



OFFICIAL REPORT
AITHISG OIFIGEIL

Environment, Climate Change and Land Reform Committee

Wednesday 29 April 2020

Session 5



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ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE
9th Meeting 2020, Session 5

CONVENER

*Gillian Martin (Aberdeenshire East) (SNP)

DEPUTY CONVENER

*Finlay Carson (Galloway and West Dumfries) (Con)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)

*Angus MacDonald (Falkirk East) (SNP)

*Mark Ruskell (Mid Scotland and Fife) (Green)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Roseanna Cunningham (Cabinet Secretary for Environment, Climate Change and Land Reform)

Emily Freeman (Scottish Government)

Don McGillivray (Scottish Government)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

Virtual Meeting

Scottish Parliament

Environment, Climate Change and Land Reform Committee

Wednesday 29 April 2020

[The Convener opened the meeting at 09:15]

Subordinate Legislation

Deposit and Return Scheme for Scotland Regulations 2020 [Draft]

Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2020 [Draft]

The Convener (Gillian Martin): Good morning. I welcome members, the cabinet secretary and her officials and those joining us online to the Environment, Climate Change and Land Reform Committee's ninth meeting in 2020. This is the first meeting that the committee has conducted remotely, and it will feel a little different. These are challenging times and we appreciate that staff in the Government, the agencies and the third sector are working in difficult circumstances to continue to protect our environment during the current health crisis.

Before I begin, I also thank the Parliament's broadcasting team, on behalf of the committee, for making this meeting possible. We do not anticipate any technical issues, but if we do have any, we will suspend the meeting to deal with them. If people who are watching online can just wait, we will come back once the issues have been resolved.

Item 1 is to take evidence on the two draft instruments setting up a deposit and return scheme for Scotland and making provision for enforcement. I am pleased to welcome Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform, who is joined remotely by Don McGillivray, deputy director, environmental quality and circular economy division of the Scottish Government; and Emily Freeman, solicitor, Scottish Government.

I refer members to papers 1 and 2, which include a link to the draft instruments and related documents, and to subsequent correspondence between the cabinet secretary and the committee.

I understand that the cabinet secretary would like to make an opening statement before we move to questions.

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): First, I am grateful for all the work that is being done on the regulations by the committee, the clerks and, of course, the broadcasting team, who are working in rather different circumstances than were first envisaged.

The regulations that we are discussing today will create an ambitious deposit return scheme for Scotland. They have benefited from the refinements that we have been able to put in place since September in direct response to engagement with the implementation advisory group, suggestions that were made in consultation, and the committee's report and recommendations.

We have been through a rigorous process to ensure that the scheme will be effective from day 1, and we worked closely with stakeholders, including retailers, producers and wholesalers to arrive at a go-live date of 1 July 2022 for the regulations. The date was subject to a range of external assurances, including testing with industry representatives with experience of delivering similar schemes in other countries.

The decision to extend the go-live date to July 2022 was taken before we knew about the impact that Covid-19 would have on all our lives. We took the view that it will provide much-needed flexibility for businesses to respond to the pandemic. That is rightly the priority for many in industry, as it is for the Scottish Government, but proceeding with the passage of the regulations will help to give industry the clarity on a starting date that it needs to begin planning for the DRS. We will, of course, monitor developments and the impact of Covid-19 closely. As everybody will recognise, we are operating within a fast-changing environment.

Scotland's DRS will include glass, which reflects what I believe is a consensus that the scheme should be as comprehensive as possible, as the committee said in its report. The DRS is our best option for significantly increasing the amount of glass that we recycle, cutting our emissions, and taking harmful glass litter out of our environment.

We have listened carefully to the concerns of small producers. I believe that the final regulations ensure that they will not be disadvantaged by the DRS. In particular, I agree with the principle that the smallest producers should be exempt from the fee to register with the Scottish Environment Protection Agency. The de minimis based on the VAT threshold should see 1,600 producers exempted in that way. Small producers will also benefit from the extension of the go-live date.

Successful passage of the regulations will be a pivotal moment for the implementation of the DRS because it will mark the point at which

responsibility for delivery will start to transfer from Government to industry. A coalition of major drinks producers and trade bodies plans to apply for approval as a scheme administrator. Reaction from industry has so far been broadly positive. I recognise the severe pressures that are being placed on industry by Covid-19, but I am heartened by the progress towards the establishment of a scheme administrator.

We will continue to work very closely with industry to take forward the next stage of work to deliver a successful DRS for Scotland.

The Convener: You have alluded to some of the changes that have been made to the regulations as a result of working with stakeholders and also in response to the committee's correspondence with you. One of those changes is the new, longer lead-in time. What other significant changes have you made to the regulations as a result of either stakeholder engagement or correspondence from the committee?

Roseanna Cunningham: More than half a dozen changes have been made; some are more significant than others. Probably the most significant one is the shifting of the go-live date, which I have already alluded to. There is also the issue of the registration fee, which I spoke about in my opening statement.

There are one or two other things. For example, we have amended the regulations to allow return point operators to refuse a return if they think that the number of containers being brought back is disproportionately greater than the number that they would have sold in any single average transaction.

We have removed the requirement for relevant producers to pay a deposit to a scheme administrator for each container placed on the market. We have adjusted the regulations on that to allow flexibility. There was an issue about the deposit to be paid by producers to the scheme administrator. The previous regulations required payment to any scheme administrator of 20p for every single-use drinks container placed on the market. We assume that 90 per cent of those funds will be used to reimburse deposits, with the remainder being used to fund the operating costs of the scheme.

There is a consultation with producers about return point exemptions. There is now a duty on the Scottish ministers to take into account whether, if an exemption was granted, it would significantly impair the ability of a producer or a scheme administrator to meet collection targets.

We have included provision for a review of the regulations no later than October 2026. That was not requested by any stakeholders, but we thought

that it might be appropriate to provide reassurance that the effectiveness of the system will be monitored and considered, and that the system will be changed if that is necessary. The regulations do not prevent a review before that date, if it is considered necessary, but it will be no later than that date.

The Convener: We are in the middle of a global emergency as we respond to Covid-19. Why have the cabinet secretary and the Government decided to move forward with the DRS regulations? Many people will be asking why we are progressing with this scheme now. You have mentioned giving the sector certainty about what will happen. We still have a climate emergency in the background, and we must adapt our way of life to that. Will the cabinet secretary answer on that issue?

Roseanna Cunningham: Across Government, serious decisions had to be made about which parliamentary business would be taken forward and which business did not necessarily fall into that category. There were different reasons why each specific item was or was not taken forward.

It is important for the committee to know that there are very mixed reactions to the regulations; there are those who want the whole process to go much faster than the regulations now say that it will. There is not a unanimous view out there.

I accept and understand why some people might ask why we are taking the regulations forward at the moment. However, we cannot suspend all non-Covid related business. Parliament is taking forward quite a bit of business that was far on in the legislative process. Delaying the passage of the regulations would have allowed a lot more debate to continue and would perhaps have opened up more debate on some aspects. Therefore, it is important that Parliament makes the decision now, as that is what provides clarity as we move on.

There are still issues that we will have to address and monitor as we move forward and, depending on what happens with Covid-19, there might have to be another look at some aspects of the regulations. However, we could not see a practical reason not to lay them, because we were in the position to do so and, by that time, most stakeholders—regardless of their views on the deposit return scheme—were well aware of where we were, what we were doing and what was being planned.

