

ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

Wednesday 21 June 2006

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2006.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Wednesday 21 June 2006

Col.

FINNISH PRESIDENCY OF THE EUROPEAN UNION (SCOTTISH EXECUTIVE PRIORITIES)	3401
SUSTAINABLE DEVELOPMENT	3419
SUBORDINATE LEGISLATION	3422
Sea Fishing (Marking and Identification of Passive Fishing Gear and Beam Trawls) (Scotland) Order 2006 (SSI 2006/284)	3422
Pesticides (Maximum Residue levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No 2) Regulations 2006 (SSI 2006/312)	3422

ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

22nd Meeting 2006, Session 2

CONVENER

*Sarah Boyack (Edinburgh Central) (Lab)

DEPUTY CONVENER

*Eleanor Scott (Highlands and Islands) (Green)

COMMITTEE MEMBERS

*Mr Ted Brocklebank (Mid Scotland and Fife) (Con)

*Rob Gibson (Highlands and Islands) (SNP)

*Richard Lochhead (Moray) (SNP)

*Maureen Macmillan (Highland and Islands) (Lab)

*Mr Alasdair Morrison (Western Isles) (Lab)

*Nora Radcliffe (Gordon) (LD)

*Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE SUBSTITUTES

Alex Fergusson (Galloway and Upper Nithsdale) (Con)

Trish Godman (West Renfrewshire) (Lab)

Jim Mather (Highlands and Islands) (SNP)

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Ross Finnie (Minister for Environment and Rural Development)

Charles Milne (Scottish Executive Environment and Rural Affairs Department)

Frank Strang (Scottish Executive Environment and Rural Affairs Department)

CLERK TO THE COMMITTEE

Mark Brough

SENIOR ASSISTANT CLERK

Katherine Wright

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

Committee Room 4

Scottish Parliament

Environment and Rural Development Committee

Wednesday 21 June 2006

[THE CONVENER opened the meeting in private at 10:06]

12:06

Meeting suspended until 12:11 and continued in public thereafter.

Finnish Presidency of the European Union (Scottish Executive Priorities)

The Convener (Sarah Boyack): I welcome members of the public, witnesses and the press to our meeting this morning. As we are slightly later than intended in moving to agenda item 2, I apologise to those who have had to queue patiently outside while we finished some important committee business.

Agenda item 2 is on the Finnish presidency of the European Union and the Scottish Executive's priorities for that. I am delighted that the Minister for Environment and Rural Development, Ross Finnie, is with us to give us an overview of the Executive's priorities for the forthcoming Finnish presidency. We highlighted quite a range of EU-related topics at our recent meetings, so we are grateful for the minister's lengthy response that takes us through the Executive's positions on those matters. We also decided that we would use this opportunity to ask for an update from the minister on the current position on avian influenza and I think that we have that update as well.

I welcome Ross Finnie and his accompanying officials. I ask him to make an opening statement and to introduce the officials who are with us at the top table.

The Minister for Environment and Rural Development (Ross Finnie): Thank you very much, convener. Goodness, this microphone is rather loud.

I am accompanied this morning by a number of Environment and Rural Affairs Department officials. Charles Milne is the chief vet and will be well known to the committee; Pat Snowdon deals with rural development and the funding thereof; Neil Ritchie is from the animal health section; and Frank Strang is from the fisheries section. I have a

bit of a random selection of officials with me because, given the length of the agenda, it was quite difficult to know which officials I might require to answer adequately the range of questions that might be posed. If members hear me using a bugle to summon up some reserves, they will understand why.

As I said in my letter to the convener, we anticipate that the agenda for agriculture in the second half of the year will be rather modest. That is largely because the expected reform of the fruit and vegetable regime and the proposals on the welfare of meat chickens did not make much progress during the Austrian presidency. We hope that the Finns may show more enthusiasm for taking up those matters.

A longstanding issue of importance to Scotland, given the disease-free status of our potato industry, is the need to improve the very outdated directive on the control of potato cyst nematodes. We hope that the presidency will take up that task, but I am not confident about that.

Of much greater importance to Scotland is achieving resolution of the long-outstanding issue of future funding for the rural development programme for 2007-13. We still await confirmation of the allocation of funds. We keep being told that it is imminent, but as we run into this week, next week and the week after, the situation becomes extremely difficult. Getting that confirmation is absolutely pivotal to balancing our consultation on the rural development programme against the likely available resources.

12:15

The main fisheries business during the Finnish presidency will be the annual setting of the total allowable catches and quota regime for 2007. We have already begun discussions with stakeholders to develop the lines that we wish to take in the run-up to and during the December fisheries council. I am extremely conscious of the increasing importance to Scottish interests of the negotiations between the European Union and Norway, given that the limits for four of our six key stocks are now set in those negotiations. Although the Commission retains competence over those negotiations, we are taking action to ensure that we have an input into them and that we can make clear our position and negotiating stance.

