



The Scottish Parliament
Pàrlamaid na h-Alba

Cabinet Secretary for the
Constitution, External Affairs and
Culture (by email)

The Scottish Parliament
EDINBURGH
EH99 1SP

CEEAC.committee@Parliament.scot

26 May 2022

Dear Cabinet Secretary,

**Statement of Policy by The Scottish Ministers in exercise of the power in
Section 1 of the UK Withdrawal from the European Union (Continuity)
(Scotland) Act 2021**

At our meeting on 26 May 2022 the Constitution, Europe, External Affairs and Culture Committee considered the statement of policy laid by Scottish Government under Section 7(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

The Committee welcomes the changes which the Scottish Government has made to the draft statement of policy in response to the recommendations in our letter to you dated 25 November 2021.¹

The Committee notes, however, that the revised statement of policy does not address some of the issues we raised with regards to transparency and Ministerial accountability. For instance, it is not clear from the draft policy statement how the Scottish Government will make decisions about which EU laws to align with or not.

There is no commitment to set out which EU laws the Scottish Government has decided not to align with. As set out in our letter to you dated 25 November the Committee's view is that there is need for more transparency around the decision-making process regarding EU alignment. Transparency is important not just for the Parliament, but for stakeholders who also need to be clear on where there is alignment and where there is proposed divergence. Our view is that we do not have that transparency at the moment.

¹ [Continuity act Letter to Cabinet Secretary for Constitution External Affairs and Culture | Scottish Parliament Website](#)

The Committee also notes that not providing details of public consultations which include consideration of whether or not to align with EU law on the basis that it is not proportionate cuts across the need for transparency and accountability.

Finally, we would welcome a response to our recommendation that a Memorandum of Understanding (MoU) between the Scottish Government and Scottish Parliament should be considered by officials in developing proposals to facilitate effective scrutiny of the commitment to align with EU law.

We are copying this letter to the Convener of the Rural Affairs, Islands and Natural Environment Committee given they also commented on the draft statement of policy.

Yours Sincerely,

Clare Adamson, Convener of the Constitution, Europe, External Affairs and Culture Committee