Finlay Carson (Galloway and West Dumfries) (Con): You have stated that the proposed delay to DRS implementation, to July 2022, was associated with the pandemic. However, you have corrected that and said that you considered delaying it prior to that. It is highly likely that lockdown will change the face of retail and

distribution; businesses face unprecedented uncertainty, and that is likely to continue for some time into the future. The new proposed launch date comes almost five years after the First Minister first announced plans for a Scottish deposit return scheme. Why is there an urgency to push through these measures in the face of such uncertainty?

Roseanna Cunningham: I would not necessarily use the words “urgency” and “push through”. The progress of the measures was such that we were literally within weeks of them being laid. The argument is whether there was an overwhelming case to delay the laying of the regulations, and I did not think that there was.

As I have indicated, we took the view that, in the circumstances, most stakeholders—regardless of their view of the DRS—understood very clearly where we were. Laying the regulations and getting them through Parliament allows for the process to be clear and unambiguous. The issue now is whether, in what way and at what speed we can progress.

The July 2022 implementation date allows for a longer timescale. Some people think that the date should have been kept at 2021, but I suspect that that would have created considerably larger concerns than the 2022 go-live date will. Therefore, from our perspective—as with every decision that was made by Government about what parliamentary business should and should not proceed—it was a question of weighing up the pros and cons; in this set of circumstances, the pros outweighed the cons.

09:30

Finlay Carson: I will roll two further questions into one, to make it easier in the current situation.

Given that it is clear that we do not understand the long-term economic impacts, why does the cabinet secretary not think that it would be prudent for the Scottish Government to allow itself greater flexibility and scope to react to the market after the crisis?

Some members of the industry have suggested that we will need to revisit this issue, for example to look at how packaging material, recycling rates, online sales and financial impact might all change due to the current lockdown, and that delaying the instruments to perhaps the autumn might give the Government greater flexibility to ensure that the scheme is fit for purpose on day 1, and up and running on the opening day in July 2022.

Finally, the majority of businesses and industries that are involved in the new DRS have voiced concern about Scotland introducing a Scotland-only DRS, as Northern Ireland and

Wales have opted to wait for the introduction of a United Kingdom scheme. The delay in the start date for Scotland could mean that the Scottish and UK schemes could be ready at around the same time. If that was the case, would the cabinet secretary still opt for a Scotland-only scheme, given the significant additional cost and disruption to business?

Roseanna Cunningham: Some of those concerns have been expressed right from the get-go; they are not new. We know that some people would not have had us move ahead at all until Westminster chose to do so. We have made our decision for a variety of reasons, not least of which is that other big thing that we cannot put off indefinitely—reacting to climate change.

As a result of the current crisis, things are going to happen right across society and the economy, which we will obviously look at very carefully. Being clear about the introduction of the deposit return scheme is part of that conversation. We must not imagine that it can all be put on hold—it cannot, and it should not.

As far as I am aware, Westminster has already suspended its Environment Bill, which is where the proposal lies. I have no idea as to what its intentions are in respect of deposit return. I have no information about any detail of what it is or is not looking at. To tie ourselves in effect to such an uncertain situation would be to let down people in Scotland. To be perfectly honest, it would also make a bit of a mockery of devolution, because this is a decision that we are in a position to make. We can make choices about how we make it and we can align it with other things, such as the climate change situation that we must address—and I remind everybody that we have to do so five years earlier than the rest of the UK.

Taking all that into consideration, I think that it is not responsible government simply to say that we are prepared to delay it to an uncertain future, with a timescale about which we know nothing, and a variety of “mights” and “coulds” and “ifs”.

Finlay Carson: Thank you for those responses.

Is there any contingency planning for the possibility that the UK Government could have a scheme ready to go before July 2022? Would you consider working with Westminster to bring in a UK-wide scheme, given the delay?

Roseanna Cunningham: As I said, I have absolutely no information that there is any movement on a Westminster scheme, at present. Without the UK Government pulling out of the hat very soon something that had an identical or nearly identical go-live date, I am not sure how fruitful that conversation would be. However, if the UK Government decides that, from its perspective, July 2022 is a reasonable date, we would of

course be happy to discuss that with the UK Government.

The Convener: We will move on to questions on timing and implementation from Claudia Beamish.

Claudia Beamish (South Scotland) (Lab): I have listened to your points about why we are considering the measures now, and I want to explore those issues a bit further.

Do you recognise that there are concerns about considering the Scottish statutory instrument during lockdown, when many businesses of all sizes are struggling—some for their very survival? Would not it be preferable to withdraw or delay the SSI, depending on parliamentary arrangements, and then to bring it back as soon as possible post-virus?

I am supportive of the scheme in principle, as is Scottish Labour, but in my view there would still be plenty of time to implement it before July 2022. In that way, the Scottish Government and all those who have put so much work into shaping the scheme could be really positive about it, rather than feeling, as I do at the moment, that it could be another concern for businesses—some of which might well regard the introduction of the instrument now as being somewhat insensitive.

Roseanna Cunningham: I know that Claudia Beamish is supportive of the introduction of a deposit return scheme for Scotland. I hear what she has said; I have heard similar views elsewhere and seen some letters on the issue. I understand the arguments, but the member is perhaps underestimating the difficulty that might arise if we were to leave open the substantive issues by not laying the regulations now and instead committing to laying them at some uncertain point in the future.

Neither Claudia Beamish nor I—indeed, none of us—understands when the Covid-19 emergency will be over, and I would not like to guess what point would be considered, by those who are criticising the move, to be appropriate for introduction, in the current circumstances. The July 2022 date is based on what we consider to be a reasonable time for getting the scheme up and running. The longer we leave laying the regulations, and so leave uncertainty hanging in the air, the more likely it is that the July 2022 date will slip away. I know that Claudia Beamish would not want that to happen.

This is about balancing how we manage the process. We have made decisions having taken everything into consideration, and we have made changes without having been asked to make them. I understand that that will not satisfy everybody, across the board. Equally, as Claudia Beamish knows, there are voices that are very

critical of some changes that we have made, and which would have tried to hold to next year as the go-live date, which would not have been at all realistic.

All in all, I appreciate Claudia Beamish's support for the scheme, but she is underestimating the difficulties that there would be in delaying the regulations until a completely uncertain point in the future while trying to hold to the July 2022 date. That would also not allow for extended debate about other detail within the regulations.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I have a brief follow-up question on the timetable. I am interested to know what the effect would be of not approving to the regulations today but still holding to the implementation date of 1 July 2022. Would not that, by compressing the amount of time that they have for decision making, make it worse for manufacturers that have to address labelling issues, and for retailers that have to consider what infrastructure they might need? Is it therefore not all the more urgent that the Government bit of the plan—the secondary legislation—be put in place as early as possible, so that the maximum time and effort are available to the players who will have to make the scheme work on the ground?

Roseanna Cunningham: The short answer to that is yes. That is, in a sense, what I said at the outset. To approve the regulations now will set out with absolute clarity what needs to happen: it is important is that everybody understands what needs to happen now. The July 2022 date allows us to have a period of continued discussion about issues that have given rise to concerns, and to put in place a scheme that will be effective and will command public confidence from day 1, which is really important.

We have been working with the industry on the scheme and will continue to do so. That engagement will not cease; I anticipate that the committee's engagement will also not cease, as we move through the process. We will continue to monitor developments throughout the process, but approving the regulations now will give us the clarity that is needed in order to move on to the next stage, however and in whatever way that takes place.

Mark Ruskell (Mid Scotland and Fife) (Green): We all anticipated that there would be several months' delay to the implementation date, but 15 months is a very long time. You said in your opening remarks that you have been testing the timescale with industry representatives who have experience of delivering such schemes elsewhere. We know that some countries have rolled out deposit return schemes within six months. You also said discussions with various industry groups

are making steady progress on the scheme administration requirements.

