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| **EU Regulations - Directions etc.** | **Summary** | **Impact/Status** | **Need for continued existence of broadly similar provision** | | | | **Quality/effectiveness of existing provision** | | | |
| **Essential** | **Desirable** | **Undesirable** | **No View** | **Fit for Purpose** | **Needs Minor Revisions** | **Needs Major Work** | **No View** |
| **Council Regulation** No 3911/92 of 9 December 1992  **The Cultural Exports Regulation.** | Establishes a harmonised system for the export of cultural goods outside the EU.  Seeks to ensure that export of cultural goods are subject to uniform checks by making presentation of an expert licence compulsory for export outside the customs union. | Adopted under the Free Movement of Goods provisions of the Internal Market, and is an exclusive competence of the customs union of the EU. |  |  |  |  |  |  |  |  |
| **Council Regulation No** 1907/2006 of 18 December 2006.  **REACH** – Registration, Evaluation, Authorisation and Restriction of Chemicals. | Came into force 1 June 2007. Aims include: to provide a high level of protection of human health and the environment from the use of chemicals.  Governs the manufacture, placing on the market or use of chemicals and establishes a European Chemicals Agency. | Affects all industrial processes involving chemical reactions, including slaking quicklime for lime mortars. |  |  |  |  |  |  |  |  |
| **Council Regulation** No 452/2008 of 23 April 2008 | Concerns the production and development of statistics on education and lifelong learning – this regulation establishes a common framework for the systematic production of statistics in the field of education and lifelong learning. |  |  |  |  |  |  |  |  |  |
| **Council Regulation No** 305/2011 of 9 March 2011.  **Construction Product Regulation** | Lays down harmonised conditions for the marketing of construction products. |  |  |  |  |  |  |  |  |  |
| **Council Regulation No** 528/2012 of 22 May 2012.  **Biocidal Product Regulation** | Concerns the placing on the market and use of biocidal products. |  |  |  |  |  |  |  |  |  |
| **Council Regulation** No. 1288/2013 of 11 December 2013 | Established the programme Erasmus (the Union programme for education, training youth and sport. |  |  |  |  |  |  |  |  |  |
| **Council Regulation** No. 1303/2013 of 17 December 2013. | Laid down common provisions on the European Regional Development Fund, the European  Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development  and the European Maritime and Fisheries Fund and laying down general provisions on the  European Regional Development Fund, the European Social Fund, the Cohesion Fund  and the European Maritime and Fisheries Fund and repealing Council Regulation (EC)  No 1083/2006 (OJ L 347, 20.12.2013, p.320) (“the Common Provisions Regulation”) | Implemented in Scotland under the terms of the provisions of the Rural Development (Scotland) Regulations 2015. **(Enabling Power:**  The European Communities Act 1972) |  |  |  |  |  |  |  |  |
| **Council Regulation** No. 1305/2013 of 17 December 2013. | On support for rural development by the European Agricultural Fund for Rural Development  (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013,  p.487) (“the Rural Development Regulation”) | Implemented in Scotland under the terms of the Rural Development (Scotland) Regulations 2015. **(Enabling Power:**  The European Communities Act 1972) |  |  |  |  |  |  |  |  |
| **Directive** 90/314/EEC of 13 June 1990.  **The Package Travel Directive.** | Requires travel providers to comply with certain requirements when providing travel packages to consumers. |  |  |  |  |  |  |  |  |  |
| **Directive** 1992/43/EEC of 21 May 1992.  **Habitats Directive** | On the conservation of natural habitats and of wild flora and fauna aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements. It forms one of the cornerstones of Europe’s nature conservation policy and establishes the EU wide Natura 2000 ecological network of protected areas, safeguarded against potentially damaging developments. Requires members to take measures to protect certain habitats and species. | Implemented in Scotland by the Conservation (Habitats etc.) Regulations 1994 and subsequent amendments e.g. 2004; 2007; 2008 (a); 2008 (b); 20011; and, 2012.[**Enabling Power**: The European Communities Act 1972].  The Regulations provide for the designation and protection of **Special Areas of Conservation (SACs)** [239 sites in Scotland] and **Special Protection Areas** (SPAs) [153 sites in Scotland]. Together these sites are known as ‘Natura Sites’. **[See also ‘Birds Directive 2009 below]** |  |  |  |  |  |  |  |  |
| **Directive** 93/7/EEC of 15 March 1993.  **Return of Cultural Objects Directive**. | Provides for co-operation mechanisms and a procedure for returning national treasures when these have left the territory of a Member State unlawfully. | Adopted under the Free Movement of Goods provisions of the Internal Market, and is an exclusive competence of the customs union of the EU. |  |  |  |  |  |  |  |  |
