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Minister for Transport and Infrastructure
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Patrick Harvie MSP
Convenor
Transport, Infrastructure and Climate Change Committee
Committee Office
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22 March 2011

Dear Patrick,

DIRECTIVE 2008/96/EC OF THE EUROPEAN PARLIAMENT AND COUNCIL ON ROAD INFRASTRUCTURE SAFETY MANAGEMENT (19 NOVEMBER 2008) – POTENTIAL INFRACTION PROCEEDINGS

My predecessor, Mr. Stevenson, wrote to you previously on this matter in his letter dated 29 October 2010 to explain the Scottish Government's approach to adoption of this Directive. I write to inform you of a development in this process with respect to the UK Government's approach to transposition.

Although the decision for the UK government to transpose certain aspects of the Directive into national law through UK legislation was agreed by all the devolved administrations, the UK Coalition Government subsequently revised its intention (early Dec 10) and now proposes to adopt a non-legislative approach to implementation. Consequently, the DfT wrote to the EC just prior to the 19 December 2010 transposition deadline advising of the UK's intention to adopt a non-legislative approach to implementation. It argued that additional legislation, imposing requirements to carry out already settled and longstanding activities is both unnecessary and disproportionate.

You are asked to note that the DfT has advised the EC that the UK is now taking a non-legislative approach to the adoption of the Road Infrastructure Safety Management Directive. To that effect officials from Transport Scotland continue to work in co-operation with the DfT.

KEITH BROWN

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