praying in aid the importance of scrutiny and oversight. That being so, this is a good vehicle to give effect to that, particularly the need for periodic reviews of the Government's progress on the dashboard.

As I made clear when I spoke earlier in the week, people are watching how this House and the Government ensure that the decision they made in 2016 is given proper effect. While I understand that this House cannot instruct the Government, this is a good way of achieving compromise. I expect a majority on all sides of the House to give my noble friend's amendment their strong and emphatic support, and I fully expect, since the Minister has an opportunity so to do, an amendment to be laid at Third Reading that consolidates this amendment. If that is possible, I think there will be a strong consensus as the Bill goes forward. In the meantime, I strongly support the amendment and I hope noble Lords will give it their support.

**Baroness Lawlor (Con):** I have added my name to my noble friend Lady Noakes's Amendment 51A, and I would like to follow on from what she has said. It is important that the legislative momentum for sunsetting, removing or revoking EU legislation be kept up. The reporting requirement on the Government will, as she said, keep up the momentum and help the Government and indeed Parliament to keep track of what has gone, what is yet to go and how further regulations, if any, will be modified.

There is a very good reason for doing this, and it relates to cost. Ultimately, it is people who bear the costs, either through what they pay for goods and services or through their taxes for government compliance costs in dealing, as now, with two systems of law: EU retained law and our own common law.

I hope the reporting requirement will enable us all to know where we are going and help us keep track of getting rid of that which the Government have pledged to get rid of or modify where necessary. That is very important in the interests of efficiency, for everyone, not just businesses. It is also important for transparency. Not only does regular reporting help the momentum; it will make for fairness so that we are all clear about the rules. I hope it will mean greater prosperity, which we need to encourage. In my view, we need to move back more thoroughly to our common-law system, and that is something on which I hope to touch when we consider the next group of amendments.

**Lord Frost (Con):** My Lords, I support Amendment 51A, to which I have added my name. There is perhaps little to add to what has been said in support of the amendment, other than to recall that the corpus of retained EU law that will be covered by it remains a corpus of law—however normalised, we must hope, by the Bill—that was brought on to the UK statute book in a distinct and different way that did not always enjoy full discussion in this Parliament, as we have said many times. It is logical and reasonable to keep that corpus of law under particular review under this distinct process, so that it can be kept in view of this House and of Parliament. The original purpose of the Bill as introduced by the Government—to review, reform, perhaps revoke and perhaps continue with the legislation—can be kept fully in mind and implemented. To me, that is the logic behind the amendment, and I hope the Government will be able to take that on board.

**Baroness Fox of Buckley (Non-Afl):** My Lords, I support this amendment, whose intention is well thought through, whatever the lawyers say. I shall say why.

When consideration was being given to what had driven the changes that the Government themselves brought in with the removal of the sunset provision in Clause 1, some credence was given to the words of Jacob Rees-Mogg, who had originally introduced the Bill, and who stated that this was an admission of administrative failure and the inability of Whitehall to do the necessary work. I am no fan of blaming "the blob" for everything. The reason why I support this amendment is that it allows the general public, let alone Parliament, to see what work is being done when and where. That is why transparency matters: so that you cannot just blame things going on behind the scenes.

The Secretary of State for Business, Kemi Badenoch, suggested that the previous demands on the Bill, with its cliff-edge, had caused so much concern that civil servants were choosing to reduce legal risk by preserving EU laws, rather than prioritising meaningful reform. Now that the Government have changed this, we need to be aware that we are having meaningful reform and, again, to see it. Otherwise, I worry that we will have simply put off making decisions about how to deal with this situation.

My final reason is that in this House on many occasions noble Lords have, in good faith, worried that the whole removal of retained EU law was a plot to undermine workers' rights, women's rights and everyone's rights. I have never been as cynical about it as that and have always believed that those rights were fought for domestically and we do not need to be concerned. But I hope that everybody in the House might support this amendment because it should reassure. It gives us now the opportunity to say what is retained, what is removed and what is reformed—rather than, as it were, gossiping behind the scenes with almost a conspiratorial atmosphere of what is really going on—and that we simply are enacting now what was voted for in 2016 and everyone can see what is happening. Reporting it in full will be very helpful.

*4.30 pm*

**Lord Carlile of Berriew (CB):** My Lords, I do not have an objection in principle to this amendment. Indeed, it sets out a requirement for information which I would suspect in about six months' time several normal legal websites will carry on a search inserting words such as "What is still in force of EU legislation?" But I am troubled by the implication that this is a substitute for the two amendments that this House passed two days ago and for Amendment 76. I think it would be misleading for any Division or determination on this amendment to be based on that premise.

**Lord Shinkwin (Con):** My Lords, I thank my noble friend Lady Noakes for tabling what seems to be an eminently sensible amendment. My noble friend mentioned visibility, and with visibility comes transparency. This would seem to be entirely consistent with His Majesty's Government's laudable commitment to transparency. I join with others in hoping very much that my noble friend the Minister will look kindly upon it.

**Baroness Altmann (Con):** My Lords, in principle I do not have an objection to the amendment that has been tabled by my noble friend Lady Noakes, supported by my other noble friends. The problem I have is in practice rather than in principle. How should Parliament and civil servants be spending their time, and do we trust that what is happening in terms of reviewing retained EU law will be done in the interests of parliamentary sovereignty and the interests of the public? There just seems to be underlying this whole Bill an ideological aversion to any EU-derived regulations. They are automatically considered to be harmful to the public, and that cannot be the case when we are potentially talking about legislation, regulations, public protections and legal rulings which have been relied on by the public and business since 1973.

I congratulate my right honourable friend the Secretary of State and my noble friend's department for the common-sense change of approach involved in the amendments to this Bill. If I could be assured that Amendment 51A would not divert parliamentary and Civil Service time away from the important changes that are needed in the post-Brexit environment, then in principle I understand the logic and can accept it.

**Viscount Hailsham (Con):** My Lords, may I just support what my noble friend has said? The task contemplated by Amendment 51A is immense, and I would have thought there were better uses of the Civil Service's time.

**Lord Hope of Craighead (CB):** My Lords, the amendment makes no reference to the devolved Administrations, and they have a considerable burden themselves to bear. I hope the Minister has been very careful to have regard to the interests of the devolved Administrations and will consider their position when he decides what to make of this amendment.

**Lord Fox (LD):** My Lords, first I would like to associate myself with those last two comments and those of the noble Lord, Lord Carlile. This amendment should not in any way be conflated with the amendments that we have passed and, I hope, we will pass later today. Rising to speak to this amendment rather feels like gate-crashing someone else's private argument. I beg your pardon, but I am going to continue.

In normal circumstances, if there was anyone I would send out to reduce bureaucracy, it would be the noble Baroness, Lady Noakes. Sadly, she seems to have broken from her norm with this amendment—perhaps she has been egged on or even corrupted by the co-signatories of this amendment. However, it does seem like it is one fight too many for the Government, and I understand that to some extent the Minister will be conceding on this. No doubt in the Government's estimation this is perhaps a bone that can be thrown to one part of their own party without actually causing too many problems for the rest of the Bill—so good luck to the Minister on that one.

To what end will we have this list? I am a little curious as to what we will be listing. The noble Baroness, Lady Lawlor, raised this to some extent. I think it would be helpful for your Lordships if the Minister could confirm at what point in the process of this Bill retained EU law that is not revoked by the schedule becomes assimilated law. In other words, when will this happen? When in the process of this Bill do Clauses 4, 5 and 6 cause these laws to slough off the links they have with the ECJ and all those interpretations based on EU values, which noble Lords opposite object to? At what point are these laws rendered just as susceptible to British common law as any other law on the statute? It would be helpful to know the dates when those things will happen because, once that has happened, it seems there will no longer be any retained EU law: it will be assimilated law formerly known as retained EU law.

An intriguing vision visited me when I was pondering this. In the popular motion picture "Blade Runner", the hero, Harrison Ford, is tasked with rooting out and eliminating replicants. As I am sure the noble Baroness, Lady Noakes, will remember from when she queued to enter the cinema, the replicants are essentially synthetic humans, indistinguishable from and which function as real humans—hence, they are rather hard to find. In a sense, the noble Baroness, Lady Noakes, is seeking to brand these laws in order that they do not become indistinguishable replicants once they enter the canon of British law. Of course, that is her point; she has to maintain a difference between these laws in order to continue to have a conflict. This is, of course, a conflict between and among her parliamentary colleagues rather than the rest of us.

If, instead of focusing on where these laws came from, they focused on what they do, the whole process would be more worth while. Some of this assimilated law will need revoking or reforming, but similarly so do swathes of laws that were directly made by this Parliament. The invaluable time spent on the process in the amendment tabled by the noble Baroness, Lady Noakes—her annual census of the replicants perhaps—would be better spent actually doing the sort of things we need to do to make regulations smarter, as was noted by noble Lords just now.

The noble Baroness, Lady Noakes, mentioned the Financial Services and Markets Bill. She may be dissatisfied with what is going on there, but that seems to be a model of how this process should go. If you take a sector, the job of Parliament is to assess all of the relevant laws pertinent to that particular sector. Some of them will need retaining; some of them will need revoking; some will need reforming, and there will be a need for new laws. At the end of it, Parliament will have gone through the whole process—irrespective of where those laws came from. It is not about where they came from; it is about what they do. This is unnecessary and it is essentially an irrelevant piece of legislation designed to create an argument within the party opposite.

It is the sort of clause that the noble Baroness, Lady Noakes, would normally come down on like a ton of bricks. It is a list that the noble Baroness, Lady Noakes, and her colleagues on this amendment can use to fuel a fight with other members of the Conservative Party and nothing more—so good luck with that.

**Baroness Chapman of Darlington (Lab):** My Lords, I was surprised when I saw this amendment. I have now spent 13 years in opposition in this and the other place, tabling such amendments at just about every opportunity. When you know that the Government are not going to do what you want them to do, one of the things left to you is to ask the Government to report annually or six-monthly to both Houses on whatever the issue might be. I have done this on everything from women's justice to food standards to access to medicines. It is an in your back pocket kind of amendment—the sort that Ministers usually bat away quite easily. They talk about the cost and how much Civil Service time would be taken up in preparation. They do not want to use up valuable parliamentary time to debate these things, nor to distract Ministers with these sorts of fripperies.

On this occasion, it seems that the Government have decided that they can afford the time, money and resources to compile this list—to keep the argument alive for some people within the Conservative Party. What has happened to the noble Lords, Lord Frost and Lord Jackson? The tigers of Brexit are being bought off by an annual report to both Houses of Parliament. This is the sort of thing that the Opposition would have settled for at any point. There they are, taking this at what is meant to be the climax of their Brexit mission. I am quite disappointed that this is all the noble Lords have sought to achieve at the end of all this. They must be quite disappointed, although at least they get to have their report each year, to raise things and to ask why this or that regulation has not yet been dealt with. This is not going to be a red-letter day in my diary but, if it keeps the flame burning for others, then so be it.

I have to ask the Minister the same questions that he would ask me if the roles were reversed. Who will be compiling this list of regulations? How much time will they be spending on it? What is the cost? Will there be an opportunity to debate this report in Parliament each year? What format will this take, or will it go to a Select Committee? I wonder about the Government's priorities. They find time to undertake this task when mortgages are soaring, inflation is still high, people are dying waiting for treatment, unable to see their GP and are pulling their own teeth out. This is what is going on in the country and yet the Government make this a priority.

I understand that the Government intend to accept this amendment, despite everything they have managed to do. They have completely rewritten their Bill. They have shown a little bit of backbone in doing that. I give credit where it is due. Now, at the 11th hour, they think that this is going to get them over the final hurdle. I am disappointed in the Minister for falling at the final fence. I am particularly disappointed in the noble Lords, Lord Frost and Lord Jackson, for settling quite so easily. There we are. I do not think we will bother to oppose the Government on this. Given everything else that has been going on, it does not seem worth the time of the Chamber to do so. This was quite a surprising, last-minute event in the process of this Bill.

**The Parliamentary Under-Secretary of State, Department for Energy Security and Net Zero (Lord Callanan) (Con):** My Lords, I thank the noble Baroness, Lady Chapman, for what must be the most cynical speech I have heard on this Bill so far. We have seen just how committed the Opposition are to any kind of serious reform. They were perfectly to accept all this legislation which was imposed by the European Union through the various processes—before the noble Baroness, Lady Ludford, corrects me. Now Labour is not interested in any kind of reform of it. It is perfectly happy to live with it. It shows the true colours of the Opposition.

Nevertheless, I am of course pleased to say that the Government have already reformed or revoked more than 1,000 pieces of retained EU law. But I agree with the contributions of my noble friends Lady Noakes, Lord Jackson, Lady Lawlor, Lord Frost and Lord Shinkwin—but this should not be the limit of our ambition. The answer to the noble Baroness, Lady Chapman, is that the retained EU law is already listed in the famous schedule, and, if she accesses this internet thingy, she can get a list of all the remaining retained EU law. Departments will continue to review all the retained EU law that has not already been revoked, reformed or planned for revocation this year, to identify further opportunities for reform. We want to do this because we want to reduce the burdens on business, generate more jobs and unlock the potential for economic growth. Again, we can see where the Opposition's true priorities are in that agenda.

*4.45 pm*

As a down payment on our commitment to deliver meaningful reform, our 10 May policy paper, *Smarter Regulation to Grow the Economy*, set out our intention to reform regulations and remove some of the burdens on businesses. We announced changes that will reduce disproportionate EU-derived reporting requirements, and these could potentially save businesses up to £1 billion a year. That will be just the first in a series of announcements that the Government will make in the coming months on reforming regulation to drive growth—not just EU regulation but any that stands in the way of driving further economic growth.

In addition to the schedule, the Bill will still strip retained EU law of its EU-derived interpretive effects, thereby assimilating it into domestic law by the end of 2023—that is the answer to the question asked by the noble Lord, Lord Fox. Furthermore, the powers in the Bill will still enable us to revoke, replace and reform any outdated EU laws that remain on our statute book by 2026. This new approach will provide the space for longer-term and more ambitious reforms, and the Government intend to do just that. Of course, this will also mean that fewer statutory instruments will be required to preserve EU laws that are deemed appropriate or necessary. On this small point, I agree with some of the points that were made: some of the regulations are appropriate and necessary to maintain—no one has ever argued against that.

[Lord Callanan]

Moreover, the Brexit opportunities unit is still operational, spearheaded by the Secretary of State for Business and Trade. It has been pivotal in driving the development and delivery of the retained EU law Bill and the wider associated retained EU law reform programme. These efforts are being supported by specialist legal expertise from outside government, and Parliament will be able easily to monitor government progress on REUL reform, as we update the dashboard every quarter. If the noble Baroness, Lady Chapman, is interested, I can send her the link so she can access it—but I suspect that she is not really that interested in any reform programme.

The unit drove the aforementioned 10 May regulatory reform announcement, setting out a long-term plan to reform UK regulation over the coming months. Furthermore, we have committed to future announcements on how we will reform regulations to reduce the cost of living, deliver choice to consumers, establish trail-blazing regulation to catalyse innovation and make the UK a science superpower, while removing obstacles to building the new world-class infrastructure that we need.

However, I understand the sentiment of the amendment, and it is important that Parliament and the public are able to hold the Government's feet to the fire and ensure that our momentum continues on retained EU law reform. Therefore, I fully support the spirit of my noble friend's amendment, but the Government would appreciate some additional time to consider some of its finer details and, in particular, to consult with parliamentary counsel on what precisely is the most appropriate drafting. Therefore, I hope that my noble friend Lady Noakes will agree to withdraw her amendment, but I am happy to give her an undertaking that the Government will give further consideration to the matter ahead of Third Reading, with a view to working with my noble friend to fashion a similarly spirited amendment.

**Baroness Noakes (Con):** My Lords, I thank all noble Lords who have spoken in this debate, particularly my noble friends who have supported the amendment. I was surprised at the tone of the comments from the Peers on the Benches opposite, both of whom resorted to ad hominem attacks. The noble Lord, Lord Fox, focused on me, and the noble Baroness on the Labour Benches focused on what she called the "tigers" on my Bench—I am sure that they will wear that badge very proudly.

My noble friend the Minister understands why this is an important thing to put on the statute book, particularly to show our commitment to driving forward reform to support growth and competition in our economy and to get rid of the regulatory burdens holding our economy back. I was pleased to hear that my noble friend accepted the principle of my amendment, and it does not surprise me that he could not accept its wording. I thank him for that acceptance; I look forward to working with him and hope that we may reach some conclusion to this before the Bill is returned to the other place. For now, I beg leave to withdraw my amendment.

*Amendment 51A withdrawn.*

### *Clause 20: Consequential provision*

*Amendments 52 and 53*

*Moved by* ***Lord Callanan***

**52:** Clause 20, page 22, line 9, leave out "Minister of the Crown" and insert "relevant national authority"

Member's explanatory statement

This amendment extends the consequential power in clause 20 to devolved authorities.

**53:** Clause 20, page 22, line 10, leave out "Minister" and insert "relevant national authority"

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 22, line 9.

*Amendments 52 and 53 agreed.*

### *Clause 21: Regulations: general*

*Amendments 54 to 56*

*Moved by* ***Lord Callanan***

**54:** Clause 21, page 22, line 14, leave out "the preceding provisions of"

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 24, line 14 to leave out "Minister of the Crown" and insert "relevant national authority".

**55:** Clause 21, page 22, line 21, leave out "the preceding provisions of"

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 24, line 14 to leave out "Minister of the Crown" and insert "relevant national authority".

**56:** Clause 21, page 22, line 23, leave out "the preceding provisions of"

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 24, line 14 to leave out "Minister of the Crown" and insert "relevant national authority".

*Amendments 54 to 56 agreed.*

### *Clause 23: Commencement, transitional and savings*

*Amendments 57 to 60*

*Moved by* ***Lord Callanan***

**57:** Clause 23, page 24, line 12, leave out from "regulations" to the end of line 13 and insert "appoint."

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 24, line 14 to leave out "Minister of the Crown" and insert "relevant national authority".

**58:** Clause 23, page 24, line 14, leave out "Minister of the Crown" and insert "relevant national authority"

Member's explanatory statement

This amendment extends the power to make transitional, transitory or saving provision to devolved authorities.

**59:** Clause 23, page 24, line 14, leave out "made by statutory instrument"

Member's explanatory statement

This amendment is consequential on the Minister's other amendment at page 24, line 14.

**60:** Clause 23, page 24, line 15, leave out "Minister" and insert "relevant national authority"

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 24, line 14 to leave out "Minister of the Crown" and insert "relevant national authority".

*Amendments 57 to 60 agreed.*

*Amendment 61 not moved.*

### *Clause 24: Extent and short title*

*Amendment 62*

*Moved by* ***Baroness Bloomfield of Hinton Waldrist***

**62:** Clause 24, page 24, line 27, at beginning insert "Subject to subsection (1A),"

Member's explanatory statement

This amendment and the Minister's other amendment to Clause 24 ensure that any amendment, repeal or revocation made by the Bill has the same extent within the United Kingdom as the provision to which it relates.

**Baroness Bloomfield of Hinton Waldrist (Con):** My Lords, government Amendments 62 and 63 to Clause 24 provide a clarification, setting out that any amendments, repeals or revocations in the Bill have the same territorial extent as the provisions they are acting on. The Bill is intended to apply UK-wide. The purpose of Clause 24 is to set out the territorial extent of the Bill, which covers England and Wales, Scotland and Northern Ireland.

The purpose of government Amendments 62 and 63 is to set out in unambiguous terms that, while the Bill extends to the whole of the UK, any amendments, revocations and repeals by the Bill extend so far as the provision they are acting on. The amendments are minor and technical in nature and will not alter the policy of the Bill. I beg to move.

*Amendment 62 agreed.*

*Amendment 63*

*Moved by* ***Baroness Bloomfield of Hinton Waldrist***

**63:** Clause 24, page 24, line 27, at end insert—

"(1A) Any amendment, repeal or revocation made by this Act has the same extent within the United Kingdom as the provision to which it relates."

Member's explanatory statement

See the statement about the Minister's other amendment to Clause 24.

*Amendment 63 agreed.*

*Amendment 64*

*Moved by* ***Lord Callanan***

**64:** Before Schedule 1, insert the following new Schedule—

*"Schedule*

*Sunset of subordinate legislation and retained direct EU legislation*

*Part 1*

*Subordinate legislation*

| *Title* | *Extent of revocation* |
|---|---|
| European Communities (Privileges of the Joint European Torus) Order 1978 (S.I. 1978/1033) | The whole Order |
| Rules of the Supreme Court (Amendment No. 4) 1978 (S.I. 1978/1066) | The whole Rules |
| Agriculture and Horticulture Development Regulations 1980 (S.I. 1980/1298) | The whole Regulations |
| Food (Revision of Penalties) Regulations 1982 (S.I. 1982/1727) | The whole Regulations |
| Food (Revision of Penalties) Regulations 1985 (S.I. 1985/67) | The whole Regulations |
| Agriculture Improvement Scheme 1985 (S.I. 1985/1029) | The whole Scheme |
| Insolvency (ECSC Levy Debts) Regulations 1987 (S.I. 1987/2093) | Regulations 3 and 4 |
| Farm Business Non-Capital Grant Scheme 1988 (S.I. 1988/1125) | The whole Scheme |
| Loading and Unloading of Fishing Vessels Regulations 1988 (S.I. 1988/1656) | The whole Regulations |
| Agriculture Improvement (Variation) (No. 2) Scheme 1988 (S.I. 1988/1983) | The whole Scheme |
| Farm and Conservation Grant Scheme 1989 (S.I. 1989/128) | The whole Scheme |
| Control of Industrial Air Pollution (Registration of Works) Regulations 1989 (S.I. 1989/318) | The whole Regulations |
| Farm and Conservation Grant (Variation) Scheme 1991 (S.I. 1991/1338) | The whole Scheme |
| Temporary Set-Aside Regulations 1991 (S.I. 1991/1847) | The whole Regulations |
| Provision of Confidential Statistical Information to the Statistical Office of the European Communities (Restriction on Disclosure) Regulations 1991 (S.I. 1991/2779) | The whole Regulations |
| Community Drivers' Hours (Passenger and Goods Vehicles) (Temporary Exception) Regulations 1993 (S.I. 1993/67) | The whole Regulations |
| Habitat (Water Fringe) Regulations 1994 (S.I. 1994/1291) | The whole Regulations |
| Habitat (Former Set-Aside Land) Regulations 1994 (S.I. 1994/1292) | The whole Regulations |
| Habitat (Salt-Marsh) Regulations 1994 (S.I. 1994/1293) | The whole Regulations |
| Petroleum (Production) (Seaward Areas) (Amendment) Regulations 1995 (S.I. 1995/1435) | The whole Regulations |
| Export Refunds (Administrative Penalties) (Rate of Interest) Regulations 1995 (S.I. 1995/2861) | The whole Regulations |
| Habitat (Salt-Marsh) (Amendment) Regulations 1995 (S.I. 1995/2871) | The whole Regulations |
| Habitat (Salt-Marsh) (Correction to Amendment) Regulations 1995 (S.I. 1995/2891) | The whole Regulations |
| Community Drivers' Hours (Passenger and Goods Vehicles) (Temporary Exception) Regulations 1996 (S.I. 1996/239) | The whole Regulations |
| Habitat (Former Set-Aside Land) (Amendment) Regulations 1996 (S.I. 1996/1478) | The whole Regulations |

| *Title* | *Extent of revocation* |
|---|---|
| Habitat (Salt-Marsh) (Amendment) Regulations 1996 (S.I. 1996/1479) | The whole Regulations |
| Habitat (Water Fringe) (Amendment) Regulations 1996 (S.I. 1996/1480) | The whole Regulations |
| Rural Development Grants (Agriculture) (Amendment) Regulations 1996 (S.I. 1996/2394) | The whole Regulations |
| Environmentally Sensitive Areas (England) Designation Orders (Amendment) Regulations 1996 (S.I. 1996/3104) | The whole Regulations |
| Habitat (Water Fringe) (Amendment) (No. 2) Regulations 1996 (S.I. 1996/3106) | The whole Regulations |
| Habitat (Former Set-Aside Land) (Amendment) (No. 2) Regulations 1996 (S.I. 1996/3107) | The whole Regulations |
| Habitat (Salt-Marsh) (Amendment) (No. 2) Regulations 1996 (S.I. 1996/3108) | The whole Regulations |
| Environmentally Sensitive Areas (England) Designation Orders (Revocation of Specified Provisions) Regulations 1997 (S.I. 1997/1456) | The whole Regulations |
| Environmentally Sensitive Areas (England) Designation Orders (Revocation of Specified Provisions) Regulations 1998 (S.I. 1998/1295) | The whole Regulations |
| Environmentally Sensitive Areas (England) Designation Orders (Revocation of Specified Provisions) Regulations 1999 (S.I. 1999/2231) | The whole Regulations |
| Indonesia (Supply, Sale, Export and Shipment of Equipment) (Penalties and Licences) Regulations 1999 (S.I. 1999/2822) | The whole Regulations |
| Habitat (Water Fringe) (Amendment) Regulations 1999 (S.I. 1999/3160) | The whole Regulations |
| Habitat (Salt-Marsh) (Amendment) Regulations 1999 (S.I. 1999/3161) | The whole Regulations |
| Meat (Enhanced Enforcement Powers) (England) Regulations 2000 (S.I. 2000/225) | The whole Regulations |
| Meat (Disease Control) (England) Regulations 2000 (S.I. 2000/2215) | The whole Regulations |
| Community Drivers' Hours (Passenger and Goods Vehicles) (Temporary Exception) Regulations 2000 (S.I. 2000/2483) | The whole Regulations |
| Community Drivers' Hours (Passenger and Goods Vehicles) (Temporary Exception) (Amendment) Regulations 2000 (S.I. 2000/2658) | The whole Regulations |
| Environmentally Sensitive Areas (Stage I) Designation Order 2000 (S.I. 2000/3049) | The whole Order |
| Environmentally Sensitive Areas (Stage II) Designation Order 2000 (S.I. 2000/3050) | The whole Order |
| Environmentally Sensitive Areas (Stage III) Designation Order 2000 (S.I. 2000/3051) | The whole Order |
| Environmentally Sensitive Areas (Stage IV) Designation Order 2000 (S.I. 2000/3052) | The whole Order |
| Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) Regulations 2001 (S.I. 2001/628) | The whole Regulations |
| Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) Regulations 2001 (S.I. 2001/1293) | The whole Regulations |
| Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) (Amendment) Regulations 2001 (S.I. 2001/1822) | The whole Regulations |
| Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) (Amendment No. 2) Regulations 2001 (S.I. 2001/2358) | The whole Regulations |
| Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) (Amendment No. 3) Regulations 2001 (S.I. 2001/2741) | The whole Regulations |
| Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) (Amendment No. 4) Regulations 2001 (S.I. 2001/2959) | The whole Regulations |
| Environmentally Sensitive Areas (Stage II) Designation (Amendment) Order 2001 (S.I. 2001/3195) | The whole Order |
| Environmentally Sensitive Areas (Stage III) Designation (Amendment) Order 2001 (S.I. 2001/3196) | The whole Order |
| Environmentally Sensitive Areas (Stage IV) Designation (Amendment) Order 2001 (S.I. 2001/3197) | The whole Order |
| Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) (Amendment No. 5) Regulations 2001 (S.I. 2001/3260) | The whole Regulations |
| Community Drivers' Hours (Foot-and-Mouth Disease) (Temporary Exception) (No. 2) (Amendment No. 6) Regulations 2001 (S.I. 2001/3508) | The whole Regulations |
| Environmentally Sensitive Areas (Stage II) Designation (Amendment) (No. 2) Order 2001 (S.I. 2001/3774) | The whole Order |
| Countryside Stewardship (Amendment) Regulations 2001 (S.I. 2001/3991) | The whole Regulations |
| Road Vehicles (Testing) (Disclosure of Information) (Great Britain) Regulations 2002 (S.I. 2002/2426) | The whole Regulations |
| Architects' Qualifications (EC Recognition) Order 2002 (S.I. 2002/2842) | Article 6 |
| Community Design (Fees) Regulations 2002 (S.I. 2002/2942) | The whole Regulations |
| Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (S.I. 2003/164) | The whole Regulations |
| Advanced Television Services Regulations 2003 (S.I. 2003/1901) | Regulations 4 and 6 |
| Reporting of Savings Income Information Regulations 2003 (S.I. 2003/3297) | The whole Regulations |
| Countryside Stewardship (Amendment) Regulations 2004 (S.I. 2004/114) | The whole Regulations |
| Environmentally Sensitive Areas (Stages I-IV) Designation (Amendment) Order 2004 (S.I. 2004/115) | The whole Regulations |
| Foreign Satellite Service Proscription Order 2005 (S.I. 2005/220) | The whole Order |
| Tax Information Exchange Agreement (Taxes on Income) (Jersey) Order 2005 (S.I. 2005/1261) | The whole Order |
| Tax Information Exchange Agreement (Taxes on Income) (Guernsey) Order 2005 (S.I. 2005/1262) | The whole Order |
| Tax Information Exchange Agreement (Taxes on Income) (Isle of Man) Order 2005 (S.I. 2005/1263) | The whole Order |

| *Title* | *Extent of revocation* |
|---|---|
| Tax Information Exchange Agreement (Taxes on Income) (Virgin Islands) Order 2005 (S.I. 2005/1457) | The whole Order |
| Tax Information Exchange Agreement (Taxes on Income) (Aruba) Order 2005 (S.I. 2005/1458) | The whole Order |
| Tax Information Exchange Agreement (Taxes on Income) (Montserrat) Order 2005 (S.I. 2005/1459) | The whole Order |
| Tax Information Exchange Agreement (Taxes on Income) (Netherlands Antilles) Order 2005 (S.I. 2005/1460) | The whole Order |
| Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) Regulations 2006 (S.I. 2006/17) | The whole Regulations |
| Community Drivers' Hours and Working Time (Road Tankers) (Temporary Exception) (Amendment) Regulations 2006 (S.I. 2006/244) | The whole Regulations |
| Civil Aviation (Safety of Third Country Aircraft) Regulations 2006 (S.I. 2006/1384) | The whole Regulations |
| Tax Information Exchange Agreement (Taxes on Income) (Gibraltar) Order 2006 (S.I. 2006/1453) | The whole Order |
| Water Resources (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/3124) | The whole Regulations |
| Road Tolling (Interoperability of Electronic Road User Charging and Road Tolling Systems) Regulations 2007 (S.I. 2007/58) | The whole Regulations |
| Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007 (S.I. 2007/292) | The whole Regulations |
| Asylum (Procedures) Regulations 2007 (S.I. 2007/3187) | Regulations 4 and 6 |
| Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331) | Regulations 3 to 5, 6(1)(b), (2) and (3), 7, 8, 12 to 19 and 22 to 25 and the Schedule |
| Artist's Resale Right (Amendment) Regulations 2009 (S.I. 2009/2792) | The whole Regulations |
| Flood Risk Regulations 2009 (S.I. 2009/3042) | The whole Regulations |
| Food Enzymes Regulations 2009 (S.I. 2009/3235) | Regulation 10 |
| Food Additives (England) Regulations 2009 (S.I. 2009/3238) | The whole Regulations |
| Hill Farm Allowance Regulations 2010 (S.I. 2010/167) | The whole Regulations |
| Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) (No.2) Regulations 2010 (S.I. 2010/896) | The whole Regulations |
| Flood Risk (Cross Border Areas) Regulations 2010 (S.I. 2010/1102) | Regulations 2 to 25 |
| Local Land Charges (Amendment) Rules 2010 (S.I. 2010/1812) | The whole Rules |
| Foodstuffs Suitable for People Intolerant to Gluten (England) Regulations 2010 (S.I. 2010/2281) | The whole Regulations |
| Flavourings in Food (England) Regulations 2010 (S.I. 2010/2817) | The whole Regulations |
| Uplands Transitional Payment Regulations 2011 (S.I. 2011/135) | The whole Regulations |
| Promotion of the Use of Energy from Renewable Sources Regulations 2011 (S.I. 2011/243) | The whole Regulations |
| Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484) | In Schedule 7, paragraphs 2(5), 9, 16(5)(a) and 24 |
| Architects (Recognition of European Qualifications) Regulations 2011 (S.I. 2011/2008) | The whole Regulations |
| Merchant Shipping (Flag State Directive) Regulations 2011 (S.I. 2011/2667) | The whole Regulations |
| Uplands Transitional Payment Regulations 2012 (S.I. 2012/114) | The whole Regulations |
| Wireless Telegraphy (Control of Interference from Apparatus) (The London Olympic Games and Paralympic Games) Regulations 2012 (SI 2012/1519) | The whole Regulations |
| European Administrative Co-Operation (Taxation) Regulations 2012 (SI 2012/3062) | The whole Regulations |
| Motor Fuel (Road Vehicle and Mobile Machinery) Greenhouse Gas Emissions Reporting Regulations 2012 (SI 2012/3030) | The whole Regulations |
| Uplands Transitional Payment Regulations 2013 (S.I. 2013/109) | The whole Regulations |
| Environmental Permitting (England and Wales) (Amendment) Regulations 2013 (S.I. 2013/390) | The whole Regulations |
| Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2013 (S.I. 2013/766) | The whole Regulations |
| Energy Efficiency (Eligible Buildings) Regulations 2013 (S.I. 2013/3220) | The whole Regulations |
| Architects Act 1997 (Amendments etc) Order 2014 (S.I. 2014/4) | Article 2(a) |
| Uplands Transitional Payment Regulations 2014 (S.I. 2014/112) | The whole Regulations |
| Energy Efficiency (Building Renovation and Reporting) Regulations 2014 (S.I. 2014/952) | The whole Regulations |
| Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014 (S.I. 2014/1403) | The whole Regulations |
| Posted Workers (Enforcement of Employment Rights) Regulations 2016 (S.I. 2016/539) | The whole Regulations |
| Architects Act 1997 (Amendment) Order 2016 (S.I. 2016/1088) | The whole Order |
| Water Resources (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2017 (S.I. 2017/583) | The whole Regulations |
| National Emission Ceilings Regulations 2018 (S.I. 2018/129) | Regulations 9 and 10 |
| Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) | Part 4 |
| European Union (Definition of Treaties) (Comprehensive and Enhanced Partnership Agreement) (Armenia) Order 2018 (S.I. 2018/1063) | The whole Order |
| European Union (Definition of Treaties) (Association Agreement) (Central America) Order 2018 (S.I. 2018/1065) | The whole Order |
| European Union (Definition of Treaties) (Strategic Partnership Agreement) (Canada) Order 2018 (S.I. 2018/1066) | The whole Order |
| European Union (Definition of Treaties) (Framework Agreement) (Australia) Order 2018 (S.I. 2018/1067) | The whole Order |

| *Title* | *Extent of revocation* |
|---|---|
| European Union (Definition of Treaties) (Political Dialogue and Cooperation Agreement) (Cuba) Order 2018 (S.I. 2018/1068 | The whole Order |
| European Union (Definition of Treaties) (Enhanced Partnership and Cooperation Agreement) (Kazakhstan) Order 2018 (S.I. 2018/1069) | The whole Order |
| European Union (Definition of Treaties) (Partnership Agreement on Relations and Cooperation) (New Zealand) Order 2018 (S.I. 2018/1070) | The whole Order |
| European Union (Definition of Treaties) (Partnership and Cooperation Agreement) (Turkmenistan) Order 2018 (S.I. 2018/1071) | The whole Order |
| Data Retention and Acquisition Regulations 2018 (S.I. 2018/1123) | Regulation 3 |
| Port Services Regulations 2019 (S.I. 2019/575) | The whole Regulations |
| Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/810) | Regulation 2 |
| Intra-EU Communications (EU Regulation) Regulations 2019 (S.I. 2019/980) | The whole Regulations |
| Wireless Telegraphy (Mobile Repeater) (Exemption) (Amendment) Regulations 2019 (S.I. 2019/1450) | The whole Regulations |
| Posted Workers (Agency Workers) Regulations 2020 (S.I. 2020/384) | The whole Regulations |

