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8<sup>th</sup> February 2024

Dear Clare,

I am writing in response to your letter of 27 November referring to the Scottish Government's draft report in accordance with the obligations under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 and the associated wider reporting on our policy of EU alignment.

I am pleased that the significantly extended levels of reporting meet the needs of the Committee in carrying out its scrutiny function and I confirm the laying in Parliament of a finalised version of the Continuity Act annual report today.

Your letter noted that the Committee would find additional information helpful in respect to that already provided in Annex C and that our respective officials should discuss what can be provided in a proportionate manner. I agree that contextualising the current information in respect of relevant Common Frameworks and the UK Internal Market Act more widely would be useful, and am content for my officials to consider further what can be readily provided within the tight operating and resource constraints faced across the public sector next year.

The Committee requested further clarity on the use of the term 'where appropriate' within the context of the Scottish Government's commitment to align with EU under the devolved settlement. The stipulation attached to the policy is set out in our *Statement of Policy on use of the Continuity Act*, approved by a vote of Parliament in 2022.

As described in the policy statement, there will be occasions where alignment is not, or cannot, be pursued. This may be for the reason that the technical provisions in EU legislation are only relevant to EU member states. Similarly, there will be occasions where we are constrained by the devolution settlement or the impact of the UK Internal Market Act raises significant challenges in respect of achieving the desired policy effect.

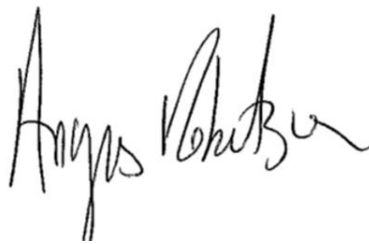
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In making the assessment as to whether to align or advance standards, Ministers consider advice from officials on the regulatory, economic and other impacts of such decisions, including the views of affected stakeholders, all in accordance with the National Performance Framework publication on [Outcomes-focused Policymaking](#) and the updated [Business and Regulatory Impact Assessment](#) process.

Lastly, I note the request to include information relating to UK Statutory Instruments in the alignment reports, and am content for our officials to discuss how this can be achieved in a helpful and proportionate manner, while noting the resource constraints referred to above.

I hope you find this response helpful, and look forward to further productive engagement between the Scottish Government and the Committee.

Yours sincerely,



**ANGUS ROBERTSON**

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