| **Directive** 1999/31/EC of 26 April 1999.  **The Landfill Directive** | The Directive’s overall objective is to supplement the requirements of the Waste Framework Directive (2006/12/EC) and prevent, or reduce as far as possible, the negative effects of landfilling on the environment.  Requires Member States to regulate landfills for hazardous, non-hazardous and inert waste. | Implemented in Scotland by the Landfill (Scotland) Regulations 2003 and their amendments in 2003 and 2013. (**Enabling Power:** Pollution Prevention and Control Act 1999). |  |  |  |  |  |  |  |  |
| **Directive** 2000/60/EC of 23 October 2000.  **The Water Framework Directive** | Establishes the framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater | Transposed in to Scots law by the Water Environment (Water Services) (Scotland) Act 2003 |  |  |  |  |  |  |  |  |
| **Directive** 2001/42/EC of 27 June 2001.  **The SEA Directive** | On the assessment of the effects of certain plans and programmes on the environment.  Requires a prior strategic environmental assessment to be carried out for most plans and programmes prepared by public authorities in Member States. | Implemented in Scotland by the Environmental Assessment (Scotland) Act 2005. |  |  |  |  |  |  |  |  |
| **Directive** 2003/4/EC of 28 January 2003  **The Public Access to Environmental Information Directive** | Requires Member States to ensure that public authorities make environmental information they hold available to any applicant on request. | Implemented in Scotland by the Environmental Information (Scotland) Regulations 2004. (**Enabling Power:** the European Communities Act 1972). |  |  |  |  |  |  |  |  |
| **Directive** 2003/88/EC of 4 November 2003.  **The Working Time Directive** | Lays down minimum safety and health requirements for the organisation of working time. | The directive is implemented in the UK by the Working Time Regulations 1998 (S.I. 1998/1833) (**Enabling Power:** European Communities Act 1972) |  |  |  |  |  |  |  |  |
| **Directive** 2004/35/CE of 21 April 2004.    **Environmental Liability Directive** | On environmental liability with regard to the prevention and remedying of environmental damage.  Establishes a framework of environmental liability based on the “polluter pays” principle. | The Environmental Liability (Scotland) Regulations 2009. SSI 2009 No.266. (**Enabling power**: European Communities Act 1972) The regs apply to protected species, natural habitats, and land. |  |  |  |  |  |  |  |  |
| **Directive** 2004/42/EC of 21 April 2004.  **The Paints Directive** | On the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and solvents | Products covered by the Directive are paints for use on buildings, their trims and fittings and structures associated to buildings.  Currently covered by the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations SI 2012/1715. These Regulations revoke and remake SI 2005/2773 and in so doing continue the implementation of Directive 2004/42/EC. (**Enabling Power:** European Communities Act 1972). |  |  |  |  |  |  |  |  |
| **Directive** 2004/38/EC of 29 April 2004.  **Citizens’ Rights Directive** | Sets out the right of Citizens of the Union and their family members to move and reside freely within the territory of the Member States. In the culture context this of course applies to the movement of EU cultural professionals or other EU citizens engaged in cultural sectors.  [Free Movement] | Implemented in the UK by the Immigration (European Economic Area) Regulations 2006 (as amended). (**Enabling Power**: The European Communities Act 1972). |  |  |  |  |  |  |  |  |
| **Directive** 2005/36/EC 7 September 2007.  **Professional Qualifications Directive** | A directive establishing a system for the mutual recognition of professional qualifications granted in different Member States. |  |  |  |  |  |  |  |  |  |
| **Directive** 2006/112/EC of 28 November 2006.  **The VAT Directive** | Sets the framework for the VAT rates in the EU but gives national governments freedom to set the number and level of rates they choose subject to two basic rules – including compliance with a Standard rate for VAT which must be **no less than 15%.** There is no maximum. |  |  |  |  |  |  |  |  |  |
| **Directive** 2006/123/EC of 12 December 2006.    **The Services Directive** | Applies to services including tourism services (e.g. travel agents) and leisure services (e.g. sports centres and amusement parks). There is an obligation for Member States to simplify procedures and formalities for establishing a business, and to set up “points of single contact” to do so. |  |  |  |  |  |  |  |  |  |
| **Directive** 2007/60/EC of 23 October 2007.    **The Flood Directive** | Establishes the framework for the assessment and management of flood risks. | Transposed in to Scots law by the Flood Risk Management (Scotland) Act 2009 |  |  |  |  |  |  |  |  |
| **Directive** 2008/56/EC of 17 June 2008  **The Marine Strategy Framework Directive (MSFD)** | Establishes the marine strategy framework requiring Member States to take measures to achieve or maintain good environmental status (GES) in the marine environment. | In 2012, the UK produced [Part One of the Marine Strategy](https://www.gov.uk/government/publications/marine-strategy-part-one-uk-initial-assessment-and-good-environmental-status), containing information on the first three elements of the MSFD. In 2014, [Part Two](https://www.gov.uk/government/publications/marine-strategy-part-two-uk-marine-monitoring-programmes) which focuses on a co-ordinated monitoring programme for the ongoing assessment of GES, was published. [Part Three](https://www.gov.uk/government/publications/marine-strategy-part-three-uk-programme-of-measures) outlines a programme of measures that will contribute to the achievement and maintenance of GES, and was published in 2015. The MSFD does not state a specific programme of measures that Member States should adopt to achieve GES, except for the establishment of [Marine Protected Areas](http://www.jncc.gov.uk/page-4524) (MPAs). The MSFD does however outline [11 high level descriptors of GES](http://jncc.defra.gov.uk/page-5231#GES1) in Annex I of the Directive. With respect to the UK, key requirements of the Directive and associated [timeframes](http://jncc.defra.gov.uk/page-5231#Time) are clearly set out. |  |  |  |  |  |  |  |  |
| **Directive** 2008/99/EC of 19 November 1999.  **The Environmental Crime Directive** | Requires Member States to provide for criminal penalties for certain conduct or serious infringement of specified provisions of EU law on the protection of the environment through criminal law. |  |  |  |  |  |  |  |  |  |
| **Directive** 2009/147/EC of 30 November 2009.  **The Birds Directive**  Replaced Directive 79/409/EEC of 2 April 1979. | On the conservation of wild birds. Aims to protect all European wild birds and the habitats of listed species – in particular through the designation of **Special Protected Areas (SPAs)**. All SPAs are included in the ‘Natura 2000’ ecological network, set up under the Habitats Directive (**see above**) | Implemented in Scotland by the Conservation (Habitats etc.) Regulations 1994 and subsequent amendments e.g. 2004; 2007; 2008 (a); 2008 (b); 20011; and, 2012.[**Enabling Power**: The European Communities Act 1972].  The Regulations provide for the designation and protection of **Special Areas of Conservation (SACs)** [239 sites in Scotland] and **Special Protection Areas** (SPAs) [153 sites in Scotland]. |  |  |  |  |  |  |  |  |
| **Directive** 2011/92/EU of 13 December 2011.  **The EIA Directive** | Directive on the assessment of the effects of certain public and private projects on the environment.  Requires environmental impact assessments to be produced before development consent is given for certain public and private projects. | Implemented in Scotland through a number of SSIs relevant to individual consent regimes e.g.  Town and Country Planning (EIA) (Scotland) Regulations 2011 (**Enabling powers**: **European Communities Act 1972; Finance Act 1973; T&CP (Scotland) Act 1997).**  EIA (Forestry) (Scotland) Regulations 1999 **(Enabling power: European Communities Act 1972)**  Electricity Works (EIA) (Scotland) Regulations 2000; **(Enabling power: European Communities Act 1972)**  EIA (Agriculture) Scotland Regulations 2006 **(Enabling power: European Communities Act 1972)** |  |  |  |  |  |  |  |  |
| **Directive** 2012/27/EU  **Energy Efficiency Directive** | Introduces legally binding measures to encourage efforts to use energy more efficiently. | Implemented in Scotland through the Climate Change (Scotland) Act 2009 and associated SSIs e.g.: Assessment of Energy Performance of Non-Domestic Buildings (Scotland) regulations 2016. |  |  |  |  |  |  |  |  |
| **Directive** 2014/52/EU of 16 April 2014.  **Environmental Impact Assessment Directive** | Amends Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. | Member States have to apply these rules from 16 May 2017 at the latest. |  |  |  |  |  |  |  |  |
| **Council Decision** of 22 December 1986 (No 86/664/EEC).  Tourism | Established a consultation and co-operation procedure in the field of tourism under which Member States exchange information and co-operate in the provision of services to tourism. |  |  |  |  |  |  |  |  |  |
| **Council Decision** of 16 November 2011 (No 1194/2001/EU).  Establishing a European Heritage Label | Requirement is only relevant to those member states who chose to participate: currently 18 in total, not including UK.. | UK does not currently participate in this activity |  |  |  |  |  |  |  |  |
| **Council** **Decision** of 1 December 2011 (no. 2011/831/EU) on the practical and procedural arrangements for the appointment by the Council of four members of the EUROPEAN PANEL FOR THE European Union action for the European Heritage Label. | Requirement is only relevant to those member states who chose to participate, and relates to their participation in periodic appointments to an expert panel. | UK does not currently participate in this activity. |  |  |  |  |  |  |  |  |
