

EUROPEAN COMMITTEE

Tuesday 30 January 2001
(*Afternoon*)

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EUROPEAN COMMITTEE

2nd Meeting 2001, Session 1

THE OLDEST COMMITTEE MEMBER

*Colin Campbell (West of Scotland) (SNP)

CONVENER

Hugh Henry (Paisley South) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Dennis Canavan (Falkirk West)
*Helen Eadie (Dunfermline East) (Lab)
*Irene Oldfather (Cunninghame South) (Lab)
*Lloyd Quinan (West of Scotland) (SNP)
*Nora Radcliffe (Gordon) (LD)
*Ben Wallace (North-East Scotland) (Con)

*attended

THE FOLLOWING ALSO ATTENDED :

Mr Jamie McGrigor (Highlands and Islands)(Con)

WITNESSES

Hugh Allen (Mallaig and North West Fishermen's Association)
George Baxter (Scottish Environment LINK)
Tom Hay (Fishermen's Association Ltd)
Mr Darren Kindleysides (Scottish Environment LINK)
George MacRae (Scottish White Fish Producers Association)
Roddy McColl (Fishermen's Association Ltd)
Hamish Morrison (Scottish Fishermen's Federation)

CLERK TO THE COMMITTEE

Stephen Imrie

ASSISTANT CLERK

David Simpson

LOCATION

Committee Room 1

Scottish Parliament

European Committee

Tuesday 30 January 2001

(Afternoon)

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 14:08*]

Colin Campbell (Oldest Committee Member): Good afternoon, everyone. I welcome you to the second meeting in 2001 of the European Committee.

This is my most accelerated promotion in a long time. I joined the committee at its previous meeting and I am its acting convener for about a minute and a half while we conduct one or two necessary formalities.

As members will see, the convener, Hugh Henry, is unable to be present today—unfortunately, he is attending a funeral. As we do not have a deputy convener at this stage, the privilege of chairing the meeting for the next few minutes falls to me as oldest, or most chronologically challenged, committee member.

Is the committee prepared to accept my convenership for the next two or three minutes? I hope that there will be no dissent.

Members indicated agreement.

Interests

Colin Campbell: Before we move on to the selection of a deputy convener, I invite John Home Robertson to declare any relevant interests that he might have.

Mr John Home Robertson (East Lothian) (Lab): I have nothing to add to the declaration of interests that is in the "Register of Interests of Members of the Scottish Parliament".

Deputy Convener

Colin Campbell: The Parliament has rigid rules and, as agreed by the Parliament, on a nomination of the Parliamentary Bureau the deputy convener of the European Committee shall be drawn from the Labour party. I understand that John Home Robertson has been nominated. Does the committee approve the choice of John as our new deputy convener?

Members indicated agreement.

Mr John Home Robertson was chosen as deputy convener.

Colin Campbell: In that case, at this early stage in my career as a member of the European Committee, I take great pleasure in handing over the convenership to John Home Robertson, although we have decided that we will not change our seats.

The Deputy Convener (Mr John Home Robertson): Thank you, Colin. I hope that the rest of the meeting will go as smoothly as the part that you convened. This is the first meeting of the European Committee that I have attended, and it is a rather surprising honour to find myself in the chair in the absence of Hugh Henry.

Items in Private

The Deputy Convener: We must now deal with a formal point. In line with the committee's convention, do members agree to discuss in private our draft report on the application and appraisal process for European structural funds, which is item 7 on our agenda?

Members indicated agreement.

Common Fisheries Policy

The Deputy Convener: We now move to our principal item of business, which is the first of our evidence sessions on the common fisheries policy inquiry. We are about to embark on an inquiry that was agreed by my predecessors on the committee towards the end of last year.

I welcome the representatives of the fishing industry and of the environmental sector in Scotland, quite a number of whom will recall me from my previous incarnation as Deputy Minister for Rural Affairs, when I had responsibility for fisheries. Therefore, I know a little about this subject, and I look forward to contributing to the debate from the rather different perspective of a Scottish Parliament committee member.

