HOUSE OF LORDS

Secondary Legislation Scrutiny Committee

32nd Report of Session 2019–21

Drawn to the special attention of the House:

Draft Customs Safety, Security and Economic Operators Registration and Identi ication (Amendment etc.) (EU Exit) Regulations 2020

Draft Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020

Draft Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 and one related instrument

Human Medicines (Coronavirus and Influenza) (Amendment) Regulations 2020

Includes information paragraphs on:

3 instruments relating to COVID-19

Draft Audiovisual Media Services (Amendment) (EU Exit) Regulations 2020

Draft Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2020

Draft Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2020

Draft Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2020

Draft Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020

Draft European Union (Withdrawal) Act 2018 (Relevant Court) (Retained EU Case Law) Regulations 2020

Draft Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020

Draft Law Enforcement and Security (Separation Issues etc.) (EU Exit) Regulations 2020

Draft Plant Health (Amendment Etc.) (EU Exit) Regulations 2020

Draft Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020

Ordered to be printed 27 October 2020 and published 29 October 2020

Published by the Authority of the House of Lords

HL Paper 159

Secondary Legislation Scrutiny Committee

The Committee's terms of reference, as amended on 11 July 2018, are set out on the website but are, broadly:

To report on draft instruments and memoranda laid before Parliament under sections 8, 9 and 23(1) of the European Union (Withdrawal) Act 2018.

And, to scrutinise –

(a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;

(b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,

with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in the terms of reference.

The Committee may also consider such other general matters relating to the effective scrutiny of secondary legislation as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

Members

Baroness Bakewell of Hardington Mandeville
Rt Hon. Lord Chartres
Rt Hon. Lord Cunningham of Felling
Lord German
Viscount Hanworth
Lord Hodgson of Astley Abbotts (Chair)
Lord Liddle
The Earl of Lindsay
Lord Lisvane
Lord Sherbourne of Didsbury
Baroness Watkins of Tavistock

Registered interests

Information about interests of Committee Members can be found in the last Appendix to this report.

Publications

The Committee's Reports are published on the internet at https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/

Committee Staff

The staff of the Committee are Christine Salmon Percival (Clerk), Philipp Mende (Adviser), Jane White (Adviser) and Ben Dunleavy (Committee Assistant).

Further Information

Further information about the Committee is available at https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/

The progress of statutory instruments can be followed at https://statutoryinstruments.parliament.uk/

The National Archives publish statutory instruments with a plain English explanatory memorandum on the internet at http://www.legislation.gov.uk/uksi

Contacts

Any query about the Committee or its work, or opinions on any new item of secondary legislation, should be directed to the Clerk to the Secondary Legislation Scrutiny Committee, Legislation Office, House of Lords, London SW1A 0PW. The telephone number is 020 7219 8821 and the email address is hlseclegscrutiny@parliament.uk.

Thirty Second Report

INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft Customs Safety, Security and Economic Operators Registration and Identification (Amendment etc.) (EU Exit) Regulations 2020

Date laid: 14 October 2020

Parliamentary procedure: affirmative

These draft Regulations propose a temporary six-month waiver until 30 June 2021 for Entry Summary (ENS) declarations for goods that arrive in Great Britain from the EU and certain other territories after the end of the Transition Period. HM Revenue and Customs (HMRC) says that this is necessary to give businesses extra time to prepare for the new safety and security requirements, in particular in the context of the impact the pandemic has had on businesses. HMRC expects significant one-off costs and ongoing administrative burdens for businesses after the temporary waiver has expired. The instrument also proposes, on a permanent basis, shorter deadlines for the submission of ENS and Exit Summary declarations to avoid congestion and disruption at ports. The operation of new customs arrangements with the EU is a key aspect of the UK's withdrawal from the EU, and the future arrangements between Northern Ireland and Great Britain, including in relation to safety and security declarations, are still the subject of ongoing negotiations with the EU.

The draft Regulations are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House.

1. These draft Regulations have been laid by HM Revenue and Customs (HMRC) with an Explanatory Memorandum (EM), as part of the legislation that is needed to ensure that the UK has a customs safety and security regime in place at the end of the Transition Period (TP).

Background

2. The EM explains that the EU's Union Customs Code (UCC) requires customs authorities to collect and risk assess data about goods before arrival and departure. Movements of goods such as food produce and clothing are risk assessed to detect prohibited and restricted items before they enter or leave. This involves the submission of Entry Summary (ENS) declarations before goods arrive in the EU's customs territory and pre-departure declarations (Exit Summary (EXS) declarations). The UCC sets out different timing requirements for the submission of these ENS and EXS declarations for all movements of goods by sea to and from territories near the customs territory of the EU. The UCC further requires all businesses which are involved in activities which are covered by customs legislation to register with the customs authority of the Member State where the business is established. Businesses not established in the EU are also required to register with a customs authority in the Member State where a customs declaration is first lodged or where a customs decision is first requested.

The key changes proposed by this instrument

3. This instrument proposes a temporary waiver for six months from 1 January to 30 June 2021 on ENS declarations for goods imported to Great Britain (GB) from the EU and territories currently not required to submit an ENS.[1] According to HMRC, this forms part of the phasing in of customs controls at the end of the TP, as announced by the Government in June 2020.[2] HMRC says that the waiver aims to give businesses extra time to prepare to meet the new safety and security requirements and to mitigate the impact on readiness that the COVID-19 pandemic has had on the logistics industry. HMRC says that this is particularly relevant for hauliers which transport goods only within the EU and, while the UK remains in the TP and the UCC continues to apply, have not had to make such declarations for goods moved between the UK and the EU.

4. The instrument also proposes to amend the deadlines by which an ENS declaration must be submitted for maritime movements for short sea journeys (that is journeys to and from territories near the UK) for containerised and non-containerised cargo. These deadlines are to be changed from 24 hours pre-loading and four hours pre-arrival respectively, to two hours pre-arrival for both. The changes will be permanent. HMRC says that the shorter deadlines are needed as for shorter maritime movements decisions about routing are made much closer to the time of departure, and total journey times from depots may in some cases be less than the current requirements for submitting declarations. HMRC says that not reducing the ENS timing would create significant challenges for the flow of goods through ports that use roll-on roll-off vehicle movements, and that, if large numbers of hauliers had to wait at ports having submitted the ENS late, significant congestion and disruption at ports would result. The instrument also proposes to reduce the deadline by which EXS declarations need to be submitted for maritime containerised cargo from 24 hours pre-loading to two hours.

