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Dear Colleague,

EU WITHDRAWAL BILL

I am writing to keep you informed of the steps being taken by the Scottish Government and Parliament to ensure that our laws continue to operate on withdrawal from the European Union.

The UK Government's chosen vehicle for this work is the European Union (Withdrawal) Bill. Today the Scottish Parliament has voted, overwhelmingly, not to grant consent to this Bill being used to prepare devolved law in Scotland for the prospect of EU withdrawal.

The Parliament has taken this step because the Bill is inconsistent with devolution. If it became law, the Bill would allow the UK Government to control what the Scottish Parliament could do in many important devolved areas, such as our fishing industry, in agriculture, rural or environmental policy, in the safe use of chemicals and in food safety. Regardless of the views of the Scottish Parliament, the UK Government could decide where restrictions could apply and how long they would apply, for up to seven years.

Withholding consent does not mean that we are not able to prepare Scotland's laws for EU withdrawal, and it need not mean that this cannot be done on the basis of cooperation and collaboration by the governments of these islands. Much as we regret the decision to leave the EU, the Scottish Government has always recognised that we need to responsibly prepare for it. This includes making sure that the people who live and work in Scotland have as much certainty as possible about the rules and systems that apply to their lives and businesses. In March, the Scottish Parliament therefore passed a Continuity Bill so that the Scottish Government has the powers needed to prepare our laws for withdrawal in the event

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that it is not possible to reach agreement with the UK Government on the European Union (Withdrawal) Bill.

The decision by the Scottish Parliament is a significant constitutional moment. But it is not an end to the process. The Parliament has made clear the changes that are required. These are simple and straightforward. The people of Scotland expect the governments to co-operate on these matters and they expect the decisions and responsibilities of the Scottish Parliament to be respected.

The Scottish Government's more general position on EU exit is crystal clear. Scotland's interests are best served by remaining in the EU and, if that is not possible, staying within the Single Market and Customs Union. There are many reasons to remain in the EU, from the protection it offers to workers; to access to a single market of more than 500 million people; to firm belief that freedom of movement is a good thing, and particularly important to rural Scotland as well as our economy as a whole. There are many devolved areas where we currently benefit from common rules across the European Union. These include issues that are crucial to our economy and our communities – such as agriculture, fisheries, the environment and food and drink.

Whilst we continue to make this positive case in the interests of Scotland, we have consistently shown our willingness to work cooperatively. That must be on the basis of agreement and the devolved and UK administrations working together. The process of withdrawal from the EU will require many negotiations and agreements between the governments of the UK. It is vital that we set the right tone and approach for these from the outset. It must be based on equity of treatment and respect for the responsibilities of the devolved institutions.

Turning more specifically to the matter of UK Frameworks, we agree that it will make sense in certain areas, to establish such common frameworks. And in keeping with the spirit and principles of devolution, we agree that those common frameworks in devolved areas should be the product of negotiation and agreement between governments and parliaments, rather than established by imposition.

We are very grateful for the on-going support and co-operation from business and wider delivery partners across Scotland on these matters and I would be happy to make arrangements for further discussion of these issues if you would find that helpful.

Yours faithfully,



FERGUS EWING

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