*Part 2*
*Retained direct EU legislation*

| *Title* | *Extent of Revocation* |
|---|---|
| Regulation (EEC) No 706/73 of the Council of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products | The whole Regulation |
| Regulation (EEC) No 859/73 of the Commission of 30 March 1973 fixing the export levies on olive oil | The whole Regulation |
| Commission Regulation (EEC) No 1361/76 of 14 June 1976 laying down certain detailed rules for applying the export refund on rice and on mixtures of rice | The whole Regulation |
| Commission Regulation (EEC) No 1842/81 of 3 July 1981 laying down detailed rules for implementing Regulation (EEC) No 1188/81 relating to general rules for granting refunds adjusted in the case of cereals exported in the form of certain spirituous beverages | The whole Regulation |
| Commission Regulation (EEC) No 3423/81 of 30 November 1981 on communication by the Member States of data concerning exports of cereal and rice products as food aid | The whole Regulation |
| Council Regulation (EEC) No 56/83 of 16 December 1982 concerning the implementation of the Agreement on the international carriage of passengers by road by means of occasional coach and bus services (ASOR) | The whole Regulation |
| Commission Regulation (EEC) No 2003/84 of 12 July 1984 fixing the export refunds on cereals and on wheat or rye flour, groats and meal | The whole Regulation |
| Council Regulation (EEC) No 1899/85 of 8 July 1985 establishing a minimum mesh size for nets used when fishing for capelin in that part of the zone of the Convention on future multilateral cooperation in the north-east Atlantic fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention | The whole Regulation |
| Commission Regulation (EEC) No 3716/85 of 27 December 1985 laying down certain technical and control measures relating to the fishing activities in Spanish waters of vessels flying the flag of another Member State except Portugal | The whole Regulation |
| Commission Regulation (EEC) No 3719/85 of 27 December 1985 laying down certain technical measures and control measures relating to the fishing activities in Portuguese waters of vessels flying the flag of another Member State except Spain | The whole Regulation |
| Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff | The whole Regulation |
| Commission Regulation (EEC) No 3556/87 of 26 November 1987 laying down additional detailed rules for the application of the system of advance-fixing certificates in the case of certain cereal sector products exported in the form of pasta falling within heading No 19.03 of the Common Customs Tariff | The whole Regulation |
| Commission Regulation (EEC) No 3846/87 of 17 December 1987 establishing an agricultural product nomenclature for export refunds | The whole Regulation |
| Council Regulation (EEC) No 1096/88 of 25 April 1988 establishing a Community scheme to encourage the cessation of farming | The whole Regulation |
| Commission Regulation (EEC) No 120/89 of 19 January 1989 laying down common detailed rules for the application of export levies and charges on agricultural products | The whole Regulation |
| Commission Regulation (EEC) No 205/92 of 30 January 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal | The whole Regulation |
| Commission Regulation (EEC) No 338/92 of 12 February 1992 laying down detailed rules for the application of Council Regulation (EEC) No 3763/91 with regard to the Community quota for the import of 8 000 tonnes of wheat bran falling within CN code 2302 30 originating in the ACP States into the French overseas department of Réunion | The whole Regulation |
| Commission Regulation (EC) No 3330/94 of 21 December 1994 on the tariff classification of certain poultry cuts and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff | The whole Regulation |
| Council Decision of 22 December 1994 on the extension of the legal protection of topographies of semiconductor products to persons Decision from a Member of the World Trade Organization (94/824/EC) | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector | The whole Regulation |
| Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC | The whole Regulation |
| Council Decision of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (95/399/EC) | The whole Decision |
| Commission Regulation (EC) No 2810/95 of 5 December 1995 on the tariff classification of pig carcases and half-carcases and amending Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff | The whole Regulation |
| Council Decision of 29 March 1996 concerning the signing and provisional application of the International Tropical Timber Agreement 1994 on behalf of the European Community (96/493/EC) | The whole Decision |
| Commission Decision of 22 April 1998 concerning the placing on the market of genetically modified maize (Zea mays L. line MON 810), pursuant to Council Directive 90/220/EEC (98/294/EC) | The whole Decision |
| Commission Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council on biocidal products | The whole Regulation |
| Commission Regulation (EC) No 2056/2001 of 19 October 2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the west of Scotland | The whole Regulation |
| Commission Regulation (EC) No 2298/2001 of 26 November 2001 laying down detailed rules for the export of products supplied as food aid | The whole Regulation |
| Council Decision of 3 October 2002 establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council the summary information format relating to the placing on the market of genetically modified organisms as or in products (2002/812/EC) | The whole Decision |
| Council Decision of 3 October 2002 establishing, pursuant to Directive 2001/18/EC of the European Parliament and of the Council, the summary notification information format for notifications concerning the deliberate release into the environment of genetically modified organisms for purposes other than for placing on the market (2002/813/EC) | The whole Decision |
| Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs | The whole Regulation |
| Commission Regulation (EC) No 2004/2002 of 8 November 2002 relating to the procedure for determining the meat and fat content of certain pigmeat products | The whole Regulation |
| Commission Regulation (EC) No 2246/2002 of 16 December 2002 on the fees payable to the Office for Harmonization in the Internal Regulation Market (Trade Marks and Designs) in respect of the registration of Community designs | The whole Regulation |
| Commission Regulation (EC) No 33/2003 of 9 January 2003 on the issue of import licences for high- quality fresh, chilled or frozen beef and veal | The whole Regulation |
| Commission Decision of 23 February 2004 laying down detailed arrangements for the operation of the registers for recording information on genetic modifications in GMOs, provided for in Directive 2001/18/EC of the European Parliament and of the Council (2004/204/EC) | Articles 5 and 6 |
| Commission Decision of 19 March 2004 concerning guidance for implementation of Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air (2004/279/EC) | The whole Decision |
| Commission Regulation (EC) No 2002/2004 of 22 November 2004 on the issuing of system A3 export licences in the fruit and vegetables sector (tomatoes, oranges, lemons, table grapes and apples) | The whole Regulation |
| Commission Decision of 18 April 2005 on the extension of the limited recognition of 'RINAVE — Registro Internacional Naval, SA' (2005/311/EC) | The whole Decision |
| Commission Decision of 4 May 2005 establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (2005/381/EC) | The whole Decision |
| Council Regulation (EC) No 919/2005 of 13 June 2005 amending Regulation (EC) No 827/2004 as regards the prohibition of imports of Atlantic bigeye tuna from Cambodia, Equatorial Guinea and Sierra Leone, and repealing Regulation (EC) No 826/2004 prohibiting imports of blue-fin tuna from Equatorial Guinea and Sierra Leone and Regulation (EC) No 828/2004 prohibiting imports of swordfish from Sierra Leone | The whole Regulation |
| Commission Decision of 21 June 2005 establishing a network group for the exchange and coordination of information concerning coexistence of genetically modified, conventional and organic crops (2005/463/EC) | The whole Decision |
| Commission Regulation (EC) No 1993/2005 of 7 December 2005 on the adjustment of the export refunds on malt under Article 15(4) of Regulation Council Regulation (EC) No 1784/2003 | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Regulation (EC) No 952/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system | The whole Regulation |
| Commission Regulation (EC) No 967/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota | The whole Regulation |
| Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector | The whole Regulation |
| Commission Decision of 29 September 2006 granting Community limited recognition to the Polish Register of Shipping (2006/660/EC) | The whole Decision |
| Commission Regulation (EC) No 1643/2006 of 7 November 2006 laying down detailed rules for the application of granting of assistance for the export of beef and veal products which may benefit from a special import treatment in a third country | The whole Regulation |
| Commission Regulation (EC) No 1670/2006 of 10 November 2006 laying down certain detailed rules for the application of Council Regulation (EC) No 1784/2003 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks | The whole Regulation |
| Commission Regulation (EC) No 1731/2006 of 23 November 2006 on special detailed rules for the application of export refunds in the case of certain preserved beef and veal products | The whole Regulation |
| Commission Regulation (EC) No 1741/2006 of 24 November 2006 laying down the conditions for granting the special export refund on boned meat of adult male bovine animals placed under the customs warehousing procedure prior to export | The whole Regulation |
| Commission Regulation (EC) No 88/2007 of 12 December 2006 laying down special detailed rules for the application of the system of export refunds on cereals exported in the form of pasta products falling within CN codes 19021100 and 190219 | The whole Regulation |
| Commission Decision of 20 December 2006 concerning the extension of the deadline for placing on the market of biocidal products containing certain active substances not examined during the ten-year work programme referred to in Article 16(2) of Directive 98/8/EC (2007/70/EC) | The whole Decision |
| Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required | The whole Regulation |
| Commission Regulation (EC) No 433/2007 of 20 April 2007 laying down the conditions for granting special export refunds for beef and veal | The whole Regulation |
| Commission Regulation (EC) No 504/2007 of 8 May 2007 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector | The whole Regulation |
| Commission Decision of 23 May 2007 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (2007/364/EC) | The whole Decision |
| Council Decision of 7 June 2007 authorising Member States to ratify, in the interests of the European Community, the Maritime Labour Convention, 2006, of the International Labour Organisation (2007/431/EC) | The whole Decision |
| Council Regulation (EC) No 643/2007 of 11 June 2007 amending (EC) No 41/2007 as concerns the recovery plan for bluefin tuna recommended by the International Commission for the Conservation of Atlantic Tunas | The whole Regulation |
| Commission Decision of 17 July 2007 on establishing the European High Level Group on Nuclear Safety and Waste Management (2007/530/Euratom) | The whole Decision |
| Commission Regulation (EC) No 877/2007 of 24 July 2007 amending Regulation (EC) No 2246/2002 concerning the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) following the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs | The whole Regulation |
| Commission Decision of 2 October 2007 establishing a common format for the submission of data and information pursuant to Regulation (EC) No 850/2004 of the European Parliament and of the Council concerning persistent organic pollutants (2007/639/EC) | The whole Decision |
| Commission Regulation (EC) No 1359/2007 of 21 November 2007 laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals | The whole Regulation |
| Commission Decision of 29 November 2007 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC (2007/794/EC) | The whole Decision |
| Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export refunds for certain agricultural products | The whole Regulation |
| Council Regulation (EC) No 40/2008 of 16 January 2008 fixing for 2008 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Decision of 1 April 2008 establishing a specific control and inspection programme related to the recovery of bluefin tuna in the Eastern Atlantic and the Mediterranean (2008/323/EC) | The whole Decision |
| Commission Decision of 8 May 2008 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive98/8/EC of the European Parliament and of the Council (2008/423/EC) | The whole Decision |
| Commission Regulation (EC) No 508/2008 of 6 June 2008 on the definition, applicable to the granting of export refunds, of hulled grains and pearled grains of cereals | The whole Regulation |
| Commission Regulation (EC) No 536/2008 of 13 June 2008 giving effect to Article 6(3) and Article 7 of Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships and amending that Regulation | The whole Regulation |
| Commission Regulation (EC) No 903/2008 of 17 September 2008 on special conditions for granting export refunds on certain pigmeat products | The whole Regulation |
| Commission Regulation (EC) No 1041/2008 of 23 October 2008 laying down certain detailed rules for granting of assistance for the export of beef and veal which may benefit from a special import treatment in Canada | The whole Regulation |
| Commission Decision of 31 October 2008 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC (2008/831/EC) | The whole Decision |
| Commission Decision of 12 November 2008 on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Kenya with regard to tuna loins (2008/886/EC) | The whole Decision |
| Commission Decision of 20 November 2008 defining a format for the submission of the information by Member States in accordance with Article 7(4)(b)(iii) of the Regulation (EC) No 850/2004 of the European Parliament and of the Council (2009/63/EC) | The whole Decision |
| Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 | Annex VIII |
| Commission Regulation (EC) No 147/2009 of 20 February 2009 on defining the destination zones for exports refunds, export levies and certain export licences for cereals and rice | The whole Regulation |
| Commission Decision of 16 March 2009 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (2009/244/EC) | The whole Decision |
| Commission Regulation (EC) No 296/2009 of 8 April 2009 on detailed rules for administrative assistance with the exportation of certain cheeses subject to quota restrictions that qualifies for special treatment on importation into the United States of America | The whole Regulation |
| Commission Decision of 8 April 2009 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2009/321/EC) | The whole Decision |
| Commission Regulation (EC) No 335/2009 of 23 April 2009 fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008 | The whole Regulation |
| Commission Regulation (EC) No 388/2009 of 12 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the import and export system for products processed from cereals and rice | The whole Regulation |
| Commission Decision of 8 June 2009 on the detailed interpretation of the aviation activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council (2009/450/EC) | The whole Decision |
| Commission Regulation (EC) No 612/2009 of 7 July 2009 on laying down common detailed rules for the application of the system of export refunds on agricultural products | The whole Regulation |
| Council Regulation (EC) No 754/2009 of 27 July 2009 excluding certain groups of vessels from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008 | The whole Regulation |
| Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |
| Commission Decision of 30 September 2009 extending without limitations the Community recognition of the Polish Register of Shipping (2009/728/EC) | The whole Decision |
| Commission Decision of 18 December 2009 designating the Community Fisheries Control Agency as the body to carry out certain tasks under Council Regulation (EC) No 1005/2008 (2009/988/EU) | The whole Decision |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of Regulation fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required and amending (EC) No 1359/2008, (EC) No 754/2009, (EC) No 1226/2009 and (EC) No 1287/2009 | The whole Regulations |
| Commission Regulation (EU) No 82/2010 of 28 January 2010 amending Regulation (EC) No 748/2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |
| Commission Decision of 9 February 2010 setting a new deadline for the submission of a dossier for terbutryn to be examined under the 10-year work programme referred to in Article 16(2) of Directive98/8/EC of the European Parliament and of the Council (2010/77/EU) | The whole Decision |
| Commission Decision of 9 February 2010 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2010/84/EU) | The whole Decision |
| Commission Regulation (EU) No 192/2010 of 5 March 2010 fixing the import duties applicable to semi-milled and wholly milled rice from 6 March 2010 | The whole Regulation |
| Commission Regulation (EU) No 234/2010 of 19 March 2010 laying down certain detailed rules for the application of Council Regulation (EC) No 1234/2007 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals | The whole Regulation |
| Commission Regulation (EU) No 237/2010 of 22 March 2010 laying down detailed rules for the application of Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks | The whole Regulation |
| Commission Decision of 14 April 2010 amending Directive 2009/42/EC of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea (2010/216/EU) | The whole Decision |
| Council Decision of 17 May 2010 on the signing of a Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (2010/615/EU) | The whole Decision |
| Commission Decision of 21 May 2010 on the establishment of a Register for Biocidal Products (2010/296/EU) | The whole Decision |
| Council Regulation (EU) No 621/2010 of 3 June 2010 concerning the allocation of the fishing opportunities under the Fisheries Partnership Agreement between the European Union and Solomon Islands | The whole Regulation |
| Council Decision of 3 June 2010 on the signing, on behalf of the European Union, and provisional application of the Understanding between the European Union and the Republic of Chile concerning the conservation of swordfish stocks in the South-Eastern Pacific Ocean (2010/343/EC) | The whole Decision |
| Council Decision of 3 June 2010 on the signing, on behalf of the European Union, and on provisional application of the Fisheries Partnership Agreement between the European Union and Solomon Islands (2010/397/EU) | The whole Decision |
| Council Decision of 7 June 2010 authorising Member States to ratify, in the interests of the European Union, the Work in Fishing Convention, 2007, of the International Labour Organisation (Convention No 188) (2010/321/EU) | The whole Decision |
| Council Decision of 24 June 2010 on the signing, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (2011/189/EU) | The whole Decision |
| Commission Decision of 28 June 2010 on the recognition of Israel as regards education, training and certification of seafarers for the recognition of certificates of competency (2010/361/EU) | The whole Decision |
| Commission Decision of 28 June 2010 on the recognition of Algeria as regards education, training and certification of seafarers for the recognition of certificates of competency (2010/363/EU) | The whole Decision |
| Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards | The whole Regulation |
| Council Regulation (EU) No 685/2010 of 26 July 2010 establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2010/11 fishing season and amending Regulation (EU) No 53/2010 | The whole Regulation |
| Commission Regulation (EU) No 817/2010 of 16 September 2010 laying down detailed rules pursuant to Council Regulation (EC) No 1234/2007 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport | The whole Regulation |
| Council Decision of 27 September 2010 on the signing of a Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (2011/200/EU) | The whole Decision |
| Commission Decision of 22 October 2010 adjusting the Union-wide quantity of allowances to be issued under the Union Scheme for Decision 2013 and repealing 2010/384/EU (2010/634/EU) | The whole Decision |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Decision of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO2 as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive2003/87/EC of the European Parliament and of the Council (2010/670/EU) | The whole Decision |
| Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a system for greenhouse gas emission allowances trading within the Community | The whole Regulation |
| Commission Decision of 22 November 2010 on the recognition of Sri Lanka as regards education, training and certification of seafarers for the recognition of certificates of competency (2010/704/EU) | The whole Decision |
| Commission Decision of 22 November 2010 on the withdrawal of the recognition of Georgia as regards education, training and certification of seafarers for the recognition of certificates of competency (2010/705/EU) | The whole Decision |
| Regulation (EU) No 1090/2010 of the European Parliament and of the Council of 24 November 2010 amending Directive 2009/42/EC on statistical returns in respect of carriage of goods and passengers by sea | The whole Regulation |
| Council Regulation (EU) No 1124/2010 of 29 November 2010 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea | The whole Regulation |
| Council Decision of 6 December 2010 on the conclusion of a Fisheries The whole Partnership Agreement between the European Union and Solomon Decision Islands (2010/763/EU) | The whole Decision |
| Council Regulation (EU) No 156/2011 of 13 December 2010 concerning the allocation of the fishing opportunities under the Protocol to the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia | The whole Regulation |
| Commission Regulation (EU) No 1178/2010 of 13 December 2010 laying down detailed rules for implementing the system of export licences in the egg sector | The whole Regulation |
| Council Regulation (EU) No 1225/2010 of 13 December 2010 fixing for 2011 and 2012 the fishing opportunities for EU vessels for fish stocks of certain deep-sea fish species | The whole Regulation |
| Council Regulation (EU) No 1256/2010 of 17 December 2010 fixing the fishing opportunities for certain fish stocks applicable in the Black Sea for 2011 | The whole Regulation |
| Council Regulation (EU) No 1263/2010 of 20 December 2010 Protocol setting out the fishing opportunities and the financial concerning the allocation of the fishing opportunities under the contribution provided for by the Fisheries Partnership Agreement 790 between the European Community and the Republic of Seychelles | The whole Regulation |
| Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters | The whole Regulation |
| Commission Regulation (EU) No 115/2011 of 2 February 2011 amending Regulation (EC) No 748/2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |
| Commission Regulation (EU) No 90/2011 of 3 February 2011 laying down detailed rules for implementing the system of export licences in the poultrymeat sector | The whole Regulation |
| Council Regulation (EU) No 501/2011 of 24 February 2011 on the allocation of fishing opportunities under the Protocol to the Fisheries Partnership Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe | The whole Regulation |
| Commission Decision of 7 March 2011 on historical aviation emissions pursuant to Article 3c(4) of Directive 2003/87/EC of the Decision European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community (2011/149/EU) | The whole Decision |
| Commission Decision of 29 March 2011 establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean | The whole Decision |
| Commission Regulation (EU) No 394/2011 of 20 April 2011 amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator as regards the expansion of the Union emission trading scheme to EEA-EFTA countries | The whole Regulation |
| Commission Decision of 27 April 2011 on the recognition of Tunisia as regards education, training and certification of seafarers for the recognition of certificates of competency (2011/259/EU) | The whole Decision |
| Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (2011/278/EU) | The whole Decision |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Regulation (EU) No 550/2011 of 7 June 2011 on determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, certain restrictions applicable to the use of international credits from projects involving industrial gases | The whole Regulation |
| Council Regulation (EU) No 660/2011 of 9 June 2011 concerning the allocation of fishing opportunities under the Protocol agreed between the European Union and the Republic of Cape Verde setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force | The whole Regulation |
| Commission Decision of 28 June 2011 on the recognition of Ecuador pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (2011/385/EU) | The whole Decision |
| Commission Decision of 30 June 2011 on the Union-wide quantity of allowances referred to in Article 3e(3)(a) to (d) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (2011/389/EU) | The whole Decision |
| Commission Implementing Decision of 13 July 2011 adopting guidelines for reporting by the Member States under Directive 2010/40/EU of the European Parliament and of the Council (2011/453/EU) | The whole Decision |
| Council Regulation (EU) No 716/2011 of 19 July 2011 establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2011/2012 fishing season | The whole Regulation |
| Commission Implementing Decision on the recognition of Azerbaijan pursuant to Directive 2008/106/EC of 25 August 2011 of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (2011/517/EU) | The whole Decision |
| Commission Decision of 26 September 2011 on benchmarks to allocate greenhouse gas emission allowances free of charge to aircraft operators pursuant to Article 3e of Directive 2003/87/EC of the European Parliament and of the Council (2011/638/EU) | The whole Decision |
| Council Decision of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (2012/130/EU) | The whole Decision |
| Council Decision of 10 October 2011 on the conclusion of the Protocol agreed between the European Union and the Republic of Cape Verde setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force (2011/679/EU) | The whole Decision |
| Council Regulation (EU) No 1385/2011 of 14 November 2011 on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Republic of Guinea-Bissau setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force | The whole Regulation |
| Commission Decision of 18 November 2011 establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council (2011/753/EU) | The whole Decision |
| Commission Regulation (EU) No 1210/2011 of 23 November 2011 amending Regulation (EU) No 1031/2010 in particular to determine the volume of greenhouse gas emission allowances to be auctioned prior to 2013 | The whole Regulation |
| Council Regulation (EU) No 1256/2011 of 30 November 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) No 1124/2010 | The whole Regulation |
| Commission Implementing Decision of 7 December 2011 on the recognition of Cape Verde pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (2011/821/EU) | The whole Decision |
| Commission Implementing Decision of 7 December 2011 on the recognition of Bangladesh pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (2011/822/EU) | The whole Decision |
| Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council | The whole Regulation |
| Council Decision of 16 December 2011 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (2012/19/EU) | The whole Decision |
| Council Regulation (EU) No 5/2012 of 19 December 2011 fixing for2012 the fishing opportunities for certain fish stocks and groups of Regulation fish stocks applicable in the Black Sea | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Decision of 20 December 2011 repealing Council Decision 2011/491/EU on the signing, on behalf of the European Union, and the provisional application of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco (2012/15/EU) | The whole Decision |
| Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements | The whole Regulation |
| Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements | The whole Regulation |
| Council Regulation (EU) No 134/2012 of 23 January 2012 concerning the allocation of fishing opportunities under the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique | The whole Regulation |
| Commission Implementing Decision of 2 February 2012 on the recognition of the RINA SpA (Italian Register of Shipping) as a classification society for inland waterway vessels (2012/64/EU) | The whole Decision |
| Commission Implementing Decision of 2 February 2012 on the recognition of the Russian Maritime Register of Shipping as a classification society for inland waterway vessels (2012/65/EU) | The whole Decision |
| Commission Implementing Decision of 2 February 2012 on the recognition of the Polski Rejestr Statków S.A. (Polish Register of Shipping) as a classification society for inland waterway vessels (2012/66/EU) | The whole Decision |
| Commission Regulation (EU) No 100/2012 of 3 February 2012 amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator also taking into consideration the expansion of the Union emission trading scheme to EEA-EFTA countries | The whole Regulation |
| Commission Delegated Decision of 3 February 2012 amending Directive 2009/42/EC of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea (2012/186/EU) | The whole Decision |
| Commission Implementing Decision of 9 February 2012 on the recognition of Ghana pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (2012/75/EU) | The whole Decision |
| Commission Implementing Decision of 9 February 2012 on the recognition of Uruguay pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (2012/76/EU) | The whole Decision |
| Commission Implementing Decision of 10 February 2012 laying down rules concerning the transitional national plans referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (2012/115/EU) | The whole Decision |
| Council Decision of 28 February 2012 on the conclusion of the Protocol agreed between the European Union and the Republic of Guinea-Bissau setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force (2012/145/EU) | The whole Decision |
| Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 on entrusting the Office for Regulation Harmonization in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights | The whole Regulation |
| Commission Implementing Decision of 2 May 2012 amending 2011/207/EU establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean (2012/246/EU) | The whole Decision |
| Commission Implementing Regulation (EU) No 481/2012 of 7 June 2012 laying down rules for the management of a tariff quota for high-quality beef | The whole Regulation |
| Council Decision of 12 June 2012 on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique (2012/306/EU) | The whole Decision |
| Council Regulation (EU) No 972/2012 of 16 July 2012 establishing the deadline in the event of underutilisation of fishing opportunities Regulation under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand | The whole Regulation |
| Council Decision of 16 July 2012 on the signing, on behalf of the European Union, and the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community on the one hand and the Government of Denmark and the Home Rule Government of Greenland, on the other hand (2012/653/EU) | The whole Decision |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Regulation (EU) No 694/2012 of 27 July 2012 establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2012/13 fishing season | The whole Regulation |
| Commission Decision of 17 August 2012 amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage (2012/498/EU) | The whole Decision |
| Commission Decision of 20 August 2012 setting a new deadline for the submission of dossiers for certain substances to be examined under the 14-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (2012/483/EU) | The whole Decision |
| Commission Regulation (EU) No 784/2012 of 30 August 2012 amending Regulation (EU) No 1031/2010 to list an auction platform to be appointed by Germany and correcting Article 59(7) thereof | The whole Regulation |
| Commission Implementing Decision of 17 September 2012 on the recognition of Egypt pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (2012/505/EU) | The whole Decision |
| Council Regulation (EU) No 998/2012 of 9 October 2012 on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other | The whole Regulation |
| Council Regulation (EU) No 999/2012 of 9 October 2012 on the allocation of fishing opportunities under the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius | The whole Regulation |
| Council Decision of 9 October 2012 on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2012/669/EU) | The whole Decision |
| Council Decision of 9 October 2012 on the signing, on behalf of the European Union, of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (2012/670/EU) | The whole Decision |
| Commission Regulation (EU) No 1042/2012 of 7 November 2012 amending Regulation (EU) No 1031/2010 to list an auction platform to be appointed by the United Kingdom | The whole Regulation |
| Commission Decision of 15 November 2012 on notifying the third countries that the Commission considers as possible of being identified as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (2012/C 354/01) | The whole Decision |
| Council Regulation (EU) No 1088/2012 of 20 November 2012 fixing for 2013 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea | The whole Regulation |
| Council Regulation (EU) No 1258/2012 of 28 November 2012 on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force | The whole Regulation |
| Council Regulation (EU) No 1259/2012 of 3 December 2012 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania for a period of two years, and amending Regulation (EC) No 1801/2006 | The whole Regulation |
| Commission Implementing Decision of 13 December 2012 on the recognition of the Hashemite Kingdom of Jordan pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (2012/783/EU) | The whole Decision |
| Council Regulation (EU) No 1261/2012 of 20 December 2012 fixing for 2013 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea | The whole Regulation |
| Council Regulation (EU) No 1262/2012 of 20 December 2012 fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks | The whole Regulation |
| Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency | The whole Regulation |
| Council Regulation (EU) No 39/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements | The whole Regulation |
| Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Regulation (EU) No 109/2013 of 29 January 2013 amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator also taking into consideration the expansion of the Union emission trading scheme to EEA-EFTA countries | The whole Regulation |
| Decision No 377/2013/EU of the European Parliament and of the Council of 24 April 2013 derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community | The whole Decision |
| Council Regulation (EU) No 591/2013 of 29 May 2013 on the allocation of the fishing opportunities under the Protocol setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (2013-18) | The whole Regulation |
| Commission Implementing Regulation (EU) No 564/2013 of 18 June 2013 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products | The whole Regulation |
| Council Regulation (EU) No 897/2013 of 22 July 2013 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic | The whole Regulation |
| Council Regulation (EU) No 713/2013 of 23 July 2013 establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2013/14 fishing season | The whole Regulation |
| Commission Implementing Decision of 13 August 2013 amending Decision 2011/207/EU establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean (2013/432/EU) | The whole Decision |
| Commission Regulation (EU) No 815/2013 of 27 August 2013 amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator to take into consideration the accession of Croatia to the European Union | The whole Regulation |
| Commission Decision of 5 September 2013 on the standard capacity utilisation factor pursuant to Article 18(2) of Decision 2011/278/EU (2013/447/EU) | The whole Decision |
| Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (2013/448/EU) | The whole Decision |
| Council Decision of 23 September 2013 on the signing, on behalf of the European Union, of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products to the European Union (2013/486/EU) | The whole Decision |
| Commission Regulation (EU) No 1123/2013 of 8 November 2013 on determining international credit entitlements pursuant to Directive 2003/87/EC of the European Parliament and of the Council | The whole Regulation |
| Commission Regulation (EU) No 1143/2013 of 13 November 2013 amending Regulation (EU) No 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community in particular to list an auction platform to be appointed by Germany | The whole Regulation |
| Commission Implementing Decision of 26 November 2013 identifying the third countries that the Commission considers as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (2013/C 346/02) | The whole Decision |
| Council Regulation (EU) No 1180/2013 of 19 November 2013 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea | The whole Regulation |
| Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the Regulation development of the trans-European transport network and repealing No 661/2010/EU | The whole Decision |
| Commission Implementing Decision of 13 December 2013 amending the recognition of Det Norske Veritas pursuant to Regulation (EC) No 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations (2013/765/EU) | The whole Decision |
| Council Regulation (EU) No 1390/2013 of 16 December 2013 on the allocation of fishing opportunities under the Protocol agreed between the European Union and the Union of the Comoros setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement currently in force between the two parties | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Regulation (EU) No 11/2014 of 16 December 2013 concerning the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles | The whole Regulation |
| Decision No 1359/2013/EU of the European Parliament and of the Council of 17 December 2013 amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances | The whole Decision |
| Commission Decision of 18 December 2013 amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage (2014/9/EU) | The whole Decision |
| Commission Implementing Regulation (EU) No 1373/2013 of 19 December 2013 laying down detailed rules for implementing the system of export licences in the pigmeat sector | The whole Regulation |
| Commission Implementing Decision of 19 December 2013 on the recognition of Georgia pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers (2013/794/EU) | The whole Decision |
| Council Regulation (EU) No 24/2014 of 10 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea | The whole Regulation |
| Commission Delegated Regulation (EU) No 473/2014 of 17 January 2014 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards supplementing Annex III thereto with new indicative maps | The whole Regulation |
| Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters | The whole Regulation |
| Commission Regulation (EU) No 100/2014 of 5 February 2014 amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |
| Commission Decision of 13 February 2014 concerning the placing on the market for essential use of biocidal products containing copper (2014/85/EU) | The whole Decision |
| Commission Regulation (EU) No 176/2014 of 25 February 2014 amending Regulation (EU) No 1031/2010 in particular to determine the volumes of greenhouse gas emission allowances to be auctioned in 2013-20 | The whole Regulation |
| Regulation (EU) No 249/2014 of the European Parliament and of the Council of 26 February 2014 repealing Council Regulation (EC) No 827/2004 prohibiting imports of Atlantic bigeye tuna (Thunnus obesus) originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and repealing Regulation (EC) No 1036/2001 | The whole Regulation |
| Commission Implementing Decision of 18 March 2014 on the organisation of a temporary experiment providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize pursuant to Council Directive 66/402/EEC (2014/150/EU) | The whole Decision |
| Commission Implementing Decision of 21 March 2014 amending Decision 2005/381/EC as regards the questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council (2014/166/EU) | The whole Decision |
| Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 | The whole Regulation |
| Council Decision of 14 April 2014 on the conclusion of the Voluntary The whole Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products to the European Union (2014/284/EU) | The whole Decision |
| Regulation (EU) No 421/2014 of the European Parliament and of the Council of 16 April 2014 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions | The whole Regulation |
| Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 | The whole Regulation |
| Commission Implementing Decision of 14 May 2014 granting EU recognition to the Croatian Register of Shipping pursuant to Regulation (EC) No 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations (2014/281/EU) | The whole Decision |
| Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES) | The whole Decision |
| Council Regulation (EU) No 607/2014 of 19 May 2014 on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Decision of 10 June 2014 on notifying the Third Countries that the Commission considers as possible of being identified as non-cooperating Third Countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (2014/C 185/02) | The whole Decision |
| Commission Decision of 10 June 2014 on notifying a Third Country that the Commission considers as possible of being identified as non-cooperating Third Countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (2014/C 185/03) | The whole Decision |
| Commission Implementing Decision of 23 June 2014 on additional historical aviation emissions and additional aviation allowances to take into consideration the accession of Croatia to the European Union (2014/389/EU) | The whole Decision |
| Commission Decision of 24 June 2014 concerning the placing on the market for essential use of biocidal products containing copper (2014/395/EU) | The whole Decision |
| Commission Implementing Regulation (EU) No 705/2014 of 25 June 2014 fixing the import duty applicable to broken rice | The whole Regulation |
| Commission Implementing Decision of 25 June 2014 regarding restrictions of authorisations of biocidal products containing IPBC notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (2014/402/EU) | The whole Decision |
| Commission Decision of 10 July 2014 concerning the placing on the market for essential use of biocidal products containing copper (2014/459/EU) | The whole Decision |
| Council Decision of 23 July 2014 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Kingdom of Norway on reciprocal access to fishing in the Skagerrak for vessels flying the flag of Denmark, Norway and Sweden (2014/505/EU) | The whole Decision |
| Commission Delegated Regulation (EU) No 1078/2014 of 7 August 2014 amending Annex I to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals | The whole Regulation |
| Council Regulation (EU) No 1118/2014 of 8 October 2014 concerning the allocation of fishing opportunities under the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Senegal | The whole Regulation |
| Commission Delegated Regulation (EU) 2015/242 of 9 October 2014 laying down detailed rules on the functioning of the Advisory Councils under the Common Fisheries Policy | The whole Regulation |
| Council Regulation (EU) No 1210/2014 of 16 October 2014 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau | The whole Regulation |
| Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 | The whole Regulation |
| Commission Decision of 27 October 2014 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, for the period 2015 to 2019 (2014/746/EU) | The whole Decision |
| Commission Implementing Decision of 29 October 2014 concerning restrictions of the authorisations of biocidal products containing IPBC and propiconazole notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (2014/756/EU) | The whole Decision |
| Commission Implementing Decision of 29 October 2014 concerning restrictions of the authorisation of a biocidal product containing IPBC notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (2014/757/EU) | The whole Decision |
| Commission Implementing Decision of 30 October 2014 establishing the type, format and frequency of information to be made available by the Member States on integrated emission management techniques applied in mineral oil and gas refineries, pursuant to Directive 2010/75/EU of the European Parliament and of the Council (2014/768/EU) | The whole Decision |
| Commission Implementing Regulation (EU) No 1206/2014 of 7 November 2014 fixing the import duties in the cereals sector applicable from 8 November 2014 | The whole Regulation |
| Council Regulation (EU) No 1221/2014 of 10 November 2014 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 43/2014 and (EU) No 1180/2013 | The whole Regulation |
| Commission Decision of 12 December 2014 notifying a third country that the Commission considers as possible of being identified as non-cooperating third country pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (2014/C 447/09) | The whole Decision |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Decision of 12 December 2014 notifying a third country that the Commission considers as possible of being identified as non-cooperating third country pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (2014/C 447/10) | The whole Decision |
| Commission Decision of 12 December 2014 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (2014/C 447/11) | The whole Decision |
| Commission Decision of 12 December 2014 notifying a third country that the Commission considers as possible of being identified as non-cooperating third country pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (2014/C 453/04) | The whole Decision |
| Council Regulation (EU) No 1350/2014 of 15 December 2014 concerning the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the Republic of Madagascar and the European Community | The whole Regulation |
| Council Regulation (EU) No 1367/2014 of 15 December 2014 fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks | The whole Regulation |
| Council Regulation (EU) No 1385/2014 of 15 December 2014 on the allocation of fishing opportunities under the Protocol between the European Union and the Republic of Cape Verde setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde | The whole Regulation |
| Commission Implementing Decision of 17 December 2014 on the recognition of Japan pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers (notified under document C(2014) 9590) (2014/935/EU) | The whole Decision |
| Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 | The whole Regulation |
| Council Regulation (EU) 2015/106 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea | The whole Regulation |
| Commission Decision (EU) 2015/191 of 5 February 2015 amending Decision 2010/670/EU as regards the extension of certain time limits laid down in Article 9 and Article 11(1) of that Decision | The whole Decision |
| Commission Regulation (EU) 2015/180 of 9 February 2015 on amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |
| Council Implementing Decision (EU) 2015/356 of 2 March 2015 authorising the United Kingdom to apply differentiated levels of taxation to motor fuels in certain geographical areas, in accordance with Article 19 of Directive 2003/96/EC | The whole Decision |
| Council Decision (EU) 2015/633 of 20 April 2015 on the submission, on behalf of the European Union, of a proposal for the listing of additional chemicals in Annex A to the Stockholm Convention on Persistent Organic Pollutants | The whole Decision |
| Council Decision (EU) 2015/627 of 20 April 2015 on the position to be taken, on behalf of the European Union, at the seventh meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants as regards the proposals for amendments to Annexes A, B and C | The whole Decision |
| Council Decision (EU) 2015/1497 of 20 April 2015 on the signing, on behalf of the European Union, and provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) concerning the membership of the Union in the Extended Commission of the Convention for the Conservation of Southern Bluefin Tuna | The whole Decision |
| Council Decision (EU) 2015/674 of 20 April 2015 on the acceptance, on behalf of the European Union, of the amended Agreement for the establishment of the General Fisheries Commission for the Mediterranean | The whole Decision |
| Commission Decision of 21 April 2015 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (2015/C 142/06) | The whole Decision |
| Commission Delegated Regulation (EU) 2015/1829 of 23 April 2015 supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries | The whole Regulation |
| Commission Implementing Decision (EU) 2015/692 of 24 April 2015 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (Dianthus caryophyllus L., line 25958) genetically modified for flower colour | The whole Decision |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Implementing Decision (EU) 2015/694 of 24 April 2015 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (Dianthus caryophyllus L., line 26407) genetically modified for flower colour | The whole Decision |
| Commission Delegated Regulation (EU) 2015/1538 of 23 June 2015 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to import licence applications, release for free circulation and proof of refining of sugar products of CN code 1701 under preferential agreements, for the marketing years 2015/16 and 2016/17 and amending Commission Regulations (EC) No 376/2008 and (EC) No 891/2009 | The whole Regulation |
| Commission Decision (EU) 2015/1158 of 8 July 2015 on the position to be taken by the Commission, on behalf of the European Union, in the Joint Implementation Committee set up by the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on Forest Law Enforcement, Governance and Trade in timber products into the European Union as regards the amendments to the Annexes I, II, and V of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia | The whole Decision |
| Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana | The whole Decision |
| Commission Implementing Regulation (EU) 2015/1550 of 17 September 2015 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the import and refining of sugar products of CN code 1701 under preferential agreements, for the marketing years 2015/2016 and 2016/2017 | The whole Regulation |
| Commission Implementing Decision (EU) 2015/1737 of 28 September 2015 postponing the expiry date of approval of bromadiolone, chlorophacinone and coumatetralyl for use in biocidal products for product-type 14 | The whole Decision |
| Commission Delegated Regulation (EU) 2015/2229 of 29 September 2015 amending Annex I to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals | The whole Regulation |
| Commission Implementing Regulation (EU) 2015/1742 of 29 September 2015 fixing the representative prices and additional import duties applicable to molasses in the sugar sector from 1 October 2015 | The whole Regulation |
| Commission Implementing Decision (EU) 2015/1751 of 29 September 2015 on the terms and conditions of the authorisation of a biocidal product containing bromadiolone referred by the United Kingdom in accordance with Article 36 of Regulation (EU) No 528/2012 of the European Parliament and of the Council | The whole Decision |
| Commission Decision of 1 October 2015 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (2015/C 324/07) | The whole Decision |
| Commission Decision of 1 October 2015 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (2015/C 324/10) | The whole Decision |
| Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC | The whole Decision |
| Commission Implementing Regulation (EU) 2015/1831 of 7 October 2015 laying down rules for application of Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in the third countries | The whole Regulation |
| Commission Implementing Regulation (EU) 2015/1897 of 21 October 2015 amending Commission Regulation (EC) No 2056/2001 as regards the landing obligation | The whole Regulation |
| Council Regulation (EU) 2015/2192 of 10 November 2015 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years | The whole Regulation |
| Council Regulation (EU) 2015/2313 of 30 November 2015 concerning the allocation of fishing opportunities under the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia | The whole Regulation |
| Council Decision (EU) 2015/2437 of 14 December 2015 on the conclusion, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) concerning the membership of the Union in the Extended Commission of the Convention for the Conservation of Southern Bluefin Tuna | The whole Decision |
| Council Regulation (EU) 2016/73 of 18 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks in the Black Sea | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104 | The whole Regulation |
| Commission Delegated Regulation (EU) 2016/758 of 4 February 2016 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards adapting Annex III thereto | The whole Regulation |
| Commission Implementing Decision (EU) 2016/209 of 12 February 2016 on a standardisation request to the European standardisation organisations as regards IntelligentTransportSystems (ITS) in urban areas in support of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport | The whole Decision |
| Commission Regulation (EU) 2016/282 of 26 February 2016 amending Regulation (EC) No 748/2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |
| Commission Decision of 21 April 2016 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (C/2016/2254) | The whole Decision |
| Commission Decision of 21 April 2016 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (C/2016/2255) | The whole decision |
| Commission Decision of 21 April 2016 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (C/2016/2256) | The whole Decision |
| Council Regulation (EU) 2016/777 of 29 April 2016 concerning the allocation of fishing opportunities under the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands | The whole Regulation |
| Commission Implementing Decision (EU) 2016/775 of 18 May 2016 on the benchmark to allocate greenhouse gas emission allowances free of charge to aircraft operators pursuant to Article 3f(5) of Directive 2003/87/EC of the European Parliament and of the Council | The whole Decision |
| Council Decision (EU) 2016/1062 of 24 May 2016 on the conclusion on behalf of the EU of the Sustainable Fisheries Partnership Agreement between the EU and the Republic of Liberia and the Implementation Protocol | The whole Decision |
| Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding | Article 64(3) |
| Commission Implementing Decision (EU) 2016/1115 of 7 July 2016 establishing a format for the submission by the European Chemicals Agency of information concerning the operation of the procedures pursuant to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals | The whole Decision |
| Commission Implementing Decision (EU) 2016/1175 of 15 July 2016 on the terms and conditions of the authorisation of a biocidal product containing spinosad referred by the United Kingdom in accordance with Article 36 of Regulation (EU) No 528/2012 of the European Parliament and of the Council | The whole Decision |
| Commission Implementing Decision (EU) 2016/1327 of 1 August 2016 granting EU recognition to the Indian Register of Shipping in accordance with Regulation (EC) No 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations | The whole Decision |
| Commission Implementing Regulation (EU) 2016/1380 of 16 August 2016 on a derogation from Article 55(2)(a) of Delegated Regulation (EU) 2015/2446 as regards the rules of origin applicable to regional cumulation for tuna originating in Ecuador | The whole Regulation |
| Commission Delegated Regulation (EU) 2017/117 of 5 September 2016 establishing fisheries conservation measures for the protection of the marine environment in the Baltic Sea and repealing Delegated Regulation (EU) 2015/1778 | The whole Regulation |
| Commission Delegated Regulation (EU) 2017/86 of 20 October 2016 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea | The whole Regulation |
| Council Regulation (EU) 2016/1903 of 28 October 2016 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2016/72 | The whole Regulation |
| Commission Decision of 13 November 2006 on avoiding double counting of greenhouse gas emission reductions under the Community emissions trading scheme for project activities under the Kyoto Protocol pursuant to Directive 2003/87/EC of the European Parliament and of the Council (2006/780/EC) | The whole Decision |
| Commission Implementing Regulation (EU) 2016/2043 of 22 November 2016 establishing the standard import values for determining the entry price of certain fruit and vegetables | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Implementing Decision (EU) 2016/2050 of 22 November 2016 as regards the placing on the market of a genetically modified carnation (Dianthus caryophyllus L., line SHD-27531-4) | The whole Decision |
| Regulation (EU) 2016/2094 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks | The whole Regulation |
| Commission Decision of 23 November 2006 amending Decision 2005/381/EC establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (2006/803/EC) | The whole Decision |
| Commission Delegated Regulation (EU) 2017/849 of 7 December 2016 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards the maps in Annex I and the list in Annex II to that Regulation | The whole Regulation |
| Council Regulation (EU) 2016/2372 of 19 December 2016 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea | The whole Regulation |
| Council Decision (EU) 2017/3 of 19 December 2016 on the conclusion of the Agreement between the European Union and the Kingdom of Norway on reciprocal access to fishing in the Skagerrak for vessels flying the flag of Denmark, Norway and Sweden | The whole Decision |
| Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters | The whole Regulation |
| Commission Decision (EU) 2017/126 of 24 January 2017 amending Decision 2013/448/EU as regards the establishment of a uniform cross-sectoral correction factor in accordance with Article 10a of Directive 2003/87/EC of the European Parliament and of the Council | The whole Decision |
| 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 | The whole Regulation |
| Commission Regulation (EU) 2017/294 of 20 February 2017 amending Regulation (EC) No 748/2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |
| Commission Implementing Decision (EU) 2017/547 of 21 March 2017 on the organisation of a temporary experiment under Council Directive 2002/56/EC as regards seed potato tubers derived from true potato seed | The whole Decision |
| Commission Decision of 23 May 2017 notifying the Republic of Liberia of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (C/2017/3174) | The whole Decision |
| Council Decision (EU) 2017/418 of 28 February 2017 on the conclusion on behalf of the European Union of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands and the Implementation Protocol thereto | The whole Decision |
| Commission Implementing Decision (EU) 2017/727 of 23 March 2017 on the recognition of Montenegro pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers | The whole Decision |
| Council Regulation (EU) 2017/595 of 27 March 2017 amending Regulation (EU) 2017/127 as regards certain fishing opportunities | The whole Regulation |
| Council Regulation (EU) 2017/719 of 7 April 2017 amending Regulation (EU) 2015/2192 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years | The whole Regulation |
| Council Decision (EU) 2017/758 of 25 April 2017 on the position to be adopted, on behalf of the European Union, at the eighth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, as regards the proposals for amendments to Annexes A, B and C | The whole Decision |
| Commission Implementing Decision (EU) 2017/1239 of 6 July 2017 on the recognition of Ethiopia pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers | The whole Decision |
| Commission Implementing Decision (EU) 2017/1412 of 1 August 2017 on the recognition of Fiji pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers | The whole Decision |
| Council Implementing Decision (EU) 2017/1767 of 25 September 2017 authorising the United Kingdom to apply reduced levels of taxation to motor fuels consumed on the islands of the Inner and Outer Hebrides, the Northern Isles, the islands in the Clyde, and the Isles of Scilly, in accordance with Article 19 of Directive 2003/96/EC | The whole Decision |
| Commission Regulation (EU) 2017/1902 of 18 October 2017 amending Commission Regulation (EU) No 1031/2010 to align the auctioning of allowances with Decision (EU) 2015/1814 of the European Parliament and of the Council and to list an auction platform to be appointed by the United Kingdom | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Regulation (EU) 2018/76 of 23 October 2017 on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius | The whole Regulation |
| Commission Delegated Regulation (EU) 2018/161 of 23 October 2017 establishing a *de minimis* exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea | The whole Regulation |
| Council Decision (EU) 2017/1960 of 23 October 2017 on the signing, on behalf of the Union, and provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius | The whole Decision |
| Commission Decision of 23 October 2017 notifying the Socialist Republic of Vietnam of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (C/2017/6941) | The whole Decision |
| Council Regulation (EU) 2017/1970 of 27 October 2017 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2017/127 | The whole Regulation |
| Commission Decision (EU) 2017/2172 of 20 November 2017 amending Decision 2010/670/EU as regards the deployment of non-disbursed revenues from the first round of calls for proposals | The whole Decision |
| Commission Delegated Regulation (EU) 2018/211 of 21 November 2017 establishing a discard plan as regards salmon in the Baltic Sea | The whole Regulation |
| Commission Delegated Regulation (EU) 2018/172 of 28 November 2017 amending Annexes I and V to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals | The whole Regulation |
| Council Regulation (EU) 2017/2360 of 11 December 2017 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea | The whole Regulation |
| Decision (EU) 2017/2380 of the European Parliament and of the Council of 12 December 2017 amending Directive 2010/40/EU as regards the period for adopting delegated acts | The whole Decision |
| Regulation (EU) 2017/2392 of the European Parliament and of the Council of 13 December 2017 amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021 | The whole Regulation |
| Commission Implementing Decision (EU) 2017/2334 of 14 December 2017 postponing the expiry date of approval of creosote for use in biocidal products of product-type 8 | The whole Decision |
| Commission Regulation (EU) 2018/336 of 8 March 2018 amending Regulation (EC) No 748/2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |
| Commission Implementing Decision (EU) 2018/501 of 22 March 2018 on the recognition of the Sultanate of Oman pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers | The whole Decision |
| Council Regulation (EU) 2018/511 of 23 March 2018 amending Regulation (EU) 2018/120 as regards certain fishing opportunities | The whole Regulation |
| Council Decision (EU) 2018/754 of 14 May 2018 on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius | The whole Decision |
| Council Decision (EU) 2018/757 of 14 May 2018 denouncing the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros | The whole Decision |
| Council Decision (EU) 2018/893 of 18 June 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 containing the list provided for in Article 101 to the EEA Agreement (General Data Protection Regulation) | The whole Decision |
| Council Regulation (EU) 2018/915 of 25 June 2018 amending Regulation (EU) 2018/120 as regards certain fishing opportunities | The whole Regulation |
| Regulation (EU) 2018/975 of the European Parliament and of the Council of 4 July 2018 laying down management, conservation and control measures applicable in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Convention Area | The whole Regulation |
| Council Decision (EU) 2018/1069 of 26 July 2018 on the signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Cote d'Ivoire (2018-2024) | The whole Decision |
| Council Regulation (EU) 2018/1095 of 26 July 2018 on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Cote d'Ivoire (2018-2024) | The whole Regulation |
| Council Regulation (EU) 2018/1070 of 26 July 2018 amending Regulation (EU) 2017/1970 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Decision (EU) 2018/1257 of 18 September 2018 on the signing, on behalf of the European Union, of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean | The whole Decision |
| Commission Implementing Decision (EU) 2018/1479 of 3 October 2018 postponing the expiry date of approval of sulfuryl fluoride for use in biocidal products of product-type 8 | The whole Decision |
| Commission Implementing Decision (EU) 2018/1522 of 11 October 2018 laying down a common format for national air pollution control programmes under Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants | The whole Decision |
| Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 | The whole Regulation |
| Council Regulation (EU) 2018/1628 of 30 October 2018 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2018/120 as regards certain fishing opportunities in other waters | The whole Regulation |
| Commission Delegated Regulation (EU) 2019/7 of 30 October 2018 amending Regulation (EU) No 1031/2010 as regards the auctioning of 50 million unallocated allowances from the market stability reserve for the innovation fund and to list an auction platform to be appointed by Germany | The whole Regulation |
| Commission Delegated Regulation (EU) 2019/254 of 9 November 2018 on the adaptation of Annex III to Regulation (EU) No 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network | The whole Regulation |
| Council Regulation (EU) 2019/440 of 29 November 2018 on the allocation of fishing opportunities under the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco and the Implementation Protocol thereto | The whole Regulation |
| Commission Delegated Regulation (EU) 2019/330 of 11 December 2018 amending Annexes I and V to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals | The whole Regulation |
| Council Regulation (EU) 2018/2058 of 17 December 2018 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea | The whole Regulation |
| Commission Implementing Decision (EU) 2018/2023 of 17 December 2018 on amending Implementing Decision (EU) 2017/1984 determining, pursuant to Regulation (EU) No 517/ 2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values as regards reference values for the period from 30 March 2019 to 31 December 2020 for producers or importers established within the United Kingdom, which have lawfully placed on the market hydrofluorocarbons from 1 January 2015, as reported under that Regulation | The whole Decision |
| Commission Delegated Regulation (EU) 2019/758 of 31 January 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regard to regulatory technical standards for the minimum action and the type of additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries | The whole Regulation |
| Commission Regulation (EU) 2019/225 of 6 February 2019 amending Regulation (EC) No 748/2009 as regards the aircraft operators for which the United Kingdom is specified as administering Member State | The whole Regulation |
| Commission Regulation (EU) 2019/226 of 6 February 2019 amending Regulation (EC) No 748/2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |
| Commission Delegated Regulation (EU) 2019/856 of 26 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund | The whole Regulation |
| Council Decision (EU) 2019/385 of 4 March 2019 on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Cote d'Ivoire (2018-2024) | The whole Decision |
| Council Decision (EU) 2019/407 of 4 March 2019 on the conclusion, on behalf of the European Union, of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean | The whole Decision |
| Council Decision (EU) 2019/441 of 4 March 2019 on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and the Exchange of Letters accompanying the Agreement | The whole Decision |
| Council Decision (EU) 2019/448 of 18 March 2019 on the submission, on behalf of the European Union, of a proposal for the listing of methoxychlor in Annex A to the Stockholm Convention on Persistent Organic Pollutants | The whole Decision |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Implementing Regulation (EU) 2019/533 of 28 March 2019 concerning a coordinated multiannual control programme of die Union for 2020,2021 and 2022 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin | The whole Regulation |
| Council Decision (EU) 2019/682 of 9 April 2019 authorising Member States to ratify, in the interest of the European Union, the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data | The whole Decision |
| Council Decision (EU) 2019/683 of 9 April 2019 authorising Member States to become parties, in the interest of the European Union, to the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No 218) | The whole Decision |
| Council Decision (EU) 2019/639 of 15 April 2019 on the position to be taken on behalf of the European Union at the ninth meeting of the Conference of the Parties as regards amendments to Annexes A and B to the Stockholm Convention on Persistent Organic Pollutants | The whole Decision |
| Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 | The whole Regulation |
| Council Decision (EU) 2019/812 of 14 May 2019 on the position to be taken on behalf of the European Union in the Inter-American Tropical Tuna Commission (IATTC) and the Meeting of the Parties to the Agreement on the International Dolphin Conservation Programme, and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the IATTC | The whole Decision |
| Council Decision (EU) 2019/824 of 14 May 2019 on the position to be taken on behalf of the European Union in the Extended Commission of the Convention for the Conservation of Southern Bluefin Tuna (CCSBT), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the CCSBT | The whole Decision |
| Council Decision (EU) 2019/858 of 14 May 2019 on the position to be taken on behalf of the European Union in the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties of the SIOFA | The whole Decision |
| Council Decision (EU) 2019/859 of 14 May 2019 on the position to be taken on behalf of the European Union in the South Pacific Regional Fisheries Management Organisation (SPRFMO), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the SPRFMO | The whole Decision |
| Council Decision (EU) 2019/860 of 14 May 2019 on the position to be taken on behalf of the European Union in the Indian Ocean Tuna Commission (IOTC), and repealing the Decision of 19 May 2014 on the position to be adopted, on behalf of the Union, in the IOTC | The whole Decision |
| Council Decision (EU) 2019/861 of 14 May 2019 on the position to be taken on behalf of the European Union in the South East Atlantic Fisheries Organisation (SEAFO), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the SEAFO | The whole Decision |
| Council Decision (EU) 2019/862 of 14 May 2019 on the position to be taken on behalf of the European Union in the Western and Central Pacific Fisheries Commission (WCPFC), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, for the Conservation and Management of Highly Migratory Fish Stocks in the WCPFC | The whole Decision |
| Council Decision (EU) 2019/863 of 14 May 2019 on the position to be taken on behalf of the European Union in the Northwest Atlantic Fisheries Organisation (NAFO), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NAFO | The whole Decision |
| Council Decision (EU) 2019/864 of 14 May 2019 on the position to be taken on behalf of the European Union in the North Atlantic Salmon Conservation Organization (NASCO), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NASCO | The whole Decision |
| Council Decision (EU) 2019/865 of 14 May 2019 on the position to be taken on behalf of the European Union in the North-East Atlantic Fisheries Commission (NEAFC), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NEAFC | The whole Decision |
| Council Decision (EU) 2019/866 of 14 May 2019 on the position to be taken on behalf of the EU in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, and repealing the Decision of 12 June 2017 establishing the position to be adopted on behalf of the Union in that annual Conference | The whole Decision |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Decision (EU) 2019/867 of 14 May 2019 on the position to be taken on behalf of the European Union in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and repealing the Decision of 24 June 2014 on the position to be adopted, on behalf of the Union, in the CCAMLR | The whole Decision |
| Council Decision (EU) 2019/868 of 14 May 2019 on the position to be taken on behalf of the European Union in the International Commission for the Conservation of Atlantic Tunas (ICCAT), and repealing the Decision of 8 July 2014 on the position to be adopted, on behalf of the Union, in the ICCAT | The whole Decision |
| Council Decision (EU) 2019/869 of 14 May 2019 on the position to be taken on behalf of the European Union in the General Fisheries Commission for the Mediterranean (GFCM), and repealing the Decision of 19 May 2014 on the position to be adopted, on behalf of the Union, in the GFCM | The whole Decision |
| Council Decision (EU) 2019/951 of 17 May 2019 on the signing, on behalf of the European Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) | The whole Decision |
| Regulation (EU) 2019/ 818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 | The whole Regulation |
| Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC | The whole Regulation |
| Council Decision (EU) 2019/1088 of 6 June 2019 on the signing, on behalf of the European Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) | The whole Decision |
| Council Regulation (EU) 2019/1089 of 6 June 2019 on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) | The whole Regulation |
| Commission Implementing Decision (EU) 2019/994 of 17 June 2019 postponing the expiry date of approval of etofenprox for use in biocidal products of product-type 8 | The whole Decision |
| Commission Implementing Decision (EU) 2019/1030 of 21 June 2019 postponing the expiry date of approval of indoxacarb for use in biocidal products of product-type 18 | The whole Decision |
| Council Decision (EU) 2019/1332 of 25 June 2019 on the signing, on behalf of the Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia and of the Protocol on the implementation of that Partnership Agreement | The whole Decision |
| Council Regulation (EU) 2019/1333 of 25 June 2019 on the allocation of fishing opportunities under the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia | The whole Regulation |
| Council Regulation (EU) 2019/1097 of 26 June 2019 amending Regulation (EU) 2019/124 as regards certain fishing opportunities | The whole Regulation |
| Commission Delegated Regulation (EU) 2019/1701 of 23 July 2019 amending Annexes I and V to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals | The whole Regulation |
| Commission Implementing Decision (EU) 2019/1300 of 26 July 2019 as regards the placing on the market of a genetically modified carnation (Dianthus caryophyllus L., line FLO-40685-2) | The whole Decision |
| Commission Implementing Decision (EU) 2019/1345 of 2 August 2019 amending Decision 2006/771/EC updating harmonised technical conditions in the area of radio spectrum use for short-range devices | The whole Decision |
| Commission Delegated Regulation (EU) 2019/1868 of 28 August 2019 amending Regulation (EU) No 1031/2010 to align the auctioning of allowances with the EU ETS rules for the period 2021 to 2030 and with the classification of allowances as financial instruments pursuant to Directive 2014/65/EU of the European Parliament and of the Council | The whole Regulation |
| Council Decision (EU) 2019/1563 of 16 September 2019 on the position to be taken on behalf of the European Union within the Western Central Atlantic Fishery Commission (WECAFC) | The whole Decision |
| Council Decision (EU) 2019/1570 of 16 September 2019 on the position to be taken on behalf of the European Union within the Fishery Committee for the Eastern Central Atlantic (CECAF) | The whole Decision |
| Council Decision (EU) 2019/2218 of 24 October 2019 on the signing on behalf of the EU and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the Democratic Republic of Sao Tomé and Principe and the European Community | The whole Decision |
| Council Regulation (EU) 2019/2219 of 24 October 2019 on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the Democratic Republic of Sao Tomé and Principe and the European Community | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Regulation (EU) 2019/1838 of 30 October 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2019/124 as regards certain fishing opportunities in other waters | The whole Regulation |
| Commission Decision of 30 October 2019 notifying the Republic of Ecuador of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing. (C/2019/7244) | The whole Decision |
| Council Decision (EU) 2019/1918 of 8 November 2019 on the signing, on behalf of the European Union, and provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2019 | The whole Decision |
| Council Regulation (EU) 2019/1919 of 8 November 2019 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania | The whole Regulation |
| Council Decision (EU) 2019/1925 of 14 November 2019 on the signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Agreement on a Sustainable Fisheries Partnership between the European Union and the Republic of Senegal | The whole Decision |
| Council Regulation (EU) 2019/1926 of 14 November 2019 on the allocation of fishing opportunities under the Protocol on the implementation of the Agreement on a Sustainable Fisheries Partnership between the European Union and the Republic of Senegal | The whole Regulation |
| Council Decision (EU) 2019/2025 of 18 November 2019 on the signing on behalf of the EU and the provisional application of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas | The whole Decision |
| Commission Implementing Decision (EU) 2019/1950 of 25 November 2019 postponing the expiry date of approval of K-HDO for use in biocidal products of product-type 8 | The whole Decision |
| Commission Implementing Decision (EU) 2019/1951 of 25 November 2019 postponing the expiry date of approval of tebuconazole for use in biocidal products of product-type 8 | The whole Decision |
| Commission Implementing Decision (EU) 2019/1969 of 26 November 2019 postponing the expiry date of approval of IPBC for use in biocidal products of product-type 8 | The whole Decision |
| Decision (EU) 2019/2071 of the European Parliament and of the Council of 5 December 2019 appointing the European Data Protection Supervisor | The whole Decision |
| Commission Decision of 12 December 2019 on notifying the Republic of Panama of the possibility of being identified as a non-cooperating third country in fighting illegal/ unreported and unregulated fishing (C/2019/8868) | The whole Decision |
| Council Regulation (EU) 2019/2236 of 16 December 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas | The whole Regulation |
| Commission Delegated Regulation (EU) 2020/760 of 17 December 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the rules for the administration of import and export tariff quotas subject to licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the lodging of securities in the administration of tariff quotas | The whole Regulation |
| Commission Implementing Regulation (EU) 2020/761 of 17 December 2019 laying down rules for the application of Regulations (EU) No 1306/2013/ (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the management system of tariff quotas with licences | The whole Regulation |
| Commission Implementing Decision (EU) 2020/27 of 13 January 2020 postponing the expiry date of approval of propiconazole for use in biocidal products of product-type 8 | The whole Decision |
| Council Regulation (EU) 2020/271 of 20 February 2020 on the allocation of the fishing opportunities under the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Seychelles (2020-2026) | The whole Regulation |
| Council Decision (EU) 2020/272 of 20 February 2020 on the signing on behalf of the EU and provisional application of the Sustainable Fisheries Partnership Agreement between the EU and the Republic of Seychelles and its implementing protocol (2020 - 2026) | The whole Decision |
| Council Decision (EU) 2020/392 of 5 March 2020 on the conclusion of the Sustainable Fisheries Partnership Agreement between the EU and the Republic of Gambia and of the Protocol on the implementation of that Partnership Agreement | The whole Decision |
| Commission Implementing Regulation (EU) 2020/466 of 30 March 2020 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States' control systems due to coronavirus disease (COVID-19) | The whole Regulation |
| Commission Regulation (EU) 2020/535 of 8 April 2020 amending Regulation (EC) No 748/2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator | The whole Regulation |