5. The instrument further proposes to maintain the UK's existing registration system in full, so that businesses are required to register with HMRC if their activities are covered by the UK's customs legislation and they are established in the UK. Businesses which are not established in the UK but will make a declaration in the UK or request a customs decision from HMRC are also required to register with HMRC. The instrument maintains the ability for future legislation to require businesses which do not fall within any of the previous groups to register with HMRC.

Northern Ireland

6. We asked HMRC whether ENS and EXS declarations would be required for goods moved between Northern Ireland (NI) and GB. HMRC responded that:

> "The NI Protocol requires HMG to implement the Union Customs Code in NI. As a result of this, some movements between GB and NI

1 These territories are Andorra, Monaco, Norway, Liechtenstein, Switzerland, Ceuta and Melilla, Heligoland, San Marino, the Vatican, the municipalities of Livigno Campione d'Italia and the Italian national waters of Lake Lugano between the bank and the political frontier of the area between Ponte Tresa and Porto Ceresio.

2 Cabinet Office, News Story: *Government accelerates border planning for the end of the Transition Period* on 12 June 2020: https://www.gov.uk/government/news/government-accelerates-border-planning-for-the-end-of-the-transition-period.

> will attract a Safety & Security requirement, but the full extent of this is the subject of ongoing negotiations between the UK and the EU. Traders will be able to access help from the new Trader Support Service in NI to support them meeting their requirements."

Impact

7. The EM states that because of the temporary nature of the waiver provision, a Regulatory Impact Assessment was not required. We asked HMRC about the impact on businesses after the six-month waiver has expired, when businesses will have to complete ENS and EXS declarations. HMRC explained that:

> "As set out in the HMRC impact assessment for the movement of goods if the UK leaves the EU without a deal (third edition),[3] which impacted the regulations establishing the need for Safety and Security procedures, whilst many carriers, specifically large economic operators, are experienced in transporting goods to both the EU and non-EU countries, HMRC anticipates that submitting an entry summary declaration (ENS) and, where applicable, an exit summary declaration (EXS) will present a significant ongoing administrative burden for carriers, as it will be a new legal obligation and an additional cost to submitting a customs declaration for import and export purposes.
>
> In practice, HMRC expects the cost of submitting the data required to be passed on by the carrier or the operator to the importer. Carriers will either need to pay a Community Service Provider (CSP) per declaration or invest in their own software through which to submit declarations. Depending on the operators' current experience and capabilities, particularly those operators who have previously only transported goods to the EU, they are likely to incur significant one-off costs in familiarising themselves with the new rules, purchasing software, training staff, setting up systems etc. In addition, many importers do not currently have access to all of the data required to complete a safety and security declaration so there will be an additional burden to them in obtaining this data."

Conclusion

8. The operation of new customs arrangements after the end of the TP is a key aspect of the UK's withdrawal from the EU. While this instrument proposes a temporary waiver for ENS declarations, HMRC expects significant one-off costs and ongoing administrative burdens for businesses when the waiver has expired. In addition, the arrangements between NI and GB, including in relation to safety and security declarations, are still subject of ongoing negotiations with the EU. These are significant issues that may be of interest to the House. **The draft Regulations are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House**.

---

3 HMRC, 'Impact assessment for the movement of goods if the UK leaves the EU without a deal (third edition)' (7 October 2019): https://www.gov.uk/government/publications/hmrc-impact-assessment-for-the-movement-of-goods-if-the-uk-leaves-the-eu-without-a-deal/hmrc-impact-assessment-for-the-movement-of-goods-if-the-uk-leaves-the-eu-without-a-deal-third-edition [accessed 22 October 2020].

Draft Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020

Date laid: 13 October 2020

Parliamentary procedure: affirmative

The purpose of these draft Regulations is to implement the Northern Ireland Protocol ("the Protocol"), specifically in relation to restrictions on the use of ozone depleting substances and fluorinated greenhouse gases. As a result of the changes proposed by this instrument, two separate systems will operate in Northern Ireland (NI) and Great Britain (GB) after the end of the Transition Period, and there will be controls on the movement of relevant gases, substances and equipment between NI and GB, requiring checks between NI and GB. The Department says that this approach is necessary to implement the Protocol and to ensure that the UK remains compliant with its international obligations and can deliver its wider climate change commitments. This specific policy area is one of the international obligation exemptions to the wider unfettered market access policy that is being legislated for in the UK Internal Market Bill.

The draft Regulations are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House.

9. The purpose of these draft Regulations, laid by the Department for Environment, Food and Rural Affairs (Defra) with an Explanatory Memorandum (EM), is to implement the Northern Ireland Protocol ("the Protocol"), specifically in relation to restricting the use of ozone depleting substances ("ODS") and fluorinated greenhouse gases ("F gases").

10. Defra explains that EU law[4] restricts the use of ODS and F gases in order to protect the ozone layer and mitigate climate change. This instrument proposes changes to a previous EU Exit instrument,[5] so that EU law in relation to ODS and F gases will apply directly only in Northern Ireland (NI) after the end of the Transition Period (TP) as required by the Protocol, whereas retained EU law will apply in Great Britain (GB). Under these new arrangements, NI will remain within the EU market for F gases and ODS, and there will be a separate, independent market within GB. This will require controls on the movement of relevant gases, substances and equipment between NI and GB. This specific policy area is one of the international obligation exemptions to the wider unfettered market access policy which is currently being legislated for through the UK Internal Market Bill.

Background

11. The EM states that current EU law bans all ODS, with derogations for essential uses and where no technically feasible alternatives are available. Their use is controlled and monitored: imports and exports must be licensed and annual reports on production and consumption must be submitted to the UN Ozone Secretariat. Defra says that, at present, the European Commission ("the Commission") carries out most of these control functions on behalf of the UK. Producers and users of ODS must apply each year

4 Regulation (EU) No 517/2014 on fluorinated greenhouse gases ("the F gas Regulation"), Regulation (EC) No 1005/2009 on substances that deplete the ozone layer ("the ODS Regulation") and related implementing legislation.