The Finnish priorities on the environment have not been declared formally, but the expectation is that they are likely to include climate change, biodiversity, air quality, waste and the integration of sustainable development. During the rest of the year, we will continue, in parallel with the EU, to embed our sustainable development strategy and, through that, contribute to the work in Europe. We

will do the same through our climate change programme, as set out in "Changing our Ways: Scotland's Climate Change Programme". We are continuing to develop the projections for Scotland's overall emissions. When those are available later this year, we will compare them to the Scottish shares and target to ensure that we are on track to transform our economy into a low-carbon one.

We hope that the EU emissions trading scheme will help Scotland to achieve that goal. The first phase will see the 120 installations that are covered reduce their projected carbon emissions by about 6.5 million tonnes by the end of 2007. We are working in collaboration with Westminster to encourage the Commission to learn from the first phase and improve the enforcement through tough caps for phase 2.

Of the European Commission's seven thematic strategies, five have been published and are at various stages in the EU process. Those on air quality, waste and urban environment should reach some conclusions at the Council next week, as they have political agreement under the Finnish presidency. Negotiations on the marine agenda will begin in July. The strategies on soil and pesticides are awaited.

On the legislative agenda, we expect to contribute to work on measures on the registration, evaluation and authorisation of chemicals—finally; the groundwater directive; the communication on biodiversity; and flood risk management. Another important issue for my department will be the launching of a public consultation on the transportation of the EU environmental liability directive.

The convener invited me to comment on avian influenza. The risk of further global spread of avian influenza remains high, so we must maintain good surveillance; keep high levels of biosecurity to minimise the risk of disease getting into domestic poultry; and ensure that we are prepared to respond quickly and robustly, should that occur. The finding of a single dead swan at Cellardyke showed that our systems are in good shape. Samples from the swan were submitted to our routine surveillance programme. In the UK, about 18,000 samples have been tested for avian influenza since November last year. At the time, we had no reason to believe that the bird had the highly pathogenic avian influenza, but when the results were reported, we took steps to minimise the risk of disease spread. Very fortunately, no further disease was found. We now believe that the swan originated outside the UK.

The disease control response worked well in terms of close working and effective relationships between the Executive, the state veterinary service, operational partners such as the police

and local authorities and other stakeholders. However, there are lessons to be learned and we will reflect those in our contingency planning.

In support of our plans, a range of work is going on to maximise our options in a disease outbreak. As I have informed the committee, there are limitations to the possible role of vaccination, but we are working to consider ways in which its use could be improved. There are also circumstances in which it could be used, such as at times of high disease risk to protect the biodiversity of zoo birds and we are engaging with zoos to allow that to happen. This is a technical area and I have offered a technical briefing to the committee on these complex matters.

Avian influenza remains an important area of work for my department. We remain committed to working with the industry and other bird keepers to promote and maintain good levels of biosecurity. At the end of the day, they are the only ones who can realistically achieve that.

We are providing a strong input by undertaking significant surveillance programmes to detect any incursion of disease and, should that occur, ensuring that our contingency planning arrangements allow us to respond quickly and robustly.

The Convener: Thank you minister. That is a useful run around the main issues that we highlighted.

Richard Lochhead (Moray) (SNP): That was a helpful update, minister.

In the paper that you gave to the committee, you say:

"Funding for Rural Development is of crucial importance to Scotland and discussions are ongoing ... on the overall level of funding".

In that regard, I refer you to today's news reports on the wider issues of the debate. One newspaper says:

"Economic Secretary Ed Balls said the UK would use the forthcoming review of EU finances to press for the second 'radical' overhaul of the Common Agricultural Policy (CAP) in two years."

It goes on to say:

"Mr Balls ... said that it was now essential that the review returned to the issue of farm subsidies. It was important, he said, to define the scope so that it was 'genuinely broad and conducted from first principles with no issues off limits ... This must include radical reform of the Cap.'"

That will set alarm bells ringing for many farmers in Scotland, given their concern over the recent debacle between the UK and France on this issue and the fact that, as the article says, it is only a couple of years since the last round of CAP reform.

No one is saying that the CAP should be set in stone for evermore. However, can you give the committee some guidance on the input that you have had to the UK's policy? Do you support the line taken by the UK economic secretary? Do you feel that the policy poses any threat to Scotland's farmers?

Ross Finnie: The comments to which you refer are part of an attempt to open up the debate on reform. I do not think that there is an agreed position on the suggestion that has been made. The UK Treasury has sustained its position for some time.

The comments have to be set against the correct background. In terms of the agreements that are in place, the actual pillar 1 funding will be in place until 2012-13. A debate can be had about what people want to do, but there is no imminent change. As was found last December, there are European agreements with regard to what can be done with pillar 1 support.