| *Title* | *Extent of Revocation* |
|---|---|
| Commission Delegated Regulation (EU) 2020/1068 of 15 May 2020 amending Annexes I and V to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals | The whole Regulation |
| Commission Delegated Decision (EU) 2020/1071 of 18 May 2020 amending Directive 2003/87/EC of the European Parliament and of the Council, as regards die exclusion of incoming flights from Switzerland from the EU emissions trading system | The whole Decision |
| Commission Implementing Regulation (EU) 2020/714 of 28 May 2020 amending Implementing Regulation (EU) 2020/466 as regards the use of electronic documentation for the performance of official controls and other official activities and the period of application of temporary measures | The whole Regulation |
| Council Decision (EU) 2020/742 of 29 May 2020 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2019 | The whole Decision |
| Council Decision (EU) 2020/765 of 29 May 2020 on the conclusion, on behalf of the European Union, of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas | The whole Decision |
| Council Decision (EU) 2020/983 of 7 July 2020 on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019 - 2024) | The whole Decision |
| Council Decision (EU) 2020/984 of 7 July 2020 on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) | The whole Decision |
| Council Decision (EU) 2020/985 of 7 July 2020 on the conclusion of the Protocol on. the implementation of the Fisheries Partnership Agreement between the Democratic Republic of Sao Tome and Principe and the European Community | The whole Decision |
| Commission Implementing Regulation (EU) 2020/977 of 7 July 2020 derogating from Regulations (EC) No 889/2008 and (EC) No 1235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic | The whole Regulation |
| Commission Implementing Regulation (EU) 2020/1001 of 9 July 2020 laying down detailed rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards the operation of the Modernisation Fund supporting investments to modernise the energy systems and to improve energy efficiency of certain Member States | The whole Regulation |
| Commission Delegated Regulation (EU) 2020/1987 of 14 July 2020 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council and Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the lodging and release of securities in the administration of tariff quotas based on the chronological order of the submission of applications | The whole Regulation |
| Commission Implementing Decision (EU) 2020/1037 of 15 July 2020 postponing file expiry date of approval of acrolein for use in biocidal products of product-type 12 | The whole Decision |
| Commission Implementing Decision (EU) 2020/1038 of 15 July 2020 postponing the expiry date of approval of creosote for use in biocidal products of product-type 8 | The whole Decision |
| Commission Implementing Regulation (EU) 2020/1087 of 23 July 2020 amending Implementing Regulation (EU) 2020/466 as regards the performance of official controls and other official activities by specifically authorised natural persons, the performance of analyses, testing or diagnoses and the period of application of temporary measures | The whole Regulation |
| Commission Delegated Regulation (EU) 2020/2012 of 5 August 2020 amending Delegated Regulation (EU) 2018/161 establishing a de minimis exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea, as regards its period of application | The whole Regulation |
| Council Decision (EU) 2020/1325 of 21 September 2020 on the position to be taken on behalf of the European Union in the framework of the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries as regards the application for accession to that Convention submitted by the United Kingdom, and repealing Decision (EU) 2019/510 | The whole Decision |
| Commission Implementing Regulation (EU) 2020/1341 of 28 September 2020 amending Implementing Regulation (EU) 2020/466 as regards the period of application of temporary measures | The whole Regulation |
| Council Regulation (EU) 2020/1485 of 12 October 2020 amending Regulation (EU) 2019/2236 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas | The whole Regulation |
| Council Decision (EU) 2020/1517 of 19 October 2020 on the position to be taken on behalf of the European Union in the Council of the North Atlantic Salmon Conservation Organisation established by the Convention for the Conservation of Salmon in the North Atlantic Ocean as regards the application for accession to that Convention submitted by the United Kingdom and repealing Decision (EU) 2019/937 | The whole Decision |

| *Title* | *Extent of Revocation* |
|---|---|
| Council Decision (EU) 2020/1582 of 23 October on the position to be taken on behalf of the EU at the meetings of the Parties to the Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean | The whole Decision |
| Council Decision (EU) 2019/1918 of 8 November 2019 on the signing, on behalf of the Union, and provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2020 | The whole Decision |
| Commission Implementing Decision (EU) 2020/1604 of 23 October 2020 determining, pursuant to Regulation (EU) No 517/ 2014 of the European Parliament and of the Council on fluorinated greenhouse gases, reference values for the period 1 January 2021 to 31 December 2023 for each producer or importer which has lawfully placed hydrofluorocarbons on the market in the Union from 1 January 2015, as reported under that Regulation | The whole Decision |
| Commission Implementing Regulation (EU) 2020/1988 of 11 November 2020 laying down rules for the application of Regulations (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the administration of import tariff quotas in accordance with the 'first come, first served' principle | The whole Regulation |
| Commission Decision (EU) 2020/1722 of 16 November 2020 on the Union-wide quantity of allowances to be issued under the EU Emissions Trading System for 2021 | The whole Decision |
| Decision (EU) 2020/1782 of the European Parliament and of the Council of 25 November 2020 amending Decision No 573/2014/EU on enhanced cooperation between Public Employment Services (PES) | The whole Decision |
| Commission Implementing Regulation (EU) 2020/1812 of 1 December 2020 laying down rules on the online data exchange and the notification of EU type-approvals under Regulation (EU) 2018/858 of the European Parliament and of the Council | The whole Regulation |
| Council Decision (EU) 2020/2022 of 4 December 2020 on the position to be adopted on behalf of the European Union within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement | The whole Decision |
| Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses | The whole Regulation |
| Commission Implementing Decision (EU) 2020/2124 of 9 December 2020 not granting a Union authorisation for the biocidal product family 'Contec Hydrogen Peroxide' | The whole Decision |
| Commission Decision (EU) 2020/2166 of 17 December 2020 on the determination of the Member States' auction shares during the period 2021-2030 of the EU Emissions Trading System | The whole Decision |
| Commission Implementing Decision (EU) 2020/2239 of 23 December 2020 concerning the extension of the action taken by the United Kingdom Health and Safety Executive permitting the making available on the market and use of hand disinfection products following the WHO-recommended Formulation 2 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council | The whole Decision" |

Member's explanatory statement

This amendment inserts a new Schedule listing the legislation to be revoked by Clause 1 at the end of 2023.

**Lord Callanan (Con):** My Lords, Amendment 64 introduces a new schedule to the Bill that will serve as the revocation schedule. The amendment, in effect, introduces the pieces of legislation due to be revoked by the Bill, as trailed in the amendments in my name, which we discussed on Report on Monday. There are 587 pieces of legislation on the revocation schedule. Each instrument has been included following a thorough review by officials and Ministers. For clarity, it is split into two parts, the first covering EU-derived subordinate legislation and the second encompassing retained direct EU legislation.

I will now speak to a few of the specific entries in which noble Lords have expressed some interest. Amendment 64A would remove Regulations 9 and 10 of the National Emission Ceilings Regulations 2018 (S.I. 2018/129), which are no longer in force. Similarly, Amendment 64B would remove the Commission Implementing Decision (EU) 2018/1522, which is no longer in force, from the revocation schedule, thereby preserving it in domestic law.

The relevant regulations and implementing decision relate to the preparation of a national air pollution control plan, which was required by the national emission ceilings directive. As such, these two pieces of legislation are intertwined, and therefore I will speak to them together.

The NAPCP is a common format required of all EU member states to set out the policies and measures being considered to meet the national emission ceilings targets. The current format of the NAPCP is long, complicated, resource intensive and duplicative. Removal of the regulations relating to the NAPCP will allow us to move away from the overly burdensome system that we inherited from the EU. A large majority of the information in the NAPCP is reflected in individual national strategies and more accessible documents, including the *Environmental Improvement Plan* for England. Removing the NAPCP would therefore remove this duplication in the public domain, streamline communications on the air pollution policy with existing national strategies and better focus on what will actually help to clean up our air.

As we are appealing only Regulations 9 and 10 of the National Emission Ceilings Regulations, the rest of these provisions will remain in force, including the national emission reduction targets, which are set for five key pollutants, and the requirements to publish UK-wide emissions inventories and projections. With that explanation, I hope that the noble Baroness, Lady Hayman, will not move her amendments.

Amendment 64ZA would remove the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003, which are no longer in force, from the revocation schedule. These regulations were intended to complete the implementation of the environmental impact assessment directive for certain agricultural water resources projects. The regulations impose procedural environmental impact assessment requirements on water resources management projects for agriculture, including agricultural irrigation projects and water abstraction projects that are not accepted under Section 27 of the Water Resources Act 1991 and that are not subject to environmental impact assessment under other regulations.

When these regulations were made in 2003, it was considered that there might be a potential gap in our environmental assessment of agricultural water management projects. This was because a project might well proceed and not be linked to land use, the planning processes or the need for environmental assessment. Moreover, it might not be linked to the need for environmental assessment linked to the requirement to obtain water abstraction or impounding licence from the Environment Agency in accordance with the Water Resources Act 1991. In fact, this gap in regulation was never realised in practice and was filled when we removed water abstraction licence exemptions from all forms of irrigation from 1 January 2018 by commencing provisions in the Water Act 2003. Accordingly, therefore, Defra officials do not consider that there are any other types of agricultural water management projects for which an environmental assessment is required that are not already covered by abstraction and impounding licences or other EIA regulation and would be a relevant project under regulations. Therefore, these regulations are no longer required, which is why they are proposed for revocation. In addition, we understand that no environmental impact assessments have been made under the regulations since 2003. Therefore, I hope that the noble Baroness, Lady Bakewell, will not move her amendment.

Amendment 64ZB would remove the Foodstuffs Suitable for People Intolerant to Gluten (England) Regulations 2010, which are no longer in force, from the revocation schedule. This has been raised a number of times by the noble Baroness, Lady Brinton, who has been in contact with the FSA on this issue. We have also been working closely with the FSA, which has assured us that it has carefully examined the eight pieces of legislation that it has put on the schedule, and that removing them will not impact on the safety or standards of UK food. The regulations referenced in Amendment 64ZB provided for the execution and enforcement in England of Commission regulation (EC) 41/2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten, in particular as regards the use of the terms "very low gluten" or "gluten-free". However, the Commission decision was repealed by the EU in 2016 and replaced by EU regulation 828/2014. As such, the regulations that are proposed to be revoked via the schedule are, in fact, legally inoperable. With that information, I hope that the noble Baroness will not move her amendment, as it would be a retrograde step to keep on the statute book laws that are, in fact, legally inoperable.

*Amendment 64ZA (to Amendment 64)*

*Moved by* ***Baroness Bakewell of Hardington Mandeville***

**64ZA:** Leave out lines 145 and 146

Member's explanatory statement

This amendment is to leave out the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (S.I. 2003/164).

*5 pm*

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, I thank the Minister for his introduction to this group of amendments, and I rise to speak to Amendment 64ZA in my name and that of my noble friend Lady Parminter. This relates to the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations (SI 2003/164). However, I shall return to this shortly.

I begin by welcoming the Government's change of heart over the sunset clause and the tabling of the government amendments that we have before us today. However, it is extremely regrettable that these amendments were not tabled in Committee so that a proper debate could have taken place. Now we are on Report, where each contributor is permitted to speak only once on each group of amendments, which means covering a number of regulations in one go.

The noble Lord, Lord Benyon, who is sadly not in his place this afternoon, has previously given assurances to the effect that there were a number of redundant laws on the statute book that needed deleting. Having been through the Government's list several times and seen the significant number relating to Defra, I can agree with the noble Lord, Lord Benyon, that there are indeed a large number of superfluous laws we no longer need. A good example of such laws is those covered in lines 104 to 121 and 128 to 133, which relate to eight sets of regulations dealing with temporary exceptions to drivers' hours during the foot and mouth crisis of 2001. While those restrictions were needed during that crisis, they are certainly not needed now. We have seen through the Covid epidemic that passing emergency legislation to suit a particular crisis, while uncomfortable, does work; we do not need to keep obsolete legislation on the statute book, but others need to be retained.

There are also a very large number of regulations dealing with the fishing industry. While it is not necessary to retain regulations which deal with fishing in New Zealand, Mauritius or Mozambique, for example, there are several references to anchovies in the Baltic Sea. Anchovies, as well as being a delicious snack for humans, are also at the bottom of the food chain, with a large number of fish species depending on them as a significant food source. It is, therefore, important to have regulations in place that ensure that anchovy fish stocks are sufficiently high enough not to damage the stock of other species.

[Baroness Bakewell of Hardington Mandeville]

There are also regulations relating to POPs—persistent organic pollutants. However, given that we are on Report, it is simply not realistic to put down probing amendments around a number of concerns that your Lordships may have over some other issues.

I return to Amendment 64ZA, which is by way of being a probing amendment. The Minister has given a very full introduction. The water resources regulations of 2003 and the related amending regulations are included in the Government's list to be removed under this Bill. These regulations were put in place to carry out environmental impact assessments for certain water abstraction applications for the agriculture industry. It is important for the farming and horticulture industries to have access to water in order to thrive. That was particularly so during last summer's drought. Water is a valuable resource and must be treated as such. These abstractions might have been likely to have significant effects on the environment by virtue of their nature, size or location. The regulations provided for the publication of the assessment and for the assessment to be considered when determining the application, which could affect the outcome.

The removal of these regulations will leave such abstractions without the requirement for an environmental impact assessment. Instead, applications will be dealt with through the abstraction licensing regime. The EIA requirements applied to abstractions were previously exempt, but they have recently been brought into the licensing regime. It is important for the Government to provide reassurance that the environmental impacts of such abstractions, either alone or in combination, can be sufficiently assessed under the licensing regime and the related catchment abstraction licensing strategy—CALS—process, given that there is no general requirement for an EIA to be conducted within that regime. We are, therefore, strongly recommending that the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 are removed from the REUL Bill revocation schedule. If this is not accepted, can the Minister urgently give clear information as to why these regulations are proposed for revocation? I beg to move.

**Baroness Brinton (LD):** My Lords, I echo my noble friend Lady Bakewell of Hardington Mandeville's thanks to the Minister for his introduction to this group and also for arranging the meeting with the Bill team last Friday and for the very helpful discussions that we were able to have there. As he knows, we have been asking for data relating to the SIs to be sunsetted right from the start of the Bill's passage, and I thank the Minister and his team for circulating the spreadsheet, which arrived earlier yesterday.

My amendment follows the concerns expressed by the noble Baroness, Lady McIntosh of Pickering, in Monday's debate, at cols. 19 and 20. She asked about identifying retained EU law, and my concerns relate to the holes in the existing and sunsetting of the regulations. I have tabled Amendment 64ZB, having raised concerns at the meeting with the Bill team about this one SI in the list of 600, mainly because there was not much time to do detailed work on others. It is found in the proposed new schedule, at lines 209-10, entitled Foodstuffs Suitable for People Intolerant to Gluten (England) Regulations 2010—please forgive me if I just refer to such foodstuffs as "gluten" hereafter.

As a coeliac of five decades, as well as having had an interest in health matters for some time, I spent a very large part of Thursday and Friday trying to track back current and former regulations relating to foodstuffs that are suitable for people who are intolerant to gluten and their labelling—it is vital to ensure that people with coeliac disease and intolerances can keep themselves safe. I have to say that I found it almost impossible to do so. Key words were not used consistently and there was no golden thread anywhere to help navigate this. On Thursday afternoon, I approached the Food Standards Agency and Coeliac UK. Both responded swiftly and were extremely helpful. The Government's spreadsheet that I referred to earlier says, at item 94, that this SI is redundant because

> "These Regulations are inoperable. It enforced EU Regulation 41/2009, which was repealed by the EU in 2016 (and replaced by EU Regulation 828/2014, which is being preserved). The equivalent domestic enforcement legislation in Wales, Scotland and NI was revoked and replaced in 2016".

Unfortunately, this is not entirely correct.

In the helpful briefings from the FSA and Coeliac UK, it transpires that in 2016 there was a consultation to put EU Regulation 828/2014 into a UK regulation to replace SI 2010/2281. This is important because the EU directive sets the composition levels and the labelling rules for gluten-free foodstuffs. However, since that consultation, there has been total silence from the Government about introducing an SI to replace the one listed in the proposed new schedule at lines 209-10. Both the FSA and Coeliac UK told me they have been relying on a workaround, outside of the regulations, found in other legislation, including general food law and the Food Safety Act 1990. These relate to enforcement, not to detailed composition and labelling laws, which are found in EU Regulation 828/2014. Coeliac UK and the FSA have both told me, in briefings that I forwarded to the Minister and his team, that the workaround relies not only on general food law and the Food Safety Act but on the underpinning powers of EU Regulation 1169/2001. However, this regulation mentions gluten only once, on page 51, in Annexe II, paragraph 1, whereas EU Regulation 828/2014 is all about foodstuffs containing gluten and their appropriate labelling.

The FSA and Coeliac UK are both clear that a statutory instrument for England is required to allow direct enforcement of EU Regulation 828/2014, and this will follow in due course. Indeed, the Bill team confirmed this to me in an email yesterday. While I note there is a workaround, I am bemused that such an important matter that relies on the detail of EU Regulation 828/2014 has not yet been brought before Parliament in an SI. Why has there been a seven-year delay to lay that relevant SI since the Government's own 2016 consultation? I also asked the Minister in an email when we can expect to see this laid, and the reply was that there is a commitment to progress

> "at the earliest possible time"

but no possible date. With the greatest respect to the Minister and the Government, it is not down to the FSA, which is constantly referred to as being in charge of the legislative process. It is not.

The email from the Minister also said that this legislation

"remains in force and will be preserved as part of the Retained EU law process".

But it is not enforced because there is not a regulation. It goes on to say:

"Although there are no direct enforcing regulations in England, there are sufficient powers"—

the ones I referred to. However, as I have said, that does not cover the detail of the relevant recent 2014 regulation.

It may feel to some people that I am dancing on the head of a pin. But those who are intolerant to gluten rely very particularly on the EU directive that covers the composition and labelling of items, and therefore how they are sold, which assures people that they can eat them safely. My broader concerns are how many of the other 599 sunset SIs have similar holes in the legislation.

I note that some MPs have referred to the "blob" and others being at fault for not moving quickly enough. I think that the detail I have just recounted shows that the history of SIs has not been well listed over many years, and it is complex. The government spreadsheet, circulated earlier on, is clearly not aware of it. The government website on nutrition is also not aware of it. The nutrition legislation information sheet, at paragraph 5.8, unfortunately does not refer to the need for this new directive.

Will the Minister assure me that there has been a full tracking of all elements of each SI that is proposed to be removed? If it is discovered that there are holes, such as the one I have just described, what will the Government do, under the terms of this Bill, to ensure that there are no legislative problems in the future?

The Secondary Legislation Scrutiny Committee was very clear that one of the main problems that Parliament has to face, both our House and the other place, is how on earth we can continue with our effective parliamentary scrutiny, given the very broad sweep of secondary legislation that may be made under the provisions of the Bill. This is absolutely one of those cornerstone regulations where we need to ensure that the directive is visible in legislation—it is not.

**Baroness Hayman of Ullock (Lab):** My Lords, I thank the Minister for his introduction and the noble Baronesses for introducing their amendments as well. I have the final two amendments in this group: Amendments 64A and 64B. These amendments address our concerns about the proposed revoking of the National Emission Ceilings Regulations 2018, particularly Regulations 9 and 10, and of the Commission Implementing Decision 2018, which lays down a common format for national air pollution control programmes. The Government have justified this revocation by saying that

"we will be removing some items of REUL relating to the National Air Pollution Control Plan (NAPCP). The current format … is long, complicated, resource intensive and duplicative, and does nothing to improve the quality of the air we breathe. By revoking this item, we can better focus on what will actually help clean up our air, such as by delivering on the ambitious air quality targets we have set in statute through the Environmental Act".

I would like to explain why we believe they should not be revoked.

The National Emission Ceilings Regulations deal with emissions of ammonia fine particulate matter, sulphur dioxide, NOx and other serious pollutants. These emissions are the inputs which mix in the atmosphere to become concentrations or outputs, which are measured for health and regulatory purposes relative to the WHO's air quality guidelines. The Environment Act 2021 and the air quality strategy of 2023 focus largely on concentrations. The environmental improvement plan of 2023 proposes just vague measures to reduce emissions without providing a robust mechanism to review, plan, consult and implement plans when new breaches of emission ceilings occur.

