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Scottish Parliament  
Edinburgh  
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24 May 2022

Dear Stuart,

Thank you for your letter of 13 May about the EU Exit SSI Protocol that was agreed between the Scottish Government and Scottish Parliament in January 2019. I think that this has been helpful in managing EU Exit SSIs.

I agree that many elements of the protocol no longer serve a useful purpose. The sifting process, categorisation and additional statements outlined in the Protocol are no longer necessary as the volume of SSIs made under the European Union (Withdrawal) Act 2018 (“EUWA”) being laid in the Scottish Parliament has significantly decreased and is unlikely to increase in the future. I am therefore content that it should be discontinued and that the Environment and Trade in Animals and Related Products (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2022 (SSI 2022/138) which the Committee considered on 10 May is the final instrument to be considered under the Protocol.

However, there are statutory requirements under EUWA that the Scottish Government must adhere to and we will continue to

- make the statements required by EUWA and detail these in policy notes, where required.
- where an SSI is made under powers in EUWA, provide information in the policy note about the law being amended by the SSI and the reasons for, and effect of the proposed change or changes to retained EU law.

If an SSI is made for any other Brexit or post-Brexit reason but is not made under EUWA then the normal guidance for policy notes applies.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

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**George Adam**

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