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Rt Hon Steve Barclay MP
Secretary of State for Exiting the EU
9 Downing Street
London
SW1A 2AG

20th December 2019

Dear Steve,

Thank you for your letter of 18 December formally seeking legislative consent to the European Union (Withdrawal Agreement) Bill.

The Withdrawal Agreement will effect the UK's, and Scotland's, exit from the European Union. The Withdrawal Agreement Bill will implement that agreement in domestic law. The people of Scotland have voted clearly and decisively against leaving the EU on each and every opportunity they have had, from the referendum in 2016 to the UK General Election on 12 December.

The Scottish Government cannot therefore recommend to the Scottish Parliament that it consents to the Withdrawal Agreement Bill. We have today lodged with the Scottish Parliament a legislative consent memorandum setting out our reasons for this position.

The memorandum also sets out our view on the detail of the provisions, including the matters raised in the annex to your letter.

On the implementation period, it is unfathomable that the UK Government would legislate to prohibit any request for an extension beyond December 2020, a flexibility the UK Government has itself recently agreed with the EU. This proposal dramatically raises the risk of a no deal exit at the end of 2020, or agreement of only an extremely limited future partnership. If there has been any lesson from the last three years, it is we should take time to achieve the right kind of future partnership. The UK Government should work to build consensus, with the full involvement of the devolved administrations, rather than rush to impose its own narrow views on everyone else.

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

I note your comments on collaboration between officials on the drafting of the Bill, and I am happy to repeat my acknowledgement of these.

I am copying this letter to Jeremy Miles and David Sterling, and Alister Jack and Michael Gove.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Russell', with a long horizontal stroke extending to the right.

MICHAEL RUSSELL

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The Scottish Parliament, Edinburgh EH99 1SP
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