Regulations 9 and 10, which the Government seek to abolish, provide for the preparation and implementation of a national air pollution programme to limit those harmful emissions in accordance with national emission reduction commitments and, importantly, for full public consultation. Removing the obligation to draw up and implement a national air pollution control plan strips away any clear duty on the Government to show how they will reduce emissions in line with their legally binding emissions targets. To succeed in this, we need rules that require the Government to control emissions of harmful pollutants at their source. Without such measures, all their plans and targets are empty gestures.

*5.15 pm*

Last year, Clean Air in London identified three breaches of Regulation 9 and this year Defra admitted breaching the PM2.5 emission ceiling. The answer to a breach of these regulations, which are intended to control air pollution, is not to abolish them but to take immediate measures to tackle a problem that poses one of the greatest threats to human health and the environment. What are the Government's explanations for revoking this? They do not hold up to scrutiny. Talking of scrutiny, why has there been no consultation or engagement on these prior to the publication of the schedule?

I offer our strong support for the amendment of the noble Baroness, Lady Bakewell, because we are very concerned that the water resources regulations of 2003 are included. She has clearly laid out her concerns and the reasons why the regulations are important, so I will not repeat them.

In the Levelling-up and Regeneration Bill, there are proposals for extensive powers for a new system of environmental impact assessments to replace the current regulations, including the water resources regulations of 2003. Powers in the LURB only streamline and simplify current requirements and they will be applied to all EIA regulations. DLUHC is currently consulting on those proposals, including with the devolved Administrations, and planning for new regulations to be considered later this year, but if this is delayed at all then any new EIA regulations will not be in place before next spring. Why are the Government revoking just one set of EIA regs, which apply only in England and Wales, before those plans are realised and new regulations are in force?

Last year, Defra's *Nature Recovery* Green Paper consulted on opportunities

"to improve the scope and process of these regimes",

[Baroness Hayman of Ullock]
including the water resources EIA. In the absence of any government response to that consultation, can the Minister explain why the water resources EIA has been singled out from the other four EIA regimes under Defra's jurisdiction and what the rationale is for revoking it?

I draw attention briefly to our concerns about the inclusion of the Flood Risk Regulations 2009. These impose a duty on the Environment Agency and local authorities to prepare assessment reports on past floods, to map areas at significant risk of flooding, and to prepare flood risk maps and flood risk management plans. The more recent Flood and Water Management Act 2010 similarly requires that particular authorities must

"develop, maintain, apply and monitor a strategy for local flood risk management"

in their areas but does not set out provisions around, for example, how often these must be reviewed. Will the Minister set out, in writing to me if that is easier, whether there are aspects in the Flood Risk Regulations that are not duplicated in the Flood and Water Management Act 2010 and what the impacts of losing these may be?

Finally, I have a question about the Environmental Permitting (England and Wales) (Amendment) Regulations 2013, which are included. We understand that they originated from primary legislation: the Pollution Prevention and Control Act 1999. Presumably, this transposes that directive. Does that mean it is included as a technicality? Are the Government aware of all transposed legislation and are there further implications for primary legislation when legislation is transposed like that?

**Baroness McIntosh of Pickering (Con):** My Lords, I am grateful for the kind words from the noble Baroness, Lady Brinton. I was not going to speak, but I would like to echo the remarks she made and repeat my concern, shared by other noble Lords, that there is not going to be sufficient time for a consultation on the directives relating to gluten, flooding and other issues. The Food Standards Agency agrees with all the directives in the proposed new schedule but is concerned that, by the time the Bill receives Royal Assent, there will be a perilously short period in which to conclude the required consultations.

I echo the concerns raised by the noble Baroness, Lady Hayman of Ullock, regarding the Flood Risk Regulations 2009, at page 10, line 197 of the proposed new schedule. I stand to be corrected by my noble friend the Minister, but it is my understanding that this is not a transposition of EU law but an entirely UK measure. I would like to know, for greater clarification and understanding, why these regulations are included in the proposed new schedule.

I echo also the concerns of the noble Baroness, Lady Bakewell of Hardington Mandeville. I think we all accept that in the 1980s, the UK was known as the dirty man, or woman, of Europe, and it took a female Prime Minister, Baroness Thatcher—then Margaret Thatcher—to take the plunge and implement all the EU directives and regulations. These have moved on, and since we have left the European Union the water framework directive and others—most recently, the urban wastewater directive—are going through a further transposition. Obviously, they will no longer apply to UK water companies. I realise it is a different department but I hope Defra, along with my noble friend, will look favourably on some of the requirements set out therein, which may actually benefit the UK's environment: bathing waters, drinking water and especially wastewater.

I seek clarification from my noble friend of something he said, as I do not think he answered the concerns I expressed on Monday. He was very clear that we are dropping the interpretative effects of retained EU law, but I would like to press him in this regard because the indirect effect of EU law is also sometimes referred to as the "consistent interpretation" of EU law. I hope that a company in this country seeking to export or conduct its business in an EU country—selling insurance policies, for example—will not be disbarred from doing so because we are not interpreting the law in the same way as EU countries. I realise that my noble friend was very clear on this point, but can he ensure that there will be no discrimination in this regard against UK companies trying to do their business and trade in an EU country?

**Lord Hope of Craighead (CB):** My Lords, the amendments moved by the noble Baronesses leave me feeling very uneasy—not because I doubt the validity of the points they have raised, but because I am concerned about things that may have been missed out. The fact is that we have been presented on Report with an enormously long proposed schedule and a spreadsheet and, frankly, this is no way for parliamentary scrutiny to be conducted in the Chamber. It is a different matter in Committee, where we can have things on tables in front of us, but it is quite impossible to go through the proposed schedule in this Chamber with the respect and detail that it deserves on Report. That is my concern.

I confess that I have not had the time or resources to go through the whole of the proposed new schedule. I have spotted, as has been noted, a number of things that quite obviously have to be discarded. That is not in doubt. However, it is the things that need to be examined carefully in detail in order to see mistakes of the kind that these amendments draw attention to that trouble me very greatly. I just express my great concern about the process we are undertaking, which, in my respectful submission, cannot really be described as parliamentary scrutiny.

**Baroness Butler-Sloss (CB):** My Lords, with two grandchildren who are gluten-free, I strongly support and share the concerns of the noble Baroness, Lady Brinton. Perhaps more fundamental are the points that the noble and learned Lord, Lord Hope, has just raised. Throughout this process, I have become increasingly concerned about what may be left out or partially changed. Speaking as a former lawyer, what is going to happen when these matters come to court, as we said in Committee? We discussed what would be said when these matters come to court and someone relying on a regulation finds that it no longer exists, or that it has been changed without anyone having any idea that it had happened. As the noble and learned Lord said, this is absolutely not the way to deal with retained EU law.

**Baroness Foster of Oxton (Con):** My Lords, I had not intended to intervene at all—it has been a fascinating debate, and excellent amendments have been put down—but I am just curious. As I have mentioned before, a number of us were in the European Parliament for many years. We left the European Union—Brexit occurred—in 2016. We are seven years on from that. The Civil Service knew after the vote that we were going to leave the European Union. Clearly, this was massively complex, as we had had 50 years of regulations and directives, but here we are in 2023.

The points that noble Lords have raised on particular issues are extremely important, and I fully support their concerns. However, the way I read it, I would have thought, going back at least four or five years, that civil servants in these vast government departments would have been sitting down at that time, without being told, and looking at the legislation that was pertinent in their departments, and looking at what would be okay or what we intended to keep hold of, which would not be a priority or need to be changed. They would then have been able to see what might be a priority or concern and flag up that legislation to the Ministers concerned. I do not know whether anything like that has happened. I am listening to these debates, and it seems not to have happened at all, because we are now in 2023 and discussing, as we say, critical legislation which we are concerned about. It appears that this is being highlighted only because we are talking about the Bill.

I say to my noble friend: I am concerned about whether this will be carried through efficiently and whether the right amount of scrutiny will take place. We are in an extremely concerning situation. We should think of the number of hours that your Lordships debated this issue in this House—I was not here; I was actually in Brussels—and the fact that people knew about it. It is not a state secret, yet we still do not know which pieces of legislation we really need to keep or not. That was the work of the civil servants, and perhaps the lawyers too, in those departments, but we are in this situation now.

I hope my noble friend the Minister can reassure us about the point raised in the amendment about scrutiny now and how transparency regarding this legislation will evolve in future. There will be some that we will retain. I dealt with aviation and aerospace, and a lot of the legislation I dealt with—which was primary—had an international dimension. We complied with the international treaties, and that sort of legislation, and that in areas such as maritime, would not need to be changed. However, there are others which need to be brought into line with the situation the UK is now in, where Parliament is sovereign in determining what we must do. We in this House and the other place are responsible for making sure that any changes or updates that are made, or any sunset clauses that are brought in, are relevant, because the whole job now is to work for the benefit of the citizens of this country and for businesses—for everyone—and to make sure that this is done as efficiently as possible.

As I say, I had not intended to say very much, but this is important. All departments and everyone working in them—not just the Ministers—need to get behind all this and get moving. The people of the United Kingdom are in a very difficult position: we are post Covid, there is Ukraine, we have great challenges, and we need everything done as efficiently as possible.

*5.30 pm*

**Baroness Crawley (Lab):** My Lords, I too was in the European Parliament many years ago. With the greatest respect to the noble Baroness, she will know that this policy—this Bill—is government-driven, not Civil Service-driven, so we should not keep blaming the Civil Service for the mess we are in. It is driven through government policy.

**Baroness Jones of Moulsecoomb (GP):** Over the past few weeks we have heard again and again this sort of criticism of the Civil Service. It is hardly appropriate for the Government Benches to criticise the Civil Service when we have Ministers who should be deciding on the next thing to do. You cannot expect civil servants to pre-emptively work on things without Ministers' permission. Please can we just stop that. It is outrageous that the Government constantly blame other people and not themselves. Please remember that.

**Baroness Foster of Oxton (Con):** My Lords—

**Baroness Jones of Moulsecoomb (GP):** No, I will not let the noble Baroness intervene. She spoke at length.

I spoke yesterday evening on a regret Motion on magistrates' courts sentencing and afterwards I was told by the Minister very politely—clearly, it was not the Minister sitting with us now—that I had spoken completely off topic. Therefore, I am hoping to be a bit better today.

This group is full of very good amendments; I support them all, and they have all been very well introduced. I am concerned in particular about air and water. In their whole 13 years the Government have done barely anything to clean up our air, and now they are expecting us to wait decades to clean up our water as well. I simply do not understand why they cannot take these basic requirements for human life seriously. I personally would be happy to vote on all these amendments, and probably thousands of others as well.

The Government have to make a clear commitment that they are not going backwards on clean air—although we do not have clean air yet—and that they are not going back on any regulations about cleaning up our air and water. I expect the Minister to make a clear commitment on that today. It is absolutely crucial. None of the things we are throwing out today will actually matter. I was assured earlier that the Government are not being "evil" in throwing out these particular ones and that they are in fact probably fairly benign, but I am not terribly confident about that. I therefore hope that the Minister can explain that they are not going backwards. Of course, I support Amendment 76.

**Lord Hacking (Lab):** My Lords, I will not get into the debate with the noble Baroness, Lady Foster. The fate of the Bill and how it is here has been correctly described by my two noble friends.

I endorse particularly what the noble and learned Lord, Lord Hope, said a few minutes ago. He said that this is an impossible task on Report and that it surely

[LORD HACKING]
should not have been inflicted upon us. Indeed, the Bill should never have been inflicted upon us. A sensible course, which was the earlier position of the Government, was to let all EU legislation lie where it lay, and if there were a problem with any of it, to bring it to the forefront and deal with it. However, that is all history. What we are having to deal with now are the amendments that the noble Lord, Lord Callanan, has introduced into Schedule 1.

I took the trouble—there was not much time to do so—to read through all 111 pages of the explanatory spreadsheet as best I could. There was an immediate difficulty about that, because the regulations are not listed in the same order as they are in the Bill. That was an unnecessary complication when trying to check through. I noted that, time and again, the explanation, the "reason for revocation", to use the exact words, reads that this regulation

"is no longer in operation, or is no longer relevant to the UK".

That description and justification of these 928—in my arithmetic—regulations appear time and again. It must have occurred 100 times as I read it, and possibly 200, and the latter figure is the likely one. The big question is: if this has all been properly researched, is the particular regulation

"no longer in operation, or … no longer relevant to the UK"?

It must be one or the other.

My particular reason for looking through the spreadsheet was to look at what is happening to two sets of regulations, both of which I referred to on our first day on Report. I refer to the Habitat (Salt-Marsh) Regulations and the Civil Aviation (Safety of Third Country Aircraft) Regulations 2006. I could not find the latter regulation at all. I do not know where it was, but I could not see it when going through the 111 pages. The Habitat (Salt-Marsh) Regulations appeared a number of times on a number of pages, all separate and quite disconnected from the original order. I did that because I thought they were rather important environmentally. The first time they appear, they are described as being

"on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside".

I thought that was central and something we should be thinking about. Yet, time and again, a feeble and inadequate "reason for revocation" was given.

I have to say frankly to your Lordships that this is a futile exercise, an exercise we should not have been asked to carry out, and I greatly regret that we are.

**Lord Wilson of Dinton (CB):** My Lords, as a former head of the Civil Service, I feel bound to say that the criticisms of the Civil Service which have been made are ill-judged and grossly unfair. The Civil Service will ride out these criticisms—it has a thick skin, it will put its head down and go on doing its duty—but there is a serious worry underneath this debate.

It took us 10, 15 or 20 years to join the Common Market/European Union. It was only reaching the Home Office when I became Permanent Secretary in 1994. It will take us 10, 15 or 20 years to leave the European Union. Brexit, whatever your views on it, was undertaken without a proper appraisal of what it entailed—the work and the consequences—and we are living with it with this Bill. It is the most terrible experiment with government and an enormous learning experience for the Government. It will not be done quickly, and what will slow it down is not the Civil Service but the huge volume of work involved in it.

We are dealing with 50 years of complex, detailed regulation that has been put together in consultation with vested interests and public authorities and reaches into every household in the country. I tell Ministers on the Front Bench that there are things buried in these 500-and-whatever-it-is regulations that will embarrass them, will have unforeseen consequences and will go wrong. We are in an impossible position. We cannot look at this schedule in the detail required. It is not the fault of the Civil Service but the responsibility of the Government. The consequences of it will be severe and will take years. History will write this up. It will read these debates and think about the moral involved, which is, "Do the work before you implement the policy". I will sit down now, but I wanted to defend the Civil Service. It is not its fault that this is such a terrible and deeply worrying mess.

**Lord Hamilton of Epsom (Con):** My Lords, I support my noble friend Lady Foster and I do not totally agree with the noble Lord, Lord Wilson. My right honourable friend Jacob Rees-Mogg made it clear that he wanted all EU legislation dug out of departments and revealed by the Civil Service. Very little happened. I thought it was the job of the Civil Service to obey the instructions of Ministers.

**Lord Reid of Cardowan (Lab):** I commend to those on the other side who share the view of the noble Lord, Lord Hamilton, an article this morning by the Conservative Peer, the noble Lord, Lord Finkelstein. It is in the *Times* and it is worth reading. It is about the tendency to set impossible demands and then to blame the failure to achieve them on the blob. It is the finest article I have read on this tendency and, in terms of education, I think it would be well worth some people on the other side reading their noble colleague's comments.

All I can say, and I held office in nine departments of state, is that there were occasions when I would have liked to ask civil servants to give me a plan to double expenditure on the Armed Forces, to build 500,000 houses, to make everyone happy. Noble Lords will not be surprised to know that I did not ask them so to do, not because I thought they were a blob and would resist it but because I knew it was an impossible demand I was placing on them. In all nine departments, when I made some challenging demands, the civil servants responded—but I would not ask them to do something that was impossible, or to take a course of action for which the work had not been done in advance, or where I disregarded the consequentials, the downstream incidentals, that I had not thought about. The Government did all three of those things with Brexit, and they are now paying the price.

**Baroness Fox of Buckley (Non-Afl):** My Lords, the other day when we were debating the Bill, a number of people stood up, largely on this side of the House, and said that it was inappropriate to make Second Reading

speeches or grand speeches about politics and that this was not about Brexit. I tried to say that maybe the Bill was a new Bill and we should be able to regardless, and I was told off for that.

What we have just seen demonstrates to me why we have a difficulty, both in this House and in the country, when it comes to what people feel about the Bill that we are discussing and the general political situation that we are in. It is true that I do not blame the blob. However, I blame many of the people in the House of Lords, among others, who tried to say that when the decision was made in 2016, regardless of what you thought of it, the British public had got it wrong. They slowed down the process and did everything to obstruct what needed to be done to extricate the United Kingdom's law, which it had been decided to take back control of, from the European Union.

*5.45 pm*

Your Lordships will notice that that is not a popular position in this House in general. We had a rather glib, witty and smug repartee earlier about the tiger Brexiteers and so forth. The serious job of doing what the British public—who are the important people in all this—told politicians to do was neglected for years. The obstructions keep coming. Some of them might be from the Civil Service but I tend to agree, and I even said this earlier, that we should not blame the blob.

Anyway, we have an opportunity with this amendment. I do not agree with many of the amendments but I was interested enough to say, "Okay, let's scrutinise what we are doing here and go through them all". As people have said—for example, the noble Baroness, Lady Brinton, raised some interesting points—I want to be able to understand what is going on.

I understand that it is a task and a half, but what has effectively been said in the last few contributions is that it was too difficult to do this when we decided to do it in 2016. How could we possibly envisage it? We could never do it, but we should not blame the blob because of course Brexit itself was impossible to do. So the British public are effectively being told that it is too difficult. The Bill, for all its imperfections, at least tried to say, "It's about time, after all that time trying to block it, that we get on and take the instructions of the British public". We should at least be humble enough to acknowledge that, as far as the British public are concerned, this has been an attempt at blocking their decisions. Let us take the Bill seriously now.

**Lord Hacking (Lab):** Shut up.

**Baroness Fox of Buckley (Non-Afl):** "Shut up"?—well done. I am just saying: let us get on with the Bill seriously rather than keeping on blaming each other. That was my point in the first place. Drop the smug tone.

**Baroness Bloomfield of Hinton Waldrist (Con):** Perhaps I can remind the House that we have been incredibly patient but noble Lords should stick to debating the amendments rather than general points. Perhaps we can get on and make some progress.

**Baroness Lawlor (Con):** My Lords, I shall speak to Amendment 64 and the other amendments in this group. I am grateful to my noble friend the Minister for the amendment, which, as far as I can count, includes around 120 pieces of subordinate legislation. I welcome it on the grounds of principle and practice.

In practice, it is important to end the limbo between two legal systems for cost, compliance and otherwise. Moreover, there are other good reasons for doing so. The uncertainty of the EU's codified arrangements, adopted or absorbed into our own laws, results in two overlapping systems that add cost and compliance burdens to all concerned and, I am afraid, often lack clarity. I hesitate to mention such arrangements in your Lordships' House, given the presence of so many eminent members of the judiciary, but perhaps I might do so as an ordinary person who has had to have recourse to both systems of law.

In my experience, our law is clear; it gives people the power to seek a remedy where another party breaks the law to our disadvantage. Under the European system, of which I have also had experience, despite its code-based arrangements and its precautionary principle, which seeks to cover every eventuality, not only does it sometimes fail to do so but there is often no remedy available to people or small businesses if a wrong is done to them. There are just more codes, more compliance, more directives and more consultations with the lawyers to be paid for, and little in the end to be done other than put up with it and hope it will be righted in due course.

For this reason, while I welcome the sentiment behind the noble Baronesses' proposals in their carve-out amendments on the National Emission Ceilings Regulations and the Water Resources (Environmental Impact Assessment) Regulations—I am very sympathetic to their aims and have spoken on that in earlier debates—I am sceptical as to whether this is the best way of achieving such aims. I believe it is important to respect our own laws and have greater confidence that the principles on which they rest will reflect the interests of the people in whose name they are made. This country is second to none generally in its commitment to caring for its environment and, having heard noble Lords talk about chairing the Woodland Trust and so on, it is clear that there is huge voluntary support for protecting our environment. I believe our own laws will reflect that interest and we really must get on with giving them a chance.

In the Environment Act 2021 and its impact assessment of December 2019, the principle is clear that the polluter pays. Yes, precautions must be taken and problems righted at source, but the polluter pays principle means that instead of victims, others are having to suffer the consequences. Rather than the polluter being penalised, other people would have to suffer the consequences and pay the price, and I think that our system will be clear and fairer.

I am not sure, either, that the EU regulations covering emissions are necessarily effective. I draw on the historic case of the Volkswagen emissions scandal, when there were clear directives from 2008—updated in 2012—covering the emissions from cars. These were neglected or not enforced, and the knowledge that that was happening went right up to the Government. I am confident in our own system of law, and I think it does work.

[Baroness Lawlor]

I hate to disagree with such a distinguished civil servant as the noble Lord, Lord Wilson, but I am not going to take sides on the question of who is to blame for non-rapidity. I worked with the head of the German hospital division in the decade after the unification of Germany. The country was unified at the stroke of a pen, so it can be done. I only know about the health system there, not all the other areas such as the economy, where historic problems were inherited.

I welcome the commitment to revoke the legislation listed. I hope the noble Baronesses will put their trust in our own laws and give their energies to an aim which I share. It is important for a more effective system and for clarity and efficiency, so that people, businesses, charities and government departments know where they stand.

**Lord Fox (LD):** My Lords, I dare say that the Conservative Party could use the experience the noble Baroness, Lady Lawlor, has in unifying Germany to perhaps unify itself.

This has been a rancorous debate and before I join in, I have a bit of housekeeping to do with the Minister. When he was still trying to push 5,000 laws over a cliff edge at the end of last year, on a number of occasions he used examples to illustrate the intrinsically trivial nature of all 5,000. One of the examples he used was legislation referring to reindeers and another was legislation referring to olive trees. I have studied the list, alongside the noble Lord, Lord Hacking, and I find no mention of reindeers or olive trees. Can I assume that those laws will remain on the statute book—or did they not in fact exist in the first place?

As we heard from my noble friends Lady Bakewell and Lady Brinton, we on these Benches really welcome the Government's 180 degree U-turn. However, the breathless nature of that U-turn brought with it problems. We are debating those problems now because, in choosing not to eliminate 5,000 anonymous regulations—in essence, regulations that we did not need to know about—and in having to choose the regulations that will be revoked, the Government have had to publish this schedule very late and, even later, give us guidance on the decision-making process that went into putting those regulations on that list.

My noble friend Lady Brinton's experience in trying to track a legacy of statutory instruments and regulations that did not get properly documented, in a way that was easy to follow, completely illustrates what the Civil Service was seeking to do 5,000 times—and many of those cases were even more complex, I dare say, than the case my noble friend Lady Brinton dealt with. In order to do that, the first thing the Civil Service had to do was to find those regulations and laws.

When the noble Lord, Lord Hamilton, talked about it being the Civil Service's role to dig up these regulations, he was not far from the truth. Many of these regulations were located at the bottom of a salt mine in an archive—I am not joking—in the north-west of this country. They had to don their safety gear and go underground to seek out these regulations. That is the level of digging-out that had to happen in order to do this.

That is why it is extraordinarily unfair to then put the blame on people who do not have a voice and are not able to answer back. They are lucky to have the noble Lord, Lord Wilson, to stand up for them, but it is bullying behaviour to bully people who do not have a voice. To my namesake, the noble Baroness, Lady Fox, and others, I say that "the blob" is an entirely derogatory term. These are people who do a job, and to roll them up and call them a blob is deeply offensive and against those people's welfare.

The noble and learned Lord, Lord Hope, set up exactly the problem we have here. I have hope in "Hope's amendments"—that we can at least regain some control. I remind noble Lords that we also passed a non-regression amendment that should deal with some of these issues. It is, as the noble and learned Lord said, not an ideal situation.

I look forward to the Minister's response on the specifics, but deep in the heart of this whole process is a problem. The problem is that the Government set out to do something in too short a time, when they did not even know how big the job was in the first place. When they found out, they drew back. Now, they are trying to blame other people. The Government have no one but themselves to blame for the mess over which they are now officiating.

**Baroness Chapman of Darlington (Lab):** My Lords, the final debate on this Bill has highlighted just what a shambolic process this has been. We were glad to receive the explainer that the Government produced to accompany the new schedule, which is what we are supposed to be arguing about now in this group. But it was late, badly formatted and, as we have heard, not easily usable by some colleagues.

What we are experiencing this afternoon is the frustration that we have all felt with that element of the process and with this Bill since its introduction. At the climax of the process, we find ourselves just as confused and concerned as at the outset. There has not been adequate time to examine the contents of the schedule. Noble Lords have had to use this Report debate to try to get answers from Ministers on some of the specifics. This is exactly what we thought would happen. It is why we supported the amendment from the noble and learned Lord, Lord Hope, on Monday, and why we will support his Amendment 76. We have debated it already. It will be voted on immediately after this group. We need the safeguards that these amendments provide. Given the way in which this Bill has been handled, the Government need these safeguards too.

*6 pm*

There has been a collective sigh of relief from charities, businesses, environmental organisations and food producers, following the months of pointless uncertainty caused by this Bill. As the noble Baroness, Lady Hayman, said, there has not been the consultation or engagement on important issues which would give us the confidence to wave this schedule through. It cannot be right that noble Lords are asked to agree a list in a matter of days. I commend the noble Baronesses, Lady Bakewell, Lady Brinton and Lady Hayman, for spotting regulations that need further consideration.

I say to the noble Baroness, Lady Foster of Oxton, and to those who agree with her, that is not the job of civil servants to have done this work and to have decided which regulations should stay and which laws should be our laws. This is the job of Ministers, of Members of this and the other place. This is what Parliament is for. I look forward to everyone who believes in this principle on these Benches and on the Benches opposite joining us in the Content Lobby after this debate in voting for Amendment 76 in the name of the noble and learned Lord, Lord Hope.

**Lord Callanan (Con):** My Lords, I thank the House for yet another fascinating debate, only a small part of which had anything to do with the amendments we were discussing.

I will make an observation before we get into debating the amendments. I have had the privilege of being in government since 2017—for six years in three different departments. I have worked with some excellent officials, who have provided me with nothing but unstinting support. As an example, we tabled this schedule late last week—in response, I might say, to concerns expressed in this House, in an attempt by me, as the Minister, and the Government to allay the concerns that many in this House had expressed about legislation being repealed by accident. That was never our intention. It would never have happened. These regulations would have been revoked anyway but we thought it would be helpful and for the benefit of the House to set them out.

A number of Members then asked for further details about the individual regulations. Officials across government, in the Bill team and elsewhere, worked tirelessly all weekend to get the explainer to this schedule done so as to answer the concerns of Members. They worked very hard and are a credit to the Civil Service. Let me be clear, the responsibility lies with Ministers. Civil servants produced the advice, but I approved the revocation schedule for my department, DESNZ—the Department for Energy Security and Net Zero. Other Ministers approved it in their departments. Responsibility is clearly at a political level, and I will have nothing said against the Civil Service. Certainly, the Bill team worked incredibly hard all weekend, as they have done throughout the production of this Bill.

I turn to the amendments under discussion. As I said, we published the explainer to give an extensive line-by-line explanation that provides a clear justification, for the benefit of Members, for each entry on that schedule. I outlined the rationale for including the regulations flagged up by the noble Baroness, Lady Hayman of Ullock, in my opening speech. I hope that she does not want me to repeat those points on the national air pollution control plan and the national emissions ceiling directive, which are no longer in force. These depend on one another. The current format of the NAPCP is long, complicated, resource-intensive and duplicative. Removal of these particular regulations will allow us to move away from the overly burdensome system that we inherited.

Similarly, in my opener, I explained why Amendment 64ZA, from the noble Baroness, Lady Bakewell, is also duplicative, given other active environmental impact assessment regulations. No environmental impact assessment regulations have been made under those particular regulations since 2003. It is no longer necessary to have this on our statute book.

On Amendment 64ZB, I spoke to the specifics of the food-labelling regulations referenced, but I reassure the noble Baroness, Lady Brinton, that the laws to be revoked within the FSA's remit have generally been superseded by new legislation and no longer need to remain on the statute book. Even the EU has revoked the regulations. Some have already had their operative provisions revoked, and others exist to amend or enforce legislation that has itself already been revoked.

The noble Baroness also raised enforcement. We provided additional details to her by email, but, as she knows, Commission Implementing Regulation (EU) 828/2014 laid down harmonised requirements for the provision of information to consumers on the absence or reduced presence of gluten in food, by setting out the conditions under which foods may be labelled "gluten-free" or "very low gluten". That particular regulation remains in force and will be preserved as part of the retained EU law process. Sufficient powers are already in place under general food law to enforce the definitions. The chair of the Food Standards Agency wrote to us last week to confirm this position and to reinforce that removing them will help to make the body of law on food safety and standards clearer, while being entirely consistent with the principles agreed by the FSA board.

**Baroness Brinton (LD):** I am grateful for the Minister's response. I forwarded to him and his officials the response that I received from both the FSA and Coeliac UK, which said that this was a temporary arrangement, until 828/2014 could be introduced as a regulation under UK legislation; in other words, it is still needed. So I repeat my question: the Government consulted in 2016, and it is now seven years on, so when will that regulation be shown to the House?

**Lord Callanan (Con):** I will pass the noble Baroness's comments on to Defra, which will write to her again, but she has already received replies to her concerns in emails and she has spoken to Bill team officials about this. As I said, the FSA has said that it is entirely happy that this regulation should be revoked.

**Lord Kerr of Kinlochard (CB):** I wonder whether I can help the Minister. I support what he said today, and I congratulate him on how he started and what he said about the Civil Service. But I wonder whether he might want to think, before Third Reading, about the addition of an emergency brake. I share the worries of the noble and learned Lord, Lord Hope: supposing it turns out that something is needed and that, before the deadline—before they disappear—a real case is established, could the Government not give themselves the power, by statutory instrument, to leave a particular regulation off the schedule, or to amend the schedule by statutory instrument before the deadline, simply to remove a regulation that it turns out is there in error? I do not ask for an instant reaction, but perhaps the Minister might like to think about this before Third Reading.

**Noble Lords:** Third Reading!

**Lord Callanan (Con):** We are on Report. We do not need to wait until the next stage; I can tell the noble Lord now that there is a power in the amendments to allow exactly that. He does not need to have any further concerns about it.

In response to the noble Baroness, Lady Jones, I say that the UK remains committed to international agreements on air pollution, to which we are an independent signatory. We set new, legally binding targets under the Environment Act and the environmental improvement plan to halt and to reverse nature's decline. The stretching targets mean that any reform to retained EU law must deliver positive environmental outcomes, and nothing in this schedule alters those commitments. I hope that reassures the noble Baroness.

In response to the noble Lord, Lord Fox, and his famous salt mine example, I am sorry to tell him that he is wrong. The National Archives found its pieces of retained EU law in its EU legislation database, which is now online. The noble Lord might want to consult the internet next time, rather than crawling down his salt mine. One of my officials said that she would have loved to have gone down a salt mine—it would have been a very interesting experience—but she did not need to.

**Lord Fox (LD):** I think the Minister should check that.

**Lord Callanan (Con):** I can absolutely assure him: she would have been delighted to go down a salt mine. I will not name her, but she messaged me to say that she was very keen to do so. Perhaps the noble Lord would want to arrange it for her.

The noble Lord also mentioned several regulations which are good examples of EU-inherited provisions that we may no longer need. He may not realise it, but some regulations perform multiple functions—we want to revoke some and to keep or reform others. To update and improve the regulations, we of course need to keep them for now, so that we can make those changes.

I had a feeling that the noble Lord might ask me about the famous reindeer regulation. Indeed, Regulation 1308/2013 of the European Parliament and of the Council includes provisions on reindeer, which we want to revoke because, the last time I looked, there were not many in the United Kingdom for which we need to have responsibility—perhaps even the noble Lord could agree with that. But there are other aspects of the regulation that we want to keep; therefore, in due course, there will be a reform programme which will alter that regulation. Of course, the House will get to see that through a statutory instrument at the time. I have no doubt that the noble Lord will want to engage with the Defra Minister in a meaningful debate on how important it is for the Liberal Democrats to preserve the preservation of reindeer in Lapland.

Finally, I turn to the issue of interpretative effects. My noble friend Lady McIntosh asked again for clarity on the Government's intention. I assure her that the Government's intentions have not changed in this regard. As she will be aware, the House agreed to Amendment 15 in the name of the noble Lord, Lord Anderson, on Monday, which seeks to replace the sunset of Section 4 of the EU withdrawal Act at the end of each year with a requirement for the Secretary of State to make a statement on the Section 4 rights and obligations which will be sunsetted at the end of this year. The House can be assured that the Government will address that.

Clauses 5 and 6, which relate to the ending of the principle of supremacy, including the principle of consistent interpretation or indirect effect and ending the application of general principles of EU law, will stand part of the Bill, as agreed by the House.

**Baroness Hayman of Ullock (Lab):** Before the noble Lord sits down, I remind him that I asked a number of questions about areas other than air pollution—for example, on flooding. I wonder if the Minister could look through *Hansard* and write to me with a response to those questions before we reach Third Reading.

**Lord Callanan (Con):** I will certainly look again at the noble Baroness's questions.

**Baroness Bakewell of Hardington Mandeville (LD):** I thank the Minister for his response and the noble Baroness, Lady Hayman of Ullock, for her support. I thank all noble Lords who took part in this very lively debate, particularly the noble and learned Lord, Lord Hope, whose concerns I share completely.

In the time available, it has been impossible for most of us to go into detail on the schedule to the extent that my noble friend Lady Brinton did, and I commend her for her efforts in that respect. The Minister will have realised from the debate that there is concern across the House at the lack of opportunity to scrutinise these regulations. I do not share the comments of the noble Baroness, Lady Foster of Oxton, that this is all the fault of the Civil Service.

The Civil Service is under pressure, and occasionally mistakes do occur, but the dire situation we are in now is not its fault: it is the fault of the way in which the Government have gone about this piece of legislation, and I admire the Minister for his acceptance of that responsibility. The number of Defra's instruments in the Marshalled List before us is overwhelming. I thank my noble friend Lord Fox for his very stirring summing up, which I cannot hope to match. The Minister set out his case at the start of the debate, and it is regrettable that he is not prepared to move on these issues. In the interests of time, and in the face of that, I beg leave to withdraw my amendment.

*Amendment 64ZA (to Amendment 64) withdrawn.*

*Amendment 64ZB (to Amendment 64) not moved.*

*Amendment 64A (to Amendment 64) not moved.*

*Amendment 64B (to Amendment 64) not moved.'*

*Amendment 64 agreed.*

***Schedule 4: Regulations: procedure***

*Amendments 65 to 68*

*Moved by* ***Lord Callanan***

**65:** Schedule 4, page 45, line 6, leave out "any of sections 1 to 20" and insert "this Act"

Member's explanatory statement

This amendment is consequential on the Minister's amendments at page 24, line 14.

**66:** Schedule 4, page 46, line 15, leave out lines 15 to 24

Member's explanatory statement

This amendment is consequential on the Minister's amendment to leave out Clause 3 and the Minister's amendment (at page 22, line 9) to extend the power to make regulations under clause 20 to the devolved authorities.

**67:** Schedule 4, page 46, line 28, leave out "this Act" and insert "any provision of this Act except section 23(4),"

Member's explanatory statement

This amendment is consequential on the Minister's amendments at page 24, line 14.

**68:** Schedule 4, page 47, line 1, at end insert—

"(za) regulations under section 1;"

Member's explanatory statement

This amendment provides for the power under Clause 1 (inserted by the Minister's amendment at page 1, line 10) to be subject to the draft affirmative procedure.

*Amendments 65 to 68 agreed.*

*Amendment 69 not moved.*

*Amendments 70 to 72*

*Moved by* ***Lord Callanan***

**70:** Schedule 4, page 47, line 8, at end insert—

"(e) regulations under section 20 which amend, repeal or revoke primary legislation."

Member's explanatory statement

This amendment makes procedural provision in light of the Minister's amendment at page 22, line 9 which extends the consequential power in clause 20 to devolved authorities.

**71:** Schedule 4, page 47, line 14, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on the amendment to leave out clause 2.

**72:** Schedule 4, page 47, line 17, at end insert—

"(d) regulations under section 20 which are not within sub-paragraph (2)(e)."

Member's explanatory statement

This amendment make procedural provision in light of the Minister's amendment at page 22, line 9 which extends the consequential power in clause 20 to devolved authorities.

*Amendments 70 to 72 agreed.*

*Amendments 72A to 75 not moved.*

*Amendment 76*

*Moved by* ***Lord Hope of Craighead***

**76:** Schedule 4, page 49, line 10, at end insert—

"8A "(1) A Minister of the Crown may not make a statutory instrument containing regulations under sections 13, 14 and 16 unless—

(a) a document containing a proposal for those regulations has been laid before each House of Parliament,

(b) the document has been referred to a Joint Committee of both Houses, and

(c) a period of at least 40 days has elapsed after that referral, not including any period during which Parliament is dissolved or prorogued or either House is adjourned for more than four days.

(2) If the Joint Committee, after considering any regulations laid under this paragraph, finds that—

(a) the regulations represent a substantial change to the preceding retained EU law, or

(b) the Government have not carried out sufficient public consultation lasting at least six weeks before laying the draft before Parliament,

a Minister of the Crown must arrange for the instrument to be debated on the floor of each House and voted on before the period in sub-paragraph (1)(c) elapses.

(3) If any amendments to the regulations, whether or not proposed by the Joint Committee, are agreed by both Houses of Parliament the regulations must be made in the form so amended.

(4) If one House agrees amendments to the regulations under sub-paragraph (3) the Minister may not make the relevant statutory instrument until the other House has debated and voted on a motion to agree or disagree with those amendments."

Member's explanatory statement

This amendment provides for instruments made under clauses 13, 14 and 16 to be referred to a Joint Committee of both Houses for sifting so that, in the case of those which represent a significant change from the preceding retained EU law, Parliament will be enabled to differ from the Executive and express its own view as to their contents.

**Lord Hope of Craighead (CB):** This amendment is about parliamentary scrutiny; it was very fully debated last Monday. If it is not agreed, I will seek to test the opinion of the House. I beg to move.

*6.17 pm*

*Division on Amendment 76*

*Contents 231; Not-Contents 167.*

*Amendment 76 agreed.*

**Division No. 1**

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*6.28 pm*

*Amendment 77*

*Moved by* ***Lord Callanan***

**77:** Schedule 4, page 53, line 25, at end insert—

"Transitional, transitory or saving provision

19 This Part of this Schedule does not apply in relation to regulations under section 23(4)."

Member's explanatory statement

This amendment is consequential on the Minister's amendments at page 24, line 14.

*Amendment 77 agreed.*

## Car Industry

*Commons Urgent Question*

*6.30 pm*

**The Minister of State, Department for Business and Trade (The Earl of Minto) (Con):** My Lords, I shall now repeat in the form of a Statement an Answer to an Urgent Question given in another place:

"The automotive industry is a vital part of the UK economy, and it is integral to delivering on levelling up, net zero and advancing global Britain. After a challenging period, where Covid and global supply chain shortages have impacted the international automotive industry, the UK sector is bouncing back. Production is increasing and in 2022 the UK's best-selling car was the Nissan Qashqai—built in Sunderland.

The automotive industry has a long and proud history in the UK. We are determined to build on our heritage and secure international investment in the technologies of the future—to position the UK as one of the best locations in the world to manufacture electric vehicles.

We are leveraging investment from industry by providing government support for new plants and upgrades to ensure that the UK automotive industry thrives into the future.

Companies continue to show confidence in the UK, announcing major investments across the country including: £1 billion from Nissan and Envision to create an EV manufacturing hub in Sunderland; £100 million from Stellantis for its site in Ellesmere Port; and £380 million from Ford to make Halewood its first EV components site in Europe. We will continue to work through our automotive transformation fund to build a globally competitive electric vehicle supply chain in the UK, boosting homegrown EV battery production, levelling up and advancing towards a greener future."

*6.31 pm*

**Baroness Blake of Leeds (Lab):** My Lords, I watched this Urgent Question in the other place keenly today but was left disappointed by the number of questions actually answered, so I thank the Minister for coming here to answer ours.

