

EU Alignment Guidance for Committees

Ministers have agreed with the Scottish Parliament to provide information on the impact of the Scottish Government's commitment to align with EU law, which is "the default position of Scottish Ministers", noting that there will be circumstances as set out in the policy statement approved by Scottish Parliament where alignment is not pursued¹. This applies to primary and secondary legislation and Legislative Consent Memorandums (LCM). This guidance note provides details of this agreement for Committees.

Scottish Government officials are required to consider if legislative proposals are likely to impact on the Scottish Government's policy to maintain alignment with the EU, and if so if this will assist further alignment or result in divergence, and the reasons why. The conclusions reached will be shared in the relevant Policy Memorandum, Policy Note or LCM.

Where relevant and appropriate, this information should include –

- details of which EU legislation, is relevant to the legislative proposals, and, where relevant, how the legislation will impact on the Scottish Government's commitment to align with EU law;
- details of whether and how proposals would result in divergence from EU law;
- the impact on access to EU markets for people, goods, and services;
- whether the market access principles in the UK internal market Act may impact on the policy objectives of the legislative proposal^{2 9}, whether consideration has been given to seeking an exclusion and, if so, provide details;
- whether and how common framework agreements may impact on the policy objectives of the legislative proposal and, if so, provide details;
- whether the Trade and Co-Operation Agreement with the EU may impact on the policy objectives of the legislative proposal and if so provide details;
- whether other obligations (e. g. international law) act as constraints on alignment.

¹ [Statement of Policy by Scottish Ministers](#), May 2022

² Given the market access provisions in UKIMA extend to many devolved policy areas this should include legislative proposals which may not impact on EU alignment.