



The Scottish Parliament  
Pàrlamaid na h-Alba

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Net Zero, Energy and Transport Committee

The Scottish Parliament  
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By e-mail

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Dear Edward,

### **Second EU Law Tracker Report**

The CEEAC Committee considered the [second report](#) from Dr Lisa Whitten of the [EU Law Tracker](#) at our meeting last week.

As previously communicated, there is an expectation that subject committees will consider the case studies relevant to their respective remits that are set out in the series of reports as part of their role in scrutinising the Scottish Ministers' policy commitment to align with EU law.

At Section 3, the report outlines various case studies that are likely to be of interest to the Net Zero, Energy and Transport Committee. There are six case studies in relation to Environmental Protection (see sections 3.1 and 3.3) and one case study in relation to Transport (see section 3.3).

As part of these case studies, the report outlines that the Committee may wish to seek an update from the Scottish Government on—

- The progress of the proposed revisions to the Energy Efficiency Directive and Energy Performance of Buildings Directive as part of the EU's REPowerEU initiative, and request to be kept up to date on whether or not it plans to align with these EU proposals and how those decisions have been or may be made;
- Its position regarding the EU proposal for a new Soil Monitoring Law and its assessment on the possibility of future alignment with it; and

- Its consideration of the EU proposal for a revision of the existing TEN-T Regulation.

In addition to the case studies at section 3.3, Appendix Two to the report sets out an analysis of the European Commission Work Programme 2024, with a detailed record of the 30 Significant/Priority Proposals for new EU laws would replace or make substantial revisions in areas of policy that are or could be in the scope of the Scottish Government alignment commitment. To further bolster scrutiny of the implementation of the alignment policy, subject committees may also wish to seek updates from the Scottish Government on specific policies or policy areas of interest, the content of relevant EU legislative proposals/revisions as these progress through the EU institutions, and on Scottish Government assessments of the suitability or otherwise of Scotland aligning with specific upcoming EU law changes.

With regards to the agreement on the level of information to be provided on alignment alongside legislative proposals, Section 2.2.2 of the report provides The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations (SSI 2023/338) as an example of an SSI which relates to an area of legislation and policy that previously followed from and reflected Scotland's EU membership for which the policy note does not contain reference to EU alignment. The report outlines that it is unclear why the policy note does not contain a statement regarding EU alignment consideration. The Committee may wish to raise this with the relevant Minister.

Yours sincerely,



Clare Adamson MSP, Convener of the Constitution, Europe, External Affairs and Culture Committee