This situation is extremely serious. As we know, all manufacturing is facing supply chain difficulties globally, and our car industry is suffering. Does the Minister agree that our trading relationship with the EU should reflect this? Will the Government follow the sector's advice by reopening negotiations on the trade and co-operation agreement to protect it from further risk?

**The Earl of Minto (Con):** My Lords, the Government are acutely aware of the global challenges that the UK car industry faces. We have been leveraging private investment, alongside government support, to bring EV manufacturing to UK shores. The UK remains highly attractive; our workforce is among the most productive in Europe, and we excel in R&D and innovation. The DBT Secretary of State is aware of this issue facing the automotive sector, and is raising this with her counterparts in the EU.

**Lord Fox (LD):** My Lords, on 2 March this year I asked a Question of the noble Lord, Lord Johnson, the Minister of State for the Department for Business and Trade. It was exactly on this issue. Unless the renegotiation is successful, the manufacturers of electric cars will not be able to export their vehicles to the European Union without a 22% tariff. The noble Lord mentioned Stellantis, which is one of the companies that yesterday made the point that this is very urgent. I did not get a sense of urgency from the Minister.

McKinsey estimates that between £5 billion and £18 billion will be required to deliver the domestic battery capacity we need in this country. Even if that money was available now, which it is not, and even if the plans were approved now, which they are not, there would not be a battery plant at the end of this year. Can the Minister reassure your Lordships that the Government are actually on this case, and that the urgency of this is understood, because the industry does not get that impression?

**The Earl of Minto (Con):** The noble Lord makes some very good points. I assure him that the Government are absolutely on the case. We are not alone; the EU has challenges of its own.

**Lord Fox (LD):** It is a quid pro quo.

**The Earl of Minto (Con):** It is a quid pro quo. This whole question of battery manufacture has caught a number of countries, including us, where they do not particularly want to be. The Government have invested in this country; the joint investment with the OEMs is about £1.5 billion and we have put a further £2.8 billion in. That will probably not do it, but I assure the noble Lord that we are absolutely on it.

**Lord Popat (Con):** My Lords, I declare my interest as the Prime Minister's trade envoy for Uganda, Rwanda and the DRC. My noble friend the Minister must have seen the article in the *Times* last week about the exodus of car manufacturers from the UK because of the shortage of batteries. I have just returned from Rwanda, where I met Ministers and President Kagame, who expressed interest in a joint venture manufacturing plant for batteries, because they have the necessary raw materials. Will my noble friend support such an initiative to source these important electric car batteries for the UK's car industry?

**The Earl of Minto (Con):** I thank my noble friend for the points he made and appreciate his relationship with those key African states. In the challenges we face with EV manufacturing, any form of help can be only welcomed and supported. I would very much like to meet him and see what can be done.

**Lord Beith (LD):** My Lords, is the Minister confident that batteries for electric cars will be produced at the site north of Blyth which was earlier identified for that purpose? If so, when?

**The Earl of Minto (Con):** My Lords, I cannot give a direct answer. I will write to the noble Lord later, but I assure him that the Government are absolutely on it. I completely understand that the whole question of batteries and trying to resolve this country of origin issue is fundamental to the future of automotive manufacturing in this country.

**Baroness Randerson (LD):** My Lords, the USA is now pouring trillions of dollars into green investment and the EU is rapidly following suit. Germany alone is investing far more than we are. What changes will there be to UK government policy to ensure that, now we stand alone as a manufacturing nation, we can compete on this advancing front where it is so important that we make our mark early?

**The Earl of Minto (Con):** The money that has already been allocated is fundamental to the future. Through the APC, we have invested in 188 collaborative zero-emission, low-carbon R&D projects to the tune of about £1.4 billion. That is a clear indication of our level of commitment. I see no reason why that should not continue.

**Baroness Bennett of Manor Castle (GP):** My Lords, the noble Lord opposite referred to the raw materials necessary for electric car batteries. Will the Minister acknowledge the concerns about the environmental and labour conditions under which such materials are sourced? Will the Government pay very close attention to this?

**The Earl of Minto (Con):** Not just the Government but the manufacturing companies take this very seriously. Everybody appreciates that these rare materials are finite; it is right at the front of our thinking.

**Lord Stoneham of Droxford (LD):** My Lords, the news from Vauxhall should not have surprised anybody. These Benches have been warning about these problems for the last five years, ever since we launched this Brexit shambles. How can we have any confidence that the Government are now addressing this issue when they have ignored it for the last five years? Why would anybody in the international motor industry invest in this country while there is complete uncertainty over what the Government will do?

**The Earl of Minto (Con):** A number of automotive businesses are investing in this country and will continue to do so. They realise the opportunity: we have a very good workforce and we are extremely good at R&D. I can see no reason why we should not continue to play an important role.

**Lord Whitty (Lab):** My Lords, during the passage of the Bill we have just dealt with, there was a move at an earlier stage to make sure that the European standards for vehicles—on emissions, parts and safety—were not revoked, just like that, by the Bill. The Government refused to do that, and yet none of the investors we are trying to attract are British-owned and most of them have big investments in Europe. For us to depart from our vehicle standards by anything significant would be destroying any ability of the industry in this country to compete. Will the Minister indicate that we will keep in line, broadly speaking at least, with European vehicle standards?

**The Earl of Minto (Con):** Virtually all vehicle manufacture is integrated throughout a number of different countries, and I can see no reason why we would not continue to follow the route that we have done in the past, and that of course involves our relationship with the EU. I know that the Secretary of State has been in close contact on this very matter.

**Lord Fox (LD):** The Minister raised the international supply chain. I apologise if I tell him something he already knows, but the electrification of motor vehicles is a completely new industry. It is not changing a factory that currently exists; it is building a new factory. It is creating an entirely new supply chain. The reason you got urgent cries from these Benches is that unless that happens now, it will never happen. Now is the moment that it has to happen. My noble friend mentioned huge public subsidy. That is what this country has to compete against. Does the Minister understand why this is urgent?

**The Earl of Minto (Con):** I certainly do, and the Government do as well. The automotive industry in this country employs well over half a million people and is fundamental to the success of the country. There is no doubt that some of the brands we have operating in this country are global, future brands, and the Government are fully behind them.

# Rail Services
*Statement*

*The following Statement was made in the House of Commons on Thursday 11 May.*

"In my most recent Oral Statement to the House, I made clear the Government's commitment to deliver a railway that works for passengers, businesses and the taxpayer. Where services are not up to scratch, we are holding operators to account, and where there are systemic weaknesses in the industry, we are pushing ahead with reform. So I wish to update the House today on our progress, starting with the future operator of the TransPennine Express contract.

Since I took office, I have been clear that First TransPennine Express's service levels have for too long been unacceptable. Passengers, including many honourable and right honourable Members across this House, have faced significant disruption, including regular cancellations and poor levels of communication. The underlying reasons behind this vary, but what is clear is that the twin challenges of Covid and industrial action have left their mark. First TPE's driver training backlog now stretches to nearly 4,000 days, which means that, at any one time, it can draw on only 80% of its total driver workforce. Add to that a breakdown in relations between the operator and the driver union ASLEF, all told, there simply have not been enough drivers to run the planned timetable. Inevitably, passengers have borne the brunt, facing cancellation rates of up to 23% on Monday to Friday services and gaps in services on some routes of up to six hours. That clearly is not good enough, a point I have made directly with FirstGroup, which owns First TPE, and which the Rail Minister—the Minister of State, Department for Transport, my honourable friend the Member for Bexhill and Battle (Huw Merriman)—has made in weekly meetings with the Rail North Partnership, where Transport for the North jointly manages First TPE's contract with the Department for Transport.

We will always hold operators to account for matters within their control. We will give them a chance to put things right, but despite a recovery plan put in place since February, there remain significant challenges underpinned by ASLEF's distinct lack of co-operation. To achieve the performance levels I expect, passengers deserve and the northern economy needs, it is clear that both the contract and the underlying relationships must be reset. I have therefore decided not to renew or extend First TPE's contract when it ends on 28 May. Instead, I am exercising my operator of last resort duties and directly awarding a new TPE contract to a public sector operator that will manage it on my behalf.

As Transport Secretary, my obligation, first and foremost, is to secure passenger rail services on which TPE passengers can rely. That requires a new approach, and one that the OLR is best placed to deliver in these circumstances. Most significantly, it provides an opportunity to reset relations between management and all stakeholders—from passengers to trade unions. I have also asked my officials to review services in the north to help drive efficiency and find better ways to deliver for passengers across the region, and I will ask all interested parties, including the northern mayors and Transport for the North, to engage with the Government on this work.

While today's decision will be welcomed by many and while it shows a Government alive to the concerns of passengers, as my honourable friend the Rail Minister and I have made clear, it would be misguided for anyone to think this is an instant solution. The problems First TPE faced will not disappear overnight. Any operator facing industrial action and a union co-ordinated ban on overtime working will struggle to run a reliable service. So I invite those who have long called for today's decision, including unions, northern mayors and colleagues across the House, to work constructively with me and the Rail Minister to fix the underlying problems and help return the service levels to where they should be. The OLR is just the next stop on the line—it is not the terminus station—and once market conditions allow, we intend to subject this and indeed all contracts, both private sector and those under the OLR, to competitive tendering.

There will be some, unfortunately, who use today's decision to further their ideological ends, and to argue that this justifies all rail contracts being brought under public control. That would be a mistake. The majority of taxpayers do not use the railways regularly, but they could be saddled with the huge costs of nationalisation, only to inherit the industry's problems with no plan to fix them. Nationalisation is a soundbite, not a solution, and this Government will always be guided by the evidence to help make the best decisions for passengers. That is why, earlier this year, having seen the noticeable improvements on Avanti West Coast, I resisted calls to bring the franchise into public ownership. I extended Avanti's contract by six months—a decision vindicated, with Avanti-caused cancellation rates at the end of March falling to 1.4% from 13.2% in January, and continuing to improve, despite ongoing challenges.

Let me now turn to industrial action. For months, the Rail Minister and I have worked hard to change the tone of the dispute, and help facilitate fair and reasonable pay offers for workers. In negotiations with train operating companies, the RMT and ASLEF are refusing to even put those pay offers to a vote of their members, despite RMT members who work for Network Rail voting overwhelmingly to accept a similar deal earlier this year. Instead, the RMT has balloted for yet more industrial action and, along with ASLEF, it has cynically called strikes that will cripple the network during the Eurovision Song Contest this week. We are hosting Eurovision because last year's winner, Ukraine, cannot. It will be an event attended by displaced Ukrainians who have fled Putin's war, and the House has just been hearing about that threat, so it beggars belief that unions have chosen to disrupt such an internationally symbolic event—one that not only presents a united front against Russia's aggression but shows solidarity with Ukraine's resistance. So my message on behalf of fed-up passengers is to say to the union leaders, "Call off your strikes, put the fair and reasonable pay offers to a vote and give your members a say on their future."

With or without the unions' support, the industry must modernise to avoid permanent decline, and we are building unstoppable momentum towards rail reform, as I set out in my Bradshaw address in February. I have announced that Derby will be the location for the new headquarters of Great British Railways, and today I can report progress against the commitment I made to extend single-leg pricing to the rest of the London North Eastern Railway network. Tickets will go on sale from 14 May for travel from 11 June, and it means that LNER passengers will benefit from simpler, more flexible and better-value ticketing, removing the frustration that a single ticket can cost almost as much as a return.

In conclusion, since becoming Transport Secretary, my approach has been to listen to the experts, weigh up the evidence and make decisions in the interests of the travelling public. Today's announcements show a Government tuned in to the concerns of passengers in the north, unafraid to take tough decisions to deliver better services, and relentlessly focused on modernising our railways while protecting passengers from the effects of industrial action. That is what the British people deserve, it is what we are delivering, and I commend this Statement to the House."

*6. 43 pm*

**Baroness Taylor of Stevenage (Lab):** My Lords, it would be churlish not to welcome a sensible, if very belated, decision from the Government to remove the TransPennine Express route from FirstGroup. The appalling service suffered by people and businesses in the north, at the hands of TransPennine Express and other rail networks, has finally been acknowledged by the Government, and their decision indicates that they can no longer go on defending the indefensible, at least in the case of this railway.

TransPennine's appalling record of cancellations—almost one in five trains cancelled and fewer than half the services on time—begs the question just why it took so long for the Government to provide at last some light at the end the tunnel for passengers and take the service back into public ownership. East coast services, Northern Trains, London and Southeastern, and now TPE, have all had to be nationalised since the Tories came into office. Will the Minister now admit that the rigid model of privatisation so keenly promoted by her Government has comprehensively failed? We now need to reassure passengers and businesses that services will improve. What steps are the Government taking to bring about the rapid improvement in service on TPE that we all want to see?

When I challenged the Minister recently about the profits of rail operators—profits which seem quite extraordinary to passengers in the face of such failure—she said that they related to a time before the delays and cancellations were a problem. In fact, the issues with TransPennine go back at least seven years. In August and December last year, shareholders cashed in a £15 million bonanza, paid out at the same time as passengers were facing more than half of trains running late. How can the Government continue to justify this profiteering when they now agree that this operator has behaved so poorly that its contract must be removed?

What is being done under the operator of last resort to address the issues of poor management which have led to this horrible failure of service to the travelling public? Will the Government now do their job and get round the table to resolve the industrial relations issues which have exacerbated the problem?

What plans are there to ensure that the right levels of investment are made in TPE to ensure that it delivers the reliable, excellent service that the region deserves, and to ensure that passengers do not have to endure the dangerous overcrowding which has characterised TPE for so many years?

We all know that these problems are not limited to TPE. Surely it is time for the Government to legislate for reform of our whole railway system to create Great British Railways, which will also drive contractual and fare reform. This will deliver much-needed improvements to the railways for passengers and freight customers, and for the taxpayer, who will then be investing in the success of our railways—not picking up the tab for their failure.

**Baroness Randerson (LD):** My Lords, I thank the Government for this Statement, and I welcome the decision. It really was the only one possible, because TransPennine Express not only was hopelessly failing to improve and to deliver an acceptable service but was guilty of wilfully attempting to deceive customers—and indeed the Government—by using P cancellations as routine. P cancellations are of fundamental inconvenience to passengers; they were going to bed in the evening thinking that they could get their early-morning train and waking up to find that it had been cancelled.

All areas of the country suffered from Covid, but not all train operating companies made such a hash of staff relations. I have said in this House before that I travel every week on Great Western Railway, and its recovery has been much smoother. It has relatively few cancellations, and the staff are pleasant, helpful and very well trained. Every week, I am very pleased that I am travelling on Great Western and not TransPennine. This Statement is long on anti-union rhetoric, but it fails to recognise or to say with any grace that good management in the rail industry is fundamental. It is important that good management in those train operators that have managed the situation well is recognised.

I am very pleased to see recognition in the Statement of the potential positive role of regional transport authorities. I was delighted to see that, and I hope it is fully followed through. However, the Statement says

"we are building unstoppable momentum towards rail reform",—[*Official Report*, Commons, 11/5/23; col. 488.]

but there is no sign of the Great British Railways legislation which is fundamentally needed to sustain and boost that process. The Government will say that it is possible to create a lot of that structure without the actual legislation. However, in reality, you need the controlled, guiding mind to drive through all the other changes beyond those that can be done without the legislation. The uncertainty that currently exists has a crippling effect.

In practice, since Covid, we have, in effect, a nationalised rail industry, because the Government in the shape of the Department for Transport takes day-by-day, detailed decisions and does day-by-day, detailed funding. Therefore,

despite the anti-nationalisation rhetoric in the Statement, without the legal creation of the mixed public-private vision of GBR as a concept—with which I agree—this Tory Government will bequeath a nationalised rail industry to their successor at the general election. We need a refreshed, cleaned-up service based on a contractual system that replaces the current failed train operating company franchise system, and we need a simplified, cheaper fare system. I would be very grateful if the Minister could address in her response what government plans there are for GBR legislation, whether that is definitely now kicked into the long grass beyond the general election, and, specifically, what, if any, government plans there are to introduce a wholesale, simplified fare system.

**The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con):** I am grateful to both noble Baronesses for their contributions and I will endeavour to answer as many questions as possible. I will start with the noble Baroness, Lady Taylor, who asked, "Why now?" Of course, it is very simple: it is because the contract is coming to an end. It is coming to an end on 28 May, so that is why we made the announcement on 11 May that the contract would come to an end and indeed it would then be handed over to OLR. Obviously, the decision was taken after much consideration. It was important to work in accordance with the policy statement that we had already published. We considered carefully whether to extend or award a new contract, and, after very careful consideration and with regret, we decided not to do so.

However, the Government are clear that we want to hold train operating companies accountable for those things that are within their control, and it is also clear that at TPE there were many things that were not in the management's control and which will have impacted the services that were delivered to passengers. That included a very high level of absence, obviously the complete lack of rest-day working, and some very interesting shenanigans from the noble Baroness's friends at ASLEF. In April 2023 they were offered literally the same deal for rest-day working that they had in December 2021 but they managed to say that that was not good enough. I do not know—I do not understand it any more. Clearly, we are in a situation where nothing is ever going to be enough, but of course it is the passengers who are suffering at the hands of the Labour Party's friends.

Other issues have impacted TPE. It has had a much higher level of driver departures than would normally happen: 56 versus 25 in a normal year, and each one takes 18 months to replace. It is with regret that we felt that, despite an encouraging recovery plan, it was not going to reach a good conclusion. The reason why we felt that OLR was the right course of action is because it is an opportunity to reset and review. I say "reset" because there certainly needs to be a resetting of the relationship between TPE and all its stakeholders, whether that be government, the trade unions or indeed, quite frankly, their very poorly served passengers. Everybody within the industry wants TPE to succeed—except, potentially, the trade unions, which are not behaving as they should. I encourage all stakeholders involved in this, which includes the northern mayors and lots of council leaders, to work together to try to reach a good solution.

The Secretary of State has asked for an official review of services across the north to look at their effectiveness and delivery. It is worth recalling, and it seems rarely to get mentioned, that the TPE contract is the joint responsibility of the Department for Transport and Transport for the North, on which many Labour politicians sit. It is important to understand that chucking blame around about how ghastly the department is, is not really very helpful. We all have to work together to improve TPE's services, and I hope we will be working closely, hand in hand, with Transport for the North to do that.

The noble Baroness once again brought up the issue of profits and dividends. I cannot give her a finance 101 class, because it would be wrong and potentially a bit rude. However, dividends are of course not the same as profits, as I am sure the noble Baroness understands. I cannot address that any further: I have tried before and it probably did not work, so I will just have to leave it.

As the noble Baroness will know, there are a number of reforms that we can do now. The key to that is workforce reform. The transition team is doing the long-term strategic plan. Workforce reform is key, but that has stalled. Why has it stalled? I think the noble Baroness knows the answer without me telling her.

Turning to the comments of the noble Baroness, Lady Randerson—

**Baroness Taylor of Stevenage (Lab):** On the Minister's last point, I did raise the issue of management. There are two sides to the story in any industrial relations issue, and there has clearly been some poor management involved here. I am not going to put blame on one side or the other, but I did ask the Minister to comment on how poor management in TPE was going to be addressed. On the issue of profit, TPE passengers find it extraordinary that such huge profits were taken and that they resulted in dividends to shareholders. This company, which had run the service so badly, was being rewarded, as were its shareholders, for that failure. Passengers find that extraordinary.

**Baroness Vere of Norbiton (Con):** But of course they were not. But anyway, we have been around those houses many, many times, and I am frankly unwilling to do so again.

Had the noble Baroness let me finish my remarks, I would indeed have discussed the issue of management, in order to cover some of the issues raised by the noble Baroness, Lady Randerson, but as she has once again raised it, this is what I meant by the review and reset moment. It is an opportunity for the OLR to come in. It will look clearly at every aspect of the business, including the recovery plan, with fresh eyes, and I very much hope that there will be a renewed attempt to encourage the trade unions to think very carefully about the future of the rail industry in this country, for which, as I have said before, I am deeply fearful.

Turning to the comment of the noble Baroness, Lady Randerson, about P codes, she seemed to think that there was deception of the Government. I could not quite understand why that would be the case. I absolutely accept that we need to do something about the use of P codes, which are used by very few train operating

[Baroness Vere of Norbiton]
companies. As she knows, the Office of Rail and Road is looking carefully at how it can improve the coverage of P code cancellations. From an industry perspective, we should make sure that they are almost never used, but sometimes they can be because there is train crew or rolling stock unavailability. Often, P codes can be used because there is engineering work, or whatever, which is clearly beyond the control of the train operating company.

As for somehow deceiving the Government by using P codes, I cannot see how that is possible, because the information about the performance of the train operating companies is assessed by independent evaluators. Unless the noble Baroness is suggesting that the train operating companies are pulling the wool over the eyes of the independent evaluators, of which I can see no evidence at all, I do not think the issue of P codes is wholly relevant in judging performance. It is relevant to the information provided to passengers, and that is why we asked the Office of Rail and Road to dig into it and think about how we can publish the most useful information. Of course, our ultimate goal is not to have short notice cancellations on or before the day due to lack of rolling stock or train crew.

The noble Baroness also mentioned the involvement of regional set-ups in rail, and I agree. That already happens with Transport for the North being involved in both TPE and Northern. Clearly, it is not a silver bullet, because TPE has gone the way it has despite the involvement of Transport for the North, but we agree with her that in future, making sure that strong regional economies are involved in their rail is critical.

We want to progress many elements of rail reform. We will bring legislation forward when parliamentary time allows. On simplified and cheap fares, I hope the noble Baroness has seen the announcement by LNER of a simplified single-ticket system, because that is the direction of travel. We do not want to roll it out across the entire system all at once because that might cause chaos, and then we would be accused of not having thought it through. But we are bringing it out—people will be able to buy tickets halfway through this month, so, very soon—to see how it works, because we believe it is a big step forward. I hope the noble Baroness will try it, and I will be very happy to take feedback from any noble Lord who has a go.

*7.01 pm*

**Lord Beith (LD):** My Lords, on the Scottish borders we have the absurdity that new stations are being opened—at Reston, for example, and East Linton—where the principal provider of trains is TransPennine. However, the service is so unreliable that it does not bother to publicise it, and it changes it at 10 pm anyway. The nationalised operator of LNER seems to be doing a not perfect but reasonable job in the circumstances. What confidence does the Minister have that the nationalised operator can tackle the problems that both sides of the House have talked about, which cannot be allowed to continue in their present state?

**Baroness Vere of Norbiton (Con):** I agree that things cannot be allowed to continue in their present state. That is why we have brought in LNER, which will perform its duties and review every aspect, as I said earlier. Noble Lords should understand that this is not a silver bullet. I do not think we can expect a substantial change very soon, because we still have no rest-day working, as ASLEF will not allow it. Even if train drivers want to earn extra money, they cannot, because it is not being allowed. So it remains the case that only 80% of TPE's drivers are fully trained, because there is a nearly 4,000-day backlog of training. Again, that cannot be done unless there is more flexibility within the train-driving community to allow that to be cleared, so it will take quite a long time, which is disappointing, but of course we hope to reset all relationships and move to a better future.

**Lord Scriven (LD):** My Lords, I listened very carefully to the responses the Minister gave to the Front Benchers and, like many millions of passengers in the north, I am a little dismayed at some of the combative language that was used. I gently suggest to the Minister that, to solve this problem and get TPE working better, a little more collaborative language, rather than combative language, would be helpful.

I also point out to the Minister, who made cheap party-political jibes about Transport for the North, that it is a collaboration of all party leaders of all colours. It is chaired by a noble Lord who sits on the government Benches and includes the regional director at the Department for Transport, so please let us accept that as a united board across party politics, as well as the Department for Transport.

In so doing—and I hope the Minister will be a little more collaborative in the answer she gives me—one of the big issues for TransPennine Express, which many in the industry point out, is that part of the reason for the 56 drivers leaving is because they are being poached by freight companies offering double the salary. How does this new arrangement that the Minister has just explained help to deal with that problem? If it does not, what solutions does she suggest could be put in place to ensure that poaching does not continue and therefore cause a lack of drivers and the problem for passengers who use TPE services?

**Baroness Vere of Norbiton (Con):** I am grateful to the noble Lord, and I am sorry he felt that I was being combative. I think was slightly responding to the fact of it being the terrible Tory Government yet again, when it is about partnership working. If we are going to make our railways work in the future, it is with this sort of partnership working with TfN, which is an organisation I have a great amount of respect for. I worked very closely with it for three years in my role in the Department for Transport. I have an enormous amount of respect for TfN, but it is just trying to understand that there are other parties involved which have been trying to help make sure that TPE operates as well as possible.

I understand the noble Lord's point about the drivers. It is something that the OLR will need to look at. I think there are two issues: recruitment and retention. TPE has been very successful in recruiting. It has recruited 113 new drivers this year versus only 57 last year, so I hope we can reset the relationship with the new blood coming in—obviously they take a while to train. TPE is already a great place to work. We just need to

make sure that the drivers feel supported and able to stay with TPE as it goes into the management of the OLR.

**Lord Shipley (LD):** My Lords, I would like to press the Minister on timescales because the words "temporary measure" have been used. We are in a position now where over half of the UK rail network—that includes Scotland and Wales—is actually controlled by Governments. I feel as though the Government do not quite know what timescales they are operating to with their promise to return TransPennine, for example, to the private sector, at least through contract bidding. What measures are the Government going to use to decide whether TPE can be returned to the private sector? That question follows the other companies which have been put under government control—as I say, to put us in a position where more of the UK rail network is under government control than not. I simply do not know what the Government's plan is any more. Where are we on Great British Railways? What is actually to happen? Have the Government got any ambition at all, or are they simply now responding to events?

**Baroness Vere of Norbiton (Con):** I think it is twofold. Events in the rail industry are having a very significant impact on it and its long-term future, and I am worried about that. In terms of the train operating companies currently under the OLR, whether that be TPE or others, there is a process by which services are stabilised and in certain circumstances they are doing much better than they were before and that is fantastic news. TPE will go through the same sort of process to improve things as much as possible.

Then there would be a competition to procure a new operator. That is a two-phase process. The first is market appetite and the second is the competitive process. On market appetite, there is evidence to suggest—and I could not possibly explain why—some people might be slightly reluctant to get involved in UK railways at the moment. Obviously, that is really disappointing, but I think this goes to the heart of the problem. We want a good railway system or we do not. We need workforce reform. Industrial action is not all about pay; it is about workforce reform as well, and those two things must go hand in hand in order for us to have a modern seven-day railway which works for the passengers. That is what we are trying to achieve. Unfortunately, there are some roadblocks in the way at the current time.

## Bus Funding

*Statement*

*7.09 pm*

**The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con):** My Lords, with the leave of the House, I shall now repeat a Statement made in another place by my honourable friend the Parliamentary Under-Secretary of State. The Statement is as follows:

"With permission, Madam Deputy Speaker, I would like to make a Statement on the steps that the Government are taking to ensure that bus travel remains accessible and affordable for everyone, while bearing down on the cost of living.

Let me start by summarising the situation as we find it. People across the country are facing massive cost of living pressures following Russia's illegal invasion of Ukraine. That is why we have a commitment to halve inflation this year to ease the cost of living and give people greater financial security. For the bus sector, this comes on the back of a global pandemic that saw passenger numbers drop as low as 10% of their pre-pandemic levels. However, bus journeys are now recovering to around 90% of pre-pandemic levels outside of London. Taking the bus remains the most popular form of public transport, and millions of people rely on these vital services every day.

Local bus networks provide great access to work, education, and medical appointments, driving economic growth right across the country. They can be a lifeline for those for whom travelling by car or other forms of transport is simply not possible. That is why over the last three years we have invested over £3 billion to support and improve bus services in England outside of London. That level of investment was a sign of the times, but today we need to move out from underneath the shadow of Covid-19, where the sudden absence of passengers made it necessary for the Government to step in, first through the Covid-19 bus service support grant, and later through the bus recovery grant.

Of course, we face a challenge to return the network to its pre-pandemic footing while confronting fundamental changes to travel patterns, but buses remain a critical part of our transport infrastructure for many people, especially outside London in suburban and rural areas. Billions in government funding has been made available to keep fares down and keep services up and running. Bus routes have been kept alive which may have proven so uneconomic that they risked being scrapped altogether. Without them, whole communities would have lost out, risking people becoming disconnected, especially older and more vulnerable people. While we have seen overall patronage recover to around 90% of pre-pandemic levels, concessionary fares continue to lag significantly behind. We recognise that we can maximise opportunities to bring concessionary fares passengers back to the bus, and I will return to that point later.

Supporting bus services at their lowest ebb was the right thing to do. However, if the public purse alone props up bus services, that would not be a funding model; it would just be a failing business. It is not the business of this Government to allow our buses to fail. We must reform bus funding in the long term, and we will work with the sector to better understand its impact before moving ahead with any implementation. We must adapt to new levels of patronage, acknowledge that these are extremely challenging financial circumstances and balance the needs of taxpayers, the travelling public, operators and local authorities. All parts of the sector have their role to play.

The Government will play their part. Today I can announce a long-term approach to protect bus services, keep travel affordable and support the bus sector's long-term recovery. I can announce that the Government will provide an additional £300 million over the next two years to protect vital routes until April 2025: £150 million between June 2023 and April 2024; and another £150 million between April 2024 and April 2025.

[Baroness Vere of Norbiton]

Some £160 million of that funding will be earmarked for local transport authorities through the new bus service improvement plan plus—a mechanism to improve bus services while empowering local authorities to make the call on how services are planned and delivered. It comes in addition to the existing £1 billion of funding from the national bus strategy that has already been allocated. It will be focused on communities that did not previously benefit from BSIP allocations.

In addition to this money, a further £140 million will be provided to operators through the 'bus service operator grant plus' mechanism, supporting them with the services they run, a package that means passengers can continue to rely on their local bus to get around. Alongside it, we will consult with operators and local authorities on measures to modernise and future-proof bus funding for the longer term. This is part of the Government's vision to improve connectivity through the bus services that this country relies upon.

This funding—and our bus vision—will grow the economy and create better-paid jobs and opportunity in every part of the country. But, at a time when the cost of living is a challenge for many, we also recognise that price is a key barrier to growth. The more affordable travel is, the more likely passengers are to get on board. We understand that every penny counts.

This Government stepped up during the pandemic, with support for businesses and their workers with low-cost loans and—most vitally—the furlough scheme. Following Russia's illegal invasion of Ukraine and the knock-on inflation caused by the energy price shock, we have stepped up again. We have delivered an energy package of over £90 billion—literally paying half the energy bills of households across the country, with extra support for the most vulnerable. We will halve inflation this year to ease the cost of living pressures and give people financial security. We will grow the economy, creating better-paid jobs and opportunity right across the country. In transport, we also understand the pressure on people's finances. That is why we cut fuel duty by 5p per litre, kept train fare increases significantly below inflation, and introduced the 'Get Around for £2' bus scheme nationwide and provided the funding for local authorities in Greater Manchester, West Yorkshire and elsewhere to do the same.

The nationwide scheme was initially for three months, until 31 March this year. It was then extended by this Government until 30 June. Today, I can also inform the House that the Government will provide up to a further £200 million to continue capping single bus fares at £2 in England, outside London, until 31 October 2023. After this, we will continue to support bus passengers and the cost of living and we will replace this with a £2.50 fare cap until 30 November 2024, when the Government will review its effectiveness and future bus fares.

Since the £2 cap was introduced, it has saved passengers millions of pounds, boosted businesses and put bums on bus seats right across the country. This decision builds on the Government's Help for Households initiative and supports everyone through the increased cost of living, especially those on lower incomes, who take nearly three times as many bus trips as those on higher incomes. It puts money back into people's pockets and keeps them connected with key local services. It encourages millions of passengers to get back on the bus by knocking close to a third off the average single fare—and more for longer journeys. Taking this forward, my officials will work with the sector to confirm operators' participation in the scheme. We will also undertake a review of bus fares at the end of November 2024 to support the sector in moving to a sustainable footing.

What I have shared with the House today is part of the largest government investment in bus services for a generation. It exceeds our *Bus Back Better* commitments by half a billion pounds, providing certainty to industry, securing value for the taxpayer and protecting access to vital services, delivering our priority to grow the economy and helping people with the cost of living. All the while, we will work with the sector to reform bus funding in the long term, and we will work towards affordable and reliable buses for everyone, everywhere, all at once. That is what the travelling public deserves. That is this Government's ambition, and I commend this Statement to the House."

My Lords, that concludes the Statement.

*7.18 pm*

**Baroness Taylor of Stevenage (Lab):** My Lords, I thank the Minister for bringing this Statement about bus services to us. I am afraid it will leave too many bus users around the country wondering whether the Minister in the other place lives in a parallel universe to the rest of us. Their experience of the bus services that are essential to their everyday lives to access work, school, college, hospital appointments or for their leisure activities is so different from what we have just heard and what passengers were promised by the Government in their *Bus Back Better* strategy. Our bus services are in crisis, and this funding will not even maintain them as they are, never mind deliver much-needed improvement.

It is passengers who feel the everyday pain of the 7,000 buses that have been axed and the fact that fewer buses are on the road than at any time ever. They are the ones standing at the bus stops, enduring the long waits for services that have been cancelled at short notice or delayed. When buses are cancelled at short notice, the elderly residents in my ward who shiver while they wait for more than an hour may find it quite a long stretch to blame this on a war in Ukraine—especially as it was happening way before 2022. Our businesses suffer too, as these lost connections hold back our economy and worsen productivity, as well as impacting on our retail, leisure and tourism industries.

Today's announcement is yet another enormous cut to funding, dressed up as funding to support services. In fact, it is 23% less than previous rounds of recovery funding. Every promise on buses has been broken: there are fewer services and there is less funding. This is very far from the Government's promise, in *Bus Back Better*, of bus services that

"run so often that you don't need a timetable".

Many areas of the country still have no bus services at all, and many more have services so infrequent or unreliable that they are of little use.

The promise of more electric buses has been broken too. A promise of 4,000 zero-emission buses has resulted, to date, in just six in operational use. In my area, the

project to replace all the buses with a zero-emission fleet was scuppered because the private operator refused to take part. Can the Minister say why we are the only country in the world that gives operators unfettered power to slash routes, raise fares and decide whether we will reduce the emissions of our bus fleets, with the people who use their services left out of the decision-making completely?

The Confederation of Passenger Transport said that £390 million would be needed over 18 months to keep services at current levels. What assessment have the Government made of the number of bus services put at risk by falling short of that figure? Will this reduction in funding not just escalate the spiral of decline in bus services? It is time that communities and businesses were given back a say in the bus services for their areas. Evidence shows that areas with local control and public ownership deliver better services for passengers. The Labour Party has clear plans to deliver this bold reform, so, if the Government cannot or will not, perhaps it is time they listened to the clear message they got from the electorate on 4 May.

**Baroness Randerson (LD):** My Lords, I thank the Minister for her Statement. She puts on a brave face, but it is a very sad picture on buses. Anyone who was out campaigning in the recent local elections will know that the poor state of bus services was at the top of people's complaints about local things. When you explain to people that local authorities actually have little power over the buses in their area—of course, this should be put right—they are surprised by that lack of influence, but it does not stop them being worried about this.

I am pleased to see that the Government are looking beyond the end of the next month, at a longer-term funding plan. I am pleased to see that amounts of money are specified here, so we will be able to hold the Government accountable on how, where and how effectively this money is spent. But it is a lot less than we hoped—I remember the sentence in *Bus Back Better* about the aim that you would not need a bus timetable.

I have some specific questions about this, because it is important that it is used as well as possible. How much of the money specified in this announcement will be targeted at the rollout of zero-emission vehicles? The figures I looked at recently showed that, although there had been some progress in developing a zero-emission fleet, it was very variable from one part of the country to another and it was still a tiny fraction of the total fleet.

Also, I am pleased to see that the money in the new funding will be focused on communities that did not previously benefit from BSIP allocations. One of the criticisms we made was that those areas with the most vestigial—if I can put it that way—and smallest bus services were not in a position to apply for the funding, so the funding went to areas with better bus services. I would be grateful if the Minister could explain how the Government will ensure that the funding goes to those most disadvantaged communities. I use the word "disadvantaged" in relation to bus services.

I am very pleased to see that local authorities will be consulted as well as bus operators. The previous criticism I mentioned was that the new funding was going to be impossible to access for areas with very little in the way of bus services. If the Government are to spread it out more fairly, what will they do to enable those areas that no longer have the expertise in their local authorities to make the applications?

The Statement goes on to the issue of the £2 bus fare cap, which is good news. However, one of the problems with it is that, although one welcomes the take-up, it was very uneven from one area to another—some bus companies did not bother to take it up as an offer. What are the Government doing to learn from their experience so far? The Government are obviously keen to develop and use this further—that is laudable—but what are they doing to ensure that there is wider adoption, with more bus companies using it and more local authorities adopting it?

What analysis have the Government made about the people using the buses in the areas where the £2 bus fare was applied? There is anecdotal evidence about the numbers of people using it who were already using the buses anyway and are now getting cheaper fares. That is great for them, but one of the Government's aims was to attract more people on to the buses. It would be useful to learn whether the Government have done any analysis to see what type of passenger this approach is attracting.

Finally, the beginning of the Statement says that the Government will come back to the issue of concessionary fares. There is no deep analysis in the Statement of how they will get more older people back on to the buses. They clearly left during the pandemic and have not returned in sufficient numbers. Personally, I find it very worrying that they are still not getting out and about.

**Lord Snape (Lab):** My Lords—

**Baroness Vere of Norbiton (Con):** Perhaps I might first respond to the noble Baronesses. I am sure that the noble Lord is desperate to come in; I await his question with interest.

I could have stood before your Lordships' House today with the moon on a stick and the noble Baroness opposite would still not have been happy. The noble Baronesses have been calling for a long-term bus funding plan, and this is it. It is not in any way a cut to funding; you cannot cut emergency funding. That was emergency funding and then recovery funding; this is something different. This is more money than buses have had for a generation. It is never going to be enough—£500 million for buses is fantastic news, yet the noble Baroness could not bring herself to be even the slightest bit happy about what it will do for our bus services.

I have heard rumours of what Labour is going to do about powers for local transport authorities, but I do not really understand it, because local transport authorities already have the power to put bus services in place. I am sure that the noble Baroness knows that. Perhaps when these plans come out, they will be pretty much what we have now.

I need to explain the situation to the noble Baroness. There is £300 million in total—£160 million plus £140 million, so roughly half and half. Half will go to local transport authorities, and they will be able to decide which services to tender. They have the power;

[Baroness Vere of Norbiton]
they have always had the power. Remember, a bus operator has to tell the local transport authority in a confidential period of 28 days before it notifies the traffic commissioners that it intends to take a route away. At that point, the local transport authority can put it out to tender. We have literally given them the money to do that, but the noble Baroness cannot welcome that.

I do not understand what the Labour Party is going to do or what more powers local transport authorities could possibly have, unless Labour wants to renationalise all the buses as well. Perhaps that is where the noble Baroness thinks things will end up. I look forward to hearing from the Labour Front Bench what its plans are because, at the moment, it is completely unclear. That goes to her comments about unfettered powers that bus operators have to slash routes. That is just not true. As I said, local transport authorities can tender them. If the worst comes to the worst and their enhanced partnership does not work—as the noble Baroness knows, they can get into an enhanced partnership, working with the operators and the local transport authority; there is lots of power in that relationship between the two, to flesh out what the network should look like—they can franchise, as in Manchester. It is up to them. They have the powers to do so. But again, apparently all the power sits with the bus operators. I think they would probably say that it does not.

I note what the noble Baroness says about public ownership of some of the bus companies, and the ones that are left are very good. I think Reading is very good and Brighton is very good, but of course there have been plenty that fell by the wayside because they were not very good. There has already been a massive weeding out of the wheat from the chaff when it comes to publicly owned bus operators, so I do not think that is the silver bullet either.

