

Overview of Rights Protected in EU law and Legal Sources

Papers on each subject matter listed below are available at sulne.ac.uk

	Subject Matter	Rights Protected	Main EU Legal Source	Main Implementing UK Legal Source(s)	Comments
1	Consumer Rights	Sale of goods - repair or replacement of goods that do not conform to the contract of sale or a price reduction if those remedies are either impossible or disproportionate	Directive 1999/44EC on certain aspects of the sale of consumer goods and associated guarantees Consumer Rights Directive (Directive 2011/83/EU)	Consumer Rights Act 2015 Consumer Contracts (Information Cancellation and Additional Charges) Regulations 2013	
2		Goods and services supplied using e-commerce -requirements to provide information and to acknowledge receipt of an order. Additional rights to cancel distance orders.	Electronic Commerce Directive (Directive 2000/31/EC) Consumer Rights Directive (Directive 2011/83/EU)	Electronic Commerce (EC Directive) Regulations 2002 Consumer Contracts (Information Cancellation and Additional Charges) Regulations 2013	
3		Unfair contract terms	Unfair Terms in Consumer Contracts Directive (Directive 93/13/EEC)	Consumer Rights Act 2015	



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					those not individually negotiated.
4		Unfair trading practices	Unfair Commercial Practices Directive (Directive 2005/29 /EC)	Consumer Protection from Unfair Trading Regulations 2008	
5		Excessive fees	Consumer Rights Directive (Directive 2011/83/EU)	Consumer Rights (Payment Surcharges) Regulations 2012 Consumer Contracts (Information Cancellation and Additional Charges) Regulations 2013	
6		Consumer safety and protection from defective products	Product Liability Directive (Directive 85/374/EEC) General Product Safety Directive (Directive 2001/95/EC)	Part I Consumer Protection Act 1987 The General Product Safety Regulations 2005	
7		Consumer Credit	Consumer Credit Directive (Directive 2008/48/EC)	Amendments made to the Consumer Credit Act 1974 by the Consumer Credit (EU Directive) Regulations 2010	



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				<p>Consumer Credit (Disclosure of Information) Regulations 2010</p> <p>Consumer Credit (Agreements) Regulations 2010</p> <p>The Financial Conduct Authority Consumer Credit Sourcebook</p>	
8		Choice of law	Rome 1 Regulation (Regulation 593/2008) of 17 June 2008	N/A EU Regulations directly applicable in UK	
9		Dispute resolution	<p>Recast Brussels Regulation (Regulation 1215/2012/EU) of 12 December 2012</p> <p>Alternative Dispute Resolution Directive (Directive 2013/11/EU)</p> <p>Online Dispute Resolution Regulation (Regulation 524/2013)</p>	<p>Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015</p> <p>EU Regulations directly applicable in UK but clarification provided by Online Dispute Resolution Regulation in the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015</p>	



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9	Rights of those seeking asylum	Minimum procedural standards	Asylum Procedures Directive (Directive 2005/85/EC)	Immigration Rules issued under the Immigration Act 1971	The UK has a default opt-out position in relation to the CEAS, but has selectively opted-in to a number of measures forming part of the Common European Asylum System. Only those measures the UK has opted into are listed.
10		Common definitions for who qualifies for protection	Refugee Qualification Directive (Directive 2004/83)		
11		Reception conditions	Asylum Reception Conditions Directive (Directive 2003/9)		
12		Temporary Protection	Temporary Protection Directive (Directive 2001/55/EC)		
13		Dublin system for allocating responsibility for asylum applications (including EURODAC database of fingerprints)	Dublin II Regulation (Regulation (EC) No 343/2003) Dublin III Regulation (Regulation (EU) No 604/2013) EURODAC database (Regulation (EC) No 2725/2000) Recast EURODAC database (Regulation (EU) No 603/2013)		
14	Employment	Rights of workers during pregnancy and	Pregnant Workers Directive (Directive	Equality Act 2010	