I am trying to understand why you have chosen a 15-month delay in implementation. What reasons were put to you for the need for that delay? Were they to do with setting up a scheme administrator, or about building the infrastructure? The committee is still struggling to understand why you have chosen the particular date. It is clearly not related to Covid-19, so how has the 15-month timescale—which is a delay—been arrived at?

09:45

Roseanna Cunningham: As I recall, the discussion was more about the point in the year at which it would be appropriate to go live, given what else happens in any one year. To move the date by only a couple of months would not realistically extend the preparation time. For us to go into a period such as the run-up to Christmas, when a lot else is happening, also becomes an issue.

The discussion was more about scoping out the points in the year when going live would not work. A July date seemed to be the most sensible time of the year for the scheme to go ahead. We did not measure out 15 months; rather, we chose a sensible and appropriate point in the year when going live would work. It became clear to us, through all the discussions with stakeholders, that the original date—which I had very much set my heart on—had to be moved, because it would not work logistically. However, when we looked at moving it to later in the year, we started to run into other difficulties. It was conversation of that kind, rather than just pinning a particular day and month in the calendar, that led to the date.

Don McGillivray might want to elaborate on that and say whether he considers that basically to be why we have ended up where we are.

Don McGillivray (Scottish Government): The cabinet secretary has covered many of the bases. I will add only that we found the critical path to be about the time that it takes—particularly in the large retail sector—to do the planning, design, procurement and installation of a large number of reverse vending machines. The retail sector in Scotland has a particular structure. Our analysis is that the critical path requires that we get in place the big return-point infrastructure. That was the driver of extension to the timescale.

I am sure that members will understand the risk of not having in place sufficient return-point infrastructure. That would have a major effect on the scheme's operation. We had to have confidence that the appropriate scale of return-point infrastructure would be in place for day 1. Other countries have put in place systems in six

months, but when we looked in more detail at the level of infrastructure that was put in place to such timescales, we considered that it would not provide an effective system in Scotland from day 1.

The Convener: Do you have any more questions on that, Mark, or do you want to move on to ask about the rate of deposit?

Mark Ruskell: I have a quick follow-up question. I think that those responses provide a little bit more clarity, but I am still trying to understand whether the problem is that we will not be able to get enough reverse vending machines in 12 months. Perhaps the problem is about companies getting planning permission to put RVMs and storage facilities in shops. I am not really clear why the matter will be an issue for the next 15 months, and how it will be resolved after that.

Has the Government worked out what the climate impact be of the 15-month delay will be?

Roseanna Cunningham: We have not made a precise calculation of the difference that the 15-month delay will make in terms of climate change. As I said at the start, my heart was set on the earlier date, as Don McGillivray will tell you, but I have had to accept the reality of where we are, in the same way that we will all have to accept the reality of where we are after the current emergency.

On Mark Ruskell's broader question, the issue was not so much planning permission, but was more to do with the logistics of physically getting the set-up organised in the time that would have been required if we had stuck to the original date. In allowing that longer period, we wanted to ensure that the big retailers that will probably provide the majority of the return-point capacity would be in a position to do so.

Mark Ruskell: We have had a lot of discussion with stakeholders about the rate of deposit. It still seems to be a little bit illogical to have the same deposit for a 150ml can of tonic as would be levied on a 3 litre soft-drink bottle. The Government is where it is with the regulations that are before us: the 20p deposit will apply across all bottles and cans. As the scheme is reviewed, what discretion might there be for the scheme administrator to introduce a variable deposit, if they were to believe that that would make sense in incentivising particular consumer behaviours and reflecting the resources that are used in different types of drinks bottles and cans?

Roseanna Cunningham: We took the view that a flat-rate deposit was the correct approach, especially at the introduction stage. We need to remember that we are talking about a big behavioural change on the part of the population,

so from a psychological point of view, a flat 20p deposit seemed to be a simple, straightforward and easily graspable thing.

It is entirely possible that a variable deposit will be considered. The scheme will be the subject of review—as I have said, that must take place no later than five years after the scheme commences. It will be possible for the deposit amount and the question whether there should be a variable deposit to form part of that review.

It has been suggested that the flat rate might push consumers towards different purchasing options. I am not convinced of that, because people's purchasing decisions are driven by many different factors, as I have mentioned previously to the committee. However, it is absolutely open to the review that a variable deposit form part of it.

I should say that a change in the deposit level would require to be made in Parliament through an instrument that would be subject to negative procedure, so it would not be hugely difficult to move to a variable deposit if it was decided after a year or two that the whole scheme was well embedded psychologically from the point of view of behavioural change. However, for reasons that I have mentioned, it is sensible to start with a flat rate.

Annie Wells (Glasgow) (Con): If there is a switch to plastic, as seems likely, we will have driven customers to use more plastic. How does it help the environment if more consumers are buying plastic?

Roseanna Cunningham: I do not agree that that is necessarily the case. There are different experiences in different countries, and the provisions involve a lot more than simply a one-off deposit on the first purchase of something. There is an interesting conversation to be had with Annie Wells about that, and the committee has thought about the issue.

I do not believe that people will make purchasing decisions purely on the basis of that point about the first purchase, but a review could consider the issue in the unlikely event of a shift being seen in purchasing behaviour. As I said, there is no strong evidence of that happening. There are lots of good arguments about plastic that most people now accept and which are qualitative in nature, as opposed to the quantitative argument about a flat-rate 20p deposit.

The Convener: Claudia Beamish will now ask about cross-border issues.

Claudia Beamish: I seek clarification from the cabinet secretary on the arrangements for groceries that are delivered from supermarkets in England to homes in Scotland. For example, a

number of people in Dumfries and Galloway do online grocery shopping with supermarkets such as Asda, and the nearest Asda supermarket is in Carlisle—that is just one example; there are others.

Colin Smyth and I, as South Scotland MSPs, have been asked whether products that are delivered to homes in Dumfries and Galloway and the Borders through online shopping at supermarkets in the north of England will have the deposit applied as though the item had been ordered from Scotland. If not, how will constituents deal with recycling, given that some places do not have kerbside recycling?

The issue might seem a bit niche, but it is a concern for people in South Scotland.

Roseanna Cunningham: I understand what you are saying; some people's closest big supermarket might be in Carlisle. Our view is that if someone buys their drinks when they do their grocery shopping in England, or indeed if their shopping is delivered from England, the purchases will not be subject to the deposit and will not be returnable to the Scottish deposit return scheme—which I assume is the issue that takes us to the second part of your question. People who shop south of the border will still have access to their normal recycling services so that they can dispose of used packaging responsibly. The council might want to monitor for a while the issue of bottles continuing to be put in ordinary recycling services.

I would not use the word “niche”, which you used, but we are talking about a relatively small percentage of the purchasing population. I imagine that people who habitually shop south of the border will continue to do so; we do not anticipate an increase. There was no increase in the context of minimum unit pricing, and we do not think that DRS will have any other impact; a small number of people will be doing their shopping south of the border.

There will probably be a mix in each household. Some shopping will be brought in from south of the border and other shopping will be done more locally. Not everything that a household buys will be exempted from the deposit return scheme. There are cross-border issues everywhere where there are slightly different schemes on either side of a border, so we are not dealing with anything unusual or particularly different.

Was there any other part to the question that I have missed?

