

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Tuesday 1 February 2005

Session 2

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EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

2nd Meeting 2005, Session 2

CONVENER

*Mr John Swinney (North Tayside) (SNP)

DEPUTY CONVENER

*Irene Oldfather (Cunninghame South) (Lab)

COMMITTEE MEMBERS

*Dennis Canavan (Falkirk West) (Ind)

Mrs Margaret Ewing (Moray) (SNP)

*Phil Gallie (South of Scotland) (Con)

*Mr John Home Robertson (East Lothian) (Lab)

Gordon Jackson (Glasgow Govan) (Lab)

*Mr Alasdair Morrison (Western Isles) (Lab)

*Iain Smith (North East Fife) (LD)

COMMITTEE SUBSTITUTES

Ms Wendy Alexander (Paisley North) (Lab)

Murdo Fraser (Mid Scotland and Fife) (Con)

Richard Lochhead (North East Scotland) (SNP)

Nora Radcliffe (Gordon) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Ailsa Heine (Scottish Parliament Directorate of Legal Services)

CLERK TO THE COMMITTEE

Alasdair Rankin

ASSISTANT CLERKS

Nick Hawthorne

David Simpson

LOCATION

Committee Room 6

Scottish Parliament

European and External Relations Committee

Tuesday 1 February 2005

[THE CONVENER *opened the meeting at 14:00*]

Item in Private

The Convener (Mr John Swinney): Good afternoon, ladies and gentlemen. Welcome to the second meeting of the European and External Relations Committee in 2005. We have apologies from Gordon Jackson, who is absent because of a family illness. I have received no other apologies.

I intend to pass on the first agenda item until Iain Smith arrives. He is a new member, joining the committee to represent the Liberal Democrats. I will invite him to declare any relevant interests when he is available to do so.

The second item is a proposal that we consider in private item 8, which is consideration of the conclusions of our report on the promoting Scotland worldwide inquiry. Is that agreed?

Members *indicated agreement.*

G8 and Council of the European Union Presidencies Inquiry

14:01

The Convener: Item 3 concerns paper EU/S2/05/02/1 from the clerks, which follows up the conclusions of the committee's away day on 14 January. It outlines a draft remit and timetable for an inquiry to examine the involvement of the Scottish Executive in preparations for the G8 summit at Gleneagles in July and its contribution to the United Kingdom's presidency of the Council of the European Union from July until December 2005.

Given the major events that are taking place in Scotland this year, members will recall that we considered that the inquiry would be an appropriate vehicle to gather our views on a range of subjects and to determine whether the Executive is maximising the opportunity beyond a focus on business tourism, which has been the focus of some of the discussions so far. The clerks have prepared the note to trigger the inquiry.

I will open up the discussion to comments from members, but before I do so, and to enable full participation, I invite Iain Smith, as the Liberal Democrats' representative on the committee, to declare any relevant interests.

Iain Smith (North East Fife) (LD): Thank you, convener. I give my apologies for being slightly late for my first meeting of the committee. I hope that it will not be a habit. I have no relevant interests to declare.

The Convener: Thank you, and welcome to the committee.

Are there any comments on the terms of reference for our next inquiry?

Phil Gallie (South of Scotland) (Con): I have a couple of brief comments on the paper. The section on climate change refers to consensus. It would be nice to achieve that but, given the difficulties that we have in achieving it even in our own country, I wonder whether our statement should be quite so positive. I recognise that it is an ideal, but to a degree committees such as ours should deal in practicalities.

My comment on the UK presidency of the EU is one that you would expect of me. The list of policy priorities demonstrates how far the EU delves into the internal affairs of Scotland. That is simply an observation, not a plea for a change to the paper.

The Convener: I am not altogether surprised by your final remark.

I am told that the use of the word “consensus” under the heading “Climate Change” reflects the Government’s own statements on the issue. The language used illustrates the Government’s objectives, but I take your point.

Phil Gallie: That does not surprise me, given my comment about practicalities.

The Convener: I see that we are in for one of those afternoons.

Irene Oldfather (Cunninghame South) (Lab): The inquiry will be interesting, but I am a little bit worried. We will have to keep it focused. We have listed climate change and other issues and we could do inquiries on issues such as chemical weapons and fighting terrorism. I am worried about the range of issues that we are trying to cover in what will be a short timescale. As a result, I make the plea that we should try to narrow things down a bit and keep the inquiry very focused.

I know that we have discussed Scottish ministers’ commitment to promote Scottish policy interests within the UK presidency of the EU, and I hope that we will focus on Scottish input to the presidency and how we take forward the Scottish agenda. Although I do not want the G8 element of the inquiry to concentrate only on business tourism—after all, we had some important discussions on the matter during our away day—I was a tiny bit alarmed when I saw the extent of the remit. We will have to be focused if we want to complete the inquiry within two months at the most.

We might not have time to do this, but I also wondered about appointing an adviser to give us focus and to help us to analyse some of the written information that we are likely to receive over a short period. Given that and the fact that we will need to have weekly meetings, I think that we might be placing quite a burden on the clerk, and perhaps an adviser would help in that respect. The committee has not appointed one in quite some time, but we have done so in the past when that has been appropriate. I highlight the idea for discussion.

Mr John Home Robertson (East Lothian) (Lab): After reading the preliminary paper, I am nervous about getting ourselves involved in another marathon inquiry with a remit that would be physically impossible for us to cover in the time that we have. How are we going to deal with the middle east problem, climate change, Africa and so on, precious little of which has anything to do with the Scottish Parliament’s responsibilities?

The paper lists 14 issues that I think the Parliament has responsibility for, and we will need

to whittle that list down to a couple of issues. For example, the one big issue that would come within our remit is climate change, because certain things that we need to do to address that matter fall within the devolved powers of the Scottish Administration. There is not an awful lot that we can do about Africa or the middle east, however much we might like to.

Dennis Canavan (Falkirk West) (Ind): I support Irene Oldfather’s point that we need to be focused. For example, the UK Government has announced two major themes for its presidency of the G8: Africa and climate change. The other issues that are set out at the bottom of the first page of the briefing paper look very interesting but, frankly, I agree with John Home Robertson. Given the timetable that we have set ourselves, I do not think that we will have the time to cover any of those issues with the priority that they deserve.

As for the UK presidency of the EU, the briefing paper lists many different issues, but we will never be able to do justice to each and every one of them. We should simply pick out one or two matters on which we might be able to influence the Scottish Executive’s input to the presidency. As it stands, the paper is a bit too wide and ambitious. Indeed, we might be giving ourselves a huge amount of work even if we were to narrow down our inquiry into the G8 agenda to Africa and climate change.

The Convener: I take on board the comments that members have made, which all relate to the focus of the inquiry. I ask members to concentrate on the paragraph on the committee’s interest. I appreciate the extensive context of the inquiry that is set out in the paper, but the focus of the inquiry is the extent to which the Scottish Executive is contributing to or having an influence on the UK’s presidencies of the G8 and the EU. That addresses the points that Dennis Canavan, Irene Oldfather and John Home Robertson raised.

With those comments on the record, we can define the inquiry’s remit tightly on that basis and set the rest of the paper in context. We have to address who we want to invite to give oral evidence. Obviously we will extend a general invitation to others to express a view on the issues that we are considering.

I am happy to consider getting an adviser on board and if it is the committee’s wish that we take steps in that direction, I will ask the clerks to initiate the necessary proceedings. I venture a guess that there will be bureaucracy involved in our getting there, but we can certainly consider the possibility.

Phil Gallie: I offer a more serious comment. I go along with much of what others have said. Given our short, sharp approach and the timescale, we

should really be addressing the climate change and G8 issues. To a degree, other committees deal with the issues in relation to the EU presidency to which the paper refers. Advisers can be useful at certain times, but I query the appointment of one in this case. I would have thought that it would be difficult to get an expert adviser on both climate change and poverty. There is enough interest among members to allow us to delve into those issues sufficiently, given the timescale to which we are working.

Irene Oldfather: I want to be clear about what I am to conclude from the convener's comments about the Executive's contribution to the agenda. Given what other members have said, it seems to me that the Executive has an opportunity to exert influence in relation to climate change, because we can identify an area of responsibility there, and in relation to international development, because we have advanced that agenda in the Parliament in recent months. I am not sure whether we should examine whether the Executive is influencing the agenda in relation to chemical weapons, for example. I take from what was said that we will focus on the Scottish contribution.

The Convener: I do not want to repeat myself, but that is exactly the focus of what we want to do. The inquiry is about whether the Executive is able to secure progress on its priorities through the G8 or EU presidency agendas. The Executive has set priorities in relation to climate change and international development. This is not about saying to the Executive, "Why don't you go and solve the problems of the world?"; it is about what the Executive is doing to use the opportunity of the events that are being held in our midst.

