

DANIEL KAWCZYNSKI MP



HOUSE OF COMMONS
LONDON SW1A 0AA

19 May 2023

Dear Constituent

Retained EU Law (Revocation and Reform) Bill

Thank you for contacting me about the Retained EU Law (Revocation and Reform) Bill.

The European Union (Withdrawal) Act 2018 brought a large number of EU laws and regulation into our domestic law. This was called Retained EU Law (REUL), and had special status, reflecting the supremacy of EU law, European Court of Justice case law and EU legal principles. In September 2022, the Government introduced the Retained EU Law (Revocation and Reform) Bill. The Bill will abolish this special status and will enable the Government, via Parliament, to amend more easily, repeal and replace REUL.

As the Bill is currently drafted, almost all REUL is automatically revoked at the end of 2023, unless a statutory instrument is passed to preserve it. This is known as a 'sunset' provision. The Government has tabled an amendment for Lords Report, which will replace the current sunset in the Bill with a list of all of the EU laws that it intends to revoke under the Bill at the end of 2023. The remainder will continue in force without the need to pass extra legislation. By making it clear which regulations will be removed from our statute book, businesses and all those affected by these laws will have certainty. The Government will retain the vitally important powers in the Bill that allow it to continue to amend REUL, so more complex regulation can still be revoked or reformed after further assessment and consultation.

I have been assured that the Government is committed to upholding workers' and consumers' rights, as well as environmental protections, following the UK's departure from the EU. The Working Time Directive has been transposed into UK law; our consumer protections will remain some of the best in the world; and the Government has recently legislated to strengthen environmental protection in the form of the Environment Act 2021.

This Bill will benefit people and businesses across the United Kingdom and end the supremacy of EU law. What I want to see is meaningful reform which not only removes unnecessary red tape, but allows us to tailor regulation to our needs and for the UK to secure its own path. Already, over 1,000 laws have been revoked or reformed since Britain's exit from the EU. This Bill would revoke around 600 more and other legislation will revoke a further 500. The Bill now provides certainty for business by making it clear which regulations will be removed from the statute book, instead of highlighting only the REUL that would be saved. Crucially, the powers included in the Bill that allow us to continue changing REUL have been retained. As such, more complex regulation can still be revoked or reformed after proper assessment and consultation.

Under the EU (Withdrawal) Act 2018, workers' rights have been retained in UK law. The Working Time Regulations regulations provide that, subject to certain exceptions where the nature of the work makes it impractical, employees cannot work more than 48 hours a week averaged, normally, over a period of 17 weeks. It is possible for employees, as it was before we left the EU, to opt out of this provision voluntarily and in writing, either indefinitely or for a specified period. Employers can request that an employee opts out but cannot terminate their employment or treat them unfairly if they decline. Under current EU law, the regulations also impose burdensome recording keeping and reporting requirements on employers, that do not add benefits to workers but impose significant costs to the business. That's why the Government has announced that it will be consulting on alleviating these requirements, which could save businesses £1 billion without reducing the protections for workers.

Ultimately, the UK has one of the best records on workers' rights, going further than the EU in many areas, and I am determined to build on this progress. By further protecting workers, supporting business to comply with the law, and preventing them from being undercut by a minority of irresponsible employers, the UK can continue to have a high-wage, high-

employment economy that works for everyone as we build back better from the pandemic.

The UK has one of the best workers' rights records in the world, and our high standards were never dependent on our membership of the EU. The Government provides 52 weeks of maternity leave, with the option to convert it to shared parental leave. In comparison, the EU requirement for maternity leave is just 14 weeks. The right to flexible working for all employees was introduced in the UK in the early 2000s, whereas the EU agreed its rules only recently and offers the right only to parents and carers. The UK introduced two weeks' paid paternity leave back in 2003, and the EU legislated for this only recently.

I would like to reassert that women's rights have never been dependent on the UK's membership of the EU, nor will they be affected by the revocation of retained EU Law.

I know the Government is committed to a consumer rights framework that protects consumers and drives consumer confidence, while minimising unnecessary cost to business. Core consumer protections, as set out in the Consumer Rights Act 2015, remain unaffected by the REUL Bill. The Government will maintain its international commitments on consumer protection. The Government says it will bring forward proposals to address REUL that impacts consumer protection using the powers in the Bill or other available legislative instruments. The UK regime sets some of the highest standards of consumer protection in the world, and this will continue to be the case.

I understand that the Government has said that there has been no change to, and there is no plan to change, any of the legislation related to regulatory testing using animals in the UK. This includes and is not limited to, the Cosmetic Products Enforcement Act (2013), UK REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals), and the Animals (Scientific Procedures) Act. I am assured that animal testing may be legally performed, as a last resort, where no alternatives exist, where information is required under UK REACH to protect human or animal health and/ or the environment. This could include ingredients for which, at the time of testing, the sole anticipated use is in cosmetic products.

I would like to assure you further that the Government is committed to upholding our world-leading animal welfare standards and to delivering a series of ambitious reforms, as outlined in the Action Plan for Animal Welfare. More information about the Government's commitment to upholding only the highest standards can be found at <https://www.gov.uk/government/publications/action-plan-for-animal-welfare/action-plan-for-animal-welfare>

This Bill will have an impact across all intellectual property (IP) rights, including protection and enforcement of trade marks, designs, copyright, patents, Supplementary Protection Certificates and trade secrets.

The Government recognises the importance attached to stability and certainty in the area of intellectual property and these areas will be prominent considerations for the Government when making decisions on retained EU law in this area. I know that Ministers want to consider options for reform, which are beneficial to innovation and growth. The UK is recognised as having one of the best IP systems in the world, with our system of strong IP rights underpinning many science, innovation, and business success stories. The UK's system is aligned internationally on many aspects of IP. While I am unaware of plans to change the hiring regulations for the Intellectual Property Office, I will pass on your concerns to my colleagues in the Department for Business and Trade.

It is my understanding that the Government does not intend to revoke the Water Framework Directive. The Department for Environment, Food and Rural Affairs has been assessing its retained EU law stock to determine what should be preserved as part of domestic law, and what should be repealed, or amended. This work will determine how powers in the Retained EU Law (Revocation and Reform) Bill will be used.

You will be reassured to know that the Government remains committed to protecting the rights of passengers when travelling by air.


I understand that it has been claimed that the reason the REUL Bill was amended to remove the sunset clause was because of administrative failure. When asked in the House whether

this was the reason for the replacement of the clause, the Secretary of State for Business and Trade clearly stated, "No, I do not think that it has come out of any idleness. If anything, I would say that the civil servants have been working feverishly on this." The actual reason for the change was that it had become clear that the programme was becoming more about reducing legal risk than prioritising meaningful reform.

This amendment would impose a novel and untested scrutiny requirement on regulations made. The Government believes that the purpose of this Bill is to ensure that we have the right regulations in place which are right for the whole of the UK. I would like to reassure you that the Government will ensure that any significant retained EU law reforms will receive the appropriate level of scrutiny by the relevant legislatures and will be subject to all of the usual processes for consultation and impact assessment. However, the Government also believes that it has to ensure that the limited amount of parliamentary time that is available is used most appropriately and most effectively. Requiring that the powers be subject to additional scrutiny is neither appropriate nor necessary in this case.

To read more on the REUL Bill visit www.gov.uk and search for The Retained EU Law (Revocation and Reform) Bill 2022

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kaw', followed by a horizontal line.

Daniel Kawczynski MP
Member of Parliament for Shrewsbury & Atcham