10:00

Don McGillivray: I want to clarify one issue. The cabinet secretary said that, if someone drives to Carlisle and buys the product in a store there,

the deposit will not be charged. The clarification is that, if they order an online grocery shop from Asda that is delivered to an address in Scotland, the deposit will be charged. That applies to an Asda grocery delivery shop and to any other postal delivery. Wherever the delivery is sent from, if it is sold to a consumer at an address in Scotland, the deposit will be chargeable. I want to make that clear.

The Convener: Claudia Beamish has questions about flint glass.

Claudia Beamish: The answers that the committee received from the cabinet secretary, and the answers that I have received from Zero Waste Scotland, have been reassuring about the availability of clear flint glass. For the record, can the cabinet secretary confirm the likelihood that there will be an increase in availability if the scheme goes ahead and why that might be the case?

Roseanna Cunningham: We have said all along that the DRS will significantly increase the quantity and quality of glass recyclate, which is what glass manufacturers want, and we believe that, working with manufacturers, which are particularly concerned about clear glass, we will be able to achieve that. A significant proportion of the recyclate will be clear glass, which we know is in high demand. Discussions continue with glass manufacturers about that issue. Another slight advantage of the extended go-live date is that it allows us a slightly longer time to talk to them about that.

The code of practice for managing controlled waste makes it clear that the use of recovered glass—“cullet” is the jargon term—to create new glass products is an example of high-quality recycling and should be prioritised. In order to achieve that, best practice is not to crush the glass; best practice is to only break it into large pieces. That is relevant in the context of the DRS. We believe that Scottish businesses can benefit from such work and from the feedstock that will be generated through the DRS. In turn, that will maximise economic opportunities and support jobs. We are continuing to have that conversation.

The fact of the matter is that, currently, a lot of recycling rates, including for glass, have rather stalled, but we anticipate an 85 per cent collection rate for glass by the third full year of the scheme's operation. The quantity and the quality of the glass that the manufacturers are looking for will increase.

The Convener: Finlay Carson wants to come in on distance selling.

Finlay Carson: I will go back to cross-border issues. In an earlier evidence session, there was a question over of distance selling as it relates to

reserved issues and the regulations that would have to be changed at Westminster to ensure that bottles or products bought online had the deposit return information on them. I am thinking of online purchases bought from a wine merchant or beer merchant that is located south of the border—or, indeed, elsewhere in Europe or elsewhere in the world. How could the Scottish Government ensure that those bottles had the appropriate deposit return information on them, and would there be any implications for shopkeepers when those bottles were returned?

Roseanna Cunningham: First of all, labelling is not a matter for us or for the regulations; it is a matter for the scheme administrator, and decisions about that will be taken by the scheme administrator. It is important to remember that. There is a tendency to talk about things that are more properly for the scheme administrator to decide.

On the Westminster regulations, I am not entirely certain what you are referring to. Don McGillivray may have a clearer notion about that, but I am not absolutely clear about what Westminster has to do with the issue.

Don McGillivray: The cabinet secretary made the key point that we are not trying to do anything on mandatory labelling as part of our design of the scheme; we are leaving that decision to the scheme administrator. If we had wanted certain types of labelling to be made mandatory, we would be dealing with potentially reserved issues, and there would be a question about the powers of the Scottish Parliament to do that. However, because the approach that we are taking leaves that decision to the scheme administrator, there is no need for regulations at Westminster. That is my understanding, but Emily Freeman will keep me right—she is the legal brain.

Emily Freeman (Scottish Government): Don McGillivray has explained that correctly.

The Convener: We move on to questions on collection targets.

Angus MacDonald (Falkirk East) (SNP): Cabinet secretary, you will recall question 22 in the committee's letter to you of 26 March, which asked:

“Why is it necessary and appropriate for the scheme to operate under no collection target between implementation in July 2022 and the 1st January 2023?”

It is clear that there is disappointment among environmental stakeholders that targets will not apply from launch day. It is also fair to say that there is disappointment with the initial target of 70 per cent—incidentally, that is 4 per cent below the rate that was achieved by Lithuania during the first year of its system's operation. Could you explain the justification for a six-month period of target-

free operation, which some would argue considerably undermines the launch period, and why targets cannot be introduced from day 1?

Roseanna Cunningham: I will try to be brief. On day 1, there will still be a considerable amount of product on the shelves that was purchased and put in stock and distribution systems before the official launch, so there would be a period in which a mix of things were still to be sold, with some attracting a deposit and some not attracting a deposit.

In those circumstances, given the slightly complicated effort that would then be required to assess what was and was not in the system, we decided that it would be easier for that early period to allow for a changeover between products that would require a deposit and products that were still in the system but would not require a deposit.

It is as simple as that: it is just to allow an effective changeover to take place. We had to pick a launch date, and it has been picked. Anything that is in the system prior to that date will not attract a deposit, and products that are brought into the system after that date will attract a deposit. It was more straightforward for us to allow that restricted six-month period to allow people to move older stock out of the system and switch to a system in which everything on their shelves would require a deposit.

Angus MacDonald: Why is the initial target of 70 per cent not more ambitious? Is it for the same reason?

Roseanna Cunningham: It is kind of a follow-on. The achievement of targets will depend on the behavioural change that the population will be required to make to engage with the scheme. We just wanted to allow that to work its way into the system.

Angus MacDonald: I will move on to my next question on the scope of materials to be included in the scheme.

I note that you have stated that Zero Waste Scotland has been engaging with carton manufacturers. The inclusion of further material will require affirmative regulations to be made. Is there a timeline for that work? Regulation 32 creates a duty on Scottish ministers, who must

“before 1 October 2026 ... review ... the operation”

of the regulations, as you have said. Is there scope to include, for example, cartons or high-density polyethylene plastic by 2024-25? Could that be done?

Roseanna Cunningham: The review process allows for a reconsideration of the materials that are in scope. I said at the outset of the process that we might look at including HDPE. However,

there are some issues with that, and those would require to be overcome for HDPE to be successfully included in the materials in scope. It would be difficult to put a date on that at the moment, because it will depend on those issues being overcome. We know that carton manufacturers are interested in the scheme, and we will continue to talk to them about it.

Any expansion of the scheme would mean further [*Temporary loss of sound*]. If the scheme administrator simply chose to agree to expand the scheme, there would be no way to enforce the material's acceptance at return points, which is why I would want to do that by regulation.

However, the issue that Angus MacDonald raises is one that any review could take on board. We will continue to monitor the issue, particularly with respect to HDPE.

Angus MacDonald: I have one final quick question—it is perhaps for Donald McGillivray—about the strategic environmental impact assessment. Why will the scheme administrator not be required to publish an annual SEIA? Why is there, in effect, an exemption?

Don McGillivray: Cabinet secretary, do you want to have a go at that one first?

Roseanna Cunningham: You can just go ahead.

10:15

Don McGillivray: There is a requirement for the scheme administrator to provide information to SEPA to demonstrate compliance with its obligations under the regulations.

We do not want to put certain obligations on the scheme administrator that would tip us over into a situation in which there was a sense of public sector control over the scheme administrator. It is therefore fair to say that we have tried to keep the legal requirements on the scheme administrator to a minimum in order to avoid any risk of there being a sense of public sector control over that entity.

That said, international evidence suggests that most of the schemes are proactive in wanting to publish information about their environmental performance, to push their environmental credentials and to show what carbon savings are being achieved and so on. Certainly, when we have gone out to visit other international schemes, a key part of their pitch in their presentations to us has been about the environmental performance of their schemes. It is a balance between what we regulate for and what we think the scheme administrator will do anyway because it is in its interests to do so.

The Convener: We are running a little bit close to time. We will have a final question from Finlay Carson, on the focus of officials.