The format for today is that I will invite the representatives of Scottish Environment LINK to give a short introduction—by which I mean an introduction of a minute or two only—on the key issues, as they see them. They will be followed by representatives of the fishing industry, in the order in which they appear on the agenda. I appeal to the witnesses to limit their initial comments to a simple introduction of their organisations and a brief outline of the main points that they wish to draw to our attention. I am confident that all my colleagues on the committee have read the papers that have been submitted and understand the points that the witnesses wish to raise. Following those introductory comments, we will move into a question-and-answer session that will involve all committee members.

Before we go any further, I emphasise that I am well aware that people involved in the industry and those who are involved on the environmental side have acute concerns about recent developments in fisheries management following the December meeting of the fisheries council. It is important to stress that inquiries on the detail of that negotiation and on how fisheries are managed in the short term are matters for the Parliament's Rural Development Committee. The European Committee will focus on strategic, broad-brush issues in the run-up to the review of the common fisheries policy in 2002. We should try to think big, as far as the affairs of this committee are concerned.

That said, I invite the witnesses to say a word or two in the order that I suggested, starting with George Baxter of World Wide Fund for Nature Scotland.

George Baxter (Scottish Environment LINK): On behalf of Scottish Environment LINK, I thank the committee for the opportunity to give evidence. I am here in place of Alistair Davison, who is ill

and sends his apologies.

I would like to make a number of points. I was going to tell members about the failure of the CFP, but I shall skip that bit because the committee must be well aware by now of the policy's inherent failings. I shall touch briefly on LINK's recommendations and outline the challenge faced by the committee.

First, I want to mention the historic alliance that has been forged in the past year or so between environmentalists and the fishing industry, with a shared vision of healthy fish stocks, healthy seas and healthy communities. It is politicians who now hold the key, given that there is such agreement between us.

Secondly, moving on to LINK's recommendations, I believe that it is critically important that environmental objectives are put into the CFP and that the CFP should manage the ecosystem in a cautious and sensible way. The sand eel fishery, which removes the food supply for commercial stocks, and the destruction of the Darwin mounds off the north-west coast of Scotland show the failings in looking after the whole system. We strongly support the regional or zonal management approach that is advocated by the Scottish Fishermen's Federation and others. That would develop the regional committees for fishing zones and involve all the stakeholders, which the CFP has singularly failed to do. It would also address the key problem of the central bureaucracy that is unable to tailor management to local needs.

Thirdly, long-term planning is essential. The industry is worth hundreds of millions of pounds, yet it is based on an annual quota system that quite clearly fails. The reform must allow for longer-term five-to-10-year planning and must plan not only for stock recovery but for harvesting.

14:15

Fourthly, investment and innovation are critical. Investment must allow for a range of recovery measures to enable the industry to adapt and change. Examples include decommissioning and lay-off schemes, technical measures such as square-mesh panels and innovations such as the Norwegian move-on scheme, under which catching a certain percentage of juvenile fish triggers fishermen to move on. Fishing-free zones should be considered as a viable management tool. The recent cod emergency has shown the need for fishing-free zones, but why does it take an emergency? Why are not those measures used to protect spawning and nursery grounds in a strategic way? Zonal management could deliver such a range of solutions, but the question of investment goes to the heart of the Treasury and

should be addressed.

There has been a decade of inquiries. All the inquiries at Westminster have reached the same conclusion and I do not think that there is any doubt that this inquiry will come to the same conclusion: that the CFP has been an utter failure. This review is our chance to get it right. The challenge to the committee is to pursue its recommendations and to voice Scotland's views loudly in the deliberations over the green paper that is soon to be published. The CFP should look after the whole ecosystem, introduce a system of regional management, consider recovery planning for the long term and invest in a sustainable industry.

The Deputy Convener: That took a little longer than I hoped, but thank you anyway. We now turn to Darren Kindleysides from the Royal Society for the Protection of Birds Scotland.

Mr Darren Kindleysides (Scottish Environment LINK): That was a joint Scottish Environment LINK statement on behalf of both our organisations, so I have nothing to add.