As I have said to the committee before, although that pillar 1 support is guaranteed in terms of the Berlin ceiling, it must be recognised that—regardless of whether the UK or anyone else would like to see that moved—there is clearly going to be a pressure on the EU budget beyond 2013. Therefore, I remain of the view that, irrespective of extraneous debate, the focus of our attention has to be to improve the financial performance of Scottish agriculture over the next five or six years to the point at which it is or is capable of being less subsidy dependent.

That still leaves us with the wider debate about the environmental benefits, and therefore the public good, that agriculture produces, and the extent to which that ought properly to be funded, either internally at member state level, or Europe wide. On the desire by Treasury officials to elevate the need for a forthcoming debate, I believe that the debate is important, but there is not an immediate threat. Throughout Europe, there are issues about the implementation of the recently introduced CAP reforms and how to cope with the revisions to the rural development programme. I have made it clear that considering those is my priority.

Richard Lochhead: My only concern is that the tone for the debate has been set by UK ministers, presumably in dialogue with their EU counterparts. Are they engaging the Scottish Government in this debate as well? Have you been consulted?

Ross Finnie: Oh, yes; we make contributions. It would be wrong to infer that there is great enthusiasm in Europe for a radical change at this moment; that is not my reading of the situation, having attended the meetings. I understand perfectly that it is an entirely consistent position for

the UK Government to seek reform, but the timescales would be wrong, given the existing arrangements and the clear move throughout Europe to implement the reforms that were agreed only in 2003. The UK press might express the view that the tone for the debate has been set, but you would not necessarily get that view from the press throughout Europe.

Richard Lochhead: I turn to a fishing matter—or rather, two fishing matters.

The Convener: This is your last go, Richard.

Richard Lochhead: You say in your briefing:

“On the Review of the Cod Recovery Plan, we have received no formal indication from the Commission on how they intend to take this forward.”

As you know, people in our fishing communities are keen for the review to take place as soon as possible, given the impact that previous cod recovery plans have had on the industry.

I note that cod is fourth on the list of things that are on the way out as a result of climate change in Scotland and that you say that cod and chips could be a thing of the past, because of climate change. That contradicts slightly the cod recovery plan, where the blame tends to be pinned on Scotland's fishermen, which has caused a lot of controversy and damage. Your document states clearly that you think that climate change is behind the location of cod stocks. Will you make it your priority to ensure that future cod recovery plans are not simply about imposing draconian measures on Scotland's fishing communities and accept that climate change is the major factor?

Finally, given that this is my final go, I want to ask you about the ban on the sand eel fishery, which the Commission announced this week is coming to an end. We know that sand eels provide important food stocks for Scotland's white fish. Does the Scottish Government support the lifting of the ban?

Ross Finnie: I have never said—nor has the cod recovery plan said—that Scotland's fishermen are entirely responsible for the diminution of cod stocks. In fact, the International Council for the Exploration of the Sea has consistently said that a number of factors are involved. However, it has also pointed out that one of the factors that are under the control of mankind is the level of effort deployed in relation to cod and other stocks. I am disappointed that there has not been the same progress in revising the cod recovery plan that there has been in revising the haddock management plan.

As I have said to the committee in the past, a much clearer explanation is needed of why it is thought that even the most efficient plan should automatically lead to a 30 per cent improvement in

the biomass of cod stock. That element of the cod recovery plan presents serious difficulties, because the plan is deemed to be a failure if—among other things—that test is not met. I have made it clear that I want the approach to be revised. The issue will generate fairly frank debate.

On climate change, I think that I have told the committee that ICES and others have consistently sought advice from scientists on whether there is evidence of increased cod stocks in northern waters that might be accounted for by northerly movement of stocks as a result of temperature change, but there is no such evidence. That is not to say that climate change is not a significant element, but the extent of movement of stocks in northern waters has not been confirmed.

Some bans on sand eel fishing have been lifted, although we have not supported such a policy. Frank Strang might comment on that.

12:30

Frank Strang (Scottish Executive Environment and Rural Affairs Department): At the December fisheries council it was agreed that no quota would be set and there would be a mid-year review, the scope of which would be tightly constrained. Scientists said that a TAC that was smaller than the previous TAC could be justified, so such a TAC has been set.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Will sand eel fishing be resumed on the Wee Bankie, which is out past the end of the Firth of Forth?

Ross Finnie: That fishery remains closed.

Mr Brocklebank: That is an important point.

Talks on the European fisheries fund collapsed some time ago over issues to do with funding to build up other countries' fleets. In your briefing, you refer to

"a final compromise which may be passed at the June Council on 19 June."

Can you give us an update on the situation?

Ross Finnie: Yes, I can. I cannot say whether a compromise will be approved on 19 June, but the expectation—

Mr Brocklebank: That was two days ago.

Ross Finnie: Sorry, of course it was.

