



The Scottish Parliament
Pàrlamaid na h-Alba

Economy, Energy and Fair Work Committee

Derek Mackay,
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Dear Derek,

Public Procurement etc. (Scotland) (Amendment) (EU Exit) Regulations 2019

The Committee considered its approach to the Public Procurement etc. (Scotland) (Amendment) (EU Exit) Regulations 2019 at its meeting on 29 January and agreed that I should write to you to request additional information.

The Committee is seeking clarification in relation to the following matters:

- Do paragraphs 21-25 of the policy note mean that economic operators from EU countries will be treated exactly the same as any others from outside the UK?
- Will contracting authorities will be able to prefer operators on a geographic basis at a local level – e.g. would a local authority be able to restrict contracts to economic operators within their local authority area?
- Could you provide some further explanation around paragraph 13 of the policy note, which states that the instrument gives Ministers “the power to treat the list of international agreements in the field of environmental, social and labour law set out in the annexes to the EU Directives as though certain international agreements were removed and others that are not covered were listed.” Can the Government provide examples of how this will work in practice?
- Although recognising that the issue of the living wage is not mentioned in the instrument or policy note, it would be helpful if the Government could set out whether the post-Brexit procurement regime will change current rules and practice around whether contracting authorities can mandate payment of the living wage in public contracts.

I would be grateful if you could respond by 25 February at the latest to allow the Committee to consider your response before considering the SSI at its meeting on 5 March.

Kind regards

A handwritten signature in black ink that reads "Gordon Lindhurst". The signature is written in a cursive style with a large, stylized initial 'G' and 'L'.

Gordon Lindhurst MSP

Convener