I turn to the comments made by the noble Baroness, Lady Randerson, who sounded a little bit more chipper about the funding—but, again, not wholly. If I am able to answer some of her questions, perhaps she will feel a bit more positive. The money that is going to the local transport authorities will be for places that missed out on BSIP funding the first time around or those that got very low per-capita spend. We feel that it was not quite fair, and we have more money, so they should have it. There is actually a list about where the money is going, and I will see if I can send that to all noble Lords who are speaking in today's debate. That list will be very helpful. We have allocated 50% of the funding on tendered milage, weighted by metrics of deprivation and car ownership, and 50% on population, weighted by delivery confidence. That is how we did it. We have put in deprivation and car ownership, to make sure that it is going to places that need it most.

The noble Baroness talked about capability and capacity of local transport authorities. Again, when I was buses Minister, we focused enormously on this. We feel it is so important that they have the capability to build their own networks, which is why we gave them tens of millions of pounds of funding, specifically for developing the BSIPs. It is not the case that, if they did not have a good system and they did not have the capability and capacity, they necessarily did not get BSIP funding; we did give them the funding. There are councils that are run by other political parties to my own that choose not to spend a single penny on tendered services, and that is very disappointing.

We continue to provide capability and capacity funding to local transport authorities specifically so they can put their enhanced partnerships in place. I hope that that money and that capability and capacity funding will work together to help enhance and protect those vulnerable tendered services.

An evaluation of the £2 fare cap has been published today, so the noble Baroness might want to have a look at that. There are high levels of awareness, with seven in 10 survey respondents being aware of the scheme and one-third of them saying that they felt that the scheme was having a positive impact on their disposable income—all sorts of different things. It is too early to decide whether there is a change in patronage solely down to the fare. Obviously, you have to disaggregate other elements. Other factors may be involved as well but, again, we are keeping a really close eye on that. But, overall, I think that the Get Around for £2 scheme has been hugely positive. I am really pleased that we can talk about it and extend it for quite a long time.

I turn to the issue of zero-emission buses, which is absolutely critical. The Government remain committed to supporting the introduction of 4,000 zero-emission buses. Since February 2020, so far, an estimated 3,452 zero-emission buses have been funded across the UK. In this Parliament, we have awarded £345 million of dedicated funding for zero-emission buses in England. I am aware that the noble Baroness's zero-emission bus award fell through because the operator was not willing to put up the amount—and that is entirely up to the operator. But that money will go back into the pot, and other operators in different parts of the country will be able to make use of that. We also understand that the award of the grant kicks off a process that necessarily has to go through public procurement rules and so on, and those things take time. It is the case that we have to award the contract, build the bus and get it on the road—so, yes, it will take some time for those particular buses to get on the road, but they are coming. That is a very positive thing, and it is also a very positive thing for our bus manufacturers.

I remain positive about zero-emission buses. I believe that the cost of the buses is falling and that, sometime soon, bus operators may actually choose zero-emission buses without government support, because we will see total cost of ownership about the same. So I think that things are moving in the right direction, and I really welcome that.

*7.37 pm*

**Lord Snape (Lab):** My Lords, as the former chairman of a major bus operator, I tell the Minister that any financial support for the bus industry is more than welcome. But her announcement today bears no resemblance to the promises made two Prime Ministers ago under the Bus Back Better project. The fact is that, no matter who runs the buses, the question of finance is always going to be there.

I address my remarks to my own Front Bench. There is an apparent belief that all we need to do to create a better bus service across this country is to give

powers back to local authorities. Without proper finance, local authorities, which already struggle to provide the services that they have to provide now, will struggle even further.

Can I tell the Minister that the price of the average double-decker is currently around £250,000? A new electric bus costs around £400,000. The short-termism inherent in this package will not incentivise the bus industry to invest over the long term in fleets costing the sort of money that we are talking about here. Although the Minister made the best of a bad job, much of the finance that she has announced today is in fact short-term and not long-term. Without proper long-term financing, the bus industry will continue to struggle.

I hope that as somebody who helped set up what was a rather successful bus partnership between the private sector, in which I worked at the time, and the West Midlands Combined Authority I can say to the Minister, without causing any offence, that, again, finance was the key. We could get that sort of partnership and get successful bus services across the West Midlands provided that we got proper government support. So far, this package does not demonstrate proper long-term support for the bus industry. I have to say to the Minister —I repeat—that, welcome though it is, we need proper long-term planning if the bus industry is to invest properly in the vehicles of the future.

**Baroness Vere of Norbiton (Con):** I have to remind noble Lords that this is not the only money the bus sector gets; there are many other streams that should be considered. I think there is just over £1 billion in concessions; there is the existing money, £260 million, from BSOG; and obviously there is some money in the block grant. All in all, we have to be realistic about what the bus sector is going to look like in the future. It will have to adjust to new travel patterns, but there is the combination of this new funding and the existing funding, which will stay in place, and we have committed to having conversations with the operators and local authorities about longer-term measures, which will include a reform of BSOG. I would not be surprised if that reform looked very carefully at emissions from buses. One could put that in place, although an element of BSOG is already based on zero-emission buses.

All in all, I am satisfied that the sector is getting the funding it needs, and we need to work as hard as we possibly can with the operators and local transport authorities to encourage people back to buses, including those who use concessionary fares. I believe that if we do that, if we use the capital spending from the BSIP effectively, and if we have bus lanes and bus priority in the right sorts of places to improve the passenger experience, that combination of input is really good. Sitting there and saying, "Just throw money at the problem" is not it. We have thrown money at the problem. We have carefully considered how much money it needs, and we believe that this is a good future for the bus service.

**Lord Young of Cookham (Con):** My Lords, I think that so far, the House may have been less than generous to my noble friend in the welcome they have given to her announcement. At a time of enormous pressure on public expenditure, an extra £300 million has been found to help the bus industry, and some funds going towards the caps. But I just pick up a point made by the noble Lord, Lord Snape. At the beginning of my noble friend's announcement, she said:

> "Today I can announce a long-term approach to protect bus services".

But then, towards the end, she said that the cap would be reviewed at 30 November next year and said:

> "We will also undertake a review of bus fares at the end of November to support the sector".

Can I press my noble friend a bit more on that review? November next year may be a sensitive political time and I think the bus industry and passengers will want to know before the end of November what the outcome of that review is going to be. Will my noble friend say a little more about the review, which will have to be announced before the end of November? What is the timing of it and what is the consultation exercise that will be involved in identifying the outcome of that review? I assume it will involve consultation with local authorities, passenger representatives and operators, so a little more on the timing of that review would be very helpful.

**Baroness Vere of Norbiton (Con):** I thank my noble friend for his welcome of this funding, this additional £500 million for the sector. Yes, he is right: November next year may well be a very sensitive political time. I suspect that the review will happen before the November period. One thing that needs to happen prior to the review kicking off is the completion of various reforms. Reforms to BSOG will be key. We will also need to see how travel patterns have been impacted by the fare cap. Again, we will be getting data back from operators as to the implications and the price elasticity of demand when it comes to fares, and whether they have encouraged people back on. So, I will write with further information if I have it, but I suspect the details of the review will become clearer in about spring next year, by which time we will have brought in some of the reforms we plan to undertake later this year, particularly around the calculation of concessionary fares reimbursements and BSOG. Those things need time to bed in, so we can see what the landscape looks like.

*House adjourned at 7.45 pm.*

# Grand Committee

*Wednesday 17 May 2023*

## Arrangement of Business

*Announcement*

*4.15 pm*

**The Deputy Chairman of Committees (Baroness Healy of Primrose Hill) (Lab):** My Lords, if there is a Division in the Chamber while we are sitting, the Committee will adjourn as soon as the Division Bells are rung and resume after 10 minutes.

## UK-EU Relationship in Financial Services (European Affairs Committee Report)

*Motion to Take Note*

*4.15 pm*

*Moved by* ***The Earl of Kinnoull***

That the Grand Committee takes note of the Report from the European Affairs Committee *The UK–EU relationship in financial services* (1st Report, HL Paper 21).

**The Earl of Kinnoull (CB):** My Lords, on 23 June last year the European Affairs Committee published our report, *The UK-EU Relationship in Financial Services*. The Government responded in August and we are debating this important subject nine months later. I regret this structural time lag for committee reports, but warmly thank the Senior Deputy Speaker and the Chief Whip for their efforts in trying to address this and in getting our debate today.

Before I begin in earnest, I thank our staff Nick Boorer, Dominic Walsh, Tim Mitchell, Kutumya Kibedi, Sid Gurung and Louise Shewey, as well as the committee's specialist adviser on this report, Professor Sarah Hall. We are lucky in this House with our committee staff in particular and on the EAC especially. I know that the whole committee felt that they were hugely hard-working and skilful in everything they did to help to settle this report and in the evidence process that underpins it.

We took evidence between February and March last year on the state of the UK-EU relationship in financial services, covering four main areas in the sector: first, the impact to date of the UK's exit from the single market; secondly, the impact of the absence of a framework for UK-EU regulatory co-operation; thirdly, equivalence; and, fourthly, regulatory form and divergence, and agreements with third countries. I am going to focus on a few themes that the committee felt were especially salient, starting with the impact of Brexit on the UK financial services sector, as we then found it.

The sector employs 2.3 million people and makes up 10% of total UK tax receipts. It comprised 19.1% of all UK services exports. The EU is a very significant trading partner in this sector, making up 37% of total UK financial services exports in 2019. I note that, in the latest ONS "Pink Book", those numbers are broadly similar. We are all reminded that the sector, although it is traditionally associated closely with the City of London, is well established across the UK. In fact, two-thirds of those employed in the sector are outside London. Our witnesses were generally optimistic about the sector's future, with many fewer job moves to the EU than anticipated—the EY Brexit tracker, which has now ceased, recorded just 7,000—but we warned against complacency, as it is not clear whether the full impact has yet played out.

The Government's response provided further details on the steps they were taking on the future of financial services, with reference to the Financial Services and Markets Bill and the *State of the Sector* 2022 report, both of which were published in July last year, a month after our report. The interesting *State of the Sector* report provided scant detail about how the Government intend to support financial services outside London, however.

In addition, neither the Government's response nor the inaugural *State of the Sector* report engaged with the committee's recommendation that the report include

"for at least the next five years a section dealing expressly with the UK-EU relationship in financial services".

My first questions are to ask the Minister to provide further details on how the Government intend to support financial services outside London, when this year's *State of the Sector* report will be published and whether it will contain the information that we requested, specific to the UK-EU relationship on financial services.

Moving on to regulatory co-operation, our report also examined the fate of the UK-EU memorandum of understanding, or MoU, for regulatory co-operation on financial services. The UK and the EU concluded technical negotiations on that MoU almost two years ago, yet it has still not been signed or entered into force. We noted

"the widespread view that the MoU has become a casualty of"

wider difficulties in the UK-EU relationship and concluded that, although the non-finalisation was not causing major problems, it

"would still have value as a mechanism for strategic dialogue".

That is, I am afraid, committee code for conferring a mutual benefit on both the UK and the EU. Following the surfacing of the Windsor Framework, a European Commission spokesman indicated that the Commission was ready to start work on the so-called finalisation of the MoU on financial services. Two and a half months on, what discussions have the Government had recently with the EU on that MoU?

I turn to equivalence. As highlighted in our report, the UK

"has issued positive determinations for EU … states in 28 of the 32 areas identified for the equivalence process",

whereas

"the UK holds just one, time-limited equivalence decision from the EU",

on central counterparties. This contrasts with the multiple equivalencies that other jurisdictions, including the US and China, enjoy from the EU. Witnesses to our inquiry suggested that the decision by the EU to withhold equivalence from the UK

"is political rather than technical".

[The Earl of Kinnoull]

However, although we expressed regret at the state of affairs, we concluded that this a unilateral decision for the EU and that

"it would be misguided to base the UK's future strategy for the sector on something that is not in the Government's gift and that currently seems unlikely to be forthcoming".

We also concluded that

"the low number of equivalence decisions is not seen within the sector as a matter of fundamental concern".

The Government's response indicated some agreement with this analysis, although it provided little detail in respect of the committee's request to

"set out the extent to which it believes there to be a competitive disadvantage as a result of the imbalance in equivalence decisions"

from the EU for the UK compared with other countries. Have there been any further discussions between the Government and the EU on equivalence in the past six months, in particular in the period since 27 February and the surfacing of the Windsor Framework agreement?

I come to regulatory reform and divergence. I noted at the start of my remarks the size and importance of the sector. In essence, during our inquiry, the Government and the Bank of England were finishing a thorough and sensible analysis of the regulatory environments; it was sensible because the UK had moved from a one-size-fits-28 environment to a one-size-fits-one environment. The analysis involved a substantial number of reviews and consultations; its key elements are set out in table 1 on pages 42 and 43 of our report. The analysis was to lead to legislative change. The largest part of that—the Financial Services and Markets Bill—is before us in this House now. The final stage will be the implementation of the whole new environment.

Although the Government's response provided, as requested, some further details on their plans for regulatory reform, it was clearer on regulatory changes that were already planned or under way—particularly those included in the Financial Services and Markets Bill—than it was on the future direction and regulatory plans for UK financial services. Our report noted that, under the Government's plans, greater powers will be moved downwards towards the regulators, in particular the Financial Conduct Authority and the Prudential Regulation Authority. Although we are supportive of this, we emphasised absolutely the need to establish "appropriate mechanisms" for parliamentary scrutiny and accountability of regulators and recommended that the Government facilitate this. Their response was non-committal in this regard; indeed, this has been much debated during the passage of the Bill and will, I suspect, be voted on when we come to Report stage.

Another controversial proposal was the new secondary competitiveness objective, which will be included in the financial services regulators' remit. The Government are now taking this forward; it is another thing that has been much debated during the passage of the Bill and one that the committee was keen should include regulators being "responsive, consistent, and proportionate". Indeed, this was covered in one of the amendments to the Bill that I put down.

Divergence will also be driven by changes in the EU, as well as in the UK. In the context of possible changes to EU legislation, the committee raised concerns about the Government's apparent unwillingness, as we saw it, to actively seek to influence the EU in the UK's interest and request clarification. The Government's response described a

"proactive strategy of engagement with the EU institutions and Member States".

Naturally, that will continue to interest the committee.

Can the Minister provide further details on the specific steps that the Government intend to take to support greater parliamentary scrutiny of the regulators, in recognition of their increased powers? Does she feel that regulators should be responsive, consistent and proportionate?

In closing, I come to the opportunities. Our report also examined areas of opportunity for the financial sector, particularly in novel areas where there is little regulation in place, such as fintech and green finance. We welcomed the Government's approach to regulatory innovation and the Government have since announced that they plan to publish an updated green finance strategy this year. The committee also welcomed the Government's pursuit of a mutual recognition agreement with Switzerland. Since then, the Swiss Government have said that the two parties expect this to be concluded by the summer of 2023. Finally, the committee welcomed the Government's general approach of openness to the outside world and non-reciprocity in our financial services sector. Can we expect publication of the UK's updated green finance strategy shortly and, if so, when? Do the Government still expect the mutual recognition agreement with Switzerland to be concluded by this summer?

I lived with this report for several months and it was an exceptionally interesting time; we met many very able people in our financial services sector. I very much look forward to the debate that we are about to have. I beg to move.

*4.28 pm*

**Viscount Trenchard (Con):** My Lords, I congratulate the noble Earl, Lord Kinnoull, on his expert introduction of this debate and on securing the time for it today. It was my privilege to serve under his chairmanship as a member of the committee that produced the report. However, it is a pity that we are debating it only now, 11 months after publication. Instead of debating this report, we should be debating our recently published report on the wider future UK-EU relationship, which your Lordships may have seen has been published.

Nevertheless, financial services are an important sector of our economy—one in which the UK's global position is very strong. I will not repeat the statistics that the noble Earl has already provided but, for the EU, the financial services sector is only partially a Union competence, with member states retaining considerable freedom of action, particularly in the retail sector.

As we reported, there has not been much concern in the City about the lack of equivalence decisions by the EU. However, we noted that the agreement within the TCA that we would enter into a memorandum of understanding on regulatory co-operation has still not been realised. It was believed that the EU deliberately blocked progress on this. Indeed, there was a broad

consensus among the witnesses who gave evidence to our inquiry that the approach adopted by the EU towards equivalence decisions has been political rather than technical, as the noble Earl mentioned. Our report urged the Government to step up political and diplomatic financial services engagement with the EU and we noted that both the EU and the UK have mechanisms for regulatory co-operation with the USA that they do not yet have with each other.

The adoption of the Windsor Framework was supposed to end the standoff with regard to signing the MoU, the content of which was agreed two years ago, and permit the parties to agree a date for signature. The *Financial Times*, no less, reported in March that the European Commission was then ready to sign it. Can my noble friend the Minister tell the House whether a signing date has now been agreed? If not, when does she expect that one will be agreed?

The Government's response to our report highlighted the Financial Services and Markets Bill, awaiting Report stage in your Lordships' House, and suggested that the Bill would

"deliver on the Government's ambitious vision for the financial services sector to promote and enhance the UK's position as a global leader".

However, as several noble Lords and I argued throughout the Committee stage, it is somewhat underwhelming in its effect. Seven years on from the Brexit vote, we still have substantially all the cumbersome EU financial services legislation on the statute book. The future regulatory framework review was welcomed by the Government, who confirmed their view that the detailed regulatory requirements should be in the regulators' rules and not in legislation. Parliament is not equipped to monitor and update large numbers of highly technical provisions in a flexible, market-responsive manner. As an example of this, the Treasury observed that the markets in financial instruments regulation sets percentage caps on how much trading volume can happen outside recognised trading venues.

As the City Corporation observed in its briefing provided by the Remembrancer's Office, since the end of the transition period the Treasury has used its powers to onshore EU equivalence regimes in many areas. Nevertheless, the Government should continue to use these powers to find third-country services and persons equivalent, using a more outcomes-based approach, rather than the EU rules-based approach. The ongoing negotiations with Switzerland are also a good example of how we should pursue bilateral mutual recognition. I think that the corporation is right in its argument that the Government should seek, wherever possible, to embed the G20 endorsed deference model into its domestic regime and bilateral agreements, emphasising consumer choice and competition.

The Bill makes some much-needed changes, such as the Solvency II changes, to financial regulation straightaway, but it is disappointing that it is limited in scope. I have suggested that the Government should use the Bill at least to abolish the cumbersome and unnecessary alternative investment fund managers directive and all its derived legislation within two months of the passage of the Bill. When I worked in Brussels for EFAMA, my French and German colleagues thought that the EU should leave that market to London and not try to regulate it. It was one major piece of European legislation introduced in 2014 for political reasons, which was universally opposed by all British stakeholders, including industry, the regulators and the Government. We do not need to ask the regulators to consult on what might replace it. That would cost money and take time that we do not have. Does my noble friend not recognise that she needs to act fast and with more determination to achieve the Government's aim to secure the City's position as the leading global financial services market?

I am glad to note that the City also supports the views of many noble Lords that we need a Joint Committee of both Houses to provide oversight of what the regulators are doing with their new powers. Where I differ from the corporation's view is that I think that this would be far more effective than enhancing the role of the Treasury Select Committee's sub-committee, which has been set up for this purpose. To have one Joint Committee doing this work would avoid the duplication of time and effort that the regulators would have to spend if they were required to work with two different committees doing much the same thing. In any case, the oversight and supervision procedures contained in the Bill are unsatisfactory, especially from the point of view of your Lordships' House.

I also ask my noble friend to look again at the sensible proposal by my noble friend Lord Bridges to establish an independent office for financial regulation, which would ensure that a new Joint Committee would be well equipped and informed to carry out its role efficiently. This would I believe be better than what the current Bill provides for. It requires the regulators to consult their own cost-benefit panels—it gives them a statutory duty to consult their own panels. If the panels are a part of each regulator, it is rather strange to legislate that they must consult a part of themselves. Again, a single, truly independent body, as proposed by my noble friend Lord Bridges, would surely work better than the two duplicated panels doing the same work. Indeed, the Bill is much longer than it would have been if we still had a single regulator, as provided for by FSMA 2000. That is because there are many sections which are repeated so as to place identical, or near identical, obligations on the FCA and PRA separately. It might have made sense, given that we are once again free to determine our own regulatory regime, to merge the two regulators back into a single FSA.

I worry that the new competitiveness objectives given to the regulators will not provide the needed growth and innovation because they are only secondary, and will not, in effect, be very different from matters to which they should "have regard" in forming that policy —but I hope that I shall be proved wrong.

I know that the senior leadership of the FCA is aware of the perception that much of the industry holds about it. I trust that its new chairman, Mr Ashley Alder, will be successful in beginning to change this perception. His experience as chief executive of the Hong Kong SFC and chairman of IOSCO will stand him in good stead.

The *UK Listings Review*, chaired by my noble friend Lord Hill of Oareford, identified several steps that the Government should take in order to arrest and reverse the recent decline of the competitive position of the

[Viscount Trenchard]
London Stock Exchange. Our report endorsed the recommendation that the Treasury should make an annual "state of the City" report to Parliament. It is encouraging that the Chancellor, together with the City Corporation, has followed up on that. I look forward to other noble Lords' contributions and the Minister's reply.

*4.38 pm*

**Lord Liddle (Lab):** My Lords, I agree with the noble Viscount, Lord Trenchard on this. It has been a privilege to be a member of the European Affairs Committee and to work with him on many of the issues that we have addressed. Although we disagree on some things, I have always found his views to be of value and have learned something from them. That is important in any parliamentary system.

It has also been a very great privilege to work on this committee under the chairmanship of the noble Earl, Lord Kinnoull. I have the greatest regard for him. This is now one of the swansongs of his period as chair of the committee, but he has been a very good chair indeed. I have known the last four chairs of the European committee of this House very well. I met Lord Grenfell when I worked in government; Lord Roper was a very close personal friend; and I came to have enormous affection for the noble Lord, Lord Boswell. The noble Earl, Lord Kinnoull, however, has I think been the best of the lot. His ability to bring together the disparate views on that committee and to arrive at rational and sensible conclusions is something to be praised. Although the House gains from him becoming the Convenor of the Cross Benches, the cause of a sensible debate about Britain's relationship with the European Union has suffered something of a loss.

As with all the outputs of this committee, this is a good report. It is a pity that we are debating it nine months after it was concluded, because a lot is changing in this world all the time. We have seen growing concern about the position of the City of London, with the feeling that it is losing out to New York and that Asian financial centres are rising up. The City is a huge national asset. I am not anti the City of London—I am a strong supporter of it and believe that it is one of the things that Britain is really good at. We have to try to build on its strengths.

It is a concern that people are worried about the problems facing the City, but we have also learned in the last year that there are grave risks in financial regulation. In the autumn, we had the confidence crisis in the bond markets, which was stimulated by the Truss Administration and required a huge rescue mission by the Bank of England to stabilise our pension funds. That is a matter a great concern to ordinary people, and we should be conscious of those risks.

Furthermore, we have also seen an outbreak of financial instability, with bank failures in the United States. We do not know what impact this might have on Europe in the future—who knows? As a social democrat, I have become a great believer in the workings of the market economy. Capitalism is the most dynamic way of getting economic growth, but I believe in the warnings of Keynes about the tendency to instability in capitalism and for there to be episodes of great banking collapse, which cause huge problems for ordinary people. With very little growth in our living standards, as we have seen since 2008—and we have not really recovered from that—it is very important that, as far as possible, we do not risk any further episode of financial crisis and uncertainty.

The paradox about the recent position of the concerns about the City of London is that it has all happened since Brexit but very few people think it has anything to do with Brexit. At least, that is what they claim. I have a certain question about that. The fact is that no one wants to challenge the reality of Brexit, because we know it is there. It is no good complaining about it—we have to do something about it. We have to make the existing arrangements work.

Although the evidence in our report is that Brexit has not caused the anticipated damage in terms of job losses in London, as far as we know, the unanswered question is: is business shifting elsewhere without us even realising it? When new business opportunities are created, are they created in the United Kingdom? This is a difficult thing to judge, because it is not as though there is a single continental financial centre which is taking over from London. There are signs of things going to Dublin, Paris or the Netherlands. To what extent Brexit is contributing to the relative decline of the City is, for me at any rate, an unanswered question.

A lot of people, such as my colleague on the committee, the noble Viscount, Lord Trenchard, think that Brexit provides huge opportunities for the financial sector. There have been calls for a new big bang and a decisive break with what is characterised as stifling European regulation. I have to say that I do not buy into this argument at all. My views are that, while it is sensible for Britain to steer its own course on financial regulation now that we are out of the EU—to be prepared to diverge, particularly as we are the leading financial sector player in Europe—I am not persuaded that the opportunities for divergence are massive or that they would bring great economic opportunities, without also creating great risks.

The reason for that is simple. Although Brexiteers think that these financial rules were imposed on us, they were not. We negotiated most of these rules at the Council of Ministers and it was the British position that was dominant in framing them. It would be surprising if there were to be lots of benefits from breaking with those rules, because they were framed with the interests of the City of London in mind. I know that from personal experience in government.

This Government have talked big about the opportunities of Brexit in financial reform and all that. What is actually proposed is reasonably modest; I read Jeremy Hunt's speech on the Edinburgh reforms and it did not seem to be that great a shift. I am glad that the Government have abandoned the proposals that were canvassed at one stage for them to be able to override the judgment of regulators—although I do support the need for there to be parliamentary scrutiny of the actions of regulators.

One of the worries I have is this business about changing regulators' objectives to include competitiveness. At a time when financial markets are extremely fragile, that could be a mistake. Our objective should be a strong City, perhaps with more of a focus on domestic

growth—including how to get pension funds investing more in infrastructure and have more of a market for growing British companies, enabling them to access equity—so we do need reforms there, but we must put first and foremost the need to avoid financial crises such as another banking crisis. The national interest would best be served by a close relationship of dialogue and co-operation with the European Union. That is why I reiterate the calls made by the noble Earl, Lord Kinnoull, about the need to get on with signing the memorandum of understanding, which will lead to a structured relationship of co-operation with our European friends.

*4.49 pm*

**Lord Bilimoria (CB):** My Lords, it is seven years since we voted as a country to leave the European Union. I often ask, in the speeches I give to international audiences, what the world thinks of this decision. Last month, I spoke to a group of 100 business leaders from around the world, and 99% of them thought that it was a big mistake for the UK to leave the European Union. Yesterday, I spoke at a conference here in London of international businesspeople. I asked the question again, and well over 80% of them said that it was a big mistake for the UK to have left the European Union. This, whether we like it or not, is what the world thinks of our decision.

That said, the *UK-EU Relationship in Financial Services* report concludes that overall, the outlook for financial services after Brexit seems relatively positive, in contrast to some other sectors of the economy. However, the report says that the UK

"is at an early stage of the adjustment to life outside the EU and there is no room for complacency, particularly as the impact of Brexit on the sector has not yet fully played out. We therefore urge the Government not to disregard the importance of a cooperative and constructive UK-EU relationship in financial services".

That is why it is absolutely key that the Northern Ireland situation is sorted out, that the Windsor Framework is accepted and implemented, and that the Northern Ireland Parliament resumes as soon as possible. We will then be able to address the TCA, because the basic EU deal is basic. It could be far more comprehensive, particularly in financial services, where we could strengthen our co-operation and agreement.

I thank the noble Earl, Lord Kinnoull, and the European Affairs Committee, for the *UK-EU Relationship in Financial Services* report, although as the noble Lord, Lord Liddle, mentioned, it is already a year out of date. The noble Earl mentioned some statistics in his excellent opening speech. I will go even further and highlight some of these statistics, which show the strength of the sector in this country: 2.3 million jobs, £100 billion in tax contributions, a financial services trade surplus of £63 billion in 2020, and £11 trillion of assets under management in 2020. The UK is the second-largest asset management centre globally, it is the world's largest centre for international debt issuance and it has the highest financial services trade surplus.

Some 117 companies chose to list on the London Stock Exchange in 2021, with £37.5 billion of PE and VC funding, yet sadly Arm, a company that is Cambridge born and raised, has chosen to list in the United States. That is not a good sign, because the United States remains the leading market for IPOs, whether we like it or not. The UK is the world's largest centre for OTC derivatives trading. The UK's insurance sector is relatively more important than those of other major European economies. The UK remains the world's preferred regulatory regime for financial services. The UK is the leading hub for fintech investment in Europe. The UK is one of the most international fintech markets. Green tech investment in the UK is growing. These are fantastic statistics that we are all very proud of.

However, to strengthen the UK in this area, we must address the lack of skills and availability in the workforce in the City. We must be able to expand the immigration routes. The debate at the moment is whether immigration is too high. I pointed out in another debate recently that one reason why immigration is high is that we have an increased number of international students, which is really good—but they are included in the net immigration figures when they should be excluded. If you exclude the international students, you see that you need to get the workforce that the economy needs, sector by sector, including in the financial services sector. I have said time and again that we need to revamp and reconstitute the Migration Advisory Committee so that, in the same way that the Low Pay Commission sets the minimum wage every year, and the independent Monetary Policy Committee sets the interest rates on a regular basis, the Migration Advisory Committee should be able to say, sector by sector, including for financial services, so many thousand people for a one-year, two-year or three-year visa should be allowed in.

Dublin has been the winner when companies and firms have chosen to relocate. That is no surprise when corporation tax there is 12.5%. I will come on to that later.

The City of London has said that the committee's report recognised that:

"The City of London and the financial services … sector based in the Square Mile … is a national, European and global asset, which helps fuel business development, infrastructure, jobs and growth across the UK, Europe and the world."

We have the largest financial services cluster in the world, but here is the point: two-thirds of the sector is based outside London, so maintaining and further developing global trade investment and retaining the City of London's position as a global financial services hub are also key to the future of the industry.

At the end of the transition period, the UK had onshored EU equivalence regimes in many areas. The Government and regulators should adapt the EU approach and determine third countries' and firms' equivalence using an outcomes-based approach, ensuring that the openness of the UK is not restricted by this equivalence overlay. Does the Minister agree with this?

The UK regulatory regime for financial services is one of the most robust. Our high standards are an asset and should be maintained. We should continue to be a global leader in regulation, promoting open global markets and high standards. We need to be an attractive location for financial services talent and—I addressed this earlier—we need to allow the best talent to come here. We saw the huge difference that the big bang made, when we opened up to competition and new technology. The Treasury is now implementing

[Lord Bilimoria]
a programme of building a smarter financial services framework for the UK, which repeals retained EU law and transfers 43 core financial services powers to the regulators' rulebook. This is a good opportunity for the UK.

What about the FCA and the PRA? They need to facilitate growth and international competitiveness. When implemented by the regulators, this can help ensure that the UK remains an attractive and competitive location for financial services. The international regulatory strategy practitioner-led group of senior leaders from around the UK, which is sponsored by the City of London Corporation and TheCityUK, has advised that there are several ways in which oversight can be conducted, one of which is to establish a new financial services Joint Committee. Another is to enhance the role of the House of Commons Treasury Select Committee and the House of Lords Economic Affairs Committee. Does the Minister agree with those points? Another was to establish a technical sub-committee of the Treasury Select Committee, focused solely on financial service regulation, but that committee is already doing good work.

Many people talk about equivalence. The UK has onshored EU equivalence regimes in many areas, but the EU equivalence-based framework is suboptimal compared to the previous UK national regime, which had a mix of approaches. We are now free to redesign this approach to oversee services and improve the EU model. The UK should not adopt a reciprocal or "fortress UK" approach. Looking ahead, the City of London Corporation encourages the EU and the UK to continue to make equivalence assessments pragmatically, with the interest of end-users foremost in mind, and to maintain existing equivalence in CCPs and on data.

The TCA excludes financial services, on the basis that we will have an MoU. I hope that, once we have sorted out the Windsor Framework, we get to a stage where we can have this MoU and strengthen our relationship.

The European Securities and Markets Authority, which previously traded in the UK, has largely shifted to EU venues in Amsterdam. This is worrying. The share of UK-based liquidity dropped from 25% pre-Brexit to 3%.

Another bit of good news is that there were forecasts of 70,000 jobs going to the EU as a result of Brexit, but only 7,400 jobs have been lost. We need to remain attractive. It does not help that we have the highest tax burden in 70 years or to put up corporation tax from 19% to 25%. The loss of passporting rights affects EU firms as well.

I conclude with this. Julia Hoggett, the chief executive of the London Stock Exchange, says that the UK needs to be "young, scrappy and hungry" to compete as a global financial centre, especially now that it can no longer rely on its position as the

"dominant centre for financial markets in the EU".

The head of financial services at EY, Omar Ali—I qualified as a chartered accountant at EY—says that

"I have no doubt that both the UK and EU will continue to be world leading markets, driving innovation, progress and growth".

*5 pm*

**Lord Hannan of Kingsclere (Con):** My Lords, I hope noble Lords will forgive this intrusion into their counsels; I am not a full member of the European Affairs Committee, although I have read this excellent report cover to cover. I am a member only of one its sub-committees—a lowly member of the Sub-Committee on the Protocol on Ireland/Northern Ireland—so I feel rather like a fourth-former who has wandered into the prefects' lounge. I will try to squeak out my message as briefly as possible. I have just three points to make.

The first is a warm endorsement of what the noble Lord, Lord Bilimoria, just said about visas, and specifically work-related visas—the ability for people to come and do business. It is a completely separate issue from inward migration, and I would very much like Ministers to consider a Commonwealth business visa. By all means, make it difficult to qualify, have a high threshold for the turnover of a company and so on, but once you have qualified and get it, you should be allowed to travel to all participating Commonwealth states that have opted into the scheme.

My second point follows on from what my noble friend Lord Trenchard said about the alternative investment fund managers directive. I was a Member of the European Parliament when the AIFMD was produced, and it was one of those occasions when the UK was strongly against. The noble Lord, Lord Liddle, pointed out that we often supported these regulations; not on this occasion. There was almost unanimous opposition to it, not only across the industry but across the City more widely. It was seen as a needless burden. Why has it not been repealed?

Here we come across an interesting dynamic in the nature of regulation, which is that once companies have assimilated the compliance costs, they lose all interest in repeal. In fact, it is worse than that: they see no reason why a competitor company should come and outcompete them by not having to jump through all the hoops that they did. The field of the AIFMD is good example: the people most strongly against the regulation when it was proposed have now become its advocates and defenders, because they see it as a way of raising barriers to entry.

Those of us in this House, or in government in any sense, should not be thinking only of the established producers; we need to think about the start-ups, the companies that do not exist yet and the consumers. We need to think about the overall competitiveness of the City, rather than the convenience of some established players. I pick AIFMD simply because my noble friend Lord Trenchard mentioned it but this pertains in a number of areas, not least in the field of financial services. We are having a lengthy debate in another part of our building about the retained EU law legislation, but we will have a real problem repealing anything—never mind the source—if we begin from the point of view that if the industry is in favour of a regulation, that is the beginning and end of the argument. We need to raise our eyes to more distant horizons.

My third and main point is about chapter 2 of the committee's excellent report. I add my congratulations to those of the noble Lord, Lord Liddle, to the chairman, the noble Earl, Lord Kinnoull, who has done an

extraordinarily good job as far as I can see, albeit from the outside. On equivalence, the EU has every right to behave as a sovereign entity and choose to prioritise politics over economics. In other words—to put this at its most brutal—if it chooses to make itself slightly poorer in order to teach us a lesson, and to inconvenience its own companies and deny them unfettered access to the world's deepest and cheapest money markets to make a point, that is absolutely its right. It is not for us to cavil or quarrel, but it is vital that we do not fall into the trap of thinking the same way. The prosperity of the City of London survived the decline of sterling as an international currency in the early 20th century because it remained open, we had a light-touch attitude to regulation and we did not discriminate on grounds of nationality against companies from other countries and, indeed, continents.

By the way, I would extend this argument about non-retaliation to almost all the fields where we see some asymmetry between EU and UK policy. For example, as I am sure most of us have noticed by now, EU citizens are free to use our e-gates when they enter the United Kingdom but the EU has chosen not to return the favour, so we have to queue up and get our passports stamped. That is fine; that is the EU's right. If it wants to make things more difficult for every other non-EU national—Indians, Americans and so on—that is, in the end, its own loss and will be at its own expense. It would be crazy for us not to remain open and welcoming, including to our friends from Europe.

I make the same point about goods traffic. The sub-committee of which I am a member has spent a lot of time looking at the EU's claim that it has to have these checks in Ireland. It is striking that there has never been an equivalent argument from the UK. At no stage have the British Government said, "We need checks in Northern Ireland in order the preserve the integrity of our market". By the way, we have not even imposed such checks on EU goods coming in through other routes—quite rightly, because we should trust EU regulators. We have been importing stuff from our European allies and neighbours for decades; it would be crazy for us to have a panoply of expensive regulation purely with the effect of slowing things down and making things harder for our importers of, especially, component parts. Take the great argument used by an economist in this country 100 years ago: if others choose to put rocks in their harbours, we should not retaliate by putting rocks in ours.

The asymmetry on equivalence discussed in this report is based on a widespread fallacy; let us call it the mercantilist fallacy. An awful lot of people—including, I have to say, a lot of my former colleagues in the European Parliament—believe that the strength of an economy depends on exports and that there is some virility in having a big trade surplus. This argument was debunked by Adam Smith two and a half centuries ago. There is no point in amassing a big surplus for no reason; the real drive to economic growth comes from cheaper imports that both free up people's time and resources to do other things and drive domestic growth.

However, it is always difficult to make that argument as an elected politician because it is counterintuitive and people tend to think that the success of another is at their own expense. In fact, the great 18th-century philosopher David Hume put it beautifully, if noble Lords will allow me to quote him, when he said:

> "Nothing is more usual, among states which have made some advances in commerce, than to look on the progress of their neighbours with a suspicious eye, to consider all trading states as their rivals, and to suppose that it is impossible for any of them to flourish, but at their expence. In opposition to this narrow and malignant opinion, I will venture to assert, that the encrease of riches and commerce in any one nation, instead of hurting, commonly promotes the riches and commerce of all its neighbours".

That is why we should want the EU to flourish and should never make the mistake of raising barriers, whether in financial services or in other forms of trade. We have an obligation to the EU as our long-standing friend and ally, of course, but even if we were to look at this issue in a narrow, selfish way and be without a drop of altruism it would be crazy for us to impoverish our neighbours. We want our neighbours to be as rich as possible because that makes them better customers, which then spills over into our own prosperity. If they cannot see that, we can only lead by example and hope that they eventually understand what is to their own advantage. However, as I say, the EU is a sovereign union.

Our country was raised to the highest opulence simply by the expediency of dropping its barriers, from the 1830s and 1840s onwards, and inviting the traffic and commerce of the world without obstacles. It led to an improvement in living standards, especially for the poorest people, which every foreign visitor to Victorian Britain was struck by. Now, we again live in a world that is turning towards protectionism—in the United States, in the European Union, in China and almost everywhere else. Once again, I think that it falls to this country to be the apostle of unrestricted commerce and to tell the story of free trade as the great liberator and the most effective means there is for conflict resolution, social justice and poverty alleviation.

*5.09 pm*

**Lord Davies of Brixton (Lab):** My Lords, it is a pleasure to take part in this debate. I very much welcome this report, which is important and timely—well, a bit out of time, one might say. It deals with the aftermath of Brexit and, of course, an important part of our economy. I will resist the temptation to go down the Brexit rabbit hole, but I will return to the issue at the end.

Before making my main contribution, I will express my credentials for taking part in this debate. I have worked in the financial services industry for the whole of my working life.

I question the premise on which this debate is taking place, and on which I think the report is based. I may be wrong, and I will be happy to be corrected, but the implied premise is that the bigger the financial services industry, the better. I question that. It strikes me that, in a phrase that is familiar to me, it is akin to making ourselves rich by taking in each other's washing.

What does the financial services industry contribute to the real economy—the production of goods and services that go towards serving individual and societal wants? My view is that the financial services industry contributes far less than is typically assumed, particularly by the financial services industry itself, and that it is in

[Lord Davies of Brixton]
a sense a millstone around our economy's neck. It strikes me that it is akin to the resource curse, which is typically talked about in terms of mineral and fuel abundance in less-developed countries and which tends to generate negative developmental outcomes, including poor economic performance, collapsing growth, higher levels of corruption and greater political violence. Well, leaving the political violence and maybe the corruption aside, it is a fact that we are experiencing poor economic performance and have done for a decade and, in my view, one of the contributing factors to that is the overreliance on financial services that contribute nothing to human welfare.