The Deputy Convener: In that case, we are back on course. We shall now hear from industry representatives, starting with George MacRae of the Scottish White Fish Producers Association.

George MacRae (Scottish White Fish Producers Association): The Scottish White Fish Producers Association is the largest association of fishermen in the United Kingdom. It has a long history of involvement in the debate, as it represents a significant part of the United Kingdom catching capacity, most of which is on the east and north-east coasts of Scotland.

The common fisheries policy certainly needs reform; I do not think that there is any doubt about that. There has been an awful lot of talk about what that reform should be and whether a structure should be put in place to enable fisheries management to be much more effective. George Baxter of WWF Scotland has highlighted the importance of zonal management, and that reflects my association's policy, which is supported by the Scottish Fishermen's Federation. The important thing about a new management structure is not the structure itself but the way in which it is managed. The greatest problem with the common fisheries policy is the way in which it has been mismanaged.

Two main issues will affect the fishing industry in the next few years. I am not listing them in order of priority, but just as they come to mind. One is safety; a vessel is lost round our coasts every three weeks on average. The second is stock sustainability, conservation or stock regeneration, whatever phrase one cares to use. Our association strongly supports that and we feel that

there must be a revised management structure on a zonal basis, in which fishermen must be actively involved along with other stakeholders, such as the environmental lobby. That would give us a much better way of managing the fisheries to achieve a balance between the catching capacity and the stocks that are available.

We have a great opportunity to do something over the next couple of years. The cod recovery plan, which is now being dealt with as an emergency, will be dealt with on a five-year basis. We hope to have a plan in place in conjunction with all the other stakeholders within the next few months.

At the end of the day, however, the success of any policy depends on how it is managed. We must take account of the issues that have been highlighted over the past few weeks, such as industrial fishing and seal predation—a question that many people want to avoid, but we do not avoid it. We must also consider recruitment to the industry and its funding, as well as decommissioning and keeping at sea those who want to remain at sea. There are three important groups: those being recruited, those who are fishing and those who want to leave fishing. No man should be forced out of the industry unless he wants to leave. We also want to encourage young people to come into the industry, so we need a policy that is fair, reasonable and properly funded and structured so as to tackle all the manpower issues.

We made a number of points in our submission to the committee. I do not propose to go into them in detail, because the committee should have seen them. There is a good deal more that I could say, but I shall stop at this point. I have emphasised the main CFP issues that need to be addressed. The other thing that is important is a level playing field in enforcement, because there is nothing more frustrating or annoying than the UK playing a straight bat while fishermen from other countries do not do so. That is not the fault of the policy, but the fault of the management.

I shall be delighted to answer any questions from members.

The Deputy Convener: Thank you. Iain MacSween of the Scottish Fishermen's Organisation is not with us yet, so we shall turn to Hugh Allen of the Mallaig and North West Fishermen's Association.

Hugh Allen (Mallaig and North West Fishermen's Association): I am grateful for the opportunity to participate in the inquiry. I am the secretary of the Mallaig and North West Fishermen's Association, which is a multisectoral association and which, despite its name, is based throughout Scotland and also has members in

Orkney and the Western Isles.

I am also chairman of the Scottish Fishermen's Federation environmental and inshore fishing committee, which is the group through which we have established close contacts with environmental organisations. I am chairman of the Fish Industry Training Association and of the West of Four Fisheries Management Group, a Highland Council-sponsored conglomeration of 11 associations with interests on the west coast of Scotland.

I have worked in the fishing industry for nearly 35 years, mainly as a skipper and owner of 12 vessels, and I have had a commercial interest in marketing and exporting fish. I was fortunate that my sea time was spent during the period when fishing was still one of the surviving bastions of free enterprise. It is from the comfort of the shore-based side of the industry that I have witnessed its demise as it has become more and more managed—and I use that word advisedly—by an increasing corpus of groups and individuals who have had the luxury of telling us what to do without necessarily having to suffer the consequences of the policies and decisions.

