



The Scottish Parliament
Pàrlamaid na h-Alba

By email only

Lorna Slater MSP
Minister for Green Skills, Circular
Economy and Biodiversity
Scottish Government

**Net Zero, Energy and Transport
Committee**

c/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

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Thursday 26 May 2022

Dear Lorna,

United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles) Regulations 2022 (“the UK Regulations”)

I am writing in response to your [correspondence of 6 May 2022](#) seeking the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation to amend the United Kingdom Internal Market Act 2020, to create a new exclusion from the market access principles under that Act.

The Net Zero, Energy and Transport Committee considered this at its meeting on 24 May 2022 and agreed with the Scottish Government’s decision to consent to the UK Government legislating in this way.

The exclusion is for certain categories of single use plastics and will facilitate the effective operation of the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021. The Committee considered this subordinate legislation last year and as a result had some additional questions arising from this—

- The notification states that the proposed exclusion was considered through the Resources and Waste Common Framework. This has not yet been published and the Scottish Parliament has not yet been given the opportunity to scrutinise it. Therefore, there is no detail available on what groups or forums established under the framework were responsible for developing the proposed exclusion. These issues were highlighted [in a letter from the Convener of the CEEAC Committee to the Cabinet Secretary for the Constitution, External Affairs and Culture on 4 May 2022](#). The CEEAC Committee has not yet received a response from the Cabinet Secretary. The Committee requests details of the information requested in that letter, and in particular—

- Details of the broader exclusion that the Scottish Ministers had sought and the impact of it not being agreed;
- Clarity regarding whether the Scottish Government's policy delivery of the ban on single use plastics has been slowed;
- Why the framework has not yet been published and when it will be published;
- Whether there have been any inter-governmental discussions on the exclusion outwith the framework.
- Regarding the development of the exclusion, the Committee also seeks details of—
 - the process for agreeing the scope of the exclusion;
 - who was involved in the discussions;
 - if there were any disagreements on the proposed exclusion (in addition to the disagreement on the breadth of the exclusion referred to above) and how they were resolved; and
 - What further engagement is planned to ensure stakeholders are aware of the exclusion.

On behalf of the Committee, I look forward to your response which is requested by **Friday 10 June 2022**.

I have copied this letter to the Convener of the Constitution, Europe, External Affairs and Culture Committee.

Yours sincerely,

Dean Lockhart MSP
Convener
Net Zero, Energy and Transport Committee