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Dear Convener

Thank you for your letter of 26 May setting out the Committee's consideration of the Scottish Government's revised policy statement.

I would like to take this opportunity to reiterate the Scottish Government's commitment to transparency as it discharges its powers under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 ('the Act'). Further, please be in no doubt that I am keen that we work closely and constructively with the Committee, acknowledging its role with regard to Ministerial accountability. Let me provide further clarification to the points raised in your letter.

Following the Committee's consideration of the draft policy statement, I am happy to confirm that we will provide information on Ministers' intentions regarding EU alignment in respect of not only the Continuity Act power but also other legislative means. This will provide a level of transparency beyond that required by the Act alone. I can also confirm the Scottish Government will honour its existing published commitments to collaborative policy development, and will engage proportionately with relevant stakeholders in considering decisions to align.

The Committee has expressed its interest in the EU laws with which the Scottish Government will not align. It is relevant here that many of the 2000 or so EU measures introduced annually will not be of any relevance to Scotland, in that they will be specific to the single market, specific member states, or address areas of policy that are not devolved. Maintaining an up-to-date online list of such legislation would not be a proportionate use of resources, nor would it demonstrate in any material way how Ministers are aiming to protect and advance the standards Scotland enjoys as a result of the UK's former membership of the EU. The simple fact is that much of new EU law would not currently create a measurable effect if implemented in Scotland, due to it relating to technical operation of EU structures and mechanisms of which the UK is no longer part.

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Instead, Ministers remain committed to working with the Committee by providing information annually regarding our priorities for alignment based on the European Commission's work programme, in addition to the information provided in the Continuity Act report on the intended use of the section 1(1) power. This will provide parliament and stakeholders with clarity on where the Scottish Government intends to align and therefore where it does not intend to do so. If the Committee or indeed stakeholders wish to raise with us any areas where we have not indicated an intention to align, we will of course be glad to look at the merits of each case.

You asked about consultations and a possible MOU. As you will know, we have already responded to Committee concerns by committing to providing information on alignment in relevant policy notes accompanying legislation, and within Business and Regulatory Impact Assessments. I can confirm that this commitment will extend to future consultations.

On the possibility of an MOU, I appreciate the Committee's acknowledgement of the work of officials to support consideration of the parliament's approach to scrutiny, share information and support delivery of the commitments made in this revised policy statement. I would be happy for that work to include consideration of a possible welcome an MOU as you suggest.

I trust this additional information reassures you on the steps we intend to take to translate our commitment to transparency into reality. This is new territory for us all and we look forward to working with the committee to keep these arrangements under review.

Yours ang,
Angus Robertson

ANGUS ROBERTSON