We support strongly the concept of zonal management and the developing interest in stakeholder management at all levels—zonal, regional and local. We are also very supportive of technical measures. We are interested in stock regeneration zones, which are currently being tried out in the North sea; we would envisage something similar on the west coast.

On the Scottish perspective, I defer to my 78-year-old mother-in-law, who has just returned from holiday.

The Deputy Convener: Who wouldn't?

Hugh Allen: Exactly. She has just returned from holiday in Marrakech. I asked what her hotel was like and she said that it was fine, but that there were hundreds of Germans, French, Dutch and Danes and only 20 Europeans. That made me think that there is nothing wrong with a bit of good old-fashioned xenophobic jingoism.

The biggest proportion of EU fish is in UK territorial waters—mostly in Scotland. We must overcome the geographical difficulties associated with our distance from Brussels. The Scottish Executive must lead the fray; the emergency cod recovery plan has demonstrated that it is well capable of doing so. That said, my experience of Commission officials is that they have always been very helpful; it is just a pity that it costs so much to get to Brussels.

We await the green paper with interest and some trepidation—I hope that our fears will be unjustified. I shall be pleased to answer the

committee's questions.

The Deputy Convener: Thank you. We turn to the Fishermen's Association.

Roddy McColl (Fishermen's Association Ltd): We will make a joint presentation.

I am the secretary of the Fishermen's Association and have been involved in the fishing industry for the past 29 years in a variety of capacities. The Fishermen's Association was formed in September 1995. It represents 135 members from Shetland to Cornwall. Our chairman is Tom Hay from Peterhead, who is with me today, and the vice-chairman is David MacPherson, an active skipper from Hopeman. We have four branches in Peterhead, Fraserburgh, Buckie and the Moray Firth. We are about to form another branch in Shetland when we visit next week. Our members pursue a spectrum of fishing: deep-water species; pelagic; prawns; shellfish, including scallops; and whitefish. Member vessels range from less than 10m to more than 30m. Last year, our members generated an income of £35 million.

We have heard from other witnesses this afternoon how the CFP has been a disaster for the UK fishing industry. We hope that the committee will condemn the present structure of the EU fisheries policy, which we believe requires a root-and-branch rethink from first principles. I will hand over to Tom Hay to comment on that.

Tom Hay (Fishermen's Association Ltd): Good afternoon, convener. I believe that we have met before and are not complete strangers.

The Deputy Convener: Indeed.

Tom Hay: Every problem in life is governed by two principles: the cause and its symptoms. If we treat the symptoms as if they were the cause, it will bring nothing on us but disaster. As in so many issues, the roots of such disaster lie in political error. We must understand what is happening around us politically to find out why we are in such a mess. No European issue, apart from the single currency, has generated more passion than the story of how politicians and their accomplices managed to conceal the truth about the fishing industry for so long. The secret deal to sell out Britain's fishing grounds, fishing rights and fish stocks in the early 1970s—recently exposed by the Public Record Office—shows that the full blame for the disaster must lie on the disloyal and self-seeking servants of the British people, who regarded the fishing industry as expendable and as an acceptable sacrifice on the altar of their Euro-fanatic fantasies.

Today, we are confronted with the consequent catastrophe now facing British fishermen as Brussels forces them off their own waters, in

favour of an increasingly predatory armada of Spanish and other foreign fishing vessels. In desperation, to cunningly conceal their intentions, the supporters of this terrible complex plot against our fishermen parrot the sickening terminology that there are "too many fishermen chasing too few fish". It is nothing more than a cynical front to justify drastic reductions in the British fleet to create room for the free access of the Spanish and thereafter the Polish, Lithuanians, Latvians, Estonians, Romanians, Bulgarians and people from any other eastern bloc country with or without a maritime seaboard.

In 1976, the Conservative party was in opposition, as it is today. As a result of equal access to the newly established 200-mile-to-median-line zone, the Conservatives demanded from the Labour Government an urgent renegotiation of the common fisheries policy. The Labour Government said that talks were under way. That was 25 years ago. Under the Conservative Administration, that fobbing-off exercise continued unabated, with almost daily promises of reform from within. The truth is that fisheries ministers and most members of Parliament—with a few exceptions—have, by their collaboration with this anti-British madness, betrayed the true interests of British fishermen on a scale for which there is little historical parallel.