Finlay Carson: We know that the Scottish Government is working hard to support individuals and businesses. Can the cabinet secretary indicate how many full-time equivalent staff are currently working on the DRS at Zero Waste Scotland and elsewhere in the Scottish Government? At this time of crisis, would those civil servants not be best utilised in assisting businesses to look at how they can make better decisions with regard to climate change adaptation and mitigation, enabling them to make cost savings and to better structure their businesses to survive after the lockdown?

Roseanna Cunningham: I cannot give an exact FTE figure. I can say that there has been a significant redirection of resources within and around the Scottish Government to deal with the current crisis. However, underlying the member's question is an assumption that all non-Covid business should cease. Clearly, the Government has taken the view that that is neither necessary nor desirable.

We have tried to prioritise within my portfolio and all other portfolios those things that we feel it is important to preserve at this particular point, and work on climate change is one of them. We still have people working on climate change issues at the moment, particularly in connection with the need for a green economic recovery to emerge from this crisis.

However, I go back to what I said earlier. Once the decision was made that the DRS regulations should be laid, most of the work that was needed to finalise that, from the laying of the draft regulations to this period, had already been done. I reassure the member that those people who are working on DRS are also working hard on other aspects of the portfolio, a number of which are Covid related.

The Convener: Thank you. Members have no further questions. Would the cabinet secretary like to make any other remarks before we conclude this part of the meeting?

Roseanna Cunningham: No, thank you, convener.

The Convener: In that case, we move on to the next agenda item. I invite the cabinet secretary to speak to and move motion S5M-21535.

Roseanna Cunningham: I am very happy to move the motion. I think that, in the circumstances, speaking to it is not strictly necessary unless the convener particularly wishes me to do so.

Motion moved,

That the Environment, Climate Change and Land Reform Committee recommends that the Deposit and Return Scheme for Scotland Regulations 2020 [draft] be approved.—[Roseanna Cunningham]

The Convener: Thank you. I remind officials that they are not permitted to speak during this agenda item.

I invite members to comment. If members do not have anything to say, they should indicate that they are content by nodding. Once all members who wish to comment have done so, I will invite the cabinet secretary to wind up, and I will then put the question on the motion. I ask members to indicate that they wish to comment at this stage by raising their hand.

I will bring in members in alphabetical order, starting with Finlay Carson.

Finlay Carson: Thank you, convener. Cabinet secretary, as you know, the Scottish Conservatives are supportive of a well-designed deposit return scheme, and we desire to see a fit-for-purpose scheme from day 1. Having said that, we remain concerned that stipulating a flat deposit fee that ties the hands of the scheme administrator will severely limit their ability to change the rate in a timely manner to address potential issues including a significant increase in the consumption of plastic bottles.

We also believe that, given the unprecedented situation that we are in at present, it would be prudent for the Scottish Government to allow itself greater flexibility and scope to react to the market after the Covid-19 pandemic, because we do not yet understand the long-term economic impacts.

Claudia Beamish: I say for the record that Scottish Labour and I have been supportive of the Scottish DRS since the early days of its development. I recognise the work and contributions of all those who have been involved, including the cabinet secretary and officials and Zero Waste Scotland, as well as the Have You Got the Bottle? campaign, the Marine Conservation Society and many businesses. Litter on land and sea is dangerous, and I believe that the scheme, when it comes in, will contribute to the circular economy and to lowering our emissions.

However, I have had discussions with the Labour group and I am very clear that this is not the time for that, with businesses struggling and, indeed, some failing. I hope that the scheme will be delayed and brought back when we are on the other side of the virus, which I hope will be later this year. In my view, although I am not an expert, that will still allow time before July 2022 for implementation in a measured and positive way. I will therefore abstain on the SSI today.

The Convener: I believe that the only other member who would like to comment is Mark Ruskell.

Mark Ruskell: This has been a very long road. The original powers to enable the Government to bring in a deposit return scheme were introduced 11 years ago, in the Climate Change (Scotland) Act 2009. Cabinet secretary, you announced your intention to bring in a scheme two and a half years ago, but you are now asking us to wait a further two years before we can actually use the scheme in Scotland. I feel that the pace of progress has been glacial, to be honest—although that may be a bad metaphor, given that glaciers are melting rather more quickly these days.

On climate change, the Have You Got the Bottle? campaign has pointed out that the 15-month delay will result in another 60,000 tonnes of carbon emissions in Scotland, 60 million cans and bottles being unnecessarily littered and further costs for councils. I have listened carefully to what Don McGillivray and the cabinet secretary have said about the reasons for the delay, and I hear the points about reverse vending machines. I do not understand why those were not a consideration back in September, when you originally chose the 2021 implementation dates. I am not clear on what has changed in the past six months.

On the points that were raised about the target, I hear what has been said about the six-month shelf life of cans and bottles, but it is worth bearing in mind that every other country that has launched a deposit return scheme has had targets in place from day 1. Clearly, they have been able to work around the shelf-life issues.

I still have concerns about the regulation. Yes, we need certainty for business, but I would much prefer to see a more realistic timescale put in place. I think that 15 months is kicking it too far into the long grass. For those reasons, I do not feel able to fully support the regulation that is before the committee today, and I will abstain in the vote.

The Convener: Thank you. I invite the cabinet secretary to wind up.

Roseanna Cunningham: I do not want to rehearse everything that has already been discussed—I think that I have made our position clear. The decision to move the go-live date was not taken just on a particular day; there was a conversation prior to that about what that date should be. I was keen on the earlier date, but we were having the conversation about go-live right from the start, and we continued to have it.

As much as I wanted to be able to use the earlier timescale, it became increasingly clear that that was not going to be practical. In those

circumstances, had I overruled my officials—as I probably would have had to do—to insist on the earlier date and had we not made it, there would have been a far greater degree of difficulty and concern than there currently is. Therefore, however reluctantly the decision to shift the go-live date was made, I think that it was the right decision.

I appreciate that people are frustrated by it. However, we have now heard that members are going to abstain in the vote on the regulation for almost opposite reasons, which I find a little perplexing.

The Convener: Thank you. I will put the question on the motion. If you agree with the motion, you should stay silent. If you disagree or intend to abstain, please indicate verbally and by raising your hand.

The question is, that motion S5M-21535, in the name of Roseanna Cunningham, be agreed to. Are we agreed?

Members: No.

The Convener: As is allowed for under standing order rule 11.8.3, I intend to take the vote by roll call. I will call the committee members' names in alphabetical order. Please indicate your vote by saying "for", "against" or "abstain" when I call your name.

For

Angus MacDonald (Falkirk East) (SNP)
Gillian Martin (Aberdeenshire East) (SNP)
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

Against

Finlay Carson (Galloway and West Dumfries) (Con)
Annie Wells (Glasgow) (Con)

Abstentions

Claudia Beamish (South Scotland) (Lab)
Mark Ruskell (Mid Scotland and Fife) (Green)

The Convener: The result of the division is: For 3, Against 2, Abstentions 2.

Motion agreed to,

That the Environment, Climate Change and Land Reform Committee recommends that the Deposit and Return Scheme for Scotland Regulations 2020 [draft] be approved.

10:30

The Convener: The committee will report the result to the Parliament.

I now invite the cabinet secretary to speak to and move motion S5M-21536, on environmental regulation enforcement measures.

Roseanna Cunningham: Just a second—I have put my papers down on the floor and will need to get them. Can you repeat which motion

you are referring to, convener? It is not on the DRS regulations.

The Convener: I invite the cabinet secretary to speak to and move motion S5M-21536.

Roseanna Cunningham: These regulations are required to allow SEPA to do the work that we wish it to do and to do so in a legal way. They are consequential to the DRS regulations. They are part of the whole, but they need to be made separately and not as part of the DRS regulations.

Motion moved,

That the Environment, Climate Change and Land Reform Committee recommends that the Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2020 [draft] be approved.

The Convener: I invite members to comment. If you have nothing to say at this point, indicate that you are content by nodding. If any member wants to comment on the motion, they can let me know by raising their hand.

Claudia Beamish: Thank you, convener. I abstained in the vote on the DRS SSI. However, as it has now been agreed to, I will support the SSI on enforcement and the other related issues that it covers, to be sure that the scheme works as effectively as possible.

The Convener: As no other members wish to comment, I ask the cabinet secretary whether she would like to wind up.

Roseanna Cunningham: No, we can move on.

The Convener: I will put the question on the motion. If you agree with the motion, please stay silent. If you disagree, please indicate verbally and by raising your hand.

The question is, that motion S5M-21536, in the name of Roseanna Cunningham, be approved. Are we agreed?

Members: No.

The Convener: As is allowed for under standing order rule 11.8.3, I intend to take the vote by roll call. I will call the committee members' names in alphabetical order. Please indicate your vote by saying "for", "against" or "abstain" when I call your name.

For

Claudia Beamish (South Scotland) (Lab)
 Angus MacDonald (Falkirk East) (SNP)
 Gillian Martin (Aberdeenshire East) (SNP)
 Mark Ruskell (Mid Scotland and Fife) (Green)
 Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

Abstentions

Finlay Carson (Galloway and West Dumfries) (Con)
 Annie Wells (Glasgow) (Con)

The Convener: The result of the division is: For 5, Against 0, Abstentions 2.

Motion agreed to,

That the Environment, Climate Change and Land Reform Committee recommends that the Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2020 [draft] be approved.

The Convener: I thank the cabinet secretary and her officials for their evidence on the deposit return scheme.

Climate Change Plan and COP26

10:38

The Convener: Under the final item in the public part of our agenda, we will take evidence from the Scottish Government on the plans for the updated climate change plan and the 26th conference of the parties, or COP26. The committee is pleased to hear from Roseanna Cunningham, the Cabinet Secretary for Environment, Climate Change and Land Reform. I understand that the cabinet secretary would like to make an opening statement before we move to questions.

Roseanna Cunningham: I seek your guidance, convener. My opening statement is rather longer than would normally be expected at a committee. In a sense, I am treating it as a statement rather than simply as opening remarks. Are you content with that approach?

The Convener: If you are happy to make your statement, we have the time to allow for that. I think that I speak for all committee members in saying that we would like to hear it.

Roseanna Cunningham: Thank you for agreeing that I may make my statement.

We are in an extraordinary set of circumstances. Understandably, all the focus is on efforts across Scotland to contain the pandemic. The on-going position with Covid-19 means that we have to continue to prioritise and resource that response across the whole of the Scottish Government. I am grateful to everybody who is directly or indirectly involved in that work, although, to touch on a point that has already been made, it means that changes will be needed to a whole host of other important work.

I have been reflecting that this week is the first anniversary of the First Minister's declaration of a global climate emergency. In normal circumstances, there would undoubtedly have been a bit of a fanfare as we laid the update to the climate change plan for the Scottish Parliament—members may recall that that was expected on Thursday 30 April. We would have presented a look to the future and discussed COP26 and the green new deal, among all the other things on the horizon.

I need to say at the outset that I and the Government remain committed to Scotland's world-leading climate change targets and I am proud of what we have achieved, even in the short time since the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019 was passed last year. That means taking real steps towards realising our ambitions. However, it is vital

that all our actions over the coming weeks and months, even those in response to other global issues such as climate change, reflect the current situation and are supportive of the national response to it. As we reset and recover from the crisis, we will continue to lead global climate action through the delivery of that sustainable, just and resilient recovery towards net zero emissions. The 2019 act also enshrines in law our commitment to a just transition, in which wellbeing, fair work and social justice are prioritised and no one is left behind. In my view, those principles will also need to be absolutely central to the economic recovery from Covid-19. I will briefly touch on that in a moment.

I turn to other upcoming climate change business. In my recent letter to the committee, I set out that we remain committed to meeting the statutory reporting deadlines in relation to climate change matters, wherever that is appropriate, without compromising the immediate response to Covid-19. That means that we still expect to be laying the following reports in Parliament between now and the end of June: an annual report on progress to the adaptation programme, which is due at the end of May; a report on the annual emissions reduction target for 2018, which is due in mid-June; and an annual report on progress to the land use strategy—the timing on that is to be confirmed. Although the preparation of those reports will obviously be somewhat affected by reorganisation of internal capacity, continued servicing of such reporting represents an element of our continued commitment to climate change goals.

I turn back to the postponement of the update to the climate change plan. We were on track to deliver that report on Thursday 30 April. We had made an absolute commitment to update the climate change plan within six months of the act, which was much discussed during the committee's deliberations at the time. The planned update would have set out how Scotland would have made the additional effort to bridge the gap between the previous emissions targets and the new, more stringent, targets and to make up for the shortfall in 2017.

As I have written, I have taken the decision to pause the update on the climate change plan. Our agreed deadline was no longer feasible nor appropriate, given the challenges that we are facing. That reflects the need for a bit of time to ensure that the policies and proposals that we put forward will reflect the new economic and social realities post-pandemic. It does not mean that work will stop; the pause allowed work to continue, but in recognition that we are operating in a changed landscape.

Some committee members were privy to the discussions in the cross-party working group that I had set up. As members who were involved in those meetings may recall, analysis by the chief economic adviser and by independent sources such as the UK Committee on Climate Change was pretty stark about the scale of the challenge that we were setting ourselves.

10:45

However, all our underlying assumptions must shift. We know that the risk to life and expected economic impact from Covid-19 are unprecedented. The latest state of the economy report shows a potential fall of gross domestic product in Scotland of around 33 per cent during the current period of social distancing; that is similar to estimates from the UK and international bodies. If we assume disruption to business as usual for the next six months, UK GDP could fall by 35 per cent in quarter 2, and by 13 per cent across 2020. Those figures are significant, as is the potential for a rise in unemployment and a significant UK-wide deficit of levels unseen since world war two.

None of us can be blind to the disruption to the economy that has happened; some of our assumptions about attitudes and individual behaviours might also have to shift. It is too soon to say what the long-term impacts or unintended consequences might be, but we cannot proceed as if there will not be those long-term impacts.

All the work that has been done until now is banked and we will repurpose it to inform thinking on the green recovery. As the committee knows, I have formally requested advice from the CCC and I am advised that that is likely to come in the form of a letter in early May. As soon as we receive it, I will share that letter with the committee.

We have to take time to analyse the scale of economic and societal change and think about how policies will need to be updated. We will have to align the climate change plan to the economic recovery strategy and other key strategic documents. Therefore, when the time comes, we will have to allow for sufficient parliamentary scrutiny. I would like to lay an updated plan before the committee towards the end of this year and I would be keen to know whether that reflects the committee's planning assumptions, too.

I mentioned the cross-party working group, which had provided invaluable external views to the update process. I am considering how best to repurpose that group and other networks, so that we can continue that open and collaborative way of doing things. Therefore, in those circumstances, I welcome future opportunities to engage with the

committee on options for that recast update and proposals on how we might work together on it.