We are pleased with the revised agreement, because a month ago we dug our heels in and said no to the proposed changes and the wording that was to be used, which would have allowed other member states to interpret the regulations very loosely—I was glad that the entire United

Kingdom delegation shared my view on that. It is now clear that the fisheries fund can be used for engine renewal, which could be beneficial in securing more fuel-efficient engines, but it is also clear that, depending on the size of the vessel, there are restrictions on the engine capacity that can be installed, to ensure that the installation of more modern and fuel-efficient units does not create capacity that allows people to increase effort on the fishery, which could lead to an open book.

References to other forms of fleet renewal and modernisation that are not specifically to do with safety at sea have been tightly constrained. At the previous meeting we had taken grave exception to the fact that such areas were drifting, which is why we dug our heels in. I am pleased to say that the revised agreement addresses the concerns that I and the UK delegation expressed, which were largely shared by most countries that operate in the North sea—the Danes, the Dutch and the Swedes took the same view as we did.

Mr Brocklebank: So, as a result of the meeting on 19 June, you achieved what you set out to achieve.

Ross Finnie: Yes.

Mr Brocklebank: In your briefing document, you state that you hope to improve the monkfish TAC later this year. Can you give us any further information on that?

Ross Finnie: The Scottish industry was hugely co-operative in producing additional evidence, which we submitted to the Commission for it to pass on to the scientific review. The recommendation was an in-year increase of 10 per cent and we are still hopeful that that will be approved in the autumn.

Elaine Smith (Coatbridge and Chryston) (Lab): My first question is on the update that you gave us on avian flu. The briefing states:

"The Avian Influenza Directive ... sets out the required response to suspicion and confirmation of Low Pathogenic Avian Influenza."

When a dead swan was found in Scotland, the media said that there had been a delay between the swan being reported and its removal and testing, which caused concern. Is that correct? If so, will the directive ensure that such a thing would not happen again?

Ross Finnie: We do not believe that there was undue delay in reporting and recording. The chief vet and others recognised that, although it was important to encourage members of the public to report any signs of groups of dead birds so that we could examine them, it was also important in the context of a potential outbreak to identify a prioritised list of species. We could never uplift

within 24 hours every dead bird that was reported to us. Things might be revised in relation to any future outbreak, but on the occasion that you mention, the priority of the chief vet, who was working with the risk assessment of the other scientists, was to categorise the various species. Charles Milne might want to elaborate on how we categorised them to deal with the situation that arose, so that there is no public anxiety about that.

Charles Milne (Scottish Executive Environment and Rural Affairs Department): There are a number of issues. The first point is that the action that was taken was routine scanning surveillance to pick up any background infection—it was not a response to suspicion of disease. The measures that were put in place were proportionate to that. We have a limited laboratory capacity and it is sensible to aim resources primarily at the suspicion of disease. That was the top priority for laboratory work. Because the laboratory also has a European responsibility, it also examines primary outbreaks in other countries. The surveillance of wild birds was a lower priority than was the suspicion of disease. Under the circumstances, it was thought proportionate that work on the surveillance of wild birds not be undertaken at weekends—that was criticised as being a delay. It is extremely costly to keep laboratories fully scaled up at weekends, and the same applies to SVS collection. Collection of wild birds between February and April cost the SVS more than £1 million in resources: it is expensive.

We have examined the laboratory procedures and we agree that the priority list is as it should be. As the minister said, we have also examined the different species that we collect and we prioritise those. Throughout Europe, about 66 to 68 per cent of infected birds were wild swans, so we prioritised swans as a species. Migratory birds come second in the list because it is clear that they pose a bigger risk than the domestic species, which do not migrate and are at the bottom of the list because there is less risk that they would have the disease.

We have also been considering how to speed up the process. At the moment, samples are collected by field staff and taken to a laboratory, where they are packaged and sent to the Veterinary Laboratories Agency. We are exploring whether the staff who collect wild birds in the field could take samples and dispatch them directly to Weybridge. That would save 24 hours.

Elaine Smith: Could no one else collect the birds until the staff became available? Could the police do it?

Charles Milne: We are investigating that. We have had meetings with Scottish Natural Heritage, which has said that it would be willing to help; it

has offered some 40 staff and could provide 200 staff in times of emergency. We are exploring how we could engage a wider range of collectors.

Elaine Smith: That will be helpful in inspiring public confidence in the process.

The minister mentioned the batteries directive. In your briefing, you state:

“The issues with batteries appear less complex than for the Waste Electrical and Electronic Equipment (WEEE) Directive, as there is a smaller range of products and manufacturers, and the obligations to ensure treatment are expressed as a percentage of sales.”

What implications does that have for the targets?

You also say:

“The Scottish Executive is contributing support to the Waste and Resources Action Programme of trials for drop off bins and kerbside collection for batteries”.

I recently noticed that there is such a bin in the Parliament. Where are those trials taking place?

Ross Finnie: I do not think that I can answer that question off the top of my head, so I will have to come back to you.

