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Convener, Finance and Constitution Committee  
Scottish Parliament  
Edinburgh  
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Dear Convener

## EUROPEAN UNION WITHDRAWAL BILL

In our evidence session on 2 May you asked for confirmation that genetically modified (GM) crops and fracking are included in the list of 111 powers returning from the EU that intersect with the devolution settlement.

I can confirm that both are included. Onshore Hydrocarbons Licensing is on the list and covers the granting and regulation of licences to search and bore for and get petroleum within the Scottish onshore area (which would include by techniques, such as fracking). Standards for the marketing and cultivation of GMOs is included in the list of 24 policy areas where UK Government considers it likely that a legislative framework will be needed.

For ease of reference and to aid further discussion in the committee I have included a link to the UK Government's framework analysis of the areas where there is an intersect between devolved competence and EU law, which I shared with all MSPs on the 9<sup>th</sup> March. This analysis was not agreed by the Scottish Government.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/686991/20180307\\_FINAL\\_Frameworks\\_analysis\\_for\\_publication\\_on\\_9\\_March\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686991/20180307_FINAL_Frameworks_analysis_for_publication_on_9_March_2018.pdf)

**MICHAEL RUSSELL**

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