| **Commission Recommendation** of 20 December 1974 (75/65/EEC) to Member States concerning the protection of the architectural and natural heritage. | The Commission recommends that Member States: sign or ratify, provided they have not already done so, and if possible before the end of 1975, the convention on the protection of the world cultural and natural heritage, adopted by UNESCO in November 1972. | The UK is a signatory to the convention and there are currently six UNESCO World Heritage Sites in Scotland. |  |  |  |  |  |  |  |  |
| **Commission Recommendation** of 27 October 2011 (2011/711/EU) on the digitisation and online accessibility of cultural material and digital preservation. |  |  |  |  |  |  |  |  |  |  |
| **Council Conclusion** of 17 June 1994 (94/C235/01) on drawing up a Community action plan in the field of cultural heritage. |  |  |  |  |  |  |  |  |  |  |
| **Council Resolution** of 13 November 1986 (86/C320/01) on the protection of Europe’s architectural heritage. | Voluntary participation in information sharing, cooperation and promotional initiatives relating to architectural heritage. | The UK is currently subject to the requirements of this Resolution. |  |  |  |  |  |  |  |  |
| **Council Resolution** of 12 February 2001 (2001/C73/04) on architectural quality in urban and rural environments. |  |  |  |  |  |  |  |  |  |  |
| Intellectual property | | | | | | | | | | |
| Directive on the harmonisation of certain aspects of copyright and related rights in the information society ("[InfoSoc Directive](http://ec.europa.eu/internal_market/copyright/copyright-infso/index_en.htm)"), 22 May 2001 | The objectives of the Directive on the harmonisation of certain aspects of copyright and related rights in the information society (2001/29/EC) are to adapt legislation on copyright and related rights to reflect technological developments and to transpose into Community law the main international obligations arising from the two treaties on copyright and related rights adopted within the framework of the World Intellectual Property Organisation (WIPO) in December 1996. It is an essential building block for the Information Society. |  |  |  |  |  |  |  |  |  |
| Directive on rental right and lending right and on certain rights related to copyright in the field of intellectual property ("[Rental and Lending Directive](http://ec.europa.eu/internal_market/copyright/rental-right/index_en.htm)"), 12 December 2006 | Directive 92/100/EEC harmonises the provisions relating to rental and lending rights as well as on certain rights related to copyright. It provides for exclusive rights to authorise or prohibit the rental and lending of both works subject to copyright and other objects subject to neighbouring rights. Furthermore, it provides for a harmonisation of certain neighbouring rights including the right of fixation, reproduction, broadcasting and communication to the public and distribution. Beneficiaries of rights related to copyright are performers, phonogram producers, film producers and broadcasters. The Directive (article 4) addresses collective management as a model for the management of the equitable remuneration right, but does not make collective management a requirement. As regards the exclusive public lending right, Member States can derogate from it, provided that at least authors obtain remuneration for such lending. The distribution right (Article 9) is limited by the principle of Community exhaustion; as a result, Member States are prevented from applying international exhaustion. Finally, the principal director of a cinematography work is to be considered as an author of such work. |  |  |  |  |  |  |  |  |  |
| Directive on the resale right for the benefit of the author of an original work of art ("[Resale Right Directive](http://ec.europa.eu/internal_market/copyright/resale-right/index_en.htm)"), 27 September 2001 | The objective of the Directive on the resale right for the benefit of the author of an original work of art (2001/84/EC) is to provide creators with an adequate and standard level of protection and eliminate the distortion in the conditions for competition currently existing within the single market for contemporary art. The Directive will give artists the benefit of this right, regardless of where in the Union their works are sold. In addition, it will give the Commission a basis on which to promote the international recognition of resale rights. |  |  |  |  |  |  |  |  |  |
| Directive on the enforcement of intellectual property right (“[IPRED](http://ec.europa.eu/growth/industry/intellectual-property/enforcement/index_en.htm)”), 29 April 2004 | The Directive requires all EU countries to apply effective, dissuasive, and proportionate remedies and penalties against those engaged in counterfeiting and piracy, and aims to create a level playing field for right holders in the EU. It means that all EU countries will have a similar set of measures available for right holders to defend their intellectual property rights. |  |  |  |  |  |  |  |  |  |