The committee is aware of the postponement of COP26. In the circumstances, that was probably inevitable; most of us would have anticipated it. I have received assurances from Alok Sharma that the UK remains committed to hosting COP26 in Glasgow. As yet, there is no indication of that postponed date. However, across Scotland—and particularly in Glasgow—we have a role in ensuring a successful COP26, whenever it might be. There is a logistic issue, because so many big international events have been rolled forward into 2021 that the 2021 calendar might become crowded. I suspect that that is why the organisers have not been able to settle on a future date.

Initial work on the green recovery has started; I reassure the committee that issues such as just transition are key and central to that. The recovery plan must be resilient, protect Scotland from future crises and, explicitly, have net zero at its heart. The committee will be updated on that as we develop various frameworks around decisions in the short, medium and longer term.

In conclusion, this is not where any of us expected to be. Goodness knows, we could hardly have envisaged the scenario that we are now having to work in, the speed with which things change and the uncertainty around that. I hope that the current situation will inspire us to reimagine the challenges that our net zero ambitions have set out and recast them in a sustainable, inclusive economic recovery. That conversation is now being had in a number of other countries and in the European Union as a whole.

The Convener: Thank you for that comprehensive update. I have an initial question. You have mentioned a green recovery plan as well as an updated climate change plan. Are those two plans one and the same? Is it a case of taking the progress that was made with, and the update to, the climate change plan and embedding those in an economic green recovery plan, as you put it? Are those two separate things or is that now one piece of work?

Roseanna Cunningham: They are two separate things. The economic recovery group, understandably, has to deal with the immediate, short-term fallout from the situation but it will not take decisions that run counter to net zero: the net zero target is embedded in its work, in order to ensure that we do not inadvertently start to take decisions that simply ignore it.

I am conscious, however, that the climate change plan update needs to be a particular and discrete piece of work, because it is of course set towards a 2030 target, as opposed to the longer-

term 2045 net zero target. I will be working with the economic recovery group with the understanding of the slightly different role for each plan. I did not want the notion of the climate change plan update to be completely lost. We will probably not call it the climate change plan update now, because that name no longer fits where we are. I anticipate that those two things, although they run in parallel, will not be exactly the same.

The Convener: Thank you for that clarification. Members now have some questions.

Finlay Carson: I thank the cabinet secretary for the update, which is much appreciated. It has already been mentioned that the climate change plan has changed from a whole new plan to an appendix, then to an update. Can you give us a rough indication of the likely format and look of the green recovery plan?

Roseanna Cunningham: I cannot do that in detail, because we have not set out precisely how the plan will look. We will be moving away from the plan update idea, because we now have to include a different set of issues in that green recovery. We can take some potential opportunities from where we are at the moment. The announcement from the Cabinet Secretary for Transport, Infrastructure and Connectivity yesterday gave examples of some of the significant questions that might begin to emerge; the previous update would not have been couched in that way.

A lot hinges on what advice we get from the CCC, which will be advising not only us but the UK Government. It is about how we can best see the way forward, and about making a decision on how that will look, given the timescale that I am indicating as an appropriate one for us to do that piece of work.

With regard to Mr Carson's question, I cannot say to him that the plan will comprise 10 chapters or cover the following things, or that we will do it in this or that way. That work still needs to be done.

Finlay Carson: Will there be any impact on what the CCC has always recommended, which is that we need to go further and faster in order to tackle climate change? Will Covid-19 put that ambition at risk?

Finally, we have seen clear skies over cities worldwide. Do you believe that the Covid-19 shutdown will have any long-term significant impact on the climate, in the UK or globally? That question might be a bit unfair, but I would like to hear your opinion.

Roseanna Cunningham: There is no doubt that, in a very immediate sense, global emissions have probably decreased significantly. Images of the impact of clean air in huge parts of the world

are striking. The speed at which wildlife has moved back into areas of human habitation in a very short space of time also provides striking images that people are enjoying on social media. I want to be a little careful—and I caution others to be careful, too. We need a sensible analysis of where we are. We can point to some things that look like pluses, and we have talked about some of those already, but there will be other slightly more complicated issues that we have to deal with.

A case in point is transport, which I referred to by commending the decision that the transport secretary made yesterday. That is on the plus side, but I have significant concerns about the impact on public transport as we try to get back to some semblance of normality. If people do not want to go back to using mass public transport, we are not quite sure what things might look like. That is where the potential for making a difference is a bit more complicated than simply saying things like, "It is great that there are no cars on the road; look how clear it is. It is nice to get all this walking and cycling done." We need to think about the role of public transport, because there could be some very unintended consequences. To be crystal clear and honest, that is where I find things not as easy and straightforward as we might imagine. The same considerations apply across a range of issues.

I want to hold on to some aspects of what we have decided. The commitment to nature-based solutions is still hugely important and I do not want to let go of important things such as peatland restoration and tree cover. We should not imagine that that will somehow not continue to be part of our approach. That is why I said that the considerable work that has already been done has been banked and will still be relevant. Thinking about the slightly more complicated issues, however, is what will give us a sense of what we need to do in future.

Claudia Beamish: I welcome your statement, and the clarity that you have given on the way forward on many of the issues that we are dealing with, in this committee and beyond it.

I am concerned about changing the name of the plan. We all recognise that the climate change plan and its update result from the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. That is something to consider.

How do you see the interim report and on-going work of the just transition commission feeding into the update of the climate change plan and into the green economic recovery, to contribute to equity being at the core of both?

Roseanna Cunningham: The just transition commission, particularly its principles, is integral to

the work of the economic recovery group and the green economic recovery. The issue is how practical it is to re-task the just transition commission in the current circumstances. Like us all, the commission will be challenged by what has happened, but it has an absolutely integral role, perhaps beyond anything that was envisaged for it initially. Its work will be critical to much of our thinking.

11:00

Claudia Beamish: I have another short question on the plan and then a question on COP26.

You have already touched on this, but I wonder whether you see lessons that could be built on from the reduced air pollution and greenhouse gas emissions and the return of nature, which will obviously help our health and that of the planet. Can the Scottish Government highlight those in its public awareness raising, and might the situation lead to behaviour change? For example, people might walk their children to school rather than go by car or people might work at home where possible, to cut congestion and stress levels. Of course, there are also the benefits of virtual meetings such as this one.

Roseanna Cunningham: Significant things may come out of the current situation. We are all embedding new habits. I suspect that a considerable number of us are a good deal fitter than we were at the start of it, because we are all taking our mandated exercise every day. I suspect that that is becoming a habit that most of us will not want to let go of. I think that some aspects of the behaviour change will become embedded and that people will be reluctant to let go of them.

However, as I alluded to earlier, there is a slight concern about other outcomes that might emerge. We need to be careful about seeing only silver linings, because there will be real conversations about some aspects of what may become the new normal, and how those will help us. There is no doubt that many people will see the much-reduced aviation emissions as a plus. I am not an expert on the aviation industry, so I do not know what the likelihood is of it attempting to return to the status quo ante. There will be lots of conversations on that.

Pretty serious conversations and discussions will be had about some aspects. I have focused mostly on transport issues because, at the moment, those are the ones that have real question marks over them. However, there is a reconnection with nature arising out of the new habits that are being formed and the places where people are taking their exercise, which might make some messages that Government and

campaigners try to get across land among a more receptive audience, although we shall have to wait and see whether that is the case.

Claudia Beamish: In view of the delay to COP26, will you outline how it might be possible for the Scottish Government and us all to keep up and support the momentum of community and non-governmental organisations, and union involvement and connections, here and beyond Scotland?

Roseanna Cunningham: The delay has resulted in a certain number of moves. A question was asked earlier about staff resources being directed to different places. Some of the work around COP26 continues, but a degree of it does not. The postponement impacts on many third sector bodies—environmental NGOs and all the rest of it—that were thinking, planning and targeting for November.

I think that most of them are committed enough to want to keep that momentum going, but until we have some sense of when the rescheduled date is, it will be hard to keep that in focus. Once we know which date in 2021 is being considered for COP26, that will recharge all the batteries and get it all going again. The date depends entirely on the management of the pandemic and it is extremely difficult to know at this stage what that will look like. We are continually reminded that life will not go back to the previous normal any time soon. That may have other impacts on some of the bigger events that have been pushed into 2021.

Mark Ruskell: Michael Russell said in the chamber yesterday that the new Covid bill that will be brought to Parliament will include a change to the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, to change the deadline by which the climate citizens assembly will report.

I understand some of the reasons for that, but I am concerned that the work done in involving citizens in questions of green recovery and climate change might slow down during this period. In France, the climate citizens assembly is continuing to work and to develop new proposals, although it is working differently and is doing so online.

I would like some clarity about the Government's proposals for how the assembly will function, and particularly about the decisions that the stewarding group will be making about the assembly's remit.

Roseanna Cunningham: The stewarding group is still working; they have another meeting this week. I assure the member that that work is ongoing.

In Scotland, we have chosen to embed a lot of those things in legislation. Because the dates for

certain things were set in legislation, we had to consider whether it was achievable to do things in the timescales that had been laid out. The citizens assembly on climate change was designed to operate and then to have its final meeting to coincide with COP26 in November. It was clear that that goal was unachievable, so we had to change it because it was set in primary legislation.

There is a deal of work that can be done online. We are all becoming accustomed to this way of working; we are all using Zoom and other video-conferencing platforms. A considerable amount of the citizens assembly's work could be done in that way. The reason for including the provision in the next emergency bill is so that we do not breach a statutory regulation. It is not about not doing the work; it is about understanding that, in the current circumstances, the work could not be done in the timescale that was originally envisaged and legislated for. We must adjust that legal target to avoid breaching it.

There is a question over the original intention to have the final meeting of the citizens assembly at the November COP. Depending on when COP26 is postponed to, there might be a conversation about whether or not they still want the climate change citizens assembly to dovetail with the COP, or whether the assembly's final meeting will happen earlier. Those conversations are on-going. The stewarding group is meeting again this week and those are live discussions.

The Convener: Mark, are you happy to move on?

Mark Ruskell: I have another question. That was a useful response from the cabinet secretary. Part of the context of the citizens assembly's work is the climate change plan, and you indicated that the Government's intention is to finalise the update by the end of the year. I would like to ask about the nature of that update.

In section 35 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019—I am looking at it now—Parliament added a lot of new areas for the Government to focus on in the climate change plan. Those include agroecology, home energy efficiency, electric vehicles, policy statements on oil and gas, district heating, the just transition and climate justice.

We felt the need to bootstrap the bill in a number of priority areas on which we took evidence, and those areas are now in the bill. There is nothing in the bill to commit you to the update, to working on those areas or to bringing forward specific policies on them. However, surely you would agree that it is in the spirit of the bill to be working on those areas right now and to bring in new policies that can improve our ability to tackle climate change and meet the targets, and to

include those in the climate change plan update by the end of the year.

I want to get your views on that. Will the priority areas that we identified in section 35 be not just formal requirements for a new climate plan, but priority areas for the update?

Roseanna Cunningham: I do not think that anything that I have said so far would suggest that I want to move away from the spirit of what we have all agreed is necessary. I have indicated that we need to do some serious analysis of where we are. My intention at the moment is to include the things that we have previously discussed in committee, but obviously we are in very strange circumstances and, right now, the Government's focus is pretty much on combating this pandemic and its immediate impacts on public health and the economy.

Our work on the update—I will call it “the update”, although we probably will not badge it as such when we do it—will begin to tease out some of the new realities that we are in and their implications for many of the areas that the committee was keen to ensure were included in the 2019 act. However, clearly we are in a completely different fiscal and economic scenario from the one that we were in prior to this happening, which is why I felt that the work had to be paused at the point that it had reached; it is also why, before we make absolutely final decisions about things, we need to make sure that we understand all the issues and all the consequences that there might be.

All that has to be kept under the umbrella of our absolutely wanting to keep within the spirit of what the committee had previously discussed. I remind us all that, notwithstanding what has happened, we still have legislative commitments to get to 75 per cent emissions reductions by 2030. They have not gone away; they are still the overriding issue for us, and everything that we do will still need to be targeted towards that.

Angus MacDonald: If the update—or whatever it is due to be titled—is due towards the end of the year, how will the Scottish Government take into account the Committee on Climate Change's advice on the target of a 75 per cent reduction by 2030? That advice is now due in December, as part of the CCC's sixth carbon budget.

11:15

Roseanna Cunningham: That is one of the questions that we will have to juggle. Timetables across the board have been thrown out. I feel that, by producing the new update, plan or whatever we want to call it by the end of the year, we will help committees to think about the issue in the context of the budget and will therefore encourage

alignment with that. I am conscious that there are other pieces of advice that might come in a little late in relation to where we want to be, but I am afraid that it is ever thus. No matter when we make a decision to do something, there will be a continued and rolling set of reports that could impact on it. There will never be a fixed point at which we can simply put in a full stop and move on. It is a constantly changing world. We must try to think, to the best of our ability, what is needed at the time when we draw up the update.

I remind members that the climate change plan itself will have to be redone a couple of years later, so anything that does not come out in time for the update will still be relevant for the next version of the plan, the production of which is a statutory requirement.

Annie Wells: Given that the proposed circular economy bill has been delayed because of the global pandemic, will any of the policies that might have been implemented as part of that bill now appear in the climate change plan?

Roseanna Cunningham: There will obviously be references to the circular economy in the climate change plan, and the circular economy will form a key part of the update to that plan and what will now be the green economic recovery. That does not take the place of legislation, which deals with things that require to be legislated for. It is necessary to be clear about the differences between those two things. However, the circular economy mindset will be part of any green economic recovery.

Stewart Stevenson: The facilities in Glasgow for the COP will be in high demand next year and possibly for some time to come, as the backlog of events is renegotiated. Has the Scottish Government secured early commitments from the owners of facilities there to work with the Government to make sure that we continue to have the facilities that we will require for the COP?

Roseanna Cunningham: Such conversations are rather difficult in the absence of any indication of even a rough timetable for the COP. I anticipate that many of the venues that were already being secured for COP26-related events will know that they are likely to be in scope for a rescheduled COP, but until we are absolutely clear about when the rescheduled COP will take place, it is very difficult to have anything other than an extraordinarily general discussion.

There will obviously be timing issues on a variety of levels—globally, UK wide, Scotland wide and in Glasgow—which will all need to be factored in. We are not having specific conversations about the potential COP26, but the venues that were already being secured will undoubtedly be well aware that they will be the first in line for

conversations the minute we know when we are likely to have the rescheduled date.

The Convener: I thank the cabinet secretary for giving us that update. It is very useful to remind us that, in the background of the current crisis, we still have a global climate emergency to deal with.

That completes our questions and concludes the evidence session with the cabinet secretary. I thank her, her officials and members for taking part in our meeting. It has run very smoothly, which is a great relief to me.

The committee's next meeting will be scheduled at an appropriate date, and that will be notified in the business bulletin and via the committee's social media. The committee will report on the regulations that we dealt with today on 10 May. Any follow-up scrutiny issues that arise from the discussion on Scottish Government priorities will be dealt with primarily by correspondence, which will be published on our website.

11:21

Meeting continued in private until 12:15.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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