As you picked up from my briefing, because there is a much narrower range of batteries, which are almost exclusively imported—with the result that we are dealing with importers and distributors—we appear to be much closer to reaching agreement on how uplift and disposal of batteries will be effected than we are to resolving the problem of handling waste electrical equipment. The position on batteries contrasts starkly with the continuing difficulties that we are having with the WEEE directive, which has been a bitter disappointment to all of us. The situation is hopelessly confusing because a large number of manufacturers and importers are involved. I get worried that people might try to pass on to the Executive the responsibility that is clearly delineated in the directive, rather than take it on themselves.

If I may, I will write to the committee and to Elaine Smith to give details of where the trials that she asked about are taking place.

Maureen Macmillan (Highlands and Islands (Lab): My first question is about the European fisheries fund. You will recall that I have corresponded with you over a long period about the fact that under the financial instrument for fisheries guidance, an aquaculture business that operates well boats can access FIGF funding, whereas someone who wants to run an independent well boat business cannot. Has there been any change in how the operation of well boats is supported under the new EFF?

Ross Finnie: I regret to say that following the negotiations that took place on the directive that

governs the European fisheries fund, the rules that were produced—although they are not identical to the previous rules—still require that to be eligible for funding, a well boat must be owned by an aquaculture business. I am afraid that I do not have good news for you on that. Under the regulations, an independent well boat contractor would not qualify. Minor changes have been made to the rules, but they do not affect that principle.

Maureen Macmillan: That is a disappointment, but it is not unexpected.

The Executive welcomed the draft regulation on the use of non-native species in aquaculture, but felt that it was too detailed

“and should be recast as a Directive.”

What impact will it have on us? Will it be a problem in Scotland?

12:45

Ross Finnie: There are some strange circumstances that could present a problem. Although the presence of some species in Scotland can be traced back through time immemorial, there might be 200 or 300 years during which they were not here. We are concerned about some of the species that could be picked up by the draft regulation—which is extremely detailed—if it is interpreted strictly.

We are also concerned that people may attempt to apply the rules retrospectively. Although it is perfectly proper to have controls over non-native species, as my letter indicates, we are concerned about some of the details. I think that we have better agreement at official level that some of the proposals are unnecessary, and we will continue to resist their inclusion in a detailed regulation and our implementation of it. One or two species would fall foul of the proposals; for example, we talked yesterday about Arctic char. There are others, but that was one species that was named as falling foul of the proposals, although there is no retrospective or continuing reason for it to be brought into the regulations' scope.

Rob Gibson (Highlands and Islands) (SNP): I note the Executive's pleasure at the development of regional advisory committees and I am glad to see that stakeholders such as the environmental non-governmental organisations are involved in them. Are members of communities involved in our version of RACs? What is the practice in other countries?

Ross Finnie: The membership of the RACs is set out in the regulations that set them up. We argued forcibly when they were drafted that, although it was imperative that the main fishing interests be well represented, environmental and other interests had also to be brought into the

statutory framework. There is no formal structure for including other community, environmental or fisheries groups that are not mentioned in the statute, although we discuss with such groups the helpful progress that the RACs are making.

On community interests, the North sea RAC has, as you know, a high degree of engagement with the group of councils in the north-east because of Aberdeenshire Council's initial sponsorship of it and the fact that the council's original fisheries officer has transferred to the RAC. That has led to access to the discussions throughout the north-east, but there is no formal procedure for that.

Rob Gibson: Could something similar happen in the north-western waters RAC?

Ross Finnie: The statutory framework is all the same—it all derives from the same regulations—so something separate would be required. However, I take the point. I am aware that the bodies that Rob Gibson mentioned engage loosely with the RACs, but that he might be seeking something more formal.

Rob Gibson: I might come back to that—I would be interested to hear more.

On avian flu, I note that you could give us a more detailed briefing. Are you considering the possible creation of a cordon sanitaire through vaccination in order to slow down any spread of the disease in a confirmed outbreak, or a spread from a particular place, rather than in an isolated incident such as that of the swan at Cellardyke?

Ross Finnie: It is always difficult to speculate on what our tactics might be without having the specifics of a particular incident. It is fair to say that, in general terms and regrettably, we remain concerned about the current state of vaccines for trying to control and eliminate spread of avian flu. Whether we would deploy vaccines would depend on the rate and extent of the geographic spread, but we still have fundamental problems with the present state of knowledge. That is not to say that we do not wish to encourage or see further developments in vaccines. Perhaps Charles Milne could comment on that.

Charles Milne: We are considering the use of vaccination in two different scenarios. As the first scenario involves zoo birds and relates to biodiversity, we will not discuss that any further. However, we are also considering whether we should vaccinate domestic poultry in a disease outbreak. There are certain advantages to vaccination; for example, if birds are properly vaccinated, they are less likely to become infected and, if they become infected, they will produce less virus. As a result, the potential for spread could be less.