Clearly, we need financial services. We need to facilitate payments between people and organisations. We need to match borrowers and investors. We need to facilitate saving, not least for retirement and the passing of wealth between generations. But is what we have at the moment in the industry commensurate with those needs?

In expressing these views, I take inspiration—although he is not in any way to blame—from Sir John Kay, the eminent economist, and Andy Haldane, who, when he was the economic adviser to the Bank of England, said that

"the past few decades have seen a sea-change in the functioning, and hence perception, of the financial sector. Latterly, that sea-change has at times risked flooding the entire economic and social waterfront. In a nutshell, finance has moved away from serving the economy and towards serving itself—and indeed remunerating itself".

Any debate about the relationship between the UK and the European economy in financial services should have these views in mind. We should not be promoting a financial services industry that fails to deliver services to individuals.

To quote some figures from Sir John Kay, he points out:

"Lending to firms and individuals engaged in the production of goods and services—which most people would imagine was the principal business of a bank—amounts to about 3 per cent of that total … The value of daily foreign exchange transactions is almost a hundred times the value of daily international trade in goods and services … Trade in securities has grown rapidly, but the explosion in the volume of financial activity is largely attributable to the development of markets in derivatives",

and derivatives based on derivatives, and no doubt derivatives based on derivatives that are based on derivatives.

They contribute nothing to the proper functioning of a financial economy, as I described earlier. The profitability of this sector is vastly overstated. The value of its activities is poorly reported in the economic statistics, and it is very difficult to say what the productivity of these services is and what, if anything, they actually contribute to the betterment of lives and the efficiency of businesses. The true value of the financial sector to the community is the value of the services that it provides, not the returns recouped by those who work within it.

There is no doubt that a modern economy requires finance: a country can prosper only if it has a well-functioning financial system. But that does not imply that the bigger your financial system, the better it will be and the more prosperous the country will be. In fact, there is a point at which it becomes counterproductive, and we are well past that point. All the industry does is pass around bits of paper, leading to a net benefit for no one.

This is not an attack on the individuals involved in the industry: they have bought the rhetoric and are doing a good job in terms of the way the industry has developed. But, if you step back and question what the industry is doing for us, I believe that it is well beyond the profitable sector. We need to have that in mind when we discuss these issues. The question should be, "Do we need this work being done?" I look forward to returning to the discussions on the Financial Services and Markets Bill, where we will be able to explore these issues in more detail.

There is a specific problem here: I return to Brexit. Discussing the financial services industry totally in terms of Brexit, which we tend to do, is getting it wrong. We should be looking at the financial services themselves and what value they give, and then ask the second question: how does that fit with our relationship with the European Union?

*5.17 pm*

**Earl Effingham (Con):** My Lords, I thank the noble Earl, Lord Kinnoull, for raising this debate. I also highlight my interest, as noted in the register, as an employee of Birchstone Markets.

The UK holds a unique global position in financial services due to its time zone. Sitting in London, it is possible to capture the end of the Asian trading day, all of the European trading day and most of the American trading day. Notwithstanding an early start and a late finish to one's work, no other financial centre in the world has the ability to provide that with relative ease. This puts the UK in pole position to help clients and win business on the global stage. It is an enviable position, which we need to do everything we can to maintain.

It is, of course, fair to say that far fewer jobs have moved to Europe from the UK than was envisaged in a worst-case scenario for the sector. However, it is important to note that the job transfer may not be over yet and to remind ourselves that, simply because the numbers are much lower than the worst-case estimates suggested, that is no reason to think that everything is fine and that we do not need to be vigilant. We should still be trying to maximize every opportunity available to us to ensure that the UK financial services sector remains competitive and attracts world-class talent and business, as it always has.

Indeed, when you look at the types of roles that have moved, it can be the sales and trading roles, or the client-facing banking roles, which are regarded as important within the sector and are one of the many types of roles that we would ideally like to keep here in the UK as part of our talent pool.

In a post-Brexit world, where banks and financial services firms were required in some cases to materially bolster their European operations from what may have previously been a small operation to a European hub, the ongoing movement of staff from the UK to Europe is likely to be required. The ECB has made it clear that it expects the highest levels of governance and risk management in third-country subsidiaries

and that operations cannot and should not work on insufficient staffing levels. A little over a year ago, the ECB announced that 21% of the firms assessed by it in this category warranted targeted supervisory action. The ECB will continue to monitor the way that banks operate post Brexit and will require a strong local presence. This will continue to impact operating models and maintain the pressure to have key staff based locally, not in the UK.

It will also come as no surprise to your Lordships that many support jobs in banking and finance have already been transferred out of the UK and into Europe. This had already happened prior to 2016 as a result of companies being able to employ qualified professionals in Hungary, Poland and other European countries at a more competitive cost than in the UK. However, we could now well find ourselves in a situation where support jobs that may have also been destined for the UK find themselves being allocated to the centres in Europe. This will have a detrimental effect on our world-class financial services support businesses, which are located all around the country, be it Bournemouth, Birmingham or Glasgow, to name but a few places.

ESG is an area where there is a great opportunity for the UK to lead the way. Given the nascent rise of the sector and industry, the regulatory framework is constantly evolving and the UK can play a key role in shaping its future. We have all read with great interest the work being done to agree a mutual recognition arrangement for financial services with Switzerland. This could be the first of many and I hope that the Government can use it as a benchmark for agreements with other European states.

I believe the UK financial services sector is one we should all be proud of. I look forward to working with noble Lords on this important area.

*5.22 pm*

**Lord Desai (Non-Afl):** My Lords, I used to belong to a committee which dealt with these financial matters before we Brexited. It was always obvious that, if we did Brexit, we would have some loss of business to Frankfurt and other centres in Europe; after all, that was the whole scene. We somehow convinced ourselves that by breaking free of Europe, the entire rest of the world was suddenly going to congratulate us and come to do business with us, and all sorts of things. The surprising thing is that we are still not finished with the Brexit business.

Seven years later, we are still debating the protocol and all sorts of other legislative things are going on—about cutting European legislation from us, and so on. So it does not look like we are free of Brexit yet, but we have suffered all the disadvantages of it. We are neither free of the EU nor friendly with it, so we are paying a big cost. This is not relevant to our debate, but on the television today two big car factories have been complaining about the fact that they are losing out from Brexit and they are going to have to stop operating in the UK.

One of the surprising things is the slowness with which the party in power has dealt with its great dream. It dreamed about Brexit and said, "Get Brexit done". Okay, you got Brexit done—but you have not got Brexit done because it is still a problem in the economy. This very nice report valiantly tries to deal with all the problems which are going on. But ultimately, the fact remains that we have not explained to ourselves that the City is losing out. It may still be very big and very profitable, but it is no longer as big as it used to be and it is losing out as much to the US as to the smaller centres in the EU.

The problem we really have to face is how quickly and how soon we can get over this barrier. Having decided to Brexit, let us Brexit, but let us have speedy and neat arrangements whereby we can organise our own affairs. The impression that I get from this report is that, somehow, there is a failure on the part of the Government—I am sorry to say this—to get their act together and decide what it was that they wanted to do, what they expected and how they decided that it was not going to happen because what they expected was far too optimistic and they had not actually calculated the problems of the real world.

One very useful thing that this report says is that there are more financial centres in this country that just the City of London. We must be absolutely careful that these centres thrive. We must do things so that they thrive and do not suffer any disadvantages as against London.

I do not want to go on for very long because people have said what it is worth saying. However, I feel that, at some stage, we ought to know—perhaps from the Minister—how soon we can expect to wrap up all the adjustments and restrictions and get on to a real, normal, post-Brexit UK economy. We are still swimming around in the muddy waters and, until we get out of those muddy waters, we will not know whether we have gained or lost. So far, I think that we are losing but, if we are to gain from Brexit, we had better get Brexit done—and quickly.

*5.26 pm*

**Lord Holmes of Richmond (Con):** My Lords, it is a pleasure to take part in this debate. I start by declaring my financial services interests as set out in the register. I congratulate the noble Earl, Lord Kinnoull, all the members of the committee and, indeed, all the staff of the House who worked on producing such an interesting and thought-provoking report. It is a pity that it has been some nine months since the report was published; it certainly deserved debate before this point. However, taking opportunities where they lie, this gives us an opportunity to act as an excellent curtain-raiser to the Report stage of the Financial Services and Markets Bill, coming up on our return on 6 June.

I will focus on four key areas: fintech, talent, the regulators and crypto assets. We have rightly heard from other noble Lords about the UK-wide nature of our financial services. Similarly, this goes for our excellent fintech businesses right across the United Kingdom. Does my noble friend the Minister agree with me that it is a matter of pride that, although last year was a difficult year for fintech, where global funding fell 30%, in the UK it was only 8%? It is no reason at all for complacency but there are a number of factors about which we should feel great pride and focus: we have the blessing and great good fortune of

[Lord Holmes of Richmond]
geography, time zone, language and—perhaps the greatest good fortune of all—English law to underpin all our financial services, not least our thriving fintech services.

Does the Minister also agree that, taking ourselves back to the Financial Services Act 2021, it is excellent that we have recently seen the establishment of the Centre for Finance, Innovation and Technology? It is likely to play a positive role in future; it was raised by the Economic Secretary to the Treasury during Fintech Week and is clearly an important part of the journey going forward.

Does the Minister agree that, if we will this, we can make success happen? There can be no greater example of this than the FinTech Sandbox, made in the UK. What measure of success shall we take? It has been replicated in well over 50 jurisdictions around the world. Does she also agree that we should have high hopes for the FMI sandbox, which will come about once the current FSMB becomes an Act later this summer?

Moving on, talent has rightly been raised—first of all, homegrown talent. Does my noble friend the Minister agree that, for all our young people, developing an understanding of real financial literacy is the greatest way to build a workforce across the piece, particularly—for the purposes of this debate—in our financial services sector? We need far more across our education system, right from the outset, and we need to build upon that with financial inclusion woven through every beat point that we consider. I very much agree with my noble friend Lord Bilimoria's comments: international talent urgently needs to be addressed. Does the Minister agree that we have to grip this visa question?

Similarly, moving on to one element of the regulators' work, visas aside, it cannot take nine months for a senior manager from overseas to gain authorisation. What do we need to do to ensure greater efficiency in that part of our regulators' work? As has already been mentioned, does my noble friend the Minister agree that Report would be the ideal moment for her to accept amendments that would enable Parliament to have the right scrutiny and regulators to have the right level of accountability so that we truly have regulators and a regulatory framework that benefit the entire economy and the entire country? Consumer protection should not be seen at one end with competitiveness at the other; they are not mutually exclusive. If they are rightly structured and considered, with the right accountability mechanisms, both should thrive in our regulatory framework.

Does the Minister see that my noble friend Lord Bridges' amendment on an office for financial regulatory accountability offers much to address this issue and benefit our regulators? In the discussions a number of years ago, nobody on either side of the debate said that this was about repatriating powers to our regulators. Parliament must have the right level of scrutiny and the right role in this, rightly structured and stood up.

Finally, would the Minister care to comment on the recent Treasury Select Committee report on crypto assets, on how one should consider unregulated crypto assets and on the committee's assertion on gambling? It is clear that the crypto market moves at pace and that, putting it mildly, not all within it is necessarily where one would choose to put one's cash, but we need to take the right approach.

I wonder whether the Minister has had time to consider the House of Representatives' financial services inquiry last month. It called the chairman of the SEC before it to consider the whole question of the regulatory approach to crypto assets. There is much for the UK to consider within that.

Similar to consumer protection and competitiveness considerations, we should not need either to consider completely shutting down crypto assets or to believe that they are the latest, greatest thing. We should be able to approach them with rational optimism, with the right regulatory framework in place. I am sure that my noble friend agrees that what the Bill currently proposes on the digital assets space is positive. We should commend the work of the Law Commission on digital assets and decentralised autonomous organisations.

Finally, can my noble friend the Minister comment on what consideration has been given to the regulatory approach of the Monetary Authority of Singapore, and the Hong Kong and Swiss regulators? What are the key learnings and how have they influenced the Government's approach to our regulators, as set out in the FSMB as currently drafted?

And finally finally, I echo the comments of many noble Lords in very much supporting the approach that we are trying to have with Switzerland. Can my noble friend comment on what stage that is at and give her full-throated support? It offers an excellent example of what can be done and, when it comes to fruition, both nations and far beyond will completely and certainly benefit.

*5.35 pm*

**Baroness Kramer (LD):** My Lords, I join in congratulating the noble Earl and the committee on this report. It is rather eerie that, so many months after it was written, it still seems to be exceptionally relevant, which is a compliment to all who were engaged in this process.

The UK is a leader in financial services, and I certainly take the view that preserving that leadership is critical to our economy. I would say to the noble Lord, Lord Davies, that it would be brilliant if we built up some other economies to the leadership position that I would like to see, but frankly, if we look at the real world as it is today, it is financial services and life sciences, and not a whole lot more; perhaps some of the creative industries, but they are under huge pressure as well. So, for the benefit of our people, we absolutely have to make financial services successful.

However, I am concerned that the impact of Brexit is being played down. The industry hesitates to speak openly to the Government about many of the issues that it sees. I congratulate the noble Earl, Lord Effingham, for raising some of those issues today, because frequently it holds back in silence. I see the Government constantly determined just to look on the bright side. Unless we face reality, we cannot take the steps that are necessary. I join with the noble Lord, Lord Desai, in that view.

The noble Lord, Lord Bilimoria, was right that we are seeing a slow bleed of our leading position. New York now heads the league tables, not London. We are coming into year 3 of that being true. Financial services sectors from Singapore to Barbados have benefited. Many of them are former colonies of the UK, and they march into a European company with the message,

"We too have been snubbed by the British. Let's do business together". I am told that it is proving a very successful pitch. London still stands significantly ahead of any EU financial centre, looked at on an individual basis. But the question is not, "Is London dominant compared with Frankfurt or Paris?" but "Is London dominant compared with Frankfurt plus Paris, plus Berlin, plus Amsterdam, plus Dublin, plus Luxembourg, et cetera?"

The EU is not developing a single centre to rival London—the noble Lord, Lord Liddle, made this point. Paris is rising fast and has that potential, but the EU is creating a network of centres—perhaps unintentionally, but that is how it is developing—to rival London. That would have been unworkable in the past, but with digital technology it is very possible. I would like the Government today to give us the comparison between London and that EU network, and, if they cannot, they are not doing proper due diligence.

EU-generated business has for many years been about a third of financial services activity in the UK. Obviously, some of it has simply gone, post Brexit, without equivalence agreements in place. ESMA-regulated stocks are now traded in Amsterdam, Paris and Dublin but not in London. Picking up the point made by the noble Earl, Lord Effingham, we see many UK-based firms developing EU hubs. I was stunned to be in a conversation about Lloyd's and hear it described to me as "Lloyd's of Brussels". The reality is that firms are having to take advantage of this and seize it—but it is not to London's advantage.

I may say that it is not just the big players. I will pick up on the point made by the noble Lord, Lord Holmes, on the significance of fintech. In a February survey, Anglia Ruskin University found that 40% of the fintechs it surveyed had now opened offices outside the UK, mainly in the EU—and that was within the past two years. So we have a definite and clear move that is taking place. It is not so much personnel because, frankly, since we do not have free movement of people, those who carry a British passport are pretty much stuck here; it is new hires, and the EU is very much insisting on new hires as its general strategy.

So we really need some focus on this issue, and I will pick up with great concern and anxiety a subject that was picked up by the noble Earl, Lord Kinnoull: central counterparties. There is an article in today's *FT* that I recommend, although I have to say that I felt almost physically ill when I read it. Noble Lords will be well aware that the euro swaps market accounts for something in the range of $100 trillion a year—it is always expressed in dollars. Pre Brexit, 70% of that market played through in the UK. As of this last report, which comes from OSTTRA, a post-trade services company based in the UK, the US market share is 51%, the EU share is 35% and the UK has just 14% of the market.

Why does it matter? Because, as the article carries on to say, it means that most market operators now have to have three versions of themselves: a US, a UK and an EU version. They have to run liquidity pools on each of those and have to go to lots of places, hunting for liquidity. That cannot be a good thing, and of course it comes at huge cost. So, if they decide to begin to refine, we are placed in the position of a potential loser. It is absolutely crucial that we manage to keep our position in the central counterparty arena, which brings me to a question that others have raised: the negotiation of the MoU to set up regulatory dialogue between the UK and the EU. I do not understand why it has not been signed; we must get an update and it really needs to be treated by the Government as a matter of urgency.

The noble Lord, Lord Hannan, said, "Well, you know, if the EU doesn't want to give us equivalence, so be it, that's their problem". He will know that the EU is not stupid. If you delay providing equivalence in an area where you have yet to build up your capability, you buy time for that capability to develop. Then it is easy to grant equivalence: you now have a functional rival. I see no reason why that is not the strategy that the EU is pursuing. Frankly, if the situation were reversed, we would be doing the same. So I have really serious concerns in this area.

I will switch now to the other area of discussion, which is the new framework that has been looked at in the report and is the subject of the Financial Services and Markets Bill and various other steps that the Government have taken. I very much join Sir Paul Tucker, who prays in aid practically every previous Governor of the Bank of England who says that the competitiveness objective for the PRA and the FCA is genuinely not desirable and who advises the City to think twice about pushing for this, saying that it really does not know what is best for itself in this situation. I am very concerned about this challenge to financial stability and to the primary objectives of both the FCA and the PCA. The City has a terrible history of disregarding the real issues that are embedded in risk and pushing every opportunity it has to the extreme.

When I look that the other measures the Government are taking, I see that they feed into much of the same. For example, one noble Lord—it might have been the noble Lord, Lord Hannan, or the noble Viscount, Lord Trenchard—mentioned Solvency UK replacing Solvency II. The key element of that is that it will now encourage pension funds, and certainly defined benefit pension funds, to invest much more heavily in high-risk, illiquid assets that are seen as beneficial to the UK economy: scale-ups and infrastructure. I am constantly told, "Yes, look, the Canadian pension funds do it". But take a look at the credit analysts writing about the Canadian pension funds; the funds are in effect backstopped by the Canadian Government. So my question to the Government today, as they continue on their path, is: are they going to fully backstop defined benefit contribution pension funds? At present, the pension protection scheme that is in place is not 100% for all participants in the funds. So will that happen?

Of course, there is talk now about trying to bring in defined contribution schemes. How on earth are the Government going to provide protection for those as they get higher-risk portfolios, or are we basically going to tell pensioners that they will now face much more risk about receiving the pensions that they believe they have signed up to?

The Minister will know that I am also concerned about the Edinburgh reforms because embedded in them is a rollback of many of the safeguards that were

[Baroness Kramer]
put in place after the 2008 crash. In particular, they undermine the ring-fencing of retail banks and weaken the responsibility for wrongdoing and mismanagement in the senior managers regime. I am really troubled when the Government's answer is, "Look, it's not a problem because we have in place resolution regimes that protect the taxpayer if any of these institutions collapse". In the recent case of Credit Suisse, Swiss regulators abandoned the resolution plan because they realised that it would lead to an economic crisis in Switzerland. In the US, regulators refused to impose a resolution on Silicon Valley Bank because it would destroy a key sector of their economy. It is beginning to look like resolution will only ever be applied in very limited circumstances because of the collateral damage to the economy.

I do not want to repeat all the important discussions that we are having on the Financial Services and Markets Bill, but I must highlight the issues of accountability for and scrutiny of the regulators in this regime, which other noble Lords have spoken about. In our discussions in committee, the Government have heard alarm expressed by Members on every Bench. Among many others, the noble Lords, Lord Forsyth of Drumlean, Lord Bridges and Lord Tyrie and my noble friend Lord Sharkey have put down—or will put down—amendments on Report to ensure scrutiny and accountability. I hope that today the Government will tell us that they will accept those key amendments.

*5.47 pm*

**Lord Livermore (Lab):** My Lords, I congratulate the noble Earl, Lord Kinnoull, on his opening speech. I thank him and the European Affairs Committee for their report into the UK-EU relationship in financial services. Although published nearly a year ago, it is a testament to the quality of the report that it is, as the noble Baroness, Lady Kramer, said, still just as relevant today as it was then.

I have recently returned to your Lordships' House from a leave of absence, during which time I was working in the European banking practice at McKinsey & Company, so it feels particularly appropriate that this should be the first debate I take part in in my new role. It is a pleasure to speak alongside so many noble Lords who have such expertise in this subject. This has been a very interesting debate, which I have greatly enjoyed listening to and from which I have learned much.

The committee's report rightly begins by highlighting the importance of the financial services sector to the whole of the UK economy. It notes that, as many noble Lords have said, the sector is a major employer,

"employing 2.3 million people and making up 10% of total UK tax receipts".

Indeed, in the year since the report was published, employment in financial services has increased substantially to almost 2.5 million, with two-thirds of those jobs based outside London. The strength and stability of our financial services sector continues to be of profound importance to our economy, with the sector contributing more than £170 billion a year to GDP—8.3% of all economic output.

The report goes on to note:

"The UK's financial services sector is not only significant to the domestic economy; it is also vital for the functioning of the wider global economy".

As the noble Earl, Lord Effingham, noted, the committee highlights the City's location:

"Driven by its location, bridging time zones between the major financial services centres in East Asia and the Americas, and lying in close proximity to the EU, the world's largest trading bloc, the sector plays a pivotal role in the world's financial markets. Its participants 'benefit from an ecosystem recognised for its openness, global connections and a culture of collaboration'".

In my view, we should be immensely proud of this picture that the committee paints—proud that our capital city is one of only two global financial capitals and is at the very heart of the international monetary system. I quote from the opening chapter once more. It says that

"London has developed 'the largest financial services cluster in the world', having 'the deepest and broadest capital market in Europe, if not one of the two premier capital markets in the world', and an insurance market 'bigger than all of its competitors combined'".

This is an enviable position. As my noble friend Lord Liddle said, it is vital that we support the sector across the UK to retain its competitiveness on the world stage, so that the UK can continue to be one of the world's premier global financial centres.

The noble Lord, Lord Bilimoria, mentioned many of the statistics; I will pick just a few. The report highlights that the financial services sector is a major contributor to the UK's international trade, comprising 19.1% of all UK services exports, and that the European Union is a vital part of this trade, making up some 37% of the total—the second-largest market for UK financial services exports after the US.

However, the value of this trade has been steadily falling. Since 2018, it has fallen by 19%, with little corresponding progress in securing trade deals for our financial services around the world. As focused on by the noble Lord, Lord Desai, in his speech, the committee's report examines the impact on the financial services sector of the UK's exit from the European Union. It details that some firms have had to make operational and structural adjustments to continue to conduct business between the UK and EU. In evidence given to the committee, the think tank New Financial stated that

"nearly 500 firms based in the UK have responded to Brexit in some form by relocating part of their business, staff, legal entities, or capital to the EU".

Evidence to the committee identified that 7,000 financial services jobs have left the UK to move to the EU, with witnesses expressing concern about the opportunity cost of Brexit to the UK's financial services sector: that new jobs may in future be created in the EU that might once have been created here. The committee therefore

"warns against complacency in this regard, as it is not yet clear whether the impact of Brexit on employment has fully played out".

The EU will always remain an important market for many UK financial services firms, and we must prioritise strengthening the UK-EU business relationship in the interests of the City and our country. Looking ahead, it was extremely welcome to read in the report that so many witnesses were optimistic about the future outlook for the financial services sector. The

report notes that London has retained its position as the world's second-largest financial centre and the most important in Europe. It also states that

"there was a strong sense … that the sector has retained its resilience".

However, I was particularly interested to note the observations made by the noble Lord, Lord Hill, in his evidence, urging us to look further afield and that international competition to the City's pre-eminence will come not from within the EU but from the rest of the world.

Given how much has happened since this report and the Government's response to it were published—we are now near the end of the passage of the Financial Services and Markets Bill, and the Government have announced the Edinburgh reforms—I would be grateful to the Minister if she could set out the action the Government are taking both to boost financial services exports and to support the competitiveness and international position of the sector more generally.

The main substance of the committee's report examines four main areas: equivalence, regulatory co-operation, regulatory reform and divergence, and future opportunities for the sector. In chapter 2, the committee focuses on equivalence, noting the absence of EU equivalence decisions. It heard evidence that although some of the missing equivalence decisions would be mutually beneficial for the UK-EU trading relationship, the sector does not seem to view either their absence or the competitive imbalance compared with other third countries as a matter of fundamental concern. Given that equivalence decisions are unilateral in nature, I agree with the committee's conclusion that relying on a process governed by others is not a suitable strategy for the long-term health of the financial services sector.

In chapter 3, the committee regrets that although the UK and EU committed to it alongside the trade and co-operation agreement, a memorandum of understanding on regulatory co-operation has still not been signed. I share the committee's concern in this regard. As my noble friend Lord Liddle noted, the collapse of Silicon Valley Bank and Credit Suisse highlights the importance of regulators working closely with their international counterparts, both in the EU and beyond, in order to respond to market events and maintain as much confidence in the system as possible.

We should listen to the concerns of our world-class financial and professional services firms, negotiate for mutual recognition of professional qualifications for our services sector, and finalise a memorandum of understanding on regulatory co-operation. The Government's response to the committee's report stated that they are ready to sign the MoU, yet it has still not been signed almost a year later. As the noble Viscount, Lord Trenchard, and other noble Lords asked, I would be grateful if the Minister could update the Grand Committee on progress on this. The report goes on to consider the issues of regulatory reform and divergence. The committee's recommendations in this area pre-date the Financial Services and Markets Bill, but their observation that the Government should weigh up the benefits of divergence against the costs of implementing new rules is notable.

Clearly, regulatory divergence has the potential to produce opportunities for the sector, such as reform of Solvency II to unlock capital for investment in the green transition. But we should continue to take an intelligent approach to regulation, not diverging for its own sake, and, where it makes sense to remain aligned with the EU on banking regulation, we should continue to do so.

The final chapter of the report focuses on future opportunities for the sector. I endorse the committee's view that fintech and green finance provide significant opportunities for the UK economy, and it is vital that we benefit from the gains in productivity that these areas can bring. As the noble Lord, Lord Holmes of Richmond, said, the UK today remains a top destination for fintech investment, attracting £10 billion of investment in 2022. This is second only to the US and more than all of the next 10 European countries combined. The strength and resilience of our financial services sector, our reputation for high regulatory standards and legal services, our world-leading universities and our access to a highly skilled workforce all come together to make Britain the destination in Europe to invest in fintech. Our goal now should be to make Britain the best place to start and grow a fintech company, not just in Europe but in the world.

As it is so relevant to so many areas that the committee focuses on, I end by endorsing some of the closing words of the committee's report:

"We … urge the Government not to disregard the importance of a cooperative and constructive UK-EU relationship in financial services.

Once again, I thank the noble Earl, Lord Kinnoull, and the European Affairs Committee for their report. It is an excellent document, which still has much to contribute to this ongoing debate.

*5.57 pm*

**The Parliamentary Secretary, HM Treasury (Baroness Penn) (Con):** My Lords, I thank the noble Earl, Lord Kinnoull, for securing this important debate on the report from the European Affairs Committee, which he so expertly chairs. I am grateful to all noble Lords for their contributions. Once again, I welcome the noble Lord, Lord Livermore, to his place on the Labour Front Bench.

I welcome the committee's report on the UK-EU relationship in financial services, particularly its encouraging assessment of the UK financial services sector and the sector's performance following Brexit. I also welcome the committee's praise for the Government's financial services agenda and reforms, including the future regulatory framework review.

Earlier this year, the Prime Minister welcomed President von der Leyen to Windsor to announce the Windsor Framework, achieving a decisive breakthrough. As the Prime Minister said, the UK and the EU may have differed in the past, but the two are allies, trading partners and friends. The Windsor Framework agreement restores the free flow of trade from Great Britain to Northern Ireland, protects Northern Ireland's place in the Union, and safeguards sovereignty for the people of Northern Ireland. The Government also welcomed agreement at the Partnership Council on 24 March that we will shortly be able to move forward and sign

[Baroness Penn]
the memorandum of understanding on regulatory co-operation in financial services and operationalise the forum.

I recognise that many noble Lords, including the noble Earl, Lord Kinnoull, my noble friend Lord Trenchard, the noble Lords, Lord Livermore and Lord Liddell, and the noble Baroness, Lady Kramer, asked for further detail on when that MoU would be signed. The Commission has today adopted the MoU and transferred it to the council for political endorsement, and we welcome this positive news. As we have previously said, the Treasury stands ready to sign the MoU, and we look forward to operationalising the forum as soon as possible this year.

I cannot comment any further on the EU process, but welcome movement has been seen today. This reflects the fact that the UK and EU's financial markets are deeply interconnected, and building a constructive relationship is of mutual benefit. In the meantime, we continue to closely engage with EU authorities bilaterally and through multilateral fora. Indeed, the Chancellor and the Economic Secretary to the Treasury will meet Commissioner McGuinness next week.

The noble Earl, Lord Kinnoull, asked how the Government intend to support the financial services sector outside London, and the noble Lord, Lord Livermore, asked what we are doing to boost the competitiveness of the sector. The noble Earl is right that financial services are vital to the whole UK economy; they are important in not just London and the south-east or Edinburgh and Scotland. The Government's vision for financial services will drive growth across the country. It is one for a sector that is open, sustainable, technologically advanced and globally competitive, and which acts in the interests of communities across the UK.

The Government are committed to delivering the Edinburgh reforms, which will take forward this ambition for the UK and ensure that the sector benefits from dynamic and proportionate regulation, that consumers benefit from high-quality services with appropriate protection and that the sector embraces the latest technology. This sector-wide plan will have benefits across the UK, both from direct jobs in financial services and through the role the sector has to allocate capital to grow our businesses, develop new technology and tackle climate change.

The noble Baroness, Lady Kramer, asked where the UK is relevant to other EU financial services centres, which picks up on this point about competitiveness. I do not have the figures that she asked for, but I can tell her that the UK is consistently ranked first or second among the world's leading financial centres.

The noble Lord, Lord Livermore, asked about exports, and I have figures closer to those that the noble Baroness asked for on that subject. The UK is the world's largest net financial exporter, slightly larger than the US and significantly ahead of the EU as a whole. The UK's financial exports totalled $87.2 billion in 2021; the top five countries in the EU totalled $53.7 billion in the same year.

The noble Lord, Lord Livermore, asked what more we can do to promote financial services exports, and this is a focus for the UK. We are about to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership—CPTPP—which adds to the trade agreements with Australia, Japan and New Zealand, as well as the digital economy agreements with Ukraine and Singapore. The UK is looking to add to this list by making progress on negotiations to update our existing FTAs with Canada and Mexico, plus agreeing new FTAs with India and the Gulf Cooperation Council.

Several noble Lords, including the noble Earl, Lord Kinnoull, and my noble friend Lord Holmes, asked about the Swiss negotiations. A huge amount of progress has been made in that area. Given the ambition and novelty of the agreement, there are some complex and highly technical issues to work through. It is important that we get those right, given that this agreement is intended to serve as a new blueprint for financial services trade. We continue to work at pace, and we still aim to conclude those negotiations by the end of the summer.

The noble Earl, Lord Kinnoull, also asked about the publication of the Government's updated green finance strategy. It was published on 31 March alongside a raft of documents setting out our vision for energy security and to tackle climate change more generally. It set out a vision for how the UK can continue to be a leader in green finance. A recent report reaffirmed our position as the number one global centre for green finance, but we cannot be complacent.

The noble Earl also asked about the *State of the Sector* report published last year. I confirm we are committed to publishing a second report this year, part of which will cover the opportunities the UK has to strengthen its position as a global financial services hub. That will reflect the Government's ongoing commitment to this being an open market. I hope that also reassures my noble friend Lord Hannan about our approach to maintaining openness in this sector.

The noble Lord, Lord Liddle, was a little sceptical about the value of divergence, having left the EU. I will agree with him on one point: there is no value in pursuing divergence for divergence's sake. But, if I may highlight just one example that other noble Lords have touched on, Solvency II reforms in the UK could unlock over £100 billion from UK insurers for productive investment, while maintaining high standards of policyholder protection. I believe that there are significant opportunities for us in charting our own way, having left the EU.

I believe that the noble Lord, Lord Liddle, also expressed some scepticism about the regulator's new objective on long-term growth and competitiveness. I know that I heard that from the noble Baroness, Lady Kramer. I reassure them both that there is a clear hierarchy in the regulator's objectives, which puts financial stability ahead of the new growth and competitiveness objective. I also say to my noble friend Lord Trenchard that we have included that new objective for the regulators because we believe that there are opportunities for smarter regulation to both maintain higher standards and drive growth, and that the inclusion of this objective will help to deliver that. I must disagree with my noble friend, however, about returning to the previous structure of financial services regulation. The changes that we made with the establishment of the PRA and FCA were not imposed by Brussels; it

was a structure that the UK assessed as best preventing future crises. We continue to believe that it is appropriate in today's world.

My noble friend Lord Holmes focused specifically on fintech. I was going to quote some statistics on the success of the UK's fintech sector but the noble Lord, Lord Livermore, did that for me. However, I share my noble friend's expectations about the promise of the FMI sandbox that is provided for in the Financial Services and Markets Bill. My noble friend also raised crypto assets; the Government have set out their approach towards crypto regulation in our recent consultation, and we will reflect carefully on the responses to that. Our approach is driven by embracing the opportunities of the technology that it represents while also protecting consumers against the risk. My noble friend talked of rational optimism and having the right regulatory framework; I believe that is a good way to describe the Government's approach.

The noble Lord, Lord Bilimoria, and my noble friends Lord Hannan and Lord Holmes all raised talent and skills as a key component for our financial services sector. We recognise that maintaining a deep talent pool is integral to the UK's continued success as a financial centre. The Government are committed to ensuring that the UK attracts and retains top talent. Since 2021, we have announced a set of targeted high-skilled visa reforms. These have included the global talent route, global business mobility, high potential individual, scale-up worker and reformed innovator visas. None the less, we continue to listen to the views of the sector. The Financial Services Skills Commission is a key industry body, working to take forward collective action to address the needs of the sector, whether it be in identifying and addressing emerging skills gaps, widening access to talent across the sector or promoting diversity and inclusion across it.

Many noble Lords also touched upon the debates that we have been having on the Financial Services and Markets Bill. I do not wish to repeat all of those debates today, as we will debate the Bill further when we reach Report. I should correct something I said earlier, when I misspoke: the green finance strategy was published on 30 March, not 31 March. I would not want to mislead those who might be googling the wrong date.

To return to the Bill, I once again reiterate the Government's view that effective parliamentary scrutiny is valuable for consumers, firms and regulators, and that the new powers we are giving to regulators through the Bill should be matched by strengthened scrutiny and accountability of the regulators. There are provisions in the Bill to strengthen that scrutiny and accountability, and we are reflecting carefully on our discussions in Committee about how we can further build on those ahead of Report.

The noble Lord, Lord Desai, asked when we will finally get Brexit done. When it comes to financial services, we have onshored the previous EU regulations, but he is right that moving a set of laws from the EU to the UK statute book brings no benefit in and of itself. The Financial Services and Markets Bill, which is currently before this House—I look forward to it completing its passage—is the basis on which we will take forward a significant programme of reforms that we can implement once it is in place. The benefits of those reforms will not be felt overnight, and their scale means that we will need to phase their implementation over several years. However, that Bill and the reforms it will allow us to deliver are the basis on which we will build our vision for the future of financial services in the UK: a sector that is open, sustainable, technologically advanced and globally competitive.

*6.11 pm*

**The Earl of Kinnoull (CB):** My Lords, for once I find myself hoping that the noble Lord, Lord Callanan, will be on his feet for a very long time, but I will not. I thank everyone who has taken part in a most thought-provoking debate all round; what a lot of expertise has been shown. I also thank and praise the Minister, who managed to answer all eight of my questions in one way or another, which was a remarkable achievement. I thank her for that.

I welcome the noble Lord, Lord Livermore. I think we will very much enjoy his expertise in this House over the next period. His speech was jolly good. I thank him for his kind words about our report.

I must finally thank my committee, which was really helpful on what was a very difficult report. Many of the committee were not terrifically experienced in financial services but took to it all round. I will privately thank the noble Lord, Lord Liddle, afterwards for his very kind words.

A lot of very good points were made. I will not repeat them all, of course, but I will highlight three things that came out of the debate. The first was the theme of complacency. Although in the period into which the committee was inquiring it found, slightly to its surprise, that only 7,000 jobs had moved—unfortunately, EY has now stopped doing that particular survey, so it is not possible to see with any certainty what has happened—we need to watch very carefully. If things are seen that are wrong, the Government will have to be very nimble to deal with whatever problems come up. I note that that was mentioned by almost everyone: the noble Lords, Lord Liddle, Lord Bilimoria and Lord Desai, the noble Viscount, Lord Trenchard, and the noble Earl, Lord Effingham, were all keen on this topic.

The second thing was a really good point about divergence risk, made by the noble Lord, Lord Liddle. We are engaged in this three-stage process, as I said: analysis, legislation and implementation. We are almost at the end of the legislation bit of that. The divergence risk remains really important to watch, and that balance between a bit of change to help our differently shaped financial services industry and whatever risk that comes with will be very important to watch as well. That was a very sharp point and I associate myself with those words.

I have labelled the final of the three themes I was going to highlight "workforce", but it includes visas and the regulatory clearance point. I have heard stories similar to the nine-month thing. Everything that can be done to improve access to talent and to get the processes smooth for visas in financial services would be enormously good in assisting our prize industry and would not cost the Government anything. I hope

[The Earl of Kinnoull]
this will be a theme. The noble Lords, Lord Hannan, Lord Bilimoria and Lord Holmes, majored on that. I thank them very much.

I look forward very much to our discussions about the secondary competitiveness objective. We asked almost all our witnesses about that over the three months and a worrying number of different ideas as to what it actually meant came back. I cannot say that I particularly understand it. There have been lots of amendments to try to give it a bit of shape. We will discuss that again. I was very encouraged by the good words that the Minister just said on the scrutiny of the House.

All that said, I beg to move.

*Motion agreed.*

## Licensing Act 2003 (Liaison Committee Report)

*Motion to Take Note*

*6.16 pm*

*Moved by* ***Baroness McIntosh of Pickering***

That the Grand Committee takes note of the Report from the Liaison Committee *The Licensing Act 2003: post-legislative scrutiny Follow-up report* (2nd Report, HL Paper 39).

**Baroness McIntosh of Pickering (Con):** My Lords, I am grateful for the opportunity to debate this report and I thank all who will be contributing this afternoon, especially my noble friend the Minister. I look forward to noble Lords' contributions to the debate.

It was an honour to chair the original inquiry and serve with such distinguished colleagues on the committee. This was a timely opportunity to review the Licensing Act 2003, which transformed the legal regime governing the sale of alcohol, replacing licensing provisions across 10 statutes and unifying them in one Act. The Act liberalised alcohol licensing and transferred authority for licensing from the judicial system to local authorities, establishing licensing committees to make decisions on enforcing the provisions of the Act.

I declare my interests in the register as the non-executive chair of the National Proof of Age Standards Scheme—PASSCO CIC—and as a non-practising member of the Faculty of Advocates.

*6.18 pm*

*Sitting suspended for a Division in the House.*

*6.27 pm*

**Baroness McIntosh of Pickering (Con):** I thank all those who made this inquiry possible, especially the members of the Liaison Committee, who kindly agreed to a follow-up report on our original inquiry. I also thank our original clerk, Michael Collon; our specialist adviser, Sarah Clover; and all the committee staff on our follow-up inquiry, including Christopher Clarke, Heather Fuller, Philippa Tudor and Hannah Murdoch. I express our gratitude to the witnesses for their extremely helpful evidence.

