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Sir Edward Mountain  
Convener of the Net Zero, Energy and Transport  
Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

07 September 2023

Dear Edward

## **SI NOTIFICATIONS - ANNEX H LETTERS**

As you are aware the Scottish Parliament in conjunction with the Scottish Government are undertaking a review of the Protocol between the two institutions. As part of this work, the Scottish Parliament has raised missing Annex H letters relating to the following two UK SIs. This letter seeks to provide the Committee with an update on these regulations.

### *THE UNITED KINGDOM INTERNAL MARKET ACT 2020 (EXCLUSIONS FROM MARKET ACCESS PRINCIPLES: SINGLE-USE PLASTICS) REGULATIONS 2022*

The Scottish Parliament agreed on 26 May 2022 that it was content for Scottish Ministers to give their consent to the abovenamed SI, including Scottish devolved matters, as set out in the notification to the Parliament.

The United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles: Single-Use Plastics) Regulations 2022 were made on 21 July 2022 under section 10(2) of the United Kingdom Internal Market Act 2020. I can confirm that this SI is consistent with the consent granted.

### *THE INTERNATIONAL WASTE SHIPMENTS (AMENDMENTS) (EU EXIT) REGULATIONS 2021*

The Scottish Parliament is aware that the UK Government laid these draft regulations in December 2020. However, the UK Government never moved or debated these draft regulations in the UK Parliament because of the wider Northern Ireland Protocol negotiations being undertaken at the time. Subsequent EU-UK negotiations superseded the draft regulations and they were withdrawn from the UK Parliament in May 2023. These draft regulations were to be made under the European Union (Withdrawal) Act 2018 and the relevant powers expired at the end of 2022.

St Andrew's House, Regent Road, Edinburgh EH1 3DG

This correspondence is being sent to you now as the Scottish Government is taking steps, as part of a review of the operation of the SI Protocol, to ensure a comprehensive audit trail is in place for each SI notification.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Kind regards

**LORNA SLATER**