However, that gives rise to a number of operational difficulties. Birds must receive two doses of the vaccine if it is to be fully effective and immunity takes about 20 days to develop. After that, birds must receive booster vaccines every six months. Unfortunately, because the available vaccines are injectable, each bird must be vaccinated individually. The cost of that is prohibitive; the vaccine costs only 3p a bird, but, when handling and other matters are taken into account, the figure rises to 75p a bird. As a result, it would cost £10 million to vaccinate the 15 million poultry in the Scottish industry.

Moreover, as I have pointed out, vaccination does not provide full protection against infection. The major concern for disease-free countries is that infection might be introduced without its being picked up. Policies all over the world tend, in order to ensure that disease is rapidly identified and removed, to presume that the population is immunologically naive.

Of course, with vaccination, disease could cycle undetected in the poultry population. Earlier, I stressed that lower virus production could result in less spread, because in some cases it might have the opposite effect. Although flocks might be infected, they might not show any clinical symptoms and, because most of the poultry industry is highly structured with a lot of travelling from site to site, disease could be more widely disseminated.

A big problem with the current vaccines is that it is very difficult to tell the difference between vaccinated and infected birds. Because we do not have robust differentiating between infected and vaccinated animal—or DIVA—strategies for avian influenza, it can be hard not only to identify disease but to prove disease freedom so that the industry can resume trading. Trade is a major issue—exports from Great Britain amount to £350 million a year. In Scotland, companies such as Aviagen Ltd are heavily dependent on the export trade. All such factors must be taken into account in considering whether to introduce a vaccination policy.

With the current tools, it is difficult to see a scenario in which we would choose to vaccinate, although that is not to say that no such scenario exists; for example, if there was an endemic disease in wild birds, we might want to protect free-range flocks. However, I cannot imagine a scenario in which we would seek to protect broiler chickens. Given that they live only 42 days and given that it takes 20 days for immunity to develop, there would be little benefit in vaccinating them.

Rob Gibson: Thank you for that update.

Eleanor Scott (Highlands and Islands (Green)): Can I ask a question on marine fisheries and a question on local food, if I am quick?

The Convener: You can work your way through them if you want. Perhaps you should kick off with the fisheries question.

Eleanor Scott: I understand that the monkfish total allowable catch is about to be increased. How will the Executive prevent the overexploitation of juvenile monkfish?

Ross Finnie: I should make it clear that we would not be increasing the monkfish TAC if the scientific evidence had not demonstrated that the stocks are generally adequate. That TAC is still very low. I am speaking off the top of my head, but I think that it was reduced—not last year but in each of the three previous years—by almost 30 per cent. The scientific assessment and, indeed, our ability to increase the TAC have been based on the state of the biomass and concern about the exploitation of stocks.

I believe that, under the regulations that govern the fishing areas in question, the mesh size is 120mm. Of course, monkfish are always difficult to deal with because of the size of their heads. However, I think that those concerns were part of the scientists' assessment of whether increasing the TAC was appropriate.

Frank Strang: The basic point is that we do not know enough about the stock. Points about juvenile monkfish have been articulated, but the study group came up with the 10 per cent advice after having said explicitly that it would need to keep examining the matter. It wanted to be cautious and thought that that was a cautious figure.

Eleanor Scott: My next question is on the cod recovery plan. You have talked about moving away from rigid biomass targets and focusing on recovery factors that we can most influence, such as the fishing effort, the cod bycatch and effective controls. I accept what has been said, but do you agree that those factors represent means of progress rather than the goal and that biomass targets should therefore be retained?

Ross Finnie: I do not mind retaining biomass targets, but there is a difficulty for me as the minister and for the industry. If there is clear evidence in what has been widely acknowledged to be a mixed fishery that Scottish fishermen in the Scottish sector have effected the 65 per cent reduction in effort that was required three or four years ago, but there is an implication that that is not the case for the cod fishery and, despite such a dramatic reduction, that the plan has therefore failed and that there must be a further reduction in effort because of how the plan has been written, it seems to me that a series of conclusions that are

not necessarily logical will have been made. I am not suggesting that a revised cod recovery plan would not have biomass objectives, but I would be interested in hearing the scientists explain how a consistent reduction in effort should necessarily be regarded as a total failure that requires, as article 8 of the cod recovery plan does, a further substantial reduction in effort. Greater transparency and logical connections between cause and effect are needed. I am not suggesting in any way that we should end up without an effective cod recovery plan; I am simply saying that a single element of it, as expressed in article 8, seems to be draconian.

Eleanor Scott: I will reflect on that.

I want to ask about the draft framework marine directive, which seems to have been held up. The directive's main aim is to require "good environmental status" for seas, but that term has not been defined, and the UK and other member states are calling for the Commission to define what is meant by it before the directive comes into force. What assurance can we be given that that call will expedite a definition of the term rather than simply delay the implementation of the directive?