5 Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (SI 2019/583).

for a quota which sets a quantitative limit on the amount they can use for certain permitted uses. All imports and exports of ODS between the EU and third countries must be licensed and companies must report annually to the Commission on their use of ODS. Through this licensing system, the EU and the UK comply with their legally binding obligations under the UN Montreal Protocol on Substances that Deplete the Ozone Layer ("the Montreal Protocol").

12. The EM states that F gases have largely replaced ODS and while they do not harm the ozone layer, they are powerful greenhouse gases.[6] They are used in refrigeration, air-conditioning, insulation foams, electrical equipment, aerosol sprays, medical inhalers, solvents, fire extinguishers and other industrial applications. EU law requires a 79% cut in the use of hydrofluorocarbons (HFCs), which are the main group of F gases, between 2015 and 2030, and a phasing down of the amount of HFCs that can be placed on the EU market by allocating steadily reducing quotas to HFC producers and importers. According to Defra, this quota allocation process is the main mechanism by which the EU and the UK meet their obligations to phase down HFCs under the Kigali Amendment to the Montreal Protocol, which came into force in 2019. These emission reductions are factored into the UK's current carbon budget calculations and emissions reduction targets.

Key changes

13. Defra says that the changes proposed by this instrument will continue to restrict the use of ODS and to phase down the use of HFCs after end of the TP by transferring as closely as possible the requirements of current EU law into UK law. The instrument proposes provisions to control the movement of F gases and ODS between GB and NI, which will be treated as third country movement from 1 January 2021 and will be deemed as imports/ exports for the purposes of F gas and ODS trade. Defra says that controlling F gas and ODS trade between GB and NI in this way is necessary to maintain the integrity of the GB and EU F gas and ODS quota and licensing systems, implement the Protocol and ensure that the UK remains compliant with its international obligations under the Montreal Protocol and able to deliver its wider climate change commitments.

14. We asked Defra about the practical impact of these controls, as this is not clearly explained in the EM. The Department told us that the control of relevant gases, substances and equipment "would apply to the movement of all F gas and ODS goods/trade" between NI and GB, including household fridges, air-conditioning products and aerosol sprays. Defra added that "at the NI-GB boundary this means that checks would be mandated for both NI-GB and GB-NI trade to regulate the licences and quota and ensure the integrity of the GB and EU systems and markets". As NI will remain in the EU F gas and ODS systems and market, there will not be any changes to the movement of F gases and ODS between the EU and NI.

---

6 A NASA study from 2015 suggests that while hydrofluorocarbons (HFCs) are only weak ozone-depleting substances, they are strong greenhouse gases and that, if production trends continue, the amount of global warming by all HFCs could be as large as 20 percent that of carbon dioxide by 2050. See NASA, Press Release: *NASA Study Shows That Common Coolants Contribute to Ozone Depletion on 22 October 2015:* https://www.nasa.gov/press-release/goddard/nasa-study-shows-that-common-coolants-contribute-to-ozone-depletion.

Conclusion

15. These draft Regulations deal with a specific policy area that is one of the international obligation exemptions to the Government's unfettered market access policy. There will be two separate systems in GB and NI that will require the introduction of controls and checks on the movement of certain gases, substances and equipment between NI and GB. This and the potential practical impact on trade between NI and GB, are issues that the House may wish to explore further. **The draft Regulations are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House.**

Draft Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020

Date laid: 13 October 2020

Parliamentary procedure: affirmative

Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (SI 2020/1112)

Date laid: 13 October 2020

Parliamentary procedure: negative

The purpose of these two instruments is to implement the Northern Ireland Protocol ("the Protocol") in relation to product safety and metrology and help to ensure that qualifying Northern Ireland goods have unfettered access to the whole of the UK market after the end of the Transition Period, in line with the Government's commitment and in the wider context of the UK Internal Market Bill. SI 2020/1112 makes provisions in an area where there appears to be a potential difference in the positions of the UK Government and the EU on the interpretation of the Protocol, specifically whether bodies in Great Britain that assess the product safety conformity of products will be able to continue to carry out that role for products placed on the market in Northern Ireland. These are issues that the House may wish to explore further.

The instruments are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House.

16. These two instruments have been laid by the Department for Business, Energy and Industrial Strategy (BEIS), each accompanied by an Explanatory Memorandum (EM). Together, the instruments implement the Northern Ireland Protocol ("the Protocol") in relation to product safety and metrology (that is products used for scientific and industrial measurement) and help to ensure that qualifying Northern Ireland (NI) goods have unfettered access to the market within Great Britain (GB) after the end of the Transition Period (TP). The key changes made by the instruments are summarised below.

17. BEIS says that the two instruments complement changes made by other statutory instruments which together will provide a product safety and metrology framework for NI that meets the requirements of the Protocol.[7] There are also instruments laid by other Departments that implement the requirements of the Protocol in relation to specific sectors or products, such as hazardous substances and packaging or construction products.[8]

Draft Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020

18. An earlier EU Exit instrument[9] established a stand-alone UK product safety and metrology regime, covering products ranging from lifts and machinery

7 The other instruments include, for example, the Pressure Vessels (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (SI 2020/678).

8 Draft Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020, see para 60 of this report and the Draft Construction Products (Amendment etc.) (EU Exit) Regulations 2020.

9 Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (SI 2019/696), see: SLSC Sub-Committee B, 17th Report, Session 2017-19 (HL 293).

to toys and cosmetics, to mirror the current EU regime. This included the introduction of a framework for a new UK product conformity marking (UKCA) to be affixed to products to indicate conformity with relevant product safety and metrology requirements, to replace the current EU marking (CE) after the UK's withdrawal from the EU.

19. These draft Regulations would allow products that meet the requirements of the EU product safety regime and lawfully bear the CE marking, to be recognised automatically as also satisfying the requirements of the GB regime, so that these products can be circulated on the GB market, but only for a period of 12 months after the end of the TP. The earlier EU Exit instrument introduced such a transition period but did not specify an end date.