The report focuses on specific areas: the co-ordination of licensing and planning systems; the agent of change principle; training; access to licensed premises for disabled people; the night-time economy; the pricing and taxation of alcohol; the sale of alcohol airside at airports; application systems; and the national database for personal licence holders. The work of the committee straddled two principal departments: the Home Office and what is now the Department for Levelling Up, Housing and Communities. We are grateful to the Ministers of those departments for engaging with us.

Although it was not focusing on the impact of Covid-19 on licensed premises, the committee was mindful from the evidence that it heard of the effects of Covid on the hospitality sector and the night-time economy.

The Government responded to our follow-up report in November 2022. I must express a degree of disappointment that they were unable to support many of our conclusions and recommendations, particularly with regard to co-ordinating licensing and planning systems and the agent of change principle, but also on disabled access. The committee recommended that the existing law be amended to require that an application for a premises licence should be accompanied by a disabled access and facilities statement. I ask my noble friend the Minister for a progress report on both this aspect and the review to Part M of the building regulations, as well as on the timescale for finalising and implementing any changes. In particular, will the provisions be extended to the accessibility of existing premises? Also, following the welcome appointment of the disability and access ambassador, has there been any significant change to access?

I also press my noble friend to confirm whether a national working group relating to the night-time economy has been established, as the Government promised, to look at reducing alcohol-related offending. If so, who sits on it, and where can information on it be found?

On training, the Government undertook to discuss with training providers whether additional signposting could be included in the Section 182 guidance and to continue to support efforts to ensure that all those involved in licensing work are trained accordingly. Can my noble friend update us on progress, and, equally, on the rollout for training for police licensing officers?

Regarding the sale of alcohol airside, the Government rejected the committee's request to review its decision not to proceed with licensing airside within three years. Given the potential toxic mix of excessive alcohol consumption and air rage, will my noble friend revisit this decision?

It is highly recommended that the Government do a formal review of the impact of minimum unit pricing across Scotland and Wales.

UKHospitality has made some powerful comments regarding the late-night levy regulations being repealed and supports the committee recommendations that the Government should consult with industry and interested parties on the efficacy of the levy, suggesting that these powers be removed unless meaningful benefits are identified.

When do the Government expect to publish their response to the recent consultation under the Policing and Crime Act 2017?

The Institute of Licensing has called for the agent of change principle to be adopted into the Section 182 guidance to ensure that licensing guidance reflects the National Planning Policy Framework. In the debate on the levelling-up Bill on Monday 24 April, the Minister, my noble friend Lady Scott, said in response to an amendment tabled by the noble Baroness, Lady Henig, the noble Lord, Lord Foster, who is present today, and me, that

"the Government agree that co-ordination between the planning and licensing regimes is crucial to protect those businesses in practice. This is why in December 2022 the Home Office published a revised version of its guidance, made under Section 182 of the Licensing Act 2003, cross-referencing the relevant section of the National Planning Policy Framework for the first time".

The passage that I quote now is the most significant. Crucially, she went on to say:

"we will make sure that our policy results in better protections for these businesses and delivers on the agent of change principle in practice … the Government's policies embed the agent of change principle and … we will continue to make sure it is reflected in planning and licensing decisions in future".—[*Official Report*, 24/4/23; col. 995.]

I raise this as the sense and meaning of that passage is not entirely clear from either the levelling-up Bill or my noble friend Lady Scott's comments. Any clarification would be appreciated. Do my noble friend's comments indicate that the Government might bring forward an amendment to the levelling-up Bill in this regard? That would be most welcome.

There are three other issues relating to the agent of change principle. The first is inadequacy of policy. The agent of change principle is found only in policy, in the National Planning Policy Framework and, since December 2022, in the Secretary of State's Section 182 licensing guidance, both in identical terms:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs)",

et cetera.

The policy is inadequate because it is ambiguous. Currently, the language makes it clear that the policy is necessarily vague in order to be flexible in various circumstances. Terms such as "effectively", "unreasonable" and "suitable" present challenges for all parties and decision-makers as they attempt to define what the precise meaning should be in any given case. Developers are likely to be in a superior position to argue their case than the existing businesses, who may not have a seat at the negotiating table at all.

In the amendment that we tabled in Committee, we attempted to ensure that statutory provisions will be defined so as to reduce this ambiguity. The proposed amendment sets out concrete expectations, such as the mandatory preparation of noise reports where existing businesses are identified.

The second reason for addressing this inadequacy of policy relates to planning balance. As in any policy area, a balance must be reached between competing interests. Planning and licensing policies compete with each other in a balancing exercise—literally called the "planning balance" in the NPPF. The decision-maker must place weight on the competing policies on a case-by-case basis.

Finally, this should be mandatory. Existing businesses may not even be aware that a planning application that potentially affects them has been made to the local planning authority. Local planning authorities are very dependent on consultees drawing relevant matters to their attention. Decision-makers may be unaware of any "unreasonable restrictions" that might be placed on existing businesses as a result of the decision that they are about to make. Therefore, in my view, this amendment is key to the future agent of change being properly understood and applied.

In conclusion, I return to one of our key recommendations: co-ordination between licensing and planning systems. May I press my noble friend the Minister to clarify what changes have been implemented to improve the co-ordination of these systems?

I am delighted to recommend this report to the Committee and beg to move.

*6.36 pm*

**Lord Foster of Bath (LD):** My Lords, I suspect that very few of us would doubt the merit of the decision that was made to introduce special Select Committees and ensure that some carry out post-legislative scrutiny. It is equally welcome that, from time to time, the Liaison Committee conducts a follow-up inquiry. I had the opportunity to serve on both the 2017 special committee that reviewed the 2003 Licensing Act and the Liaison Committee in its follow-up work, which reported last year. Both were extremely ably chaired by the noble Baroness, Lady McIntosh of Pickering.

As we have already heard, the committee concluded that a radical, comprehensive overhaul of the Act was needed, with the work of licensing committees being taken over by planning committees and appeals going to the Planning Inspectorate rather than to magistrates. The committee made a large number of recommendations, which included: better training of councillors engaged in licensing activities; increased safeguards in relation to the extra powers given to the police; the use of taxation and pricing measures to control excessive consumption; a reconsideration of measures such as early morning restriction orders and late night levies; and bringing the sale of alcohol airside within the ambit of licensing legislation. I want to concentrate my remarks on just two of the other recommendations that we made: greater co-ordination between the planning and licensing functions of local authorities; and measures to embed the agent of change principle into planning legislation, guidance and practice more effectively.

In terms of co-ordination between planning and licensing, the Select Committee recommended:

"Sections 6–10 of the Licensing Act 2003 should be amended to transfer the functions of local authority licensing committees and sub-committees to the planning committees",

and we suggested that there should be trials of this in pilot areas. When the new regime was being designed at the turn of the century, local authority planning committees were in full control of nearly all aspects of land use other than licensing. The committee concluded that it was—and, frankly, remains—a mystery why, when control of land use for the sale of alcohol was being considered, it was thought necessary to set up committees with different constitutions and powers. The result is absurdities like applications for new pubs

[Lord Foster of Bath]
receiving planning permission but not alcohol licences, or vice versa, sometimes on the grounds that the noise anticipated would be excessive in a residential area for planning purposes but not for licensing purposes.

The committee's proposal would have resolved those absurdities. Responding to the Select Committee's report, the Government acknowledged that there was a problem, saying that they

"recognise that coordination between systems is inconsistent and could be improved in many areas".

However, as we have sadly heard, the Government have ruled out even trials of our proposals. I will suggest to the Minister two other reasons why the Government should reconsider.

The first is quite simple. As the noble Baroness has already said, planning policies compete with each other but also with licensing policies. Decision-makers must weigh up competing policies—both planning and licensing—on a case-by-case basis. Surely the Minister agrees that managing that balance is best done by a single decision-making body.

The second argument relates to current problems within planning decision-making. The planning process is frequently blamed for a shortfall in the provision of new housing. It is taking longer and longer to approve even planning permission for home extensions. Last year, for example, more than 100,000 such applications took more than eight weeks to reach a decision. It would be easy to blame local planning authorities but LGA research shows that, faced with reductions in funding, 305 of the 343 planning departments are operating at a deficit. As a result, they have significant staff shortages. A quarter of planning authorities do not even have a head of planning reporting directly to a council chief executive. England's chief planning officer, Joanna Averley, acknowledged this recently, saying that there are

"not enough planners coming into local government".

She added that the Government do not have the funds to pay for more.

It is plain that a major amendment to the planning process will have to come sooner rather than later. The amalgamation of planning and licensing through economies of scale would go some way towards helping the problems I have described. Does the Minister accept that this would be the time to include reform of the licensing process so that the task is given to planning committees, as the Select Committee first recommended six years ago?

Another example illustrating the potential confusion between planning and licensing is in respect of the agent of change principle; I hope that my comments here will complement those of the noble Baroness. Put simply, the agent of change principle ensures that a new development must shoulder responsibility for compliance when situated near, for example, an existing music venue. Similarly, if a music venue opens in an existing residential area, the new venue would be responsible for complying with residential requirements such as enhanced sound-proofing.

Members of the Select Committee were pleased that the Government agreed with our recommendation that the agent of change principle should be reflected in both the National Planning Policy Framework and Section 182 guidance. This has now happened. However, the Liaison Committee heard that the principle is inadequate as it stands and does not sufficiently explain the duties of all parties involved. It needs to go further to protect licensed premises and local residents in our changing high streets. Indeed, coupled with the lack of consistency between the planning and licensing systems, the current arrangements are still not guaranteeing the protection of live venues.

In a recent debate on the levelling up Bill, I cited two examples—the Night & Day Café in Manchester and the Jago in Dalston—both of which have both been served with noise abatement notices as a result of complaints from residents of newly developed properties in their vicinities. Fortunately, the Jago prevailed at appeal and the noise abatement notice was withdrawn by the council. For Night & Day, however, the appeal has still not been resolved after lengthy delays.

Under the present arrangements, the agent of change principle is not covered by legislation; it is only in policy, with language that has proved vague. How do decision-makers interpret words such as "effectively", "unreasonable" or "suitable"? How do they balance the agent of change principle against, for example, the urgent need for more housing? How do existing businesses know well enough in advance about new developments that may have an impact on them?

To resolve such issues, the Liaison Committee recommended that:

"The Government should review the 'Agent of Change' principle, strengthen it, and consider incorporating it into current planning reforms in the Levelling-up and Regeneration Bill".

The Government did not disagree; and they also pointed to the then upcoming Levelling-up and Regeneration Bill as a vehicle to address these concerns.

As we have heard, in Committee, the noble Baroness, Lady McIntosh of Pickering, moved an amendment, which I strongly supported, which would have incorporated the agent of change principle into law for licensing and other purposes. The amendment would have helped the Government achieve what they agreed was needed: greater clarity about what was expected of councils and businesses. However, the Minister responding, the noble Baroness, Lady Scott of Bybrook, claimed that the amendment was not needed and gave the reasons we have already heard. She said that

"we will make sure that our policy results in better protections for these businesses and delivers on the agent of change principle in practice".—[*Official Report*, 24/4/23; col. 995.]

But there are currently no such relevant changes proposed in the Bill. So I repeat the question asked by the noble Baroness: can the Minister explain exactly how the Government intend to achieve both the recommendations of the Liaison Committee and, more importantly, their own promise?

I began by welcoming special Select Committee and Liaison Committee follow-up reports. Frankly, it would be even more welcome if the Government paid greater attention to their work and proposals.

*6.46 pm*

**Lord Holmes of Richmond (Con):** My Lords, it is a pleasure to take part in this debate. In doing so, I declare my technology interests. I congratulate my

noble friend Lady McIntosh of Pickering, all members of the committee and, indeed, all the staff of the House who worked to produce this and the original report.

Does my noble friend the Minister agree that, ultimately, if planning decisions were predicated on the concept of inclusive by design and if licensing decisions had an access statement attached to them, that could transform this whole process, not just for disabled people but for all people?

I will talk about digital ID and inclusion, and make some points on timing. Does the Minister agree that, once licences are issued, given the significant proportion of the difficulties that sometimes emerge, particularly where alcohol licences are involved, an effective system of digital ID would be such a positive force for good in this space? It would not be centralised but controlled by the individual, deciding what credentials to give, at what point and for what purpose. That would make such a difference to so many of the problems with that particular type of licensed venue.

I turn to inclusion, and inclusion by design. There is a recommendation in this report, which is also taken from the special inquiry report from the noble Baroness, Lady Deech, which suggests, rightly, attaching an access statement to any licence. This seems to make complete sense. Does the Minister agree?

Although it has taken some time to get this debate, it offers the opportunity to have a bit of a curtain-raiser for some of the issues yet to come in the Levelling-up and Regeneration Bill. The noble Lord, Lord Foster, and my noble friend Lady McIntosh rightly raised a number of issues. Does the Minister agree that there are issues at the heart of the Bill that could be resolved by having an inclusive by design amendment accepted when it comes to planning, which would run through the entirety of the Bill? Many changes were made by the Business and Planning Act 2020 when we were in the midst of the Covid emergency. Many of those measures brought in in those emergency times are now set to be made permanent by virtue of the Levelling-up and Regeneration Bill.

I will mention one example to make my point. Under the Bill, the consultation time for pavement licences for cafés or other venues is currently proposed to be cut from 28 days to 14 days. Does my noble friend the Minister really believe that there is a need to take a fortnight out of that consultation process? Potentially, this would be a prima facie breach of the public sector equality duty, as it is likely that it would adversely impact disabled people, who often need increased time to have the consultation in different formats and to be made aware of the consultation. Can it be right to put in the Bill measures which were introduced for a specific purpose at a specific time and seek to make them permanent?

In conclusion, as has already been said, there is a clear need to tidy up the real issue between planning and licensing. If we could enable the system to be inclusive by design, with venues' access requirements clearly being reviewed at the time of the licence application, it would benefit the venues. There would be a financial benefit, and it would benefit patrons. It would benefit not just disabled people or older people but all people. Communities, our cities and our country made better—would not my noble friend the Minister want to get right behind that?

*6.51 pm*

**Lord Smith of Hindhead (Con):** My Lords, I am pleased to be able to make a contribution to this take-note debate and regret that I was unable to participate in the earlier debate on this subject. I declare my interests as CEO of the Association of Conservative Clubs, which comprises some 750 affiliated private members' social clubs throughout the UK, and as chairman of Best Bar None, a national accreditation scheme that works with the Home Office, the alcohol industry, the police and local authorities, with the aim of encouraging a safer, more responsible alcohol-related leisure environment by helping to reduce crime, disorder and underage sales. I had the honour to serve on the Licensing Act Select Committee under the chairmanship of my noble friend Lady McIntosh of Pickering, and as a member of the Liaison Committee at the time when that committee requested a follow-up on the Select Committee's report in January 2019.

I believe the agent of change principle and the recommendations being made have merit. The industry certainly benefited from planning working with licensing during the pandemic—for example, with pavement seating, as my noble friend Lord Holmes has just mentioned. Whether this topic is, however, currently paramount on the hospitality industry's wish list is perhaps doubtful, with so many other more pressing concerns. I will therefore concentrate my comments on some of the other matters within the report.

I am happy to support the need for better and more consistent training of local government officers and councillors to ensure that those sitting on the licensing subcommittees are adequately trained in the subject of licensing. The industry spends millions of pounds training its staff each year, and organisations such as the British Institute of Innkeeping, Pubwatch and the Institute of Licensing devote much of their time and resources to this field. Best Bar None has grown from 40 schemes pre Covid to 59 active schemes today, including airport schemes. In addition, it now has over 2,000 individual premises in the process of receiving accreditation through its central scheme. Best Bar None has invested in new technology to take the accreditation process online, enabling schemes to more easily monitor how their premises are doing, as well as providing tailored reports for each venue.

My reason for mentioning this is to highlight the differences between those who are tasked with operating under the Licensing Act and those tasked with enforcing it. If a person wants to run a pub or bar, they must be trained and qualified to hold a personal licence. The same does not apply to the person granting the premises licence to the property. To me, that seems counterintuitive and is a matter which could be very easily resolved without having to create something from scratch.

The irony is that sales of alcohol in the off-trade—supermarkets—overtook the sale of alcohol from the on-trade—pubs and clubs—some four years ago. The price of drinks in bars is too high for most people to get drunk and pre-loading with cheaper drinks bought

[Lord Smith of Hindhead]
for consumption from the off-trade, where training and supervision are almost non-existent, is where many of the problems occur. The late-night levy effectively remains a form of additional taxation on some businesses which operate during the evenings and night time. The fact that, since its creation in 2011, only a handful of the 350 local authorities in England and Wales have introduced a late-night levy, while others have issued consultations on it but not subsequently introduced it, continues to make me wonder why the levy has been kept—particularly as councils are obliged to spend their 30% of the late-night levy share on matters tackling alcohol-related services connected to the management of the night-time economy, whereas the police have no obligation to spend their 70% on any such measures, but can spend it on anything of their choosing. I am pleased therefore that this topic is being looked at again in detail.

The introduction of minimum-unit pricing in Scotland and Wales has proved to have no discernible beneficial effect on problem drinking, as many of us suspected, but has had the effect of making alcohol more expensive to those on low incomes. I hope this experiment will dissuade any plans for a similar scheme ever to be introduced elsewhere.

Of course, overconsumption of alcohol is unhealthy, but our modern-day temperance movement needs to start acknowledging that most people have common sense and just enjoy a modest drink. In moderation, alcohol plays an important and beneficial role in the nation's life. A society that socialises together is a stronger society. For many people, drinking provides, and has always provided, social cohesion.

We know that per capita alcohol consumption has fallen. Alcohol-related crime is down, while the number of young people consuming alcohol is down significantly and has been falling since 2004. The UK today drinks less alcohol than 16 other European nations, according to the World Health Organization. I simply ask my noble friend the Minister to always bear in mind that licensing legislation should remain concerned solely with licensing management and never become an attempt at social engineering.

*6.57 pm*

**Baroness Walmsley (LD):** My Lords, as with many policy areas, there are complex issues to consider when devising public policy on alcohol licensing. In devising licensing regulations, the Government must take into account the balance between the well-being of people who wish to drink alcohol in moderation in a public place and those who live nearby licensed premises, against the danger that high levels of alcohol consumption can lead to criminal activity, road accidents and domestic violence, and, indeed, costs to the health service and the police. Add to this the needs of businesses that serve alcohol as part of their legitimate business model and you have a complex picture.

It is the complexity of the decisions that need to be made at a local level that led the Select Committee to urge the Government to take action to ensure greater co-ordination between the planning and licensing functions of local authorities. This evening, this Committee has heard a passionate explanation from my noble friend Lord Foster of the reasons the committee came to that conclusion. They also recommended better training for councillors engaged in making these complex decisions so that they can adequately take all these factors into account and make decisions that are right for their local area, along with a mechanism to ensure the required co-ordination.

It is disappointing that, in the Government's response, they appear to believe that nothing further needs to be done in this respect. Instead, we got a litany of the actions the Government are taking to provide treatment for those who abuse alcohol, with serious consequences for themselves and those around them. This is shutting the door after the horse has bolted. However, I am hearing from colleagues serving on local councils that the availability of such services has been much reduced in the last few years. The funding comes from the public health grant, which has been halved. You cannot make a loaf without flour, and the Government are expecting local authorities to do too much with too little.

Is the Minister aware that 70% of local authority funding has to be dedicated to mandatory services such as children in care, elderly people who are reliant on public funding for their care, and residential care for people with physical and learning difficulties? This means that non-mandatory services, such as drug and alcohol services and others, have had to be cut. In light of all this, what progress have the Government made on the sincere recommendation of the committee for better training of councillors and co-ordination between planning and licensing?

Although licensed premises play an important role in what is called the night-time economy and keeping town centres alive, and indeed provide a lot of jobs, particularly for young people, it is the public services that bear the costs when things go wrong. One area where things have gone wrong recently is in the behaviour of people who have been drinking to excess before boarding an aircraft. There have been a number of cases where airline staff have had to delay a flight or detain or remove a passenger to avoid not just annoyance but actual danger to other passengers. It might avoid the need for this if the sale of alcohol airside was brought within the ambit of the licensing regulations. Will the Government please reconsider their intention not to act on this?

Most licensees are responsible people and carry out their business in the interests of customers and their community, but there are some who do not. The committee recommended that any future national database of licence holders should include records of refused, suspended or revoked licences to avoid such people getting licences elsewhere unless they change their ways. Will the Government ensure this happens?

About a third of the victims of domestic violence claim that the perpetrator was under the influence of alcohol when the attack occurred. This suggests that licensees have a great responsibility to stop serving someone who has clearly had enough. I understand how difficult that is, not only to make the judgment itself but to take action and ban the person, who will undoubtedly object loudly. Is the ability of the licensee to take such difficult decisions taken into account when considering renewal of his or her licence? Is there any co-ordination between the local police, who may

have to deal with offenders, and the local licensing authority? The police will know which premises are the culprits, since they will often have to deal with the consequences. Are they sufficiently well trained for this duty? On the matter of alcohol-related offending, the government response promised "a National Working Group" to reduce such offending, share good practice, trail innovative solutions and ensure that "existing licensing powers" are applied in full. Can the Minister say who sits on the working group, to whom it answers and when it will report?

As we know, there has been a large increase in the amount of alcohol bought from supermarkets—we just heard that from the noble Lord, Lord Smith—especially during the pandemic. This brings us to recommendations about the use of taxation to control excess consumption. Following years of resistance, the Government have taken welcome action on high-alcohol white cider, because of its use by alcohol abusers. However, there is more to do. I welcome the Government's commitment to review the new alcohol duties after three years but ask the Minister what further action they plan to take—for example, by reviewing the effect of minimum unit pricing in Scotland and Wales. In doing so, will they always bear in mind the needs of those licensed businesses which serve alcohol to moderate drinkers with or without a meal? They are legitimate businesses and their profits are already under a great deal of pressure.

The temporary pavement licensing scheme is to be made permanent through the levelling-up Bill. That is all very well—we all like a drink in the open air when the weather is fine—but what do local authorities get out of this extension of the premises of commercial businesses into the pavement area which they own and have a duty to clean? Will the bars pay a fee or increased business rates for the privilege of extending premises from which they make money? Local authorities are desperate for cash; might it not be a good idea to help them out a bit here?

I support what the noble Lord, Lord Holmes of Richmond, said about the danger of obstructions on the pavement to people with disabilities, particularly visually impaired people. I recently had to speak to the manager of my local Co-op, in the interests of local visually impaired people, about no less than four large free-standing advertisements on the pavement outside the shop.

I turn to access. Recently, a former colleague put a photograph on her Facebook page of her disabled husband in his wheelchair outside a new local restaurant. Unfortunately, there was no way he could get inside. She went in to ask the manager what arrangements they had made for disabled customers, and they had not made any. I got the impression that he was not too polite either. I am sure that this is not typical of managers of licensed premises and I realise that some premises might be difficult to make accessible, but they will lose customers if they do not adapt. It is quite wrong that they do not make every effort. I would like to see an access and facilities statement as a requirement in licence applications and renewals. Can the Minister say what progress has been made on the review of Part M of the building regulations regarding access if, as they say, the Licensing Act is "not the appropriate vehicle"?

Finally, the committee recommended that the late-night levy should be reviewed in consultation with the trade and the local community. It says that it is a blanket measure that may not be appropriate everywhere. When will the Government respond to this recommendation? As I understand it, they have not done so yet.

Licensed premises contribute a good deal to local economies, provide jobs and allow us all to go out, relax and enjoy ourselves—all of us, not just those with working legs. I am a great believer in a bit of joy, so I hope the Minister in responding to this debate will have inclusive joy for everyone in mind.

*7.07 pm*

**Lord Ponsonby of Shulbrede (Lab):** My Lords, I congratulate the noble Baroness, Lady McIntosh, on her report. Many of my questions will echo those she set out in opening this short debate. I do not really have any interests to declare, other than that I served on the licensing committee of a local authority many years ago and that I sit, and have in the past heard licensing appeals, as a magistrate, although that is a very rare occurrence. Nevertheless, I recognise the expertise demonstrated in this short debate.

Clearly, the inquiry did not focus on the impact of Covid-19 on licensing, but it is fair to say that its impact on our hospitality sector and licensed premises has been profound. The adaptions that were made to ensure people could enjoy licensed entertainment safely during the pandemic have acted as a reminder of the importance of this sector to our everyday lives. It is also important that we get things right in minimising alcohol-related harms while supporting a vibrant night-time economy.

It is clear from this report and the government response that we still have some way to go. Ensuring that our licensing and planning systems work well together despite what the Government describe as differing objectives seems to be something that should be worked on further; this should include effective local authority training on licensing that improves outcomes. Training for police officers on licensing and issues impacting the night-time economy has also been welcomed by the Government, who must play their role in ensuring that this training package is introduced as soon as possible and regularly reviewed to ensure that it complies with regulations.

The Government stated in their response to the report that they were establishing a national working group to bring together policing and licensing partners with a focus on police-led interventions to reduce alcohol-related offending. What progress has been made on setting up this working group?

The report also highlights clear shortcomings in equality of access to licensed premises. The Government have noted the legal routes available when premises do not comply with equalities law. It also points out that the EHRC has a role in monitoring how the Act is being complied with in particular sectors and can take action where it is considered necessary. Does the Minister feel that cultural change needs to be encouraged—by this, I mean greater acceptance and encouragement of people with disabilities attending licensed premises? If so, how will the Government work to support bringing about such change to ensure that, rather than taking

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action against premises that do not comply, we are encouraging premises to comply because it would be in their own interests?

The report mentions the late-night levy and issues with its current application. The Government recently consulted on the late-night levy with the consultation period ending around six weeks ago. Do they yet have a timetable for their response?

Finally, the Government did not provide a full response to the committee's recommendations on a national database of personal licence holders. Has there been any progress on this since the Government's response was published in November? The report covers a large number of issues within licensing and our night-time economy, not all of which I have covered.

Although most people drink alcohol in a sensible, responsible way, it is clear that there are persistent problems with the way some people behave because they drink too much. We hope that by implementing these small changes this harm can be minimised. I conclude by endorsing the sentiments laid out by the noble Lord, Lord Smith of Hindhead, about managing alcohol because the vast majority of people enjoy a drink and going out with friends and it is very much a cornerstone of the way many people live their lives. Nevertheless, this is an opportunity which I hope the Government will fully embrace when implementing these changes.

*7.12 pm*

**The Parliamentary Under-Secretary of State, Home Office (Lord Sharpe of Epsom) (Con):** My Lords, I start by congratulating my noble friend Lady McIntosh of Pickering on securing this important debate. I am very well aware of her long-standing interest in this topic. I also thank all noble Lords who have participated for their contributions. I echo the noble Lord, Lord Ponsonby, in agreeing with my noble friend Lord Smith that the vast majority of people enjoy responsible drinking, and I reassure the noble Baroness, Lady Walmsley, that I often drink with great joy and will do very soon, I hope.

The Government recognise that the majority of people drink responsibly and enjoy alcohol as part of socialising, as has been noted, but we also recognise the significant contribution that the alcohol industry makes to the economy and the job market, as all noble Lords mentioned.

Despite some encouraging trends, we know that the harms associated with alcohol remain too high. Appropriate regulation is therefore essential. We believe that the Licensing Act sets out a clear and effective national framework for regulating licensable activities, while allowing considerable local autonomy. It strikes the right balance between providing safeguards to prevent nuisance, crime and disorder, while recognising the important contribution that licensed premises make to thriving night-time economies. Having said all that, we keep the Act under review to ensure that the regime remains fit for purpose and meets emerging challenges. We work closely with licensing practitioners and the alcohol industry to achieve this.

As your Lordships are aware, in 2017 a House of Lords Select Committee carried out post-legislative scrutiny of the Act. Last year the House of Lords Liaison Committee carried out further scrutiny, so I offer my thanks to everyone involved in that work. The Government have carefully considered the recommendations that the Liaison Committee made in its detailed and thoughtful report last year, and I will update your Lordships on work that the Government have been doing in connection with the reports.

Since the publication of the original report in 2017, the Government have worked to reinforce expectations that licensing and planning should work effectively together. The then Minister for Crime and Policing wrote to licensing authorities to reinforce this expectation. We held workshops and published a revision of the Section 182 guidance, making mention of the relationship between licensing and planning systems. I will come back to both of those things.

In response to the Select Committee's original recommendation to extend all provisions of the Licensing Act 2003 to airside premises, the Government held a call for evidence, because we of course agree that disruptive incidents caused by excessive alcohol consumption at airports or on aeroplanes are unacceptable. However, as noted in the Government's response to the call for evidence published in December 2021, the information and evidence submitted did not make a compelling case for extending the provisions. We therefore do not intend to revisit that decision. We were impressed with the information provided following the call for evidence on the voluntary measures already under way by airside premises and airport authorities.

The Liaison Committee expressed concern that removing the GOV.UK licence application system without a replacement system being in place would cause significant difficulties. The Government agree. Your Lordships will be pleased to know that the Cabinet Office has extended the provision of the licensing service for two years, until the end of March 2025. The Government Digital Service will continue to support the online licensing service during this period and is working closely with government departments with an interest in this service. It is exploring options for a long-term solution that meets the needs of licensing authorities and users. At the same time, it is exploring options for a register of licence holders.

I will get into some of the specific points that have been raised, with perhaps a little more detail on one or two of the things that I have already mentioned. With regard to co-ordination between licensing and planning, the Levelling-up and Regeneration Bill will, as has been noted, modernise our planning system and put local people in charge of it, so that it delivers more of what communities want. The Government acknowledge that co-ordination between planning and licensing is important. Planning authorities are involved in licensing applications in their role as a responsible authority under the Licensing Act, but the systems are separate and have different objectives and approaches. The powers are there to enable planning and licensing to work together to support the needs and aspirations of local communities. We do not intend to introduce an additional mechanism.

My noble friend Lady McIntosh made very considered and useful points, particularly regarding agents of change, but these relate to planning rather than the

Licensing Act, which is the regime under discussion today. Our response, to both the original report and the subsequent follow-up, has set out our commitment to working with partners to support efforts to improve how these systems work together on the ground. We continue to do that, building on our previous workshops and the clear expectations set out by previous Ministers in this regard. I will obviously share the detailed points my noble friend has made with the relevant department. As she will be aware, the Levelling-up and Regeneration Bill, as I have said, will modernise our planning system and put local people in charge, so I will certainly take back the points that have been made on that.

I think the word "ambiguity" was used with regard to words such as "effective" and "unreasonable". As signalled by the December 2022 consultation on reforms to national planning policy, the Government will undertake a full consultation on a revised National Planning Policy Framework and proposals for national development management policies once the Levelling-up and Regeneration Bill has completed its passage through Parliament. The Government agree, as I have said, that co-ordination between the planning and licensing regimes is crucial to protect these businesses in practice. That is why, in December 2022, the Home Office published a revised version of the guidance under Section 182—which I have already referred to—of the Licensing Act 2003, cross-referencing the relevant section of the National Planning Policy Framework for the first time. Combined with our wider changes in the Levelling-up and Regeneration Bill, we will make sure that our policy results in better protections for affected businesses and delivers on the agent of change principle in practice.

As regards planning balance, we recognise that raising awareness of this principle, how it can be applied and how it should work in practice are vital in ensuring that the two systems work together at a local level. We will therefore continue to work together with key partners and experts in this area and will continue to hold detailed discussions with them in a workshop setting in June. These discussions will inform what more we can do to further strengthen the licensing guidance, as well as asking practitioners directly what they would find helpful from us.

To go back to the words "effective", "suitable", and "unreasonable" being potentially ambiguous, these terms appear frequently in legislation and accompanying guidance. Obviously, circumstances will be different in every case; no law could precisely prescribe what should or must happen in every case. It is for Parliament to legislate to set out the principles, which are applied very much on a case-by-case basis.

My noble friend Lord Smith and others referred to the late-night levy. I am very pleased to say that the Government have delivered their commitment to consult on the level of late-night levy to be applied to late-night refreshment premises. The majority of respondents to the consultation were in favour of local authorities having the option to offer a 30% reduction to late night refreshment providers that qualify for small business rate relief. This reduction is already available in relation to premises that supply alcohol for consumption on the premises.

Now that the consultation is complete, we plan to commence the wider changes made via the Policing and Crime Act 2017 intended to make the levy more flexible for local areas, fairer to business and more transparent. We will continue to collect data on the number of areas introducing a levy via the alcohol and late-night refreshment statistical bulletin.

The night-time economy is obviously incredibly important to the nation and to a number of businesses, but we also continue to take action to improve the safety of women at night, tackle drink-spiking in licensed premises and work with partners to reduce incidents of violence in the night-time economy. To support that work further, we are working with policing and licensing partners to reduce alcohol-related offending in the night-time economy, focusing on sharing good practice, exploring innovative approaches and maximising the use of existing licensing powers.

This leads neatly on to the subject of training, as mentioned by the noble Lord, Lord Ponsonby, and my noble friends Lady McIntosh and Lord Smith. Obviously, we recognise the importance of training for those involved in licensing work at every level. We continue to work closely with the Institute of Licensing and the Local Government Association to ensure that training resources are used widely and consistently, and to explore whether any additional signposting could be included in the Section 182 guidance. I am pleased to say that we will be holding a joint workshop on this issue in June, as I have already mentioned.

The police contribute to licensing decisions and can object to licence applications. In addition, the National Police Chiefs' Council—the NPCC—remains committed to delivering a training package to all police licensing officers to improve standards and deliver a consistent approach. The NPCC lead for alcohol licensing and harm reduction, Deputy Chief Constable Scott Green of West Midlands Police, is overseeing this programme of work, working with Home Office officials, policing partners and representatives of the hospitality industry to ensure that the training meets the standards of all interested parties.

Noble Lords—among others, my noble friend Lord Holmes, the noble Baroness, Lady Walmsley, the noble Lord, Lord Ponsonby—have brought up the subject of access to licensed premises for disabled people. The Licensing Act regulates the sale of alcohol and should not be used to control other aspects of licensed premises as this is outside the scope of the licensing regime. The Equality Act 2010 already provides robust protections for disabled people who may encounter difficulties in accessing licensed premises.

Pubs, bars and restaurants are under a duty to make reasonable adjustments to enable disabled customers to use their premises and facilities. It is not, however, consistent with how the Equality Act is intended to work for it to set specific accessibility standards for particular industries, nor would such arrangements be workable for obvious reasons. However, we have committed to reviewing Part M of the Building Regulations. As part of our review, we have commissioned research to support it; we will publish this in due course.

I say to the noble Lord, Lord Ponsonby, and the noble Baroness, Lady Walmsley, that I would hope that all premises would strive to be as inclusive as

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possible. I would certainly take that into account when making personal decisions on where to visit, as I am sure the vast majority of responsible drinkers would.

The noble Lord, Lord Holmes, asked about the consultation period for licensing applications. This is being discussed as part of the levelling up Bill. There is obviously a balance to be struck between ensuring the appropriate time for consultation and helping the licensed sector. Of course, the licensed sector has suffered greatly during the pandemic, as has been noted. It is still in somewhat straitened circumstances.

Regarding minimum unit pricing, after the publication of the 2012 strategy, the then Government carried out a consultation on minimum unit pricing. The evidence was not conclusive. However, Members will be aware that MUP was the subject of a lengthy court case before subsequently being introduced in Scotland and, later, in Wales. The Government are keen to see the full findings from the formal evaluation by the Scottish Government, which we are expecting in June. We will consider those findings and report back in due course. I believe that that is the five year anniversary of the minimum unit pricing experiment in Scotland.

As the noble Baroness, Lady Walmsley, pointed out, we need to be very careful with things of this sort. It seems to me, from a common-sense point of view, that this sort of process could very easily end up being a tax on the poor, which I am sure we would all rather avoid.

On wider issues, the Government are working on tackling alcohol-related harms. Preventing these requires a sustained commitment from government, local authorities, the police, health partners and businesses. There is no easy answer to tackling alcohol-related harms: all parts of the system have to work together, including early identification and intervention, treatment access and criminal justice powers. We have an ambitious programme of work in train across departments to tackle these harms.

My noble friend Lord Holmes asked about digital ID. There are currently no plans to introduce digital age verification for alcohol sales, but we are exploring what is permissible within the Licensing Act and whether the legislation should be amended. We also plan to consult on this over the next few months.

Alcohol is a recognised driver of crime, as has been noted by all noble Lords, and can adversely impact individuals, communities and services. We have seen some encouraging trends over the last few years. For example, members of the public perceiving people being drunk or rowdy as a problem in their local area nearly halved between 2009-10 and 2019-20.

Despite a reduction in alcohol-related violence over the last decade, around four in 10 violent incidents are alcohol related. This is also the case in around a third of domestic violence incidents. When thinking about their latest incident of serious sexual assault experienced, 39% of victims believed the perpetrator to be under the influence of alcohol. This increased to 49% when the incident occurred between strangers.

Work is of course under way across government to tackle alcohol-related crime. As I have said, we have focussed on equipping the police and local authorities with the right powers to take effective action. We continue to take action to improve the safety of women at night, tackle drink spiking in licensed premises and work with partners to reduce these incidents in the night-time economy.

The noble Lord, Lord Ponsonby, asked about the new group on alcohol-related crime and homicide, which brings together the police and other key players. It has been established and has already held its first meeting. Beyond that, I am afraid that I do not have very much information. As and when I find more, I will make sure to share it with him.

I think that I have answered all the questions. Again, I thank my noble friend for securing this debate and all noble Lords who have contributed. We all agree that there is more to do, but I hope that I have provided reassurance that progress is being made to address the recommendations in the report and that some of the work has already concluded. The Government recognise the importance of these issues. I look forward to continued engagement and discussion on them.

*7.27 pm*

**Baroness McIntosh of Pickering (Con):** I am grateful to everyone for their contributions, particularly my noble friend for his full response. It seems as though we have had a lot of consultations and workshops, but my noble friend will have picked up, in the mood of the Grand Committee, that we are calling for action.

I am grateful to the noble Lord, Lord Foster, for emphasising the importance of the Select Committees and the follow-up reports of the Liaison Committee, because, particularly in this instance, they were timely reviews of the Licensing Act.

My noble friend Lord Holmes of Richmond spoke very powerfully on disabled access, as did others. I think every contributor mentioned it. It is unfortunate that we have not yet achieved this; an application for a premises license is still not accompanied by a disabled access and facilities statement. It is the mood of the Committee that that should take place.

Also, the Minister referred to the review under Part M of the building regulations, but he did not actually say whether it will be extended to the accessibility of existing premises. I would be grateful, if there is an opportunity, for him to confirm that in a letter following this. My noble friend Lord Holmes of Richmond also pointed out that reducing the deadline to two weeks for the licensing of premises is weakening the ability of vulnerable and disabled people to respond.

The noble Baroness, Lady Walmsley, asked what is in it for local authorities too. I think I remember reading somewhere that there might be an additional fee, but I am not at liberty to say that, so perhaps my noble friend the Minister could reply on that point—although I realise that it is a different department to his own.

All speakers mentioned the training, so we will obviously follow that very closely. The Minister referred to the working group which is being set up. As all speakers, I think, said they were interested in that, a signpost as to where it is would be very helpful indeed.

I am very mindful that young people's contribution to this economy is huge. I say that having started off my working life as a waitress and my student life as a

part-time barmaid—with disastrous results; I do not think I was destined to be full time. As the noble Lord, Lord Ponsonby, said, we are all very mindful of the fact that, during Covid, there was huge disruption there.

My noble friend Lord Smith mentioned the role of working clubs, and I am delighted to be an honorary president of Pickering Conservative club. Others, such as the Royal British Legion club, play a fantastic role in this regard, particularly in rural communities. I hope that we have strengthened the will of both the Home Office and the Department for Levelling Up, Housing and Communities in this regard.

There was a real appetite in this debate for the agent of change principle to be enshrined on a statutory basis. We had some expert advice from the Institute of Licensing from two very powerful witnesses, so, if we achieve nothing else, we should achieve a statutory basis for that. I hope that there is still time for my noble friend Lady Scott to bring such an amendment forward. I am grateful for having the opportunity to rehearse these arguments again, and I commend the Motion.

*Motion agreed.*

*Committee adjourned at 7.32 pm.*