Ross Finnie: "Good environmental status" is a nice phrase, but framing directives and, more important, regulations that sit underneath them that will be effective is difficult unless we are clear about what the objectives are. There is concern about the lack of the definition of the term, but there is another concern about effective environmental control for all the member states that have a real interest in the North sea, the southern North sea, the Irish Atlantic and so on. If member states are to have jurisdictions, the Commission has not quite delineated the extent to which it will direct how things are done or individual member states will be required to produce plans for the waters that are under their jurisdiction. There are several areas in the marine strategy in which the progress that we would want to be made is not being made. It would be helpful if definitions were agreed and the Commission either said that it was going to direct things—although that would be undesirable—or said, "This is the overarching objective. To meet it, member states must produce a marine strategy for their territorial waters," but I am afraid that there is a great deal of loose language in the current drafts.

I do not discern from the discussions a desire simply to ditch the issue—that is not the motivation. However, there seems to be a great inability at Commission and presidency level, which feeds down to member states, to get a grip of what might be easily achievable objectives.

13:00

Eleanor Scott: Can I ask—

The Convener: We need to move on to Nora Radcliffe, because otherwise not all members will get to ask a question.

Nora Radcliffe (Gordon) (LD): Can we have a bit more detail about the situation with the WEEE directive?

Ross Finnie: Members asked me about that directive when I updated the committee previously on European issues. There is a growing view that Government—at both UK and Scottish levels—should intervene to implement the directive. However, as I have said before, I have grave concerns about that. The directive was aimed at putting the liability on those who either manufacture or, as in our case, import certain electrical goods, so that the costs that are attached to the recovery scheme fell on them. I am reluctant for us to be hoodwinked by the reluctance of the operators into saying, "Oh well, we didn't really mean it. We'll take over the responsibilities and the costs."

The definitional issue has narrowed. One issue that will be of interest to the committee is that if we are to have a collaborative approach throughout the United Kingdom, or specifically in Scotland, great pressure will be placed on local authorities. In recent years, the local authorities have greatly expanded their capacity to recycle goods but, as members know, most of them do not have any excess capacity. They have struggled to deal with the existing levels of goods and some of them are introducing new capacity. It would be great if we achieved the required co-operation among importers and producers so that, for example, they decided not to have collection points all over the place and to work with the local authorities to improve the situation. However, we should make it clear that the importers and producers should provide finance to local authorities to assist in the discharge of that function. There is still no real agreement on that, which I regret bitterly. I believe that discussions are taking place on how we can enforce the legislation without taking on the financial liability, which should rest with the producers and importers.

Nora Radcliffe: The whole point of the directive was to create pressure for changes in product design.

Ross Finnie: Absolutely.

Nora Radcliffe: What is happening elsewhere in Europe? Are other countries struggling with implementation?

Ross Finnie: Some countries have claimed to be implementing the directive, but my understanding is that the picture across Europe is

mixed, for similar reasons. The countries that are ahead in their infrastructure for dealing with recycling and waste disposal are demonstrably in a better position to implement the directive than those that are at the lower end of the scale. Although in Scotland we have made large strides, we suffer because we started from pretty much a zero base. The fact that we have no excess capacity is a constraint.

The Convener: I have a question on the new directive on energy efficiency. Would a target for savings of less than 20 per cent be credible? You talked about the energy performance of buildings directive. If, as we did with renewable energy, we set a target that seems ambitious but which is for three to five years ahead, rather than a year, that would provide a clear policy mechanism, which would be preferable to playing catch-up, as we appear to be doing on the energy performance of buildings. In all the Commission presentations that I have attended, a figure of 20 per cent has been mentioned and it has been said that 40 per cent will be difficult, for which we can read that it will be extremely challenging politically. Should we not accept the reality, cut to the chase and then set out a route map for how to achieve the target?

Ross Finnie: My instinctive response on seeing the figure set by the European directive was one of surprise, as the figure certainly seemed to me to lack ambition. I do not wish to anticipate the energy efficiency review that the Executive is carrying out, but it is fair to say that I was surprised. The figure does not seem to me to encapsulate the ambition that is required if we are seriously to tackle climate change. I do not want to bandy about figures in anticipation of our energy review—that would be wrong—but it is safe to say that, as environment minister, I share the scepticism that I detect from you about the figure in the European directive. It is not an ambitious target.

The Convener: Scepticism is putting it mildly.

Ross Finnie: I was being kind. I would not wish to cast aspersions on a committee convener.

The Convener: I was just reflecting the committee's previous discussions on climate change, which identified energy efficiency as the obvious place to start.

Ross Finnie: Absolutely. I accept the thrust of that argument, but I do not wish to bandy about figures in anticipation of the energy efficiency review, which we are close to completing. If to call your position scepticism is an understatement, then I, too, am underwhelmed by the target that is proposed in the European directive.

The Convener: Thank you very much for giving us that presentation. It was helpful to have your written response in advance so that we could put it

on the web to allow external organisations to see the discussions that we had had. I thank you and your officials for that.