20. The draft Regulations also propose the introduction of a new UK(NI) indication that is to be used after the end of the TP. BEIS explains that under the new arrangements, if a business wants to place a product on the NI market, it will need to manufacture that product to EU requirements and apply a CE or other relevant conformity marking.[10] If that product requires a third party conformity assessment under the relevant EU legislation, and if a UK Notified Body (see para 26 below) is used to do that, then both a UK(NI) indication and the CE marking or any other relevant conformity marking will need to be applied. The UK(NI) indication will show that a UK notified body has been used to test against EU requirements. According to BEIS, such goods may be placed on the NI market but not sold in the EU. The instrument sets out in Schedule 1 the design of the new UK(NI) indication.

21. The draft Regulations also propose changes to implement the UK's policy on qualifying NI goods, as defined by an earlier EU Exit instrument that we drew to the special attention of the House.[11] According to BEIS, the changes are to ensure that qualifying NI goods have unfettered access to the GB market if they are products within scope of this instrument, the economic operators (that is manufacturers, importers, and distributors) meet the EU's product safety and metrology requirements as they apply in NI under the Protocol, and the importer of those goods to GB carries out the required checks.

22. BEIS says that the new arrangements will ensure that NI businesses will be able to continue to manufacture products in line with EU requirements and place them on the market in GB as qualifying NI goods. In practice, it will mean that NI manufacturers of machinery, for example, will be able to place products with a CE mark or products marked with CE and the new UK(NI) mark on the GB market without having to take any further steps. Businesses which are distributors or wholesalers in NI of products manufactured or imported into the EU which then move to GB will take on the legal obligations associated with placing those products on the market in GB in the same way as any other business placing goods on the GB market. According to BEIS, these obligations include providing contact details and holding any necessary technical documentation about the product. The draft Regulations include provisions to ensure that existing, individually identifiable goods legally placed on the European Economic Area market

10 For example, the reversed epsilon "Э" conformity marking that is required for aerosols.

11 Draft Definition of Qualifying Northern Ireland Goods (EU Exit) Regulations 2020, 31st Report, Session 2019-21 (HL 153).

before the end of the TP may continue to circulate on the GB market until they reach their end-user. The draft Regulations also propose changes to reflect updates made to EU product safety and metrology legislation during the TP that were not included in earlier EU Exit instruments.

23. The EM states that the analysis developed to inform this instrument demonstrated that "there are limited/negligible additional costs to business associated with the specific provisions made in this instrument". We note that the EM to another instrument, which implements the Protocol in relation to hazardous substances and packaging,[12] states that a regulatory triage assessment (RTA) that was conducted for these draft Regulations will be "published later this year". The Department told us that a De-Minimis Assessment has now been signed by the Minster and will be published shortly. The Assessment, which has been shared with us, estimates that "between 10,000 and 17,000 UK manufacturers and up to 135,000 UK wholesalers and retailers will be impacted" and that over a ten year period "there will be costs of £25.7m for conformity marking, £3.7m for conformity assessment and £6.6m for familiarisation for businesses", with the total cost for businesses estimated to be £35.9 million.

24. **Given the significant number of businesses that will be affected by the changes, it would have been helpful to include this information in the EM. We are disappointed that the Assessment was not ready when the instrument was laid before Parliament: it is important that all supporting material is available at the time of laying to enable Parliament to scrutinise the legislation effectively.**

Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (SI 2020/1112)

25. This instrument places the Protocol on a legal footing for the product safety and metrology frameworks as they relate to certain manufactured goods, by making changes to the UK's existing EU derived underlying product safety and metrology legislation. This is to ensure that EU law will continue to be implemented in NI, as required by the Protocol. The new UK product safety and metrology regime established by earlier EU Exit instruments will apply to GB only.

26. BEIS explains that under current EU derived product safety and metrology legislation economic operators are required to demonstrate that certain products, before they can be placed on the market, conform with the essential statutory requirements. This is done by conformity assessments carried out by third party conformity assessment bodies which are referred to as "Notified Bodies", as they have to be notified to the European Commission and Member States. Before placing the product on the market, the manufacturer must affix to the product a CE or other relevant conformity marking which indicates that the product meets all relevant statutory requirements. There are additional requirements as to the information that must be supplied along with the products, such as instruction manuals or the name and address of the manufacturer and/or importer.

27. Amongst other changes, this instrument clarifies that conformity assessment bodies based in the whole of the UK can continue to assess products that are

12 Draft Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020, see para 60 of this report.

placed on the market in NI after the end of the TP. BEIS states at paragraph 2.5 of the EM that this is "in accordance with the UK's interpretation of Article 7 of the Protocol". We asked the Department whether this meant that the UK and the EU interpreted Article 7[13] differently. BEIS explained that:

> "The UK government is clear that, as set out in the text of the Protocol, Article 7.3 allows for assessments, registrations, certificates, approvals and authorisations issued or carried out by the competent authorities of the United Kingdom or by bodies established in the United Kingdom to be valid in Northern Ireland. The EU's technical notice on Industrial Goods states that only bodies in NI can carry out this activity[14] — we do not agree with this view but with the clear reading of Article 7.3."

28. We note that this instrument makes provision in an area where the positions of the UK Government and the EU appear to differ. **We draw this apparent difference to the attention of the House since it is, we believe, likely to be an issue on which the House will wish to press the Minister for clarification.**

Conclusion

29. The purpose of these two instruments is to implement the Protocol in relation to product safety and metrology and help to ensure that qualifying NI goods have unfettered access to the GB market after the end of the TP. **There appears to be a difference, however, in the positions of the UK Government and the EU with regard to the ability of bodies in the UK to assess products for product safety conformity for the NI market after the end of the TP. The House may wish to seek clarification on this from the Minister. The instruments are drawn to the special attention of the House on the ground that they are politically or legally important and give rise to issues of public policy likely to be of interest to the House**.