Mr Home Robertson: It is also about encouraging Scottish non-governmental organisations.

The Convener: Absolutely. I imagine that a reasonable starting point for our first evidence-taking session would be to have a number of NGOs before us to ask them what the Executive should be arguing for and influencing on the agenda. We should get a flavour of that from the various organisations concerned. The paper will be reconfigured to include an invitation for evidence from various parties.

We move on to the issue of witnesses and committee meetings. We have a rough idea of potential witnesses, but I want to add to that list a number of NGOs from which it is important that we hear. There is a point in the paper about the possibility of additional committee meetings, although I do not think that 1 March is a runner because of the Brussels trip. Are there any other comments on the list of potential witnesses?

14:15

Mr Home Robertson: There are two separate headings. There is the G8 presidency, in relation to which we are focusing on Scotland's interest in international development, NGOs, climate change and all the rest of it. There is also the separate issue of the EU presidency. Are we considering all that at once?

The Convener: I am considering it all at once. When we structure the work programme, I do not want there to be a false distinction between the G8 and the EU presidency. The Prime Minister set out some pretty clear priorities that span both of those events. We should consider our work in that way as well, so we would be looking for a combined list of witnesses.

Mr Home Robertson: In that case, of the 14 issues listed on the second page of the paper, I would have thought that the final item, "Developing a Confident, Democratic Scotland" and the two sub-headings, would probably be the most appropriate one for this committee. All the rest of the issues fall within the remits of other committees, but we could have a constructive session under that heading.

The Convener: Are there any other comments?

Phil Gallie: We are talking about the list of witnesses. My understanding is that climate change and poverty are the two major issues in the run-up to the G8. We seem to have a heavy concentration on European issues among the witnesses listed. We have to reconsider the witness lists.

The Convener: I agree, but with the caveat of what I said earlier about the NGOs being essential contributors to our discussions. That will make the discussions a bit more balanced. I hear what you are saying about the European focus.

If there are no other comments, are we agreed on the paper?

Members indicated agreement.

The Convener: I will ask the clerks to start work on calling for written evidence and arranging the meeting programme.

Pre and Post-council Scrutiny

progress on that in the months to come would be quite meaningful. We will have to watch this space.

14:17

The Convener: Members have briefing paper EU/S2/05/02/2, which contains the various papers for scrutiny. Annex A contains the summary of recommendations. For two of the meetings, we are still awaiting pre-council agendas from the Executive, but we have a report from three of the meetings.

The agenda for the economic and financial affairs council on 18 January relates to several of the points raised by the Luxembourg ambassador when he came to address us last Thursday. One of the major issues for the committee in the year ahead, and one of the points that we want to focus on in our discussions in Brussels, is the arrangements for and potential agreements on the financial framework and the implications of that for a range of programmes in Scotland.

There is a comprehensive post-council report on the fisheries council that preceded the Christmas recess.

Irene Oldfather: It is worth while noting the progress that was made at the December fisheries council, in particular the fact that the UK delegation rejected unjustified and unscientific proposals to close large areas of the North sea to all fishing. In the past, we have been critical of what has happened at the fisheries council, so it is right to acknowledge good news when it emerges.

The Convener: Hear, hear.

Phil Gallie: No dissension.

The Convener: My goodness, no dissension at all from Phil Gallie. We should capture this moment for posterity.

Phil Gallie: From what we heard from the Luxembourg ambassador the other day, it seems that the stability and growth pact will be a major aspect of Luxembourg's presidency. I note the information that the Scottish Executive has provided us with, but I wonder about the implications for us of activity on the stability and growth pact, given that we are excluded from the economic side at the very least.

The Convener: Obviously, there is a relationship between the stability and growth pact and the overall financial framework. The debates might not be on the same grounds, but they will have similar influences and effects. The central point that I took from the address by the Luxembourg ambassador last week was that a fundamental priority of not only the Luxembourg presidency but the UK presidency will be to resolve the financial framework issues. Monitoring

Sift

14:21

The Convener: The next item is the sift paper, EU/S2/05/02/3. A couple of documents have been highlighted. The first is the green paper on an EU approach to managing economic migration and the second is a report from the European Commission on the Kyoto targets.

