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27 October 2022

Dear Clare,

I am writing to provide you with a report in accordance with the Scottish Government's obligations under Section 10 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 ("the Act"). The report is laid in Parliament today, in draft, for a period of 28 days in accordance with section 11(1) to consider representations on the intended future use of the power.

The enclosed details how the Section 1(1) power has been used, or considered for use over the period from 1 September 2021 to 31 August 2022, and how it is currently planned to be used over the coming reporting year. This also sets out how the use, and planned use, of the power has furthered, or will further, the purpose of the power in Section 1 of the Act to contribute towards maintaining and advancing standards.

As set out in the Scottish Government's statement of policy in accordance with Section 7(1) of the Act and agreed by parliament in June, the Section 1(1) power provides Ministers with essential flexibility in maintaining alignment with the EU in a particular policy area where that is the most appropriate legislative vehicle, depending on the measure's specific circumstances.

In this regard I am pleased to note this report includes details of the Scottish Government's imminent use of the Continuity Act power in respect of the Recast Drinking Water Directive, and also where use of power was considered over the last year in respect of the EU Energy Performance and Buildings Directive.

These examples illustrate that the UK's decision to leave has not changed the EU's importance to Scotland, nor our commitment to it. Our policy of alignment aims to protect and advance the high standards we enjoy as a consequence of the UK's previous EU

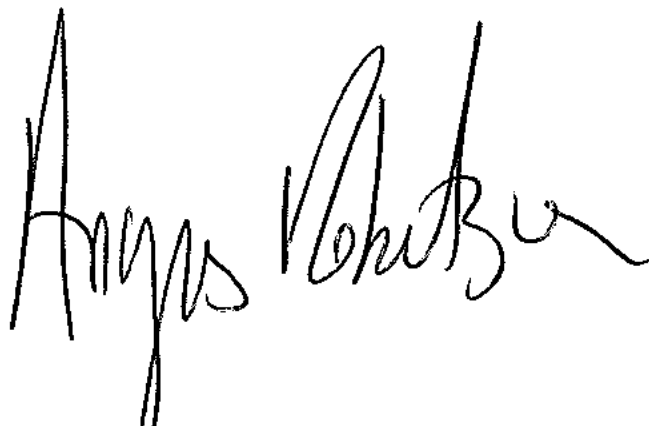
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membership. By doing so we will continue to protect the health and wellbeing of people in Scotland and also ease the future process of Scotland's return to the EU.

This is in stark contrast to the approach being taken by the UK Government, intent on undermining Retained EU law which will be hugely damaging to people and business in Scotland.

I hope you find the detail of this report useful, and look forward to considering any representations made on the intended future use of the power in preparing our final report.



ANGUS ROBERTSON
Cabinet Secretary for Constitution, External Affairs and Culture

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