

Retained EU Law (Revocation and Reform) Bill: IMTA Submission to Public Bill Committee –  
10/11/22

## Background

- I. The International Meat Trade Association (IMTA) is a UK trade association, representing predominantly UK companies importing and exporting meat. Our goal is the facilitation of the trade in meat ensuring UK consumer choice, food security and carcass balance through import and export. IMTA provides leading trade expertise on UK trade policy including on customs, tariffs, quotas, rules of origin, WTO, trade agreements, SPS conditions and market access.

## Concerns with the Bill in current form

- II. IMTA has real concerns about the 2023 'Sunset' deadline in the current Bill in terms of the work that will be required of the civil service and of the ability to allow requisite consultation and adaptation time for industry. While we appreciate that a major part of leaving the EU requires the UK to phase out EU legislation and introduce UK legislation to replace it, it cannot be overstated that this process must be done in a considered and careful manner to avoid unintended consequences for businesses or consumers. The 2023 deadline – as far as we can understand – does not seem to have a specific reason for requiring such speed of delivery. As recently as June 2022, Jacob Rees-Mogg MP, in his previous capacity as BEIS Secretary of State, proposed that the Sunset deadline would be 2026 (a deadline which many already voiced concerns about). Although there is an extension mechanism (Clause 2) in the Bill which permits some EU law to be retained until 2026, the Government [expects](#) that it will not have "wide usage", is a "fail-safe" in case of "extenuating circumstances" and that *"Ministers have confirmed that they don't intend on allowing the usage of this power without collective agreement."*
- III. The short deadline outlined by the Bill has seemingly also necessitated the transfer of power to Ministers to be able to revoke or modify legislation without parliamentary oversight – this adds further concern that certain legislative decisions could be rushed through without adequate cooperation with industry or scrutiny.

## Pressure on specific departments

- IV. There is also the issue that certain government departments will bear a disproportionate burden of retained law to sift through. According to the [government's dashboard](#), Defra has the most retained EU law with 570 pieces of EU legislation it would need to review, amend or repeal by the end of 2023. Even if the extension mechanism is utilised, officials in Defra would still need to review almost 2 pieces of legislation every working day between now and the December 2023 deadline. This is not even taking into account the potential for a much greater number of retained EU law to require review, as highlighted by government researchers who have recently identified an [additional 1,400 pieces](#) of legislation on top of the existing 2,400 laws previously identified by Jacob-Rees Mogg, which would make the challenge even more intensive. At the same time, Defra – alongside other government departments – are working on creating the new Target Operating Model, a complete change to the UK's SPS import regime which requires significant planning and resources and also has a deadline of the end of 2023. Civil servants across government and particularly in Defra have had a significant workload

over recent years in dealing with Brexit, Covid and various other supply chain challenges and have worked tirelessly to support industry in this. We would be concerned about the undue pressure brought on officials by the timeframe currently set out in the Bill.

## Pressure on businesses

- V. Businesses are concurrently grappling with persistent supply chain issues caused by Covid, high inflation, and the energy and cost-of-living crises. This is a period where stability and predictability is in short supply and is therefore more valuable than ever. When so much resource is already required to support businesses and consumers at this time we feel that the timeframe for such a substantial undertaking in reviewing EU retained legislation is unnecessary and should be reviewed.
- VI. In September 2021, IMTA responded to the '[Better Regulation](#)' consultation, where we recommended there should be more time and opportunities for businesses to respond to regulatory impacts which may affect them, and for proper consultation with impacted businesses when amending legislation. The government response to this consultation in its '[Benefits of Brexit](#)' document committed to *"ensuring that any regulation that passes through the system aligns with UK interests. This will include... the impacts of regulation on consumers, businesses, barriers to entry and international trade"*. Government also committed *"to maximise benefits to the UK economy by supporting businesses and consumers"* – however, the current timeframe this Bill sets out does not in our view align with these aforementioned commitments. Consultation with industry is vital for proper, evidence based policy making. This is required to ensure that any changes to legislation work in practice and do not add unnecessary burdens to industry or consumers. If the 2023 deadline is kept there will be insufficient time for proper consultation on any changes, even minor which could have unintended, negative consequences. Oftentimes, even small and seemingly minor changes to legislation and documentation can have knock-on effects that are difficult to account for without liaising with those businesses whom the legislation will most affect. Given the challenges facing consumers and supply chains at present there will also be limited business resource available for providing input in to consultations in such a short timeframe.
- VII. This also speaks to a broader issue of how legislation is made available and accessible on [www.legislation.gov.uk](http://www.legislation.gov.uk). A key part of our role is monitoring legislative changes but in the website's current form, it is difficult to track new legislative updates and consolidated versions of legislation once amendments have been made. This is in contrast to the European legislation database, [www.eur-lex.europa.eu](http://www.eur-lex.europa.eu) and the UK can surely create a legislative website which is more user-friendly than the EU one. With the scale of legislative change promised by this Bill, the way this is presented needs to be as clear as possible.

## Summary and recommendations

- VIII. Though we recognise the motivations of this Bill in creating independent UK law which supports businesses and consumers we would strongly warn that rushing this legislative overhaul could cause far more damage than a gradual and carefully considered approach. The potential consequences for government departments and businesses of getting this important legislative challenge wrong by rushing towards an arbitrary cliff-edge deadline would be far greater than the consequences of doing it over

a more extended period which would give governmental departments the space to properly review the legislation and businesses the time to be properly consulted and then to adapt. Rushing this also might mean missed opportunities to review and adapt legislation to work better for the UK, for its businesses and consumers. We would like to see the government review the timeframe and outline a clear commitment to ensuring proper consultation with industry and other stakeholders with a base in evidence.

### Questions for Government

- Does the government think the timeframe suggested in the Bill is adequate to properly review the amount of retained EU law and consult with industry to gauge the potential effects?
- How will government ensure businesses are able to adapt to the new laws?
- The Bill (Clause 18) mentions abolition of the 'Business Impact Target' – how will government undertake impact assessments and what will the implications of this Business Impact Target change mean for businesses?
- In the context of this Bill, how does the government intend to meet its WTO legislative reporting commitments which include making countries who export to the UK aware of legislative changes?