The green paper is of most direct relevance to the Enterprise and Culture Committee or the justice committees, but the subject matter also has implications for the Government's fresh talent initiative. The committee has indicated that it might give consideration to that matter at some point, so we should examine some of the issues in the green paper in due course.

I suggest that we simply draw the Kyoto document to the attention of the Environment and Rural Development Committee.

Do members agree with those suggestions?

Members *indicated agreement.*

Convener's Report

14:22

The Convener: We have had a helpful response from the European Commission to the committee's report on the fisheries control agency. The report, written by Mr Alasdair Morrison, appears to have been welcomed in many circles, which comes as a surprise to none of us. I point out to members that, tomorrow morning, there will be a vote in the European Parliament Fisheries Committee on Elspeth Attwooll's report on the fisheries control agency. I am sure that you will all be tuned into those proceedings but, in case you are not, the clerks will inform you of the upshot of the discussion.

Irene Oldfather: The response is a good example of the open and constructive dialogue that can be entered into with the Commission on matters such as the fisheries control agency. We should use that example as a model for taking forward other projects in the future.

The Convener: We also need to monitor what happens and ensure that the nice words and good intentions are substantiated by actions. We will await the outcome of tomorrow's vote and track subsequent events.

We have before us a letter from Mr McCabe, the Minister for Finance and Public Service Reform, who also has responsibility for EU matters. It addresses a number of points that were raised when he appeared before the committee on 7 December.

The letter contains a fascinating series of organograms. If members can understand them, they will be doing a great deal better than me. He has addressed a variety of other points about EU enlargement, the Nordic Council and the G8 website, which will be of material influence in our next inquiry.

Do members want to raise any points about Mr McCabe's reply?

Dennis Canavan: The letter from Tom McCabe is not very revealing. On EU enlargement, he almost says that it is impossible to establish the number of EU citizens who have come to Scotland. I find that difficult to believe. Not all that long ago, the First Minister announced a major initiative, the fresh talent initiative. How on earth can the committee monitor the success or otherwise of the fresh talent initiative unless we get some facts and figures, such as the ones for which we asked? It might be difficult to get an accurate figure for the number of EU citizens who have come to Scotland, but surely there is some

way of getting an estimate of the number of people in that category.

Secondly, we expressed interest in the Executive's links with the Nordic Council. What are we told? The Nordic Council had a nice junket at Edinburgh Castle, followed by a dinner. That is all very well for those who were invited. The letter states:

"Executive ministers and officials participated in the event".

I am not sure whether they participated in the seminary or just the associated celebrations.

Mr Home Robertson: Seminary?

The Convener: If they participated in the seminary, things are happening that the rest of us have not heard about it.

Dennis Canavan: The seminar, rather. We should try to get more detail about the Executive's links with the Nordic Council in respect of political matters of mutual concern.

The Convener: Are there any other comments on the minister's reply?

Iain Smith: I represented the British-Irish Inter-Parliamentary Body at the Nordic Council meeting at the beginning of December in Stockholm. A copy of my report is available on the external liaison unit part of the Parliament's website. The report has interesting points to make about the Nordic Council and the direction in which it is looking, which at the moment is not particularly this way—it is looking more towards the Baltic than in this direction.

Mr Home Robertson: I can see what Dennis Canavan is driving at in his first point, but I do not know how anybody can reasonably be expected to get those figures, unless we start asking EU citizens where they are going when they arrive in the UK, or have Scottish border posts, which I do not think anybody wants.

The Convener: My goodness. It has not taken us long to get there.

Mr Home Robertson: Seriously, how could it be done?

The Convener: There is a genuine point in the first issue that Mr Canavan raised, which is how we judge the success or otherwise of an initiative—the fresh talent initiative—that is designed to encourage people to come to Scotland. We can certainly write to Mr McCabe again. The committee might want to delve into the matter and determine how we can get a handle on the figures. I am with John Home Robertson, in that I do not have a ready answer on how that could be done, but there must be a mechanism to enable us to judge whether we are making

progress. I am happy for us to write to Mr McCabe on that question and to seek further information on the Nordic Council. I suspect that there will be more detail about the Nordic Council in parliamentary questions that have been answered, which I have before me. I will ask the clerks to make the answers to the parliamentary questions available to members so that they can make a judgment on what further information is required.

The final point is that the committee is undertaking a trip to EU institutions on 28 February and 1 March. As was discussed last week, one day will focus on the Commission's work priorities and a number of relevant subjects within that, and the second part of the visit will focus on the representation of Scotland in Europe and on the European Parliament. The final programme will be issued to members on 22 February. The clerks can resolve any operational details.