13 DExEU, 'Article 7, Protocol on Ireland/Northern Ireland to the Withdrawal Agreement' (17 October 2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840230/Revised_Protocol_to_the_Withdrawal_Agreement.pdf [accessed 22 October 2020]

14 European Commission, 'Notice to Stakeholders – Withdrawal of the United Kingdom and EU rules in the field of industrial products' (13 March 2020): https://ec.europa.eu/info/sites/info/files/notice_to_stakeholders_industrial_products.pdf [accessed 22 October 2020].

Human Medicines (Coronavirus and Influenza) (Amendment) Regulations 2020 (SI 2020/1125)

Date laid: 16 October 2020

Parliamentary procedure: negative

Following a review, this instrument revises the arrangements for the temporary authorisation of a COVID-19 or flu vaccine during a public health emergency. It also facilitates provision for mass vaccination by allowing a wider range of people to administer vaccines where necessary, and simplifies administration for the vaccine supply chain. Despite the obvious need for speed, the Department of Health and Social Care conducted a short consultation and its results have improved safeguards: we commend this as good practice.

These Regulations are drawn to the special attention of the House on the grounds that they give rise to issues of public policy likely to be of interest to the House.

30. These Regulations have been laid by the Department of Health and Social Care (DHSC) and are accompanied by an Explanatory Memorandum (EM) and an Impact Assessment (IA). They make permanent changes to the Human Medicines Regulations 2012[15] to strengthen existing provision for the temporary authorisation of the supply of unlicensed medicines, including vaccines, and for their delivery to the public.

31. Although subject to the negative resolution procedure (which usually involves a 21-day period before coming into effect), most of the instrument has been brought into effect immediately. DHSC state in the EM that, at the time of laying, there was no immediate prospect of the deployment of a medicine temporarily authorised under the revised powers, but it was possible that regulatory decisions may need to be taken, within the 21-day period, in anticipation of such deployment; for example in relation to the annual flu vaccination programme.

Background

32. Until the end of the Transition Period, the licensing of some medicinal products in the UK, including a potential COVID-19 vaccine, still needs to be undertaken by the European Medicines Agency. However, the relevant Directive does make provision for any Member State to authorise temporarily an unlicensed vaccine's sale or supply in their territory, if they consider this to be justified on public health grounds.

33. In the UK, medicines are regulated by the Medicines and Healthcare products Regulatory Agency and the long-established independent Commission on Human Medicines which advises the UK government on the safety, quality and efficacy of medicines. (The future role of these organisations is being considered as part of the Medicines and Medical Devices Bill currently going through the House.)

34. DHSC state that no new vaccine will be deployed unless stringent standards have been met through a comprehensive clinical trial programme.

15 SI 2012/1916, as amended.

Key features

35. This instrument modifies and extends existing arrangements to:

- clarify the temporary authorisation process for medicines, allowing the DHSC to impose conditions as part of a temporary licence;
- make an exception to the ban on advertising unlicensed medicines to allow authorised vaccines to be promoted during a pandemic;
- allow for the expansion of the workforce able to administer COVID-19 and influenza vaccines to include other healthcare professionals until April 2022, and potentially non-healthcare professionals;
- give those administering immunisations a degree of liability cover if working under these protocols; and
- provide an exemption to NHS providers and the military from the need to hold a wholesale dealer's licence so as to speed up the supply chain for COVID-19, flu vaccines, and other medicines for treatment of pandemic disease.

Consultation

36. DHSC held a three-week consultation which attracted over 188,000 responses and also held a number of meetings with health and social care professional bodies and pharmaceutical industry representatives. This has resulted in the clarification of certain provisions and added safeguards. We regard this as good practice and a way of making it more likely that these emergency arrangements will operate without any unintended consequences.

Impact

37. The costs of delivering mass vaccination include employing and training an enlarged workforce of vaccinators (estimated at £45 to £60 million) and producing and administering the vaccines (estimated at around £1,765 million). This is offset by the benefits of decreased morbidity and the likelihood of less hospitalisation if the frequency and severity of the disease is reduced. However, the IA is clear that these outcomes are simply informed guesses until the characteristics of a viable vaccine are known.

INSTRUMENTS RELATING TO COVID-19

38. Two instruments relating to the COVID-19 pandemic, the Draft Customs Safety, Security and Economic Operators Registration and Identification (Amendment etc.) (EU Exit) Regulations 2020 and the Human Medicines (Coronavirus and Influenza) (Amendment) Regulations 2020 (SI 2020/1125), are drawn to the special attention of the House in this report (see pages 1 to 3 and 11 to 12 above).

Local Restrictions and movement between tiers

Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) Regulations 2020 (SI 2020/1154)

39. These Regulations amend the three Tiers Regulations [16] to move certain areas into different Local COVID-19 Alert areas:

- *Areas moving from Medium to High*: Slough Borough Council, Stoke-on-Trent City Council and Coventry City Council
- *Areas moving from High to Very High*: Greater Manchester (including Bolton, Bury, Manchester City Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan) and South Yorkshire (including Barnsley, Doncaster, Rotherham and Sheffield)

40. **Our 31st Report recommended much greater transparency in explaining why each area is being moved into a particular tier.**[17] **We regret that the Government have again chosen to rely on the blanket statement "in response to recent data" and have failed to give any more specific justification for making each of these changes**.

41. In addition to the baseline measures set out in the Local COVID-19 Alert Very High Regulations,[18] by local agreement the following businesses will close in both Greater Manchester and South Yorkshire: betting shops and adult gaming centres, casinos and soft play areas and centres. Bingo halls will also close in Greater Manchester.

42. The instrument also revises the additional closures initially agreed with Liverpool City Region to lift the closure requirements for indoor gyms, fitness and dance studios and indoor sports facilities. All soft play facilities in the Liverpool City Region and Lancashire are now required to close.

Changes to business practice and regulation: travel

Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 19) Regulations 2020 (SI 2020/1129)

43. These Regulations further amend the original International Travel Regulations,[19] on the advice of the Joint Biosecurity Centre, to remove passengers arriving from the Greek island of Crete from the requirement to

16 Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (2020/1103), Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (SI 2020/1104) and Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 (SI 2020/1105) — see 31st Report, Session 2019-21 HL Paper 153.

17 31st Report, Session 2019-21 (HL Paper 153).