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	Rights	during maternity and parental leave	92/85/EEC) Parental Leave Directive (Directive 94/34/EC) Revised Parental Leave Directive (Directive 2010/18/EU)	Employment Rights Act 1996 Health and Safety at Work Act 1974 Maternity and Parental Leave etc Regulations 1999 (MAPLE)	
15		Pro rata treatment of part-time workers	Part-time Workers Directive (97/81/EC)	Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2002)	
16		Protection of fixed-term workers	Fixed-Term Workers Directive (Directive 99/70/EC)	Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002)	
17		Regulation of working time including holidays, rest periods	Working Time Directive (Directive 2003/88/EC)	Working Time Regulations 1998 and the Working Time (Amendment) Regulations 2003)	
18		Protection of temporary agency workers	Temporary Agency Workers Directive (Directive 2008/104/EC)	Agency Workers Regulations 2010	
19		Obligation on employers to inform employees of conditions in the	Proof of Employment Contract Directive	Employment Rights Act 1996	



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		employment contract and any changes	(Directive 91/533/EC)		
20		Protection during transfer of undertakings such as restrictions on dismissals and consultation requirements	Transfer of Undertakings Directive (Directive 2001/23/EC)	Transfer of Undertakings (Protection of Employment) Regulations 1981	
21		Protection in the event of 'collective redundancy' including consultation requirements	Collective Redundancies Directive (Directive 98/59/EC)	Trade Union and Labour Relations (Consolidation) Act 1992	
22		Information and consultation rights of employees	Works Council Directive (Directive 2009/38/EC) Cross Border Mergers (Directive 2005/56) Information and Consultation Directive (Directive 2002/14/EC)	Transnational Information and Consultation of Employees Regulations 1999 The Transnational Information and Consultation of Employees (Amendment) Regulations 2010 Companies (Cross-Border Mergers) Regulations 2007) Information and Consultation of Employees Regulations 2004	



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23		Health and Safety	<p>24 Directives set out minimum requirements and fundamental principles. The full list is available here https://osha.europa.eu/en/safety-and-health-legislation/european-directives</p> <p>European Framework Directive on Safety and Health at Work (89/391/EC)</p> <p>Directive on the Protection of Young People at Work (Directive 94/33/EC)</p>	Several statutory instruments implement EU health and safety law	
24		Co-ordination of social security for workers who have exercised the right to free movement	Social Security Regulation (Regulation 883/2004)	N/A as EU Regulations are directly applicable in the UK	
25		Protection for workers sent temporarily to another Member State	Posted Workers Directive (Directive 96/71/EC)	<p>Working Time Regulations</p> <p>National Minimum Wage Act 1998 (and associated Regulations)</p> <p>Employment Agencies Act 1973 (and associated Regulations)</p> <p>Health and Safety at Work Act 1974 (and</p>	



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				associated Regulations)	
26	Data protection	Limits on the collection and use of personal data and requires Member States to establish a national supervisory body	<p>Article 8, EU Charter of Fundamental Rights</p> <p>Data Protection Directive (Directive 95/46/EC)</p> <p>Case law (Case C-131/12 <i>Google Spain SL and Google Inc. v AEPD and Gonzalez</i>) (right of rectification and right to be forgotten)</p> <p>For other legislation see: http://ec.europa.eu/justice/data-protection/law/index_en.htm.</p>	<p>Data Protection Act 1998</p> <p>Privacy and Electronic Communications (“EC Directive”) Regulations 2003</p> <p>Privacy and Electronic Communications (EC Directive) Amendment Regulations 2011</p>	The existing data protection regime is due to expire in 2018 and will be replaced by the General Data Protection Regulation (Regulation EU 2016/679). Member States have two years in which to ensure compliance with the Regulation. It will come into force on 25 May 2018.