Waste Incineration

14:30

The Convener: Item 7 concerns a note from the committee's legal adviser on the burning of sewage sludge pellets as fuel at Longannet power station. The matter was raised at our previous meeting by John Home Robertson, who expressed concern about the issue, which has been the subject of media comment and attention. More particularly, it has been the subject of a court action—which was determined only recently—involving Scottish Power and agencies of the Scottish Executive, principally the Scottish Environment Protection Agency, in relation to the enforcement of European law. The note that has been prepared comments on the issues that are at stake and the legislative instruments that have driven the debate.

Before I open the matter up to discussion, I remind committee members that the issue is still within the sphere of the courts. I am not saying that it is sub judice, but I encourage committee members to be mindful of the implications of any remarks that they make.

Perhaps Ailsa Heine, our legal adviser, would like to say something.

Ailsa Heine (Scottish Parliament Directorate of Legal Services): I have nothing to add to the paper at the moment, unless committee members have questions.

Mr Home Robertson: I am grateful for the paper, although I am depressed by it, because it confirms what we had understood from press reports, which is that two executive agencies are opposing each other in the courts over the interpretation of a piece of European legislation, and that what was intended to be a constructive initiative to dispose of waste in the most efficient and environmentally friendly way possible is suddenly giving rise to serious difficulties. That is an absurd state of affairs. The committee could do with some definitive understanding of what the relevant European legislation says. If Scottish Power has picked up the wrong end of the stick, let us try to understand that; if not, why is one executive agency wasting time and money entering into legal action against another?

Phil Gallie: The situation is depressing. We have problems with sewage disposal and we have taken all kinds of remedies to try to remove the problems in line with EU regulations on clean water and goodness knows what, but there is now no solution to what to do with sewage waste. We have problems with using it on the land and we now have problems with burning it. From my past experience in the electricity industry, it seems to

me that we already have fairly stringent rules on air emissions under generation practice. Providing that burning waste pellets does not exceed those emission limits, we are putting a block on recycling. Whether the fault lies in Europe or in the way that the legislation is interpreted in Scotland is now incidental, given that the issue will be decided in the courts, but it is a case of well-intentioned legislation creating mayhem.

Dennis Canavan: The paper refers to "huge capital investment" being required of Scottish Power if it is to bring the plant up to the standard of the more stringent emission controls for waste incineration. Do we have an idea of how much that "huge capital investment" would be?

Ailsa Heine: No, that was not specified anywhere. Scottish Power simply stated that vast capital investment would be needed to install the equipment to ensure that the emission controls were complied with.

Dennis Canavan: The paper also says:

"SEPA were apparently acting in accordance with a Direction from Scottish Ministers."

What exactly was the direction? Did ministers instruct SEPA to request Scottish Power to apply for a variation of its current authorisation?

Ailsa Heine: As far as I am aware, ministers instructed SEPA to identify which plants needed a new authorisation and to ensure that those authorisations were applied for well in advance. Hence, SEPA specified the end of March as a deadline for Scottish Power to apply for the revision of its authorisation. That was the only direction that ministers gave.

Phil Gallie: As a former employee of Scottish Power, I should perhaps declare an interest, albeit that I am not friendly towards the organisation these days due to its stance on wind generation.

It must be pointed out that Scottish Power does not need to burn the waste, the disposal of which is really a problem for the Executive and for SEPA. To a degree, Scottish Power is doing the Executive a favour by burning the stuff, so why should it be faced with additional capital investment?

The Convener: I agree with Mr Gallie that Scottish Power is doing the Executive a favour by disposing of the waste, but the central question is whether that action is compatible with European regulations and whether ministers could have done anything to make it more likely that Scottish Power's method of burning the waste complied with the regulations.

Ministers appear to have directed SEPA to enforce the European regulations, as we would expect them to do, but they have not taken a

strategic view of the implications of their direction. As far as I understand the situation, the implications are that the sewage sludge might need to be spread on fields, which none of us is enthusiastic about. It seems that Scottish Power's constructive approach to tackling a genuine issue is now in some jeopardy.

The question is whether ministers could have done more to avoid the issue going to the Court of Session for determination. Once the Court of Session gets involved, the judgment can go in any direction. The committee must judge whether the Executive could have issued guidance or exerted more influence to avoid the unhappy situation that has been created, whereby the courts have determined in a fashion that is hostile to Scottish Power. I do not know whether the Executive could have made a different direction to SEPA or whether SEPA could have applied some regulatory discretion. We should perhaps put those questions in writing to ministers.