14:30

Politicians, civil servants and their accomplices have not only refused to talk about such matters, but gone to every length possible to hide the truth from the elected representatives of our fishermen. So great has been the effort to cover up the truth through this massive con trick that our fishermen have been led slowly and unknowingly towards the establishment of a single EU fleet, on the principle of non-discrimination, with no increase in fishing effort. Our industry has been piloted to its destruction through utter deception. Never has the British fishing industry faced such dire peril. That is something that the convener is aware of, as he suggested the last time that we met.

There is only one clear unobstructed avenue of escape: to permanently remove the principle of equal access and re-establish our own 200-mile-to-median-line exclusive fishing zone, which rightly belongs to the British people, according to international law. To say that that cannot be done either is another fabrication of the truth or demonstrates a total ignorance of British constitutional law.

The Deputy Convener: Thank you for that interesting presentation.

The final speaker is Hamish Morrison from the Scottish Fishermen's Federation.

Hamish Morrison (Scottish Fishermen's Federation): Thank you for the invitation to come and speak to the committee. The work of the SFF could be described as a running review of the common fisheries policy—I spend far more time on European affairs than I would like. In recent times, our review of the common fisheries policy has become rather more formal in preparation for the formal review at the end of 2002 and the green paper to which other witnesses have referred. Our contribution to the green paper has involved many forums, including the appropriate committees of both Houses of the UK Parliament, the Commission and its various extensions and advisory bodies. I hope that the European Committee will consider asking us to come back after the green paper has been published to read the story rather than trying to embellish history.

Our agenda for the review of the CFP is that we would like to keep some things, prevent some things and change others. We would like to keep relative stability, 6 and 12-mile limits and the Shetland box. We would like to prevent further dilution through new entry of significant fisheries, most notably in the North sea. I do not share the gloom of other witnesses about the possibility of doing that. As is well known, all the quotas of commercial species in the North sea are now allocated, so what any new entrant would do is a mystery.

We would like to change the appalling and theatrical performance at the fisheries council at the end of each year when it fixes the quota. There is no need for that; we are grown-up people and we should have moved on from that a long time ago. We want the procedures to be reformed so that a multiannual approach can be taken to quota setting.

The second thing that we would like to change—and the Commission has agreed on this—is the capacity regulations; the cumbersomely titled multiannual guidance programmes, which Commissioner Fischler has admitted publicly do not work.

Finally, we want to change the management system. We submitted our detailed proposals on that to the committee.

There are other points of detail, but those are the main initial points.

The Deputy Convener: Thank you very much for your commendable self-discipline. You have touched on most of the key issues that you developed in the papers that you submitted. Having endured one December fisheries council as Scottish fisheries minister, I recognise the description of the theatrical and strange way in which that shoot-out is conducted year after year; it is not a sensible way of taking long-term, or even

short-term, decisions about an important industry.

I will address one or two general issues before handing over to members to ask about specific subjects. A fundamental issue, which Tom Hay mentioned, is whether we should have a CFP at all. I hear what he said, on behalf of the Fishermen's Association Ltd, which was that we should not have been members of the CFP in the first place and that it should be abandoned now. He addressed that characteristically vigorously. Do other witnesses think that is desirable or realistic?

Hamish Morrison: The question is entirely hypothetical. Whoever keeps or brings to an end the CFP, it certainly will not be the fishing industry nor even, with great respect, this committee. I say that not because I want to denigrate either party's great influence in these matters, but because it is a fairly open secret that the collection of treaties within the EU hang together or hang separately. They will hang together because there are so many vested interests outside of fishing that would prevent any detachment of the fishing industry from the body of European treaties.

Given the tiny resource that we have available to us, it is better to spend that resource arguing as vigorously as we can, from within the system, to improve the lot of Scottish fishermen rather than pursue a distant dream of constitutional reform, which is outside our scope.

The Deputy Convener: I tend to agree with that. I suspect that other politicians might reach the same conclusion. Do any of the other witnesses want to comment?