18 SI 2020/1105 – as above.

19 Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (SI 2020/568).

self-isolate with effect from 18 October 2020. However, on the same basis Italy, San Marino and Vatican City State have been added to the list of countries from which passengers arriving in England are required to self-isolate for 14 days.

Changes to benefits

Employment and Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2020 (SI 2020/1097)

44. These Regulations extend the provisions of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020[20] for a further six months due to uncertainty over when the continuing outbreak of coronavirus in Great Britain will end. The original regulations disapplied the seven waiting days and allow anyone who applies for the benefit to be treated as having "limited capability for work" whether they are isolating after contact, have coronavirus or they are looking after a dependent who has it. These provisions will now expire on 12 May 2021.

20 SI 2020/289.

INSTRUMENTS OF INTEREST

Draft Audiovisual Media Services (Amendment) (EU Exit) Regulations 2020

45. We drew an earlier negative instrument to the special attention of the House[21] which implemented EU requirements to protect users, especially young people, from online harm, including from content provided on video-sharing platform (VSP) services, such as YouTube. This instrument, laid under the affirmative procedure, proposes further changes in this area, specifically to enable the regulator, Ofcom, to determine which VSP services will be in its jurisdiction. According to the Department for Digital, Culture, Media and Sport (DCMS), Ofcom will be able to regulate VSPs whose "primary establishment" is in the UK, meaning that these services must be economically active and have a physical presence in the UK which must also be the centre of their economic activity. This means that, in practice, while Ofcom will be able to prevent UK-based services from providing harmful content in the UK and in the EU, key VSPs that provide services to UK audiences but are based in the EU, such as YouTube or Facebook, will be outside Ofcom's jurisdiction.

46. Our previous report raised concerns about enforcement after the end of the Transition Period (TP), specifically that, as a third country, the UK will have to rely on informal co-operation with regulators in the EU. We also questioned how UK audiences are to be protected from harmful content provided by services in non-EU countries, such as the US. DCMS told us that: "US-based providers often scale their platforms to European countries in order to tailor the advertising, content and language to the country in question. […] It is therefore likely that most, if not all, US based prominent VSPs will have some form of physical presence in Europe."

47. The Explanatory Memorandum accompanying this instrument refers to the regulatory gap where VSPs have no physical presence in the UK or the EU or where, for example in the case of TikTok, the VSP is established in China with multiple subsidiaries across the EU and no decision has been made yet as to the appropriate regulator. DCMS explains that the Online Harms Bill is expected to address this by enabling Ofcom to regulate any relevant service provided to UK users irrespective of where that service is based. In our report on the earlier instrument, we called on the Department to give a timetable for the introduction of the Online Harms Bill, given the importance of protecting UK users, especially young people, from online harm. Asked about the timetable, DCMS told us that the Government's response to the online harms consultation will be published later this year and that draft legislation will be ready early in 2021. **It is important that the Government will adhere to the legislative timetable provided by the Department, so that the current regulatory gap, which leaves UK users potentially exposed to online harm, can be closed.**

Draft Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2020

48. These draft Regulations propose changes to ensure that retained EU law on the Common Fisheries Policy (CFP) will operate effectively after the end of

21 Audiovisual Media Services Regulations 2020 (SI 2020/1062), 30th Report, Session 2019-21 (HL 146).

the Transition Period. According to the Department for Environment, Food and Rural Affairs (Defra), while some of the changes account for new EU CFP legislation which has come into force since earlier EU Exit instruments were laid in preparation for Exit Day, other changes are required to correct the earlier instruments and to implement the Withdrawal Agreement.

49. We have received a submission from ClientEarth which raises questions and concerns about the changes proposed by the instrument, including about a potential weakening of requirements in relation to scientific information and research surveys, sustainability of stocks and reporting. We are publishing ClientEarth's submission and Defra's response on our website.[22] In its response, Defra provides further information, including about ongoing discussions with the Devolved Administrations about the future role of scientific and economic fisheries advice and about how the principle of sustainable exploitation of stocks and provisions on landing bycatch are covered by the Fisheries Bill.

50. We particularly note an issue highlighted by ClientEarth that, while the Fisheries Bill gives authorities powers to provide financial assistance, there are few details on what this should look like, including around financial assistance for rewarding or deterring behaviour related to sustainability. Defra says that the Fisheries Bill provides the same breadth of matters than can be funded as under the European Maritime and Fisheries Fund, but that further details about specific activities to be funded in any future schemes will be contained within a subsequent statutory instrument.

Draft Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2020

51. This instrument proposes changes to ensure that the legal framework for data protection within the UK continues to function correctly after the end of the Transition Period (TP), including in relation to the sharing of personal data with other countries for law enforcement purposes. The Department for Digital, Culture, Media and Sport (DCMS) explains that when leaving the EU, controllers in the UK will need a legal basis to continue the free flow of personal data for law enforcement purposes from the UK to third countries, territories and institutions, including EU Member States, other European Economic Area (EEA) countries[23] and Gibraltar.

52. An earlier EU Exit instrument[24] provides the legal basis for some law enforcement transfers by deeming the EU and Gibraltar to be adequate, along with any other country or territory already deemed adequate by the EU under the Law Enforcement Directive (LED). Since the earlier instrument was laid, the EEA countries and Switzerland have implemented the LED and now meet the LED's requirements for data protection standards. Amongst other changes, this instrument deems these countries as adequate in the UK, so that it will be possible to continue sharing data easily with these countries for law enforcement purposes after the end of the TP. Asked whether EU countries would continue to recognise the UK as adequate and share their data with the UK after the end of the TP, DCMS told us that the

22 Secondary Legislation Scrutiny Committee, scrutiny evidence page: https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/8/scrutiny-evidence/.

23 Norway, Liechtenstein and Iceland.

24 Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (SI 2019/419).

Commission was currently assessing the UK for adequacy under both the General Data Protection Regulation and the LED.

Draft Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2020

53. This instrument proposes changes to ensure that retained EU law on Ecodesign and Energy Labelling[25] can operate effectively in the UK after the end of the Transition Period (TP). This includes amendments to an earlier EU Exit instrument[26] to reflect changes to EU law since the earlier instrument was laid. The instrument is also needed to implement the Northern Ireland Protocol in this specific area: the Department for Business, Energy and Industrial Strategy (BEIS) says that the changes aim to deliver unfettered access for qualifying Northern Ireland (NI) goods to the market in Great Britain (GB), while also making sure that EU law will continue to apply directly in NI after the TP.