If that has not depressed members enough, I share with them another problem that is on the horizon. ScotAsh Limited, which is a joint venture between Scottish Power and Lafarge Cement UK, uses new technology from the United States to separate unburned coal from ash to return the unburned coal to the fuel stock. SEPA has now informed Scottish Power that unburned coal is waste like waste-derived fuel, but Scottish Power will not be able to burn any waste at Longannet after December 2005. We can write to ministers on that directly, because the issue is yet to arise, but it fails a test of common sense. How on earth can unburned fuel be waste?

Mr Alasdair Morrison (Western Isles) (Lab): If the fuel is unburned, it is still fuel.

The Convener: Exactly. You do not need to be a geologist to work that out.

Mr Home Robertson: I have a major constituency interest in this.

The Convener: You will have, yes.

Mr Home Robertson: If the judgment in relation to Longannet is setting a precedent, it could raise all sorts of questions about what are obviously environmentally friendly ways of dealing with other waste—questions that I prefer not to talk about here. I cannot believe that the European directive or European legislation was intended to outlaw this kind of activity. We need to seek clarification. We need to establish exactly what the European legislation is intended to do. Was it ever foreseen that it could run into this kind of difficulty? We need to find a remedy because it would be crazy if we were to compel operators to revert to landfilling and other infinitely less environmentally friendly ways of disposing of material—material that might

be waste in one sense but, in another sense, has a self-evident value as fuel.

Irene Oldfather: We need to write to ministers and perhaps to the European Commission to find out what representations have been made on this matter in Europe. How did we arrive at this position? Was the present interpretation to be expected? Were the difficulties resulting from that interpretation considered?

Dennis Canavan: I wonder whether Ailsa Heine would tell us whether Scottish Power can take the issue further—for example, to the European Court of Justice—or is the Court of Session decision the end of the matter?

Secondly, is there any way of getting round the decision by varying the proportion of waste-derived fuel and the proportion of coal? If people were burning a mix that had more coal and less WDF, would that be a way round the problem, or is any proportion banned?

Ailsa Heine: On the first question, Scottish Power can take the issue further: it can appeal. I understand that there are still some procedural issues to be dealt with, so any appeal might not be made until a bit later. It would be up to the Court of Session to refer the matter to the European Court of Justice, if it wanted to do so. Scottish Power could suggest that the matter might be referred.

In the judgment that was issued in December, Lord Reed said that he had considered referring the matter to the European Court of Justice but had decided not to. He felt it unnecessary because the European Court of Justice's case law was clear enough on the definition of waste. In the judgment, Lord Reed went through the case law in quite a lot of detail, going through what the European Court of Justice had already said. The court has already given a lot of guidance on the definition of waste, so Lord Reed felt that he was able to make his own judgment. If there were an appeal, the appeal court might find differently, although it might decline to refer the case as well.

On the second point, I do not think that the percentages in the mix of fuels matter. The fact that waste is being burned as a fuel brings a plant within the definition of a co-incineration plant, which would therefore be subject to the new controls.

I clarify that the new provisions do not stop the burning of waste. Scottish Power could continue to burn waste, but it would have to comply with tighter emission controls. As far as I understand it, there are no emission controls for burning this type of waste. There are emission controls for hazardous waste, but we are talking about non-hazardous waste. I think that, at the moment, non-hazardous waste is unregulated—hence the new provisions.

I cannot say how much tighter the new provisions are than other general emission controls, but they have been brought in because the area is currently unregulated.

Mr Home Robertson: I stress that I am speaking off the top of my head, but my understanding from my constituency interest is that the reference point is that the level of pollution arising from burning these sorts of fuels must be at least as low as that arising from conventional fuels. Therefore, if somebody is burning a so-called waste material, that is okay, provided that it does not emit any more pollution than coal does. If the pollution is worse than that from conventional fuel, it will not be allowed.

The Convener: Members have raised a number of worrying points in relation to Ailsa Heine's note and to the Scottish Power and Lafarge joint venture. We will raise those points with Executive ministers and with the European Commission.

We now move to agenda item 8, on the promotion of Scotland worldwide inquiry. The committee decided earlier to take the item in private.

14:45

Meeting continued in private until 16:13.

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