



Cabinet Secretary for the
Constitution, External Affairs and
Culture
(by e-mail)

The Scottish Parliament
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4 May 2022

Dear Cabinet Secretary

UK internal market act exclusions process

Thank you for your letter dated 23 March 2022 on common frameworks which included an update on the first use of the UK internal market exclusions process in relation to the Environmental Protection (Single use Plastic Products) (Scotland) Regulations 2021.

In our report on the UK internal market the Committee noted that there is “very little detail in the public domain in relation to how the exclusions process will work.”¹ The Committee’s report includes a number of recommendations regarding the transparency of the process, and we look forward to your response.

In the meantime, it would be useful to understand how the process has worked in relation to single use plastics as follows –

- We note that you state that “agreement on policy divergence was reached through the provisional Resources and Waste common framework last autumn” and ask whether the lead committee considering the regulations were informed of this as part of their scrutiny of the regulations in December 2021;
- We note that you state that the exclusion “should allow the Scottish regulations to operate as intended” but that Scottish Ministers made the case for a broader exclusion and ask that you provide details of that broader exclusion and the impact of it not being agreed;
- We note that you state that “policy delivery in Scotland could be slowed while UK ministers determine devolved policy for England” and ask for clarity

¹ [UK Internal Market Inquiry \(azureedge.net\)](https://www.azureedge.net) para 131

regarding whether the Scottish Government's policy delivery of the ban on single use plastics has been slowed;

- Why the resource and waste common framework has not been published despite it being operational and whether the evidence and conclusions reached in the common framework in relation to the single use plastic regulations will be published especially with regards to the case for a broader exclusion;
- Whether there have been any inter-governmental discussions on the exclusion outwith the provisional Resources and Waste Framework;
- Whether the Scottish Government and UK Government are expecting that the exclusion will be in place before the SSI on single-use plastics comes into force on 1 June.

I am copying this letter to the Convener of the Net Zero, Energy and Transport Committee as the lead Committee for this particular exclusion.

Yours sincerely

A handwritten signature in black ink that reads "Clare Adamson". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

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