54. BEIS says that in order to enable NI goods to move freely into the GB market without additional checks or controls beyond those which currently exist, this instrument allows qualifying NI goods which meet EU Ecodesign and Energy Labelling requirements to be placed on the GB market, even where these requirements may differ from those that will apply in GB after the TP. At the same time, to allow products from GB to be placed on the NI market, provisions are made for a UK(NI) mark which will have to accompany all products which have been CE certified by UK bodies and are destined for the NI market.[27] In addition, the instrument proposes new labelling and marking requirements that are to apply from the end of the TP: recognition of the current CE marking will be limited to 12 months from 1 January 2021, and new energy labels will have to bear the UK flag and text from 1 January 2021 in place of the EU flag and any EU language text.

Draft Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020

55. The purpose of these draft Regulations is to implement the Northern Ireland Protocol in relation to the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"). This will mean that there will be separate CITES regimes in Northern Ireland (NI), where EU law will continue to be implemented, and Great Britain (GB), where retained EU law will apply. The Department for Environment, Food and Rural Affairs (Defra) says that CITES regulates international trade through a system of documents, including import and export permits, which must be presented at the border. While no such permits or checks are required for intra-EU trade, CITES permits and checks which were implemented at the EU border will need to be implemented at the UK border after the end of the Transition Period (TP) and, because separate CITES regimes will operate in GB and NI, permits and checks will be required for moving relevant species between GB and NI in both directions.

---

25 EU law sets minimum energy performance standards for energy-related products and requires the use of energy labels to provide consumers with information on a given product's energy performance.

26 Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019 (SI 2019/539).

27 CE certification indicates conformity with EU health, safety and environmental protection standards for products sold within the European Economic Area. A special UK(NI) mark is to be introduced by the draft Product Safety and Metrology etc. (Amendment etc.) (UK(NI) indication) (EU Exit) Regulations 2020, see para 20 of this report.

56. Defra told us that the Animal and Plant Health Agency will issue permits for both GB and NI, under separate sets of regulations, and that the CITES checks "are not particularly onerous". They will require documentary checks rather than physical checks of consignments, with physical checks only being carried out on a risk basis. Defra told us that "Border Force already carry out such checks on consignments from the rest of the world, and have increased staff numbers to meet these additional requirements after the end of the transition period".

57. We have received a submission from ClientEarth which raises a number of questions and concerns, including about a potential reduction of scientific input. We are publishing the submission and Defra's response, which addresses these concerns, on our website.[28] We particularly note that, as highlighted by ClientEarth, a specific power for the Secretary of State to prohibit the holding of specimens, including live animals, is removed. While Defra regards a direct replacement of this power as unnecessary, we consider that holding or trading animals may pose a risk of spreading disease.

Draft European Union (Withdrawal) Act 2018 (Relevant Court) (Retained EU Case Law) Regulations 2020

58. The European Union (Withdrawal) Act 2018 provided that, generally, the EU law that the UK has chosen to retain is to be interpreted in line with retained EU case law from judgments of the Court of Justice of the European Union. At present, the power to depart from retained EU case law after the Transition Period sits only with the UK Supreme Court and High Court of Justiciary in Scotland. However, amendments made by the European Union (Withdrawal Agreement) Act 2020 allowed further courts to be designated as well as the factors to be considered in making such decisions.

59. Regulation 3 of this instrument designates seven courts that will also have the power to deviate from retained EU case law: the Court Martial Appeal Court, the Court of Appeal in England and Wales, the Inner House of the Court of Session, the High Court of Justiciary (when acting as a court of appeal in a devolution or compatibility issue), the Registration Appeal Court in Scotland, the Lands Valuation Appeal Court and the Court of Appeal in Northern Ireland. To ensure consistency in decision-making, regulation 5 requires that when doing so, these courts must apply the same test used by the UK Supreme Court.

Draft Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020

60. These draft Regulations propose to transfer legislative functions for restricting the use of certain hazardous substances in electrical and electronic equipment (EEE) from the European Commission to the Secretary of State in relation to England, Scotland and Wales after the end of the Transition Period (TP). The instrument also proposes changes to help ensure the UK meets its obligations under the Northern Ireland Protocol ("the Protocol") in this area.

61. The Department for Environment, Food and Rural Affairs (Defra) says that the powers are to enable the Secretary of State to grant, renew or revoke

28 Secondary Legislation Scrutiny Committee, scrutiny evidence page: https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/8/scrutiny-evidence/.

exemptions to the restriction of hazardous substances in EEE; to amend the list of restricted substances and maximum concentration values; and to prescribe detailed rules for complying with maximum concentration values. The instrument also includes provisions to enable applications to be made to the Secretary of State for the granting, renewal or revocation of exemptions, and for the procedure for determining such applications, as well as transitional provisions for applications made before the end of the TP. With regard to the Protocol, the instrument proposes amendments to ensure that Northern Ireland remains compliant with EU law while also facilitating the access of qualifying Northern Ireland good to the market within Great Britain.

62. We have received a submission from ClientEarth which raises concerns about a potential lessening of consultation requirements and a weakening of the objective to protect human health and the environment. We are publishing the submission and Defra's response which addresses these concerns on our website.[29]

Draft Law Enforcement and Security (Separation Issues Etc.) (EU Exit) Regulations 2020

63. These draft Regulations are in part amending regulations that address new developments since the 2019 EU Exit Regulations were made;[30] for example in relation to the application of the Prüm Directive to the UK and to applying the extradition provisions of the EU-Iceland/Norway Surrender Agreement which came into force in November 2019.

64. The instrument otherwise makes arrangements for the orderly "winding down" of cross-border judicial and police cases in progress at the end of the Transition Period (TP), including requiring that data protection agreements will continue to apply to any information acquired before 31 December 2020. These provisions are effectively time-limited because they only apply to procedures and cases that are ongoing at the end of the TP; once those are completed, the provisions will no longer have practical application.

