



T: 0300 244 4000

Clare Adamson MSP
Convener
Constitution, Europe, External Affairs and Culture Committee
Scottish Parliament
Edinburgh
EH99 1SP

By email

22 January 2026

Dear Clare

Finalisation of Common Frameworks

In light of your inquiry into the transparency of intergovernmental relations, and my recent appearance at Committee, I am writing to set out the Scottish Government's approach to the finalisation of Common Frameworks.

As you are aware, the Common Frameworks programme continues to face various headwinds. Chief among these is the missed opportunity to address, through the recent statutory review, the impact of the Internal Market Act (IMA) on the devolution settlements in general, and the operation of Common Frameworks specifically.

The arguments as to the Act's effect are clear and compelling – they were set out repeatedly by the Scottish Government and a wide range of legal and academic experts during last year's statutory review of the IMA.

Unfortunately, the UK Government chose not to engage with that evidence in its response to the review, and instead appears now to support the actions of the previous UK Government in endorsing legislation that is both wholly unnecessary and which undermines the devolution settlement which the people of Scotland voted for decisively in 1997.

This is regrettable, and means the IMA remains an impediment to effective implementation of Common Frameworks, and continues to act as an unjustified and arbitrary constraint on the powers and democratic accountability of the Scottish Parliament.

Despite these obstacles, the Scottish Government remains committed to making progress with the finalisation of the Common Frameworks programme where possible.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Formal sign-off of Common Frameworks is important for a number of reasons: enhancing their status as agreed intergovernmental governance mechanisms; maintaining a sense of momentum in the delivery of the Common Frameworks programme; and allowing for post-sign-off reporting to legislatures to commence formally. I know the last of these points is of particular importance to your committee.

I am therefore writing to update you on the Scottish Government's approach to signing off Common Frameworks, in the context of the outcome of the statutory review.

For those frameworks where there is cross-government agreement that there are no market dependencies, we propose working at pace to sign these off.

For those where the IMA continues to present obstacles to successful operation, such as the Resources and Waste Common Framework, the outcomes of the statutory review do not provide the necessary assurance to the Scottish Government to allow us to proceed to sign-off. These frameworks will therefore have to remain provisional, while fully operational, for the time being.

There is a third category: those frameworks where there is scope for policy divergence and IMA interactions, but where substantive intra-UK policy difference is likely to be minimised by the UK Government's plans to dynamically align with some elements of EU law, principally in the areas of sanitary/phytosanitary (SPS), energy policy and electricity trading.

Of these, the main impacts are, at the moment, most likely in the SPS areas of food and feed safety and standards, labelling, animal welfare and animal and plant health. It will be important to ensure that relevant policy areas are not subject to overlapping but distinct regulatory regimes, in the form of both the IMA and dynamic EU alignment.

It will also be important to ensure that where dynamic alignment leaves space for national authorities to legislate, that national law is agreed by the Scottish Parliament, as it was when the UK was a Member State of the EU.

For Common Frameworks in this category, the Scottish Government believes that dynamic SPS alignment presents an opportunity to remove a current barrier to finalisation, if IMA is disapplied in relevant policy areas. The Act could be disapplied either through amendments to primary legislation, potentially as part of the EU Reset Bill, or by UK Ministers creating additional exclusions from the IMA using secondary legislation powers.

There are two principal arguments for pursuing this approach in respect of SPS policy.

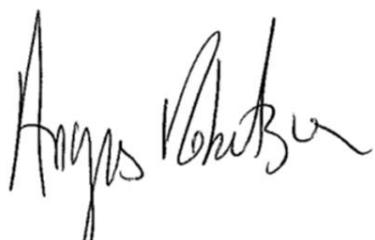
First, a return to something approximating the status quo ante, where local discretion to tailor policy was constrained by the horizontal application of EU rules, removes the stated policy rationale for the IMA.

Second, as noted, for clarity and proper administrative functioning it is in everyone's interests that relevant policy areas should not be subject to parallel but distinct regulatory regimes, as this will hinder effective implementation of new EU alignment regulations, and raise unnecessary obstacles to scrutiny by the Scottish Parliament.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

I believe this proposal offers a sensible and pragmatic approach to making real progress on completion of the Common Frameworks programme, an outcome all the governments of the UK wish to see.

It also recognises the strategic shifts that allow for a narrowing of the scope of the IMA's application, and therefore a reduction in its interference in terms of the devolution settlement. The additional benefits would be less disruption and more respectful intergovernmental relations, and the removal of unnecessary complexity in the scrutiny landscape in which your committee undertakes its important work.



Angus Robertson

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

The Scottish Parliament, Edinburgh EH99 1SP
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver 