| Directive on the term of protection of copyright and certain related rights amending the previous 2006 Directive (“[Term Directive](http://ec.europa.eu/internal_market/copyright/term-protection/index_en.htm)”), 27 September 2011 | The aim of the directive is to bring performers’ protection more in line with that already given to authors – 70 years after their death. The extended term will enable performers to earn money for a longer period of time and in any event throughout their lifetime. The income from copyright remuneration is important for performers, as they often do not have other regular salaried income. The extended term will also benefit record producers who will generate additional revenue from the sale of records in shops and on the internet. This should allow producers to adapt to the rapidly changing business environment and help them maintain their investment levels in new talent.  The directive also contains accompanying measures which aim specifically to help performers. The “use it or lose it” clauses which will now have to be included in the contracts linking performers to their record companies will allow performers to get their rights back if the record producer does not market the sound recording during the extended period. In this way the performer will be able to either find another record producer willing to sell his music or do it himself, something that is possible easily via the internet. Finally, record companies will have to set up a fund into which they will have to pay 20% of their revenues earned during the extended period. The money from this fund will be destined to help session musicians. |  |  |  |  |  |  |  |  |  |
| Directive on certain permitted uses of orphan works (“[Orphan Works Directive](http://ec.europa.eu/internal_market/copyright/orphan_works/index_en.htm)”), 25 October 2012 | Directive 2012/28/EU sets out common rules on the digitisation and online display of so-called orphan works. Orphan works are works like books, newspaper and magazine articles and films that are still protected by copyright but whose authors or other rightholders are not known or cannot be located or contacted to obtain copyright permissions. Orphan works are part of the collections held by European libraries that might remain untouched without common rules to make their digitisation and online display legally possible. |  |  |  |  |  |  |  |  |  |
| Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (“[CRM Directive](http://ec.europa.eu/internal_market/copyright/management/index_en.htm)”), 26 February 2014 | The Directive aims at ensuring that rightholders have a say in the management of their rights and envisages a better functioning of collective management organisations as a result of EU-wide standards. The new rules will also ease the multi-territorial licensing by collective management organisations of authors’ rights in musical works for online use. The Commission will work closely with the Member States to achieve a correct transposition of the provisions of the Directive into national law by the transposition date of 10 April 2016. |  |  |  |  |  |  |  |  |  |
| **Digital Single Market copyright proposals** | | | | | | | | | | |
| Regulation on ensuring the cross-border portability of online content services in the internal market - COM(2015)627 | This proposal aims to address new ways in which consumers access copyright-protected content. In particular the proliferation of portable digital devices and online streaming services radically change the ways in which music, film, television and books are accessed.  These proposals aim to address this changed landscape and adapt elements of the EU copyright framework to the changed technological reality. Specifically, they introduce measures that will allow EU citizens access to online services that they have legally purchased in their home country, throughout the EU when they are travelling temporarily outside of their home country.  This has not necessarily been the case previously. Copyright remains territorial meaning that citizens have not necessarily had access to services such as Netflix to which they subscribe in their home country as they travel throughout the EU. |  |  |  |  |  |  |  |  |  |
| Proposal for a Directive of the European Parliament and of the Council on copyright in the Digital Single Market - COM(2016)593 | The proposal introduces a number of measures  <https://ec.europa.eu/digital-single-market/en/news/proposal-directive-european-parliament-and-council-copyright-digital-single-market> |  |  |  |  |  |  |  |  |  |
| Implementation of Marrakesh Treaty | The proposal would bring EU law into line with the Marrakesh Treaty.  The Marrakesh Treaty is an international agreement to facilitate access to published works for people who are blind, visually impaired or otherwise print disabled. It requires the parties to provide exceptions or limitations to copyright and related rights for the benefit of these groups. |  |  |  |  |  |  |  |  |  |