We will have a very short suspension while the minister's officials for sustainable development swap places with those who are at the top table. As it is already 13:06, I will make a suggestion that will let us cut to the chase and complete the next discussion by 13:10.

13:06

Meeting suspended.

13:07

On resuming—

Sustainable Development

The Convener: We move to item 3. My suggestion is that we cannot address the issue of sustainable development properly today as we are running about 45 minutes late. I know from the body language of colleagues that everyone has other events to attend, but I do not want to curtail our consideration of the policy that underpins sustainable development.

Minister, I do not know how short your opening statement might be—you have already given us some welcome pointers on what the Executive is beginning to do on training and high-level policy discussions—but we have an excellent paper from the Scottish Parliament information centre on some of the key policy areas that we want to follow up. Would it be possible simply to highlight those issues to you just now and give you the chance to respond to us in writing on all of those?

We certainly want to follow up the issue of sustainable development in our legacy paper for the next parliamentary session, but I am conscious that we cannot do the issue justice today. I am happy to let you make some opening remarks but, rather than have a proper committee discussion on the topics today, I am tempted simply to send you a set of questions. We can always come back to the issue and elaborate on it, but I suggest that we handle things that way today. Would that be acceptable?

Ross Finnie: I certainly share your view that going beyond 1.10 is unsustainable.

The Convener: In that case, you have 45 seconds. I have never heard you make a speech in 45 seconds before.

Ross Finnie: I know, but I am prepared to change the habits of a lifetime.

There are two serious issues. If we are to ensure that the sustainable development programme is embedded, we need to ensure that we target certain key issues. I suspect that that is also the thinking in the committee's paper.

Although there has been a welcome focus on sustainability in the breadth of the committee's work and increasingly in responses from across the Executive and from other public bodies, I am under no illusion about the challenges of trying to embed principles of sustainable development right across the public sector and, more widely, throughout the private sector. The Executive, the committee, the whole Parliament and all the institutions must be actively engaged in that

process. I welcome the committee's intention to list the areas in which we are implementing that principle, but I also want to engage with the committee to extend and broaden the range of people who are driving in the same direction across civic Scotland.

The Convener: I suggest that we timetable a discussion with you after the summer recess. We are particularly interested in the implementation plan for the sustainable development strategy and we are keen on examining the work that you are doing on staff training on sustainable development. We are particularly keen to consider the whole issue of how sustainable development is addressed in policy memoranda for bills; we think that that is not being done consistently across the Executive and that the issue requires some attention.

We are interested in the work of the Cabinet sub-committee, which we might want to put on the agenda for a follow-up meeting with you. We are interested in how you select issues for discussion, in the whole process of reporting back to you, and in how the Cabinet sub-committee works to support different members of the Cabinet in embedding sustainable development in all their policies and programmes, with a particular view to the next spending review and to how that is being anticipated and developed.

We are also keen to consider how we might improve our parliamentary engagement with your sustainable development work. In our follow-up discussion, we would be interested in considering what international examples you think could be followed in Scotland and what positive lessons might be learned for the future, so that the Parliament can engage more effectively with the Executive. We want to put a series of broad policy questions to you, and if you are prepared to write back to us on all those issues, that will allow us to have an effective discussion when we return after the recess. If we timetable an early discussion, it will give us time over the summer to think about some of those issues.

Ross Finnie: That sounds like a constructive way of proceeding. I have no disagreement at all with your suggestions. The interplay between the Cabinet sub-committee, your committee and wider Government interests will allow us to get there eventually.

The Convener: I will invite my colleagues to add any further questions that they may have for the minister to those that we have already listed. Questions should be e-mailed to me in the next couple of days, and we will ensure that they are sent to the minister so that we can get a response at some time during the summer. Then we can return to the issue and have a wider public

discussion at a committee meeting after the recess.

Ross Finnie: I am happy to engage with you on that basis.

The Convener: Thank you for attending the committee today. I hope that you will be happy to stay with us for a few seconds while we deal with item 4.

Subordinate Legislation

Sea Fishing (Marking and Identification of Passive Fishing Gear and Beam Trawls) (Scotland) Order 2006 (SSI 2006/284)

Pesticides (Maximum Residue levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No 2) Regulations 2006 (SSI 2006/312)

13:13

The Convener: We have two negative instruments to consider under item 4. The Subordinate Legislation Committee has considered the instruments and has no comments to make. Do members have any comments to make?

Members *indicated disagreement.*

The Convener: In that case, are members content with the instruments and happy to make no recommendation to the Parliament?

Members *indicated agreement.*

The Convener: I will e-mail colleagues later today to confirm whether we need a brief extra meeting next week, just to finalise our report on crofting.

Meeting closed at 13:14.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Friday 30 June 2006

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop
53 South Bridge
Edinburgh EH1 1YS
0131 622 8222

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

RNID TYPETALK calls welcome on
18001 0131 348 5412
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers

Printed in Scotland by Astron