



The Scottish Parliament
Pàrlamaid na h-Alba

Màiri McAllan MSP
Cabinet Secretary for Net Zero and
Just Transition
Scottish Government

**Net Zero, Energy and Transport
Committee**

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

By email only

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30 March 2023

Dear Màiri,

The REACH (Amendment) Regulations 2023

In my first formal correspondence with you following your promotion to Cabinet, may I also congratulate you in your new role. The Committee looks forward to working with you.

Thank you for attending a meeting of the Net Zero, Energy and Transport Committee on 28 March 2023 to give evidence on The REACH (Amendment) Regulations 2023. I am also grateful to the UK Government, Scottish Environment Protection Agency and Environmental Standards Scotland for providing responses on this matter at short notice.

Following the conclusion of our evidence session, the Committee considered the Scottish Government's consent notification. We recognised the importance of having a well-functioning UK system for the registration of chemical substances: in order to protect public health and our environment following Brexit. We agreed that is important for the Scottish Government to work effectively with its counterparts across the UK to ensure the new regulatory regime for chemicals is rolled out as quickly as is consistent with those two over-arching aims.

The Committee recognised that requests for the delays that the Regulations will provide for came from industry and that the transition from an EU to a UK REACH is a significant undertaking. We recognised that the proposed extensions should help enable the development of an 'Alternative Transitional Registration Model' which is at an early stage of development.

We also noted that the Scottish Government considers there to be no realistic alternative to agreeing to these extensions and reassurances from the Scottish Government and [from SEPA](#) that these amendments should not give rise to significant risks, given the availability of data for chemicals already registered at EU level.

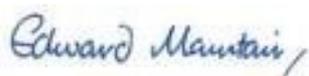
Given all this, **the Committee is content to accept the Scottish Government's proposal to give consent to UK Ministers in making regulations on its behalf for this UK Statutory Instrument.**

The Committee intends to take an ongoing interest in UK REACH as part of our ongoing interest in scrutinising UK Common Frameworks relevant to our remit, and their outcomes. In writing to you to signal our consent, we also agreed to raise the following issues—

1. You told us that the Scottish Government does not wish to see any diminution in standards and will monitor risk of future divergence from EU REACH. We note this is an issue that environmental stakeholders have expressed concerns about. Please outline how you propose to keep us updated of how this monitoring work is progressing and how those risks are being assessed.
2. Further to this, we note [assurances from the UK Government via correspondence](#) that it wishes to keep “unnecessary divergence to a minimum”. It would be helpful to have your perspective on what would constitute ‘necessary’ as opposed to ‘unnecessary divergence’ from UK Reach and on how effectively the Chemicals and Pesticides Common Framework is functioning to facilitate agreement between the UK and devolved Governments on this issue. (I am writing separately to the UK Government.)
3. We would also welcome updates regarding the development of the Alternative Transitional Registration Model, including any significant representations made to the UK Government and other devolved administrations regarding this issue. I would be grateful if you would commit to providing periodic updates to the Committee. (Again, I am writing separately to the UK Government on this matter.)
4. The development of the Alternative Transitional Model is taking place within the wider context of developing a UK-wide Chemicals Strategy. Please keep us updated about when a draft Strategy may be forthcoming and on the Scottish Government's input into and position on it.

I would be grateful for a response by 3 May 2023, recognising that on some of these points you may only, at that point, be able to provide a holding answer.

Yours sincerely,



Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee