



The Scottish Parliament
Pàrlamaid na h-Alba

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

AGENDA

23rd Meeting, 2013 (Session 4)

Thursday 20 June 2013

The Committee will meet at 9.00 am in Committee Room 2.

1. **European priorities:** The Committee will take evidence on its European priorities from—

Janez Potočnik, European Commissioner for the Environment, William Neale, Member of Cabinet of Commissioner Potočnik, and Joe Hennon, European Commission Spokesperson for the Environment, European Commission.

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The papers for this meeting are as follows—

Agenda item 1

Note by the Clerk

RACCE/S4/13/23/1

European priorities

1. At its meeting on 20 June 2013 the Rural Affairs, Climate Change and Environment (RACCE) Committee will take evidence from the European Commissioner for the Environment, Janez Potočnik.

2. The Commissioner is coming to Scotland to attend the Royal Highland Show, and indicated that he would welcome appearing before the Committee, the first time a European Commissioner has given formal evidence to a Scottish Parliamentary Committee in public session, to discuss relevant issues of interest.

3. The Commissioner's specific areas of responsibility are—

- Air;
- Chemicals;
- Environmental Noise;
- Environmental Technologies and Eco-innovation;
- International Issues and EnlargementRio+20: United Nations Conference on Sustainable Development;
- Legal issues: Protecting Europe's environment;
- LIFE+ (the EU's funding instrument for the Environment);
- Nature and Biodiversity;
- Soil;
- Sustainable Development;
- Waste and Natural Resources; and
- Water and Marine.

4. The Committee reviewed the Commission's Work Programme and agreed its EU priorities for scrutiny and engagement at its meeting on 16 January 2013. These are published on the Committee's website and are available at this link—

http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2013.03.11_-_RACCE_Convener_to_Cabinet_Secretary_re_CWP_engagement_2013.pdf

5. The Scottish Government responded to the Committee's EU priorities in a letter which is available at this link—

http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2013.04.22_-_Letter_from_the_Cabinet_Secretary_on_the_European_Commission_Work_Programme_2013.pdf

6. Several of those identified priorities are of particular relevance to the Commissioner, and an update on the latest position on the following issues has been provided by the Scottish Parliament Information Centre (SPICe) and is attached at **Annexe A**—

- 7th Environmental Action Programme;
- Invasive Alien Species;
- Maritime Spatial Planning;
- Safeguarding Europe's Water Resources;

- Official Controls along the food chain;
- EU plant health law;
- Review of thematic strategy on air pollution and assessment legislation; and
- Review of waste policy and legislation.

7. The Scottish Government has recently sent the Committee an update on activity and progress regarding its EU priorities, and those aspects of that relevant to this session are attached at **Annexe B**.

8. The session with the Commissioner is expected to cover some of these issues, as well as other issues within his remit which have formed part of the Committee's work programme and are therefore of interest to the Committee, such as marine issues; biodiversity; sustainable development; and issues relating to the Committee's consideration of the Regulatory Reform (Scotland) Bill, such as environmental regulation.

Clerks

Rural Affairs, Climate Change and Environment Committee

Annexe A

Update provided by SPICe on relevant RACCE Committee EU priorities

7th Environmental Action Programme

The 7th EAP sets out a framework for EU environmental legislation and looks to replace the previous programme which ended in July 2012. The European Commission has openly acknowledged that having reviewed the previous plan, far more needs to be done to respond to the growing environmental challenges facing Europe, especially as the EU has committed to moving towards an inclusive, resource-efficient and low-carbon economy – a target set out in the Europe 2020 strategy.

Protecting and enhancing natural capital, encouraging more resource efficiency and accelerating the transition to the low-carbon economy are key features of the programme, which also seeks to tackle environmental causes of disease. The results should help stimulate sustainable growth and create new jobs to set the Union on a path to becoming a better and healthier place to live. The Commission proposes to focus action on **nine priority objectives**.

Three thematic priority objectives are intended to:

- Protect nature and strengthen ecological resilience;
- Boost sustainable resource-efficient low-carbon growth; and
- Effectively address environment-related threats to health.

The thematic priorities are supported by an enabling framework with four further priority objectives which will:

- promote better implementation of EU environment law;
- ensure that policies benefit from state of the art science;

- secure the necessary investments in support of environment and climate change policy; and
- improve the way environmental concerns and requirements are reflected in other policies.

Two more priority objectives focus on:

- enhancing the sustainability of EU cities; and
- improving the EU's effectiveness in addressing regional and global challenges related to the environment and climate change.

Invasive Alien Species

Invasive Alien Species are animals and plants that are introduced accidentally or deliberately into a natural environment where they are not normally found. They represent a serious threat to native plants and animals in Europe, causing € millions worth of damage every year. Recognising the increasingly serious problem of invasive alien species in Europe, the Commission is currently working on a **dedicated legislative instrument on Invasive Alien Species** which is due to be adopted in 2013.

This is one of six key objectives of the new [EU 2020 Biodiversity Strategy adopted in May 2011](#). Biodiversity loss is an enormous challenge in the EU, with around one in four species currently threatened with extinction and 88% of fish stocks over-exploited or significantly depleted. The six targets cover:

- Full implementation of EU nature legislation to protect biodiversity;
- Better protection for ecosystems, and more use of green infrastructure;
- More sustainable agriculture and forestry;
- Better management of fish stocks;
- Tighter controls on invasive alien species; and
- A bigger EU contribution to averting global biodiversity loss.

Maritime Spatial Planning

The Commission launched on 12 March 2013 a new joint initiative on integrated coastal management and maritime spatial planning. [The proposal](#), which takes the form of a draft Directive, aims to establish a framework for [maritime spatial planning](#) and [integrated coastal management](#) in EU Member States with a view to promote the sustainable growth of maritime and coastal activities and the sustainable use of coastal and marine resources.

The proposal will require Member States to map human activities at sea (e.g. renewable energy equipment, aquaculture and other growth areas) and identify their most effective future spatial development in maritime spatial plans and to coordinate relevant policies affecting coastal areas in integrated coastal management strategies. To ensure the sustainability and environmental health of the various uses in marine and coastal areas, maritime spatial planning and coastal management will have to employ an approach that respects the limits of ecosystems.

Safeguarding Europe's Water Resources

[A Water Blueprint – taking stock, moving forward](#) outlines actions that concentrate on better implementation of current water legislation, integration of water policy objectives into other policies, and filling the gaps in particular as regards water quantity and efficiency. The objective is to ensure that a sufficient quantity of good quality water is available for people's needs, the economy and the environment throughout the EU.

The Water Blueprint's time horizon is closely related to the [EU's 2020 Strategy](#) and, in particular, to the [2011 Resource Efficiency Roadmap](#), of which it is the water milestone. However, the analysis underpinning the Blueprint covers a longer time span, up to 2050, and is expected to drive EU water policy over the long term.

Review of the Thematic Strategy on Air Pollution and Assessment Legislation

In January 2011 the Commissioners agreed to a review of existing air pollution policy and legislation. The mandate focused on a number of immediate measures plus a requirement for a comprehensive review of EU's air policy by 2013.

In 2011 the Commission announced a [consultation](#) on the scope of the existing air pollution framework and in December 2012 the Commission launched a further [consultation](#) on options for revision of the EU Thematic Strategy on Air Pollution and related policies. In addition the Commission is currently conducting a broad consultation process with and has held a series of [Stakeholder Expert Groups](#) involving a wide range of participants from Member States, industry, NGOs and international stakeholders.

Since the announcement of the review in 2011 a number of immediate measures have been completed to date include revisions of the [Directive on sulphur content of bunker fuels](#) which has been adopted, and the [UNECE Gothenburg Protocol](#) that establishes international controls on air pollution.

Review of waste policy and legislation

In 2014 the Commission will present a review of waste policy and legislation that will cover three aspects:

1. **A review of key targets in EU waste legislation.**
2. **An evaluation of five EU Directives that dealing with separate waste streams:** sewage sludge, PCB/PCT, packaging and packaging waste, end of life vehicles, and batteries.
3. **An assessment of how best to address plastic waste.**

The review of waste policy and legislation is to be informed by the objectives established in the [Resource Efficiency Roadmap](#) and build on [2011 Communication on the implementation of the Thematic Strategy on the Prevention and Recycling of Waste](#). As part of this process the Commission have launched a [consultation](#) on the review of the EU waste targets, committed to an external study to evaluate the EU

Directives that deal with separate waste streams and recently concluded a public [consultation](#) on plastic waste in the environment.

Annexe B

Update provided by the Scottish Government on relevant RACCE Committee EU priorities

Briefing on Maritime Spatial Planning

The Commission has submitted a proposal for a Directive to establish a framework for the implementation of maritime spatial planning and integrated coastal management across the EU aimed at promoting sustainable growth of maritime and coastal activities and the sustainable use of coastal and marine resources.

The proposal provides for the establishment and implementation by Member States of maritime spatial plans (MSP) and integrated coastal management (ICM) strategies. The key requirements of this proposal are for Member States to establish and implement maritime spatial plans in marine waters including their offshore waters and ICM strategies within their territorial waters while cooperating with neighbouring Member States and third countries which share coastal and marine boundaries.

On 12 June Rob Gibson MSP, Chair of the RACCE wrote to Lord Boswell, Chair of the UK European Select Committee on the Draft Directive. The Committee agreed with concerns raised by the Scottish Government that this would have particular implications in a Scottish context where marine planning requirements are already set out in statute (the Marine (Scotland) Act 2010) and marine planning processes are underway.

Scottish position:

- Scottish Government is currently in agreement with the UK that we should seek to remove articles which specify the content of MSPs and ICM strategies;
- Scottish domestic legislation, taken alongside UK legislation, allows for national and regional planning of our seas. The national plan will cover all activities (reserved and devolved) out to 200 nautical miles and is scheduled for consultation beginning in July (the Committee took evidence from officials, Cabinet Secretary and stakeholders in April/May). Regional planning will allow for local ownership and priority setting and covers 0-12 nautical miles;
- The Scottish system will consider coastal management through the integration of marine and terrestrial planning, rather than by insisting upon a distinct process or documentation;
- There is a significant risk that a detailed approach within the Directive would cut across this on-going work and possibly require amendment of existing domestic legislation, and/or additional legislation. Any requirement to produce a distinct ICM strategy would also represent an additional administrative burden;
- Specifying certain activities within the Directive may also lead to a two tier approach – which is contrary to the fair and equal approach to all sectors currently being taken;
- An over emphasis on spatial planning does not necessarily correlate with the Scottish experience – whereas we are developing a better spatial understanding

of marine characteristics and activities (e.g. Scotland's Marine Atlas) not all planning policies are expressed spatially. Rather the current draft of the National Marine Plan is driven by planning policies – setting a framework for further regional planning and decision making;

- The UK will seek to extend the timeline for implementation beyond 3 years, in particular to allow for regional planning in England to be fully in place; and
- The Scottish Government will continue to work closely with the other UK administrations and the Commission to influence a positive outcome for Scotland.

EU Organic Consultation 12 June 2013

Scottish Government met with members of the Scottish Organic Forum¹ on the 19th March to seek their views on the recent European Commission consultation that is exploring how best to develop organic farming across the EU.

This discussion contributed to the development of Scottish Government's response that was submitted to the European Commission. A key message in this response was the need to ensure that any revisions to the current regulatory framework are proportionate and provide a clear and consistent approach to the control of organic agriculture across all Member States. Scottish Government continues to work with the UK Government to ensure that Scotland's position is represented during these negotiations.

The Commission is currently developing an impact assessment; this work is on-going. Our colleagues in Defra are liaising with officials in the Commission to determine how best we – including Scotland - may contribute to the development of this impact assessment. Contributions have been made to Defra's response to the European Commission's request for information on carrying out additional checks on products already certified in another member state.

EU Animal Health Regulation

Scottish Government position

The Scottish Government supports the development of the EU Animal Health Regulation which will provide a simplified structure for legislation in this area, ensuring a proportionate approach to the management of terrestrial and aquatic animal health risks.

Although the Scottish Government is broadly happy with the direction that the proposal is heading in, the impact of much of the regulation cannot be assessed until the criteria for listing and prioritising disease are firmly established. The Commission currently envisages finalising these in parallel with formal negotiations on the regulation.

Background information

The EU Animal Health Regulation is one of five in a package of interconnected proposals to update and simplify controls in the agri-food chain and improve EU

¹ The Scottish Organic Forum (SOF) is an industry led body whose objective is to strengthen and promote Scotland's organic food and drink supply chain through collaboration. It is made up of representatives from organisations with an interest in promoting and developing organic production in Scotland and includes representatives of SG.

harmonisation. The other regulations cover feed and food controls, plant reproductive material, plant health and financial measures in support of the package.

The specific objectives of the EU Animal Health Regulation are to establish a single, simplified regulatory framework that sets out the objectives, scope and principles of regulatory intervention based on good governance and compliance with international standards.

This should enable quick reaction in case of emerging diseases, ensure consistency across the field of animal health, reduce the impact of animal diseases on animal and public health, animal welfare, economy and society as far as possible, and ensure the smooth functioning of the internal market of animals and animal products.

Current position

The Commission adopted the proposal on 6 May 2013 with the first Council working group meetings to discuss the EU Animal Health Regulation taking place in June and July. The Presidency have confirmed the intention to do a full read through of the proposal over the course of these two meetings.

Environment Council

Paul Wheelhouse is attending the 18 June Environment Council.

Environmental Action Programme

In December 2010 Environment Council agreed that a 7th Environmental Action Programme should be developed by the end of 2012. This followed a review of the 6th programme which concluded that a new programme was valuable to set out policy priorities but that it should be less detailed and prescriptive than the previous programme.

The Commission has identified nine priority objectives that will underpin the EAP:

1. Protecting, conserving and enhancing the EU's **natural capital**;
2. Turning the Union into a resource-efficient, **green** and competitive low-carbon **economy**;
3. Safeguarding citizens from environment-related pressures and risks to **health and wellbeing**;
4. Maximising the benefits of EU environment **legislation**;
5. Improving the **evidence base** for environment policy;
6. Securing **investment** for environment and climate policy and getting the **prices** right;
7. Improving environmental integration and **policy coherence**;
8. Enhancing the sustainability of the Union's **cities**; and
9. Increase the EU's effectiveness in confronting **regional** and **global** environmental challenges.

The first three are the thematic objectives, the following four are the 'enabling framework' and the last two are additional priority objectives. Whereas past EAPs have tended to focus on specific environmental issues in isolation, the 'new

approach' is to consider how these issues are inter-related and how improvements in one area can deliver multiple benefits.

The Scottish Government has welcomed the Commission's proposals and has contributed to discussions on it direction of travel with Commission officials, the Irish Presidency and the UK Government. Paul Wheelhouse participated in the Environment Council's orientation debate last December. Following working group discussions it is currently being finalised through triologues between the Commission, the Presidency and the European Parliament. We currently expect to see final proposals to come forward during the Lithuanian Presidency later this year.

Whilst the Environmental Action Programme will not be legally binding on member States we see it as very helpful through its recognition of the need to deliver existing legislation more effectively and to maximise synergies across policies, both within environmental themes and more widely (such as the Growth agenda). These chime with Scottish initiatives such as our better environmental regulation programme and the land Use Strategy.

Blueprint to Safeguard Water Resources

The Blueprint to Safeguard Water Resources was published last Autumn and agreed at the December Environment Council. The Commission's Blueprint proposals aim to balance water demand and supply in line with the needs of people and the natural ecosystems we depend on. This is important to us in terms of our Water Framework Directive obligations and the importance of our water environment to so many sectors and communities. Its water efficiency aspects are also important in the context of our Hydronation agenda. The Council proposals helpfully recognised that a one size fits all is not appropriate and that while more work is needed to meet our Water Framework Directive target, that no legislative changes are required.

These messages from the Commission are helpful as we prepare for the second round of River Basin Management Plans (from 2015.) Scotland's approach is a distinctive one and we believe that we have set good foundations to meet the targets of 97% of water bodies being of good ecological status by 2027. The Commission is in the process of proving feedback to countries on their views of current plans which we will take into consideration in future work and their feedback is clear that across the EU significant progress is still required to meet these targets. Success will provide benefits to our water environment such as biodiversity, water quality and in places flood management.

Air Quality Review

The review has been on-going since late 2011. The Scottish Government and the other UK administrations have been working closely together to provide joint responses to Commission questionnaires and other information requests relating to the review, and will continue to do so through the remainder of 2013 as the final proposals start to take shape. In addition, we provided a separate response to a Committee of the Regions questionnaire on the proposals.

The Commission outlined its proposals in further detail at the recent air quality themed Green Week and the Scottish Government will continue to contribute to the

development process. The recent 2013 EU Green Week focused on air quality and the International Union of Air Pollution Prevention Associations showcased some of Scotland's work in this area.

Waste Review

As part of its work programme for 2013, the European Commission indicated that there will be a review of waste policy and legislation. The results of the review will be presented in 2014 and will cover the following three elements:

- A review of the key targets in EU waste legislation (targets within the Waste Framework Directive, Landfill Directive and the Packaging Directive);
- An evaluation (or fitness check) of the EU Directives dealing with the five oldest separate waste streams (sewage sludge, PCB/PCT, packaging and packaging waste, end of life vehicles and batteries) to assess if they are consistent with new policy approaches such as the waste hierarchy and life cycle thinking; and
- An assessment of how the problem of plastic waste can be best tackled.

A consultation paper to stakeholders was issued by the Commission on 3 June and will run until 10 September.

The Scottish Government has, in conjunction with other UK administrations, been responding to the Commission's questionnaires and other information requests relating to the review.

It should be noted that Scotland's Zero Waste Plan is already well aligned to the proposals coming forward, demonstrating Scotland's leading role in Europe on waste policy.

As the review progresses, we will engage in any relevant EC working groups, either directly or through our contacts in Defra. The Scottish Government is already showing leadership in many areas of waste policy and is well placed to help shape future direction, and we will look for opportunities to showcase Scotland's pioneering policies, legislation and initiatives, including hosting relevant workshops and knowledge sharing events.

SEPA also inputs to a number of EC technical groups on waste policy and legislation, and this engagement will continue over the course of the review. The Scottish Government is also inputting to parallel EU activity on stimulating a circular economy, Resource efficiency and eco-design through our delivery and technical experts, in Zero Waste Scotland and WRAP. Official recently met with Deputy DG Environment to discuss these matters and to showcase Scotland's progress.

Non Native (Alien) Species

The Wildlife and Natural Environment (Scotland) Act 2011 changed the law in Scotland as it relates to non-native (alien) species – it is now stronger and gives powers to relevant bodies to oblige land managers to take action where that is reasonable. The release of non-native animals and the planting of non-native plants

in the wild is now prohibited, although exceptions can be made – for example for beneficial wildflowers that have been here a long time.

In addition it provides for additional prohibitions on the possession and sale of invasive species and for requiring the reporting of them. These powers are used to, for example:

- prohibit the keeping of invasive non-native crayfish;
- protect islands populations of red deer that have not been exposed to hybridisation with non-native sika deer like the mainland populations have; and
- ban the keeping of – and require reports of any sightings of – a number of invasive mammals such as coypu.

The Scottish Government is also moving to ban the sale and keeping of a small number of very invasive aquatic plants and to create an island reserve for the Black bee on Colonsay (one of the only populations in Europe).

Scotland has strong legislation in place to address the threat of non-native species and the Scottish Government hopes that an EU instrument on invasive alien species will provide a more coherent approach to this cross-border problem across member states.

EU STRATEGY ON ADAPTATION TO CLIMATE CHANGE

Background

The Commission adopted an [EU Strategy on Adaptation to Climate Change](#) in April 2013. The Strategy does not have a binding legal status.

The Strategy focuses on 3 key objectives:

- **Promoting action by Member States:** The Commission will encourage all Member States to adopt comprehensive adaptation strategies (currently 15 have strategies) and will provide funding to help them build up their adaptation capacities and take action. It will also support adaptation in cities by launching a voluntary commitment based on the Covenant of Mayors initiative;
- **Better informed decision-making** by addressing gaps in knowledge about adaptation and further developing the European climate adaptation platform (Climate-ADAPT) as the 'one-stop shop' for adaptation information in Europe; and
- **'Climate-proofing' action at EU level** by further promoting adaptation in key vulnerable sectors such as agriculture, fisheries and cohesion policy, ensuring that Europe's infrastructure is made more resilient, and promoting the use of insurance against natural and man-made disasters.

KEY POINTS

1. **Scotland is already taking action on adapting to a changing climate**
 - Comprehensive Scottish [Adaptation Framework](#) in place since 2009 to increase the resilience of Scotland's communities, and the natural and economic systems on which they depend, to the impacts of climate change.

- The Framework will be replaced by a statutory Scottish Adaptation Programme. This will set out objectives in relation to adaptation to climate change, and policies and proposals for meeting those objectives. A consultation on a draft Programme will be launched in summer 2013.
- 2. Scotland has undertaken a climate risk assessment**
- An [assessment](#) of current and predicted risks of climate change for Scotland, was published in January 2012, and identifies more than 100 key impacts (threats and opportunities) for Scotland. A report is required every 5 years.
 - Risks identified for Scotland will be addressed in the statutory Scottish Adaptation Programme, due for publication in 2013.
 - The Programme will not directly address matters which are expressly reserved to the UK Government. Reserved matters are dealt with under the UK Government's [National Adaptation Programme](#) (NAP) which also addresses devolved matters for England. NAP will be published this year.
- 3. Scotland's public bodies committed to take action on adapting to a changing climate**
- All 32 Scottish local authorities are committed to take action and report annually on work to reduce emissions and adapt to the unavoidable impacts of climate change through [Scotland's Climate Change Declaration](#).
 - Aberdeen City Council, Aberdeenshire Council, Dumfries and Galloway Council, City of Edinburgh [Council](#) and Glasgow City Council are signatories to the [Covenant of Mayors](#).
 - With the publication of the Scottish Climate Change Adaptation Programme in 2013, public bodies in Scotland, including local authorities, will have a statutory duty to exercise their [functions](#) in a way which will help deliver the Adaptation Programme.
- 4. Providing funding to build adaptation capacity and support action**
- The Scottish Government funds adaptation through:
 - The development of a robust evidence base, including funding to the ClimateXChange [Climate Exchange] adaptation research programme;
 - Programmes to develop adaptive capacity, including funding for [Adaptation Scotland](#) to help organisations and communities; and
 - Policy-[specific](#) actions, including funding to the [Scottish Flood Forum](#) to help enhance their support to promoting flood risk and supporting those who have been affected by flood events.
 - Commission plans to boost funding for environmental and climate projects through a new [LIFE Programme](#). Keen to maximise the value of the new programme funds to Scotland.