65. These Regulations in part amend the Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 ("the 2019 Regulations"), about which we published a critical report[31] because the 2019 Regulations bundled together a large number of topics without adequate information on any of them. As these Regulations amend that instrument, they also follow the same format. There, is, however, a table attached to the Impact Assessment that gives a more detailed explanation of the effect of each Chapter of the Regulations[32] but, like the Regulations themselves, this focuses on the handling of transitional cases.

29 Secondary Legislation Scrutiny Committee, scrutiny evidence page: https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny-committee/publications/8/scrutiny-evidence/.

30 Part 2 of these Regulations amends the Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (SI 2019/742), Part 3 amends the Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019 (SI 2019/780).

31 SLSC Sub-Committee A, 17th Report, Session 2017-19 (HL Paper 292).

32 See Law Enforcement and Security (Separation Issues etc.) (EU Exit) Regulations 2020, Impact Assessment, page 11 onwards.

Draft Plant Health (Amendment etc.) (EU Exit) Regulations 2020

Draft Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020

66. The purpose of these two sets of draft Regulations is to protect biosecurity and support trade by ensuring that effective phytosanitary controls continue to operate within Great Britain (GB) and between GB and the EU at the end of the Transition Period (TP). The Department for Environment, Food and Rural Affairs (Defra) explains that the changes proposed in the draft Plant Health (Amendment etc.) (EU Exit) Regulations 2020 are to create a 'single market' covering GB and the Crown Dependencies.[33] The EU will become a third country and be subject to third country import controls. At the same time, existing internal controls will continue to apply within GB's internal market.

67. The draft Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020 proposes measures in relation to quarantine pests that are to apply in GB.[34] The instrument also sets out measures to reduce the risk when plants, plant products and other relevant materials are imported into or moved within GB. Separate secondary legislation will have to be laid before the end of the year to maintain alignment with relevant EU law in Northern Ireland (NI) and specify requirements for GB goods entering NI. Defra says that controls of EU imports of plants will be phased in over six months, from 1 January 2021, to allow trade to continue to flow while businesses adapt to the new arrangements. Asked for more information about this phased approach and where controls of EU plant imports will take place, Defra told us that:

> "From January 2021, there will be the requirement for pre-notification and phytosanitary certificates for plants and plant products that pose a high risk to GB biosecurity and they will also be subject to checks. From April 2021, the requirement for pre-notification and phytosanitary certificates will be extended to include all regulated plants and plant products. From July 2021, an increased number of physical checks will be carried out on plants and plant products on a risk basis. Between January 2021 and July 2021, physical inspections [by the relevant plant health agency] will take place at the point of destination for imports from the EU."

33 The Crown Dependencies are the Channel Islands and the Isle of Man.

34 Quarantine pests are prohibited from entering GB and are subject to statutory control if found on plants or plant products. Requirements on quarantine pests and diseases are one of the two key elements of statutory plant health control, along with certification.

INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

Draft instruments subject to affirmative approval

Audiovisual Media Services (Amendment) (EU Exit) Regulations 2020

Bank Recovery and Resolution (Amendment) (EU Exit) Regulations 2020

Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020

Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2020

Conflict Minerals (Compliance) (Northern Ireland) (EU Exit) Regulations 2020

Construction Products (Amendment etc.) (EU Exit) Regulations 2020

Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2020

Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2020

Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020

Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020

European Union (Withdrawal) Act 2018 (Relevant Court) (Retained EU Case Law) Regulations 2020

European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020 [35]

Export Control (Amendment) (EU Exit) Regulations 2020

Financial Holding Companies (Approval etc.) and Capital Requirements (Capital Buffers and Macro-prudential Measures) (Amendment) (EU Exit) Regulations 2020

Food and Feed Hygiene and Safety (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020

Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2020

Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020

Law Enforcement and Security (Separation Issues etc.) (EU Exit) Regulations 2020

35 This SI replaces a previous version which had information paragraph in the Committee's 31st Report; between the meeting and publication of the Report, the instrument was relaid with minor corrections.

Medical Devices (Amendment etc.) (EU Exit) Regulations 2020

New Heavy Duty Vehicles (Carbon Dioxide Emission Performance Standards) (Amendment) (EU Exit) Regulations 2020

Organic Products (Production and Control) (Amendment) (EU Exit) Regulations 2020

Plant Health (Amendment Etc.) (EU Exit) Regulations 2020

Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020

Renewable Transport Fuel Obligations (Amendment) Order 2020

Road Vehicle Carbon Dioxide Emission Performance Standards (Cars and Vans) (Amendment) (EU Exit) Regulations 2020

Road Vehicles and Non-Road Mobile Machinery (Type-Approval) (Amendment) (EU Exit) Regulations 2020

Securities Financing Transactions Securitisation and Miscellaneous Amendments (EU Exit) Regulations 2020

Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2020

Supplementary Protection Certificates (Amendment) (EU Exit) Regulations 2020

Unmanned Aircraft (Amendment) (EU Exit) Regulations 2020

Made instruments subject to affirmative approval

SI 2020/1154 Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) Regulations 2020

Instruments subject to annulment

SI 2020/1093 Births, Deaths and Marriages (Records and Fees) (Amendment) Regulations 2020

SI 2020/1097 Employment and Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2020

SI 2020/1115 Transfrontier Shipment of Radioactive Waste and Spent Fuel (Amendment) (EU Exit) Regulations 2020

SI 2020/1116 Aviation Safety (Amendment) (EU Exit) Regulations 2020

SI 2020/1129 Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 19) Regulations 2020

APPENDIX 1: INTERESTS AND ATTENDANCE

Committee Members' registered interests may be examined in the online Register of Lords' Interests at http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 27 October 2020, Members declared the following interests:

Draft Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020

Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (SI 2020/1112)

The Earl of Lindsay
Chairman, United Kingdom Accreditation Service (UKAS)

Attendance:

The meeting was attended by Lord Chartres, Lord Cunningham of Felling, Lord German, Viscount Hanworth, Lord Hodgson of Astley Abbotts, Lord Liddle, the Earl of Lindsay, Lord Lisvane, Lord Sherbourne of Didsbury and Baroness Watkins of Tavistock.