Mr Kindleysides: I agree with Hamish Morrison. The question for this inquiry is how we can shape the CFP so that it is good for stocks and the marine ecosystem. When you are faced with the question of whether we should have a CFP, I like to quote Henry Cooper. When he was faced with a very difficult question, he said that there were pros and cons for and pros and cons against.

You can get caught up in that sort of discussion, but I think that our focus should be on how we can make the best of the CFP. It is clearly failing; let us make it into a better policy.

The Deputy Convener: Yes. I think that is what the committee would like to work towards, but it is a fundamental issue that some of our witnesses have raised, so I thought that it should be addressed.

George Baxter: I was going to add that under the principle of subsidiarity in the Amsterdam treaty there is an opportunity to reform the CFP to be more regionalised and to bring benefits to individual states rather than take the cumbersome approach that was adopted when it was first devised.

The Deputy Convener: Certainly. We will come on to zonal management. It could be feasible to manage CFP in a different way without getting into treaty changes and the difficulties that would arise from that.

We will move on to capacity reduction. Hamish Morrison referred to the dreaded multiannual guidance programme and other attempts to reduce the fishing fleet, which have manifestly failed to the extent that we have increasing capacity in the fishing fleet because on some occasions old, inefficient boats have been taken out of the fleet and have been replaced by newer ones, which might be superficially smaller but are often more efficient. Would the witnesses like to comment on how best to achieve the required restructuring of the industry?

Hugh Allen: All my colleagues do not necessarily hold this view, but we have long been supporters of limiting capacity through effort. The problem with the capacity regulations is that, as Hamish Morrison highlighted, they are too diverse, too cumbersome and subject to abuse, not just in this country but in other countries as well. They do not reflect the effort that goes into fishing. The MAGP has done nothing to promote stocks, because of issues such as technical creep, and has not reduced the killing power of the fleet. That shows that using units of capacity as a means of measuring the fleet has been unsuccessful.

If you measured the capacity of your fleet in units of effort, in other words how much time they are able to spend at sea, you would have a tool that could be—I hesitate to use the word manipulated—altered to meet the requirement of the stocks. If you have a fleet of 100 vessels of 10,000 horsepower each but they can only fish one day a year, it is not a very big fleet, but if you have 100 vessels of 200 horsepower each and they fish every minute that is sent them, it is a big fleet.

I know that it is a fairly radical suggestion, but we have always supported a days-at-sea scheme, provided that it is entirely equitable. The big leap is to have the same sort of scheme apply to every country in Europe, not just throughout the UK.

The Deputy Convener: I seem to recall that a days-at-sea scheme that a previous Government introduced did not command universal support from the industry.

Hugh Allen: Yes. That was because it was so badly engineered and extremely unfair. It depended upon a reference period during which you had to prove how many days you had spent at sea. If you had a vessel that was 30 or 40 years old, but had spent a lot of days at sea during that reference year, it would suddenly have required a new value. We had vessels in our association that

had just been built and had cost more than a £1 million, but could only go fishing for 80 days. The scheme was extremely badly thought out, but the principle of limiting effort through the number of days that people could go to sea was generally supported by the industry.

The Deputy Convener: Do you all acknowledge that part of the problem with previous schemes to contain capacity or effort has been the creativity of some people in the industry in finding ways round regulations and schemes?

Hugh Allen: That is common to all regulations. One thing about limiting effort is that at least we can control how many days people spend in port. The problem with other schemes has been with derogations—for example, saying that if you use a larger size net, you can work more days. The enforcing of the use of the larger size net is the problem, not the enforcing of how many days people spend in port.

14:45

Hamish Morrison: A profound constitutional question lies at the base of all this, and it is currently being considered by the European Court of Justice in an action between the Government of the Netherlands and the European Commission. It comes down to this: one reading of the said capacity regulation would tempt you to believe that capacity should be centrally determined, but a different part of the same common fisheries policy places an obligation on nation states to license enough capacity to catch the quota. They cannot both be right. It seems to me that, until this matter is settled one way or the other, the rebuilding or reforming of the capacity regulations is largely idle.

We should be reasonably humble about this, and look to other countries where they have, in their own way, managed to control capacity rather better than we have. I think of our near neighbours in Norway, who do not get involved in a tenth of the byzantine arithmetic that we do. They manage to keep a fairly even balance between, on the one hand, the fishing entitlement and, on the other, the size of the fish hold of the vessel. If the fish hold is very large and the entitlement is very small, there is a *prima facie* case for wondering what is going on. Equally, if the fish hold is quite small and the entitlement is too large, someone is engaged in speculative leasing, you would think. What they have implemented in Norway is quite a simple measure, and they have done that using the judgment of reasonable people.

This programme, like so many others in the EU, starts off simply enough, but—as Hugh Allen says—conditions and derogations and changes come in, and instead of people saying, “This is nonsense, let’s start again,” and going back to the

beginning, the programme becomes like the house that Jack built, which implodes, as the multiannual guidance programme imploded, under its own weight. We have the opportunity to look at a few of these top-heavy regulations and say, “Away with them.”

The Deputy Convener: But it looks as though we have more capacity than we have fish to be caught. There is a mismatch across the European fleet. A number of people here are likely to be thinking in terms of decommissioning schemes.

Hamish Morrison: That mismatch has been shown by the current difficulty with cod and other demersal species. However, that highlights—does it not, convener?—the fact that, under the present capacity regulation, there is no direct relationship between the capacity of the vessel and its entitlement to catch fish. The two are quite separate. That is plainly foolish, and we have to change it.

George MacRae: We are trying to match effort to stocks. The MAGP has run for a number of years and it is accepted that it has failed. The idea behind it was to remove tonnage. The theory was that, if you removed tonnage, you would remove effort. Not so—that is why the MAGP has failed.

What you have to do is to control effort. That can be done in two ways: you either keep the vessels in port for whatever period of time is necessary, or you control the effort at sea. We have heard Hugh Allen’s suggestion for when the vessels are at sea. If you control the effort by keeping vessels in port, you will have a days-in-port scheme, which means that the vessels cannot fish. That may well be an effective policy, but it will have financial implications that will have to be addressed in the next few months.

Things are trickier with vessels at sea. The only ways to control effort there are by temporary emergency measures, such as we have at the moment with the cod recovery plan, and by control of technical measures, such as the mesh size and the equipment used.

Our association is completely committed to conservation, and I think that it would be fair to say that the SFF is as well. We recently hosted an international conference at Fraserburgh, and we have been guests of our Canadian colleagues at another in St John’s in Newfoundland. It is clear that we have much to learn from the cod collapse off Newfoundland in 1992. Cod have still not recovered there. The Canadians have done a lot of work on future conservation measures. The mesh sizes that they and the Americans use are significantly larger than ours. However, the sizes did not jump from the sizes that were being used at the time of the closure straight to the present level. The changes were stepped over a period of

time, geared to the recovery of the stocks. That is the important point.

Decommissioning has obviously to be taken into the equation. Our association supports decommissioning, but not decommissioning alone. We do not think that that will be sufficient. Decommissioning takes tonnage but also capacity from the industry. However, there is a negative side: when licences and vessels have gone, they will never return. Our policy is that no man should be forced out of the industry unless he wants to go. However, if he stays in the industry, he will have to accept reasonable and sensible regulations that enable him to continue fishing but at the same time get the equation right—the balancing of catch and capacity to help stocks recover. We have to consider that equation.

Nora Radcliffe (Gordon) (LD): Can I ask a daft lassie question, because I am quite new to all this? You are talking about controlling effort. If you do that by keeping vessels in port, that will have financial implications. You implied that controlling effort at sea would not have the same financial implications, but that seems to be illogical. Can you clarify that?

George MacRae: If a vessel is tied up in port, it is obviously not fishing and not earning. There are financial implications for the vessel owners, the skipper and the crew—if you have a crew left after staying in port too long. When you are at sea, you are fishing in accordance with your quota entitlement and, I presume, in accordance with the law. You are fishing to make a profit, so you are earning. If you are earning enough, you do not need funding. However, funding is necessary if you are decommissioned or if you are part of a tie-up scheme.

