

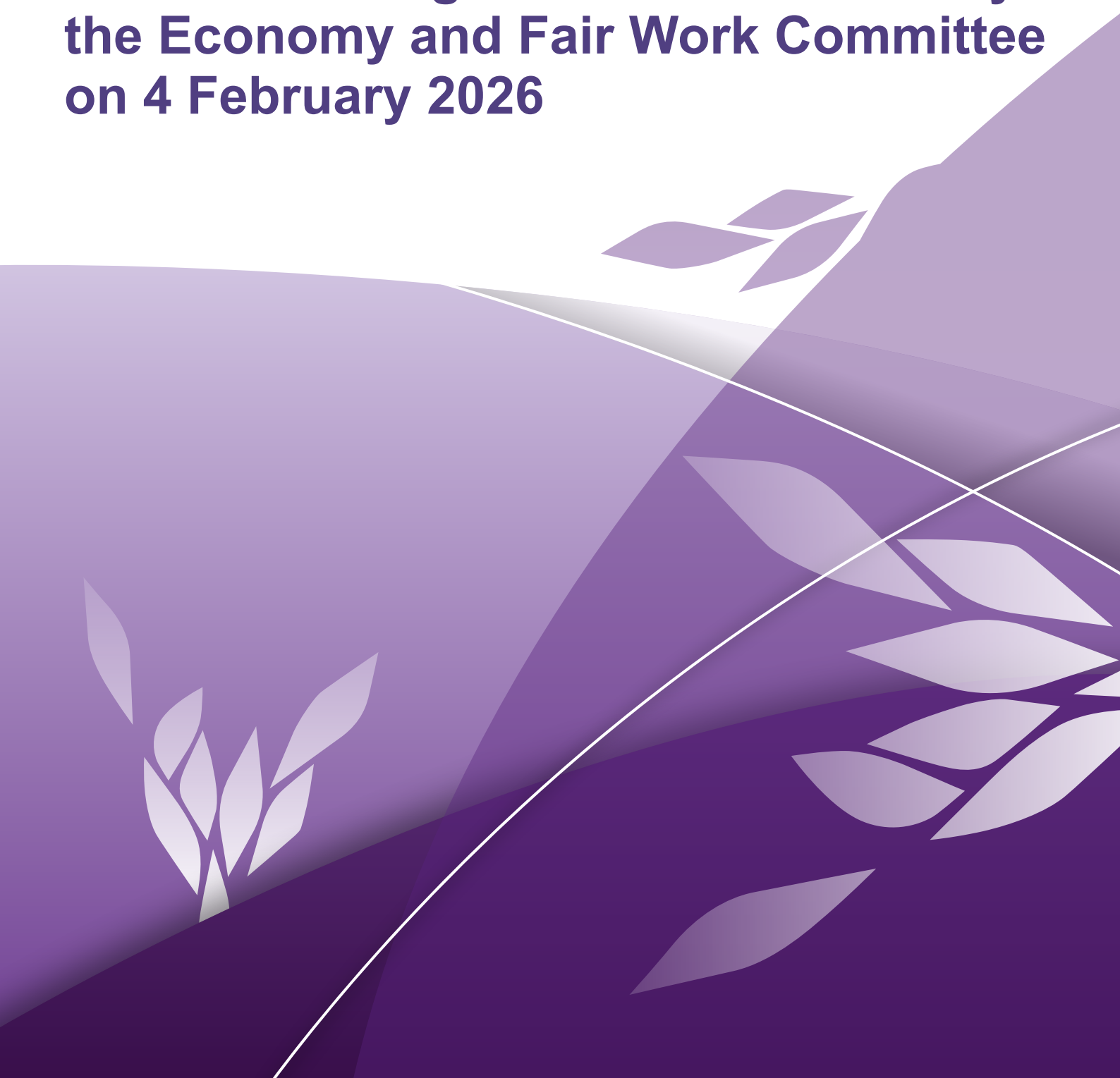


The Scottish Parliament
Pàrlamaid na h-Alba

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Economy and Fair Work Committee

Subordinate legislation considered by the Economy and Fair Work Committee on 4 February 2026



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Economy and Fair Work Committee

To consider and report on matters within the responsibility of the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, with the exception of Gaelic; and on matters relating to just transition.



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Public Procurement (India Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2026 [draft]

About the instrument

1. This instrument amends the Scottish public procurement regulations to fulfil international obligations and reflect the [Comprehensive Economic and Trade Agreement](#) (CETA) between the United Kingdom and India by inserting that agreement into the list of relevant international trade agreements in the schedules to the [Public Contracts \(Scotland\) Regulations 2015](#) , the [Concession Contracts \(Scotland\) Regulations 2016](#) and the [Utilities Contracts \(Scotland\) Regulations 2016](#) .
2. Suppliers from India will be given the same rights as UK suppliers for relevant contracts, for procurements that start on or after the date the agreement enters into force. Similar provisions are expected to be made by the UK and Welsh Governments.

Consideration by the Delegated Powers and Law Reform Committee

3. The Delegated Powers and Law Reform Committee considered the instrument on 13 January 2026 and reported on it in its [6th Report, 2026](#) .
4. It made no recommendations in relation to the instrument.

Consideration by the Economy and Fair Work Committee

5. The Committee took evidence on the instrument from the Minister for Public Finance on 4 February 2026.
6. The Minister made an opening statement, setting out the purpose and objectives of the instrument.
7. The Committee asked about the potential impact of the instrument on Scottish industry and small and medium-sized enterprises (SMEs). The Minister stated that Scotland currently records a trade surplus with India and that removing trade barriers could further increase Scottish exports. As Scotland-specific assessments of the instrument's effects had not been made at present, the Minister agreed to write to the Committee with findings from assessments carried out by the UK Government to date and with details of Scottish Government plans to undertake

assessments following implementation. In response to concerns raised about the impact on SMEs accessing public procurement contracts, the Minister noted that public sector procurement spend on imports from India was only around £0.9 million in 2025, £1.0 million in 2024 and £0.5 million in 2023, and that 47% of the £16.5 billion spent on Scottish public sector procurement went to SMEs. The Minister also highlighted the sustainable procurement duty which requires a contracting authority to consider factors such as local benefit.

8. Members raised concerns about the implications for community wealth building, including in the context of offshoring and increased competition. The Minister noted those concerns and indicated that market efficiencies gained from access to the global market would benefit Scotland in tandem with policies and legislation designed to support local businesses.
9. When asked whether the instrument would affect current public procurement processes, the Minister stated that no changes were planned.
10. The Committee sought clarification on alignment with the European Union. The Minister drew attention to the EU's recent free trade agreement with India and stated that the UK-India and EU-India agreements were broadly similar.
11. The Committee asked how the trade agreement might impact on Scotland's environmental goals. The Minister agreed to provide further information to the Committee in writing.
12. The Minister moved motion S6M-20367—

That the Economy and Fair Work Committee recommends that the Public Procurement (India Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2026 [draft] be approved.
13. The Motion was agreed to.

14. **Accordingly, the Committee recommends to the Parliament that the draft Public Procurement (India Trade Agreement) (Miscellaneous Amendment) (Scotland) Regulations 2026 be approved.**