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27	Equality	Gender equality	Article 157 TFEU Gender (Goods and Services) Directive (Directive 2004/113/EC) Recast Gender Directive (2006/54/EC) <i>P v S and Cornwall County Council</i> (1996)	Equality Act 2010 Equality and Human Rights Commission (required by the Race and Recast Gender Directives) established by Equality Act 2006	
28		Prohibition on discrimination on grounds of race as regards employment, goods and services, housing education and social protection	Race Directive (Directive 2000/43/EC)		
29		Prohibition on discrimination on grounds of sexual orientation, disability, age, religion and belief discrimination in the employment context	Framework Directive (Directive 2000/78)		
30	Free movement rights	Right to enter, reside in and leave another Member State and procedural protection from expulsion	Articles 20 and 21 TFEU 'Citizen's Rights Directive' (Directive 2004/38/EC)	The Immigration (European Economic Area) Regulations 2006 (as amended)	
31		Right to work	Title IV TFEU		



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			Free Movement of Workers Regulation (Regulation 492/2011) Social Security Regulation (Regulation 883/2004) 'Citizen's Rights Directive' (Directive 2004/38/EC)		
32		Right to be accompanied by family members	Citizen's Rights Directive (Directive 2004/38/EC)		
33		Right to equal treatment	Article 24 Citizen's Rights Directive (Directive 2004/38/EC)		
34		Right to permanent residence	Chapter IV Citizen's Rights Directive (Directive 2004/38/EC)		
35	Political rights	Right to vote in European Parliament and municipal elections, diplomatic and consular protection and to petition the European Parliament and the European Ombudsman	Articles 20, 22, 23 and 34 TFEU Local Elections Directive (Directive 94/80)	European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 European Parliamentary Elections Act 2002	Franchise matters are now being devolved to Holyrood under Section 3 of the Scotland Act



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					2016.
36	Environmental Rights	Access to environmental information	Public Access to Environmental Information Directive (Directive 2003/4/EC) Access to documents (Regulation (EC) No 1049/2001) Article 42 EU Charter of Fundamental Rights	Freedom of Information (Scotland) Act 2002 Environmental Information (Scotland) Regulations 2004	Most EU legislation in this field aims to implement the Aarhus convention to which the UK is party. EU legislation, however, enhances the enforceability of the rights within the Convention. The Commission also drafted a legislative proposal on
37		Public participation rights	Environmental Impact Directive (Directive 2011/92/EU) Industrial Emissions Directive (Directive 2010/75/EU) Strategic Environmental Assessment Directive (Directive 2001/42/EC) Water Framework Directive (Directive	Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 (SSI 258/2004) Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011	



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			2000/60/EC)		access to justice, but this has not progressed in over a decade (see COM (2003) 624 final).
38		Access to justice in environmental matters	Public Participation Directive (Directive 2003/35) Environmental Impact Directive (Directive 2011/92/EU)	Article 27B Scottish Civil Courts Review (Crown Copyright 2009) (applies to Scotland only) Act of Sederunt (Rules of the Court of Session (Amendment) (Protective Expenses Orders in Environmental Appeals and Judicial Reviews) 2013 (applies to Scotland only) Rules of the Court of Session 1994 Amendment (No. 4) (Protective Expenses Orders) 2015 (applies to Scotland only)	
39	Family Law	Recognition and enforcement of foreign judgments relating to divorce, legal separation, marriage annulment and parental responsibility. Rules on child abduction and access rights	Brussels II <i>bis</i> (Council Regulation (EC) No 2201/2003)	N/A as EU Regulations are directly applicable in the UK	
40		Recognition and enforcement of	Maintenance Regulation (Council	N/A as EU Regulations are directly	



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		maintenance decisions across the EU	Regulation (EC) No 4/2009)	applicable in the UK	
41	Criminal Justice	Interpretation and translation in criminal proceedings	Translation and Interpretation Directive (Directive 2010/64/EU)	Right to Interpretation and Translation in Criminal Proceedings (Scotland) Regulation 2014 (SSI 95/2014)	The UK has an opt-out in this field and only participates selectively. Only those provisions the EU has opted-in to are included.
42		Right to information in criminal proceedings	Right to Information Directive (Directive 2012/13/EU)	Right to Information (Suspects and Accused Persons) (Scotland) Regulations 2014.	
43		Rights for victims of crime including to review decisions not to prosecute, to information and to certain safeguards during the investigation	EU Victims Directive (Directive 2012/29/EU)	Victims' Rights (Scotland) Regulations 2015 (SSI 444/2015) (amending Victims and Witnesses (Scotland) Act 2014)	
44		Data protection in police and judicial cooperation	Data Protection Framework Decision (Framework Decision 2008/977/JHA)	Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (No 3141)	