Nora Radcliffe: But although you are earning at sea, I presume that your capacity to earn will be cut back.

George MacRae: Your capacity to earn at sea is cut back according to the quota and according to the total allowable catch.

Nora Radcliffe: You seem to be reaching the same end point by two different methods. If the end point is the same, surely the pain is the same?

The Deputy Convener: I think that it is a belt-and-braces approach.

We will move on to the next question, on environmental issues, as we must make some progress.

Helen Eadie (Dunfermline East) (Lab): I want to talk about mainstreaming environmental issues into the CFP. I would like to ask the environmental people that are here today—George Baxter is in the WWF—how sustainability and protection of the

marine environment can become a central concept in the reformed CFP.

George Baxter: What we would describe as an ecosystem-based approach must be taken to managing fisheries, involving an examination of the consequences of one's actions on other parts of the ecosystem. For example, the protection of spawning and nursery grounds is absolutely vital, as is the protection of habitats.

Various European policies have singularly failed to bring those issues together. I am talking specifically about the habitats directive, although there are other relevant directives. The habitats directive exists to protect areas such as cold water reefs. Earlier, I referred to the Darwin mounds, which provide an essential haven for wildlife and for fish stocks and their lifecycle. It seems bizarre in the extreme that we should allow such areas to be damaged. They take hundreds of years to form, yet they can be destroyed with one swoop of a trawl. We must learn those practical lessons.

A similar example is that of the sand eel fishery—it is vital that we examine the food supply for commercial fish stocks. To date, the narrow approach of the CFP ignores those aspects of the wider marine environment.

Darren Kindleysides may wish to add something.

Mr Kindleysides: The overarching objective of the common fisheries policy mixes different areas, from stock management to the economics of the industry. We believe that the ecosystem approach must become the central objective of the CFP, given that, to date, fisheries management has focused on stock management only.

In simple terms, the ecosystem approach considers the management of the wider environment that supports the stocks. If that broader approach is taken, one would be looking at the long-term sustainability of fish stocks, part of which involves a precautionary approach. Again in simple terms, that means not pushing the stock beyond its limits and examining scientific advice when there is an absence of scientific understanding. For example, we should take a more precautionary approach to setting total allowable catches or limit reference points.

Helen Eadie: If I may follow up that point, convener, I got the impression from what was said at the outset that there is a great deal of common ground between the environmental agencies' approach and that of the fishery associations. I was pleased to hear that.

I would welcome your comments on an issue that was raised in one of the written submissions and that is linked to the point that was just made about the Newfoundland experience. In 1992, it

was decided to make the area around Newfoundland one in which fishing would not take place. According to the reading that we did over the weekend, the stock level remains static at the 1992 levels, which is related to seal predation. Does that have implications for the industry in Scotland? I live just across from the island of Inchcolm and I am aware that no fishing takes place in that area because seals live there. Which issues must we have regard to in the wider Scottish dimension?

Mr Kindleysides: Acting before the stock has collapsed is inherent in recovery programmes. The problem with the Grand Banks collapse was that we tried to get the stocks to recover after the collapse happened. It is quite encouraging that, in the North sea, action was taken before the stock collapsed and we hope that the stocks will bolster back. George's Bank is an example from the US where a couple of areas of about 10,000 sq km in total have been closed down. White fish populations are returning to those areas, because they had not been pushed to a low level to start with. Taking action before there is a crisis is the most important issue.

On seals, an ecosystem approach means examining all the influences on fisheries, including predators, and making decisions based on sound science. We are fully behind the work of the Natural Environment Research Council, which is examining the precise impact of seals on fisheries. We expect that sort of scientific study to inform fisheries management.

The Deputy Convener: Before we go any further, I am advised that there will be a fire alarm test at 3 o'clock, in two or three minutes. I am also advised that we can ignore it. Please do not panic.

Helen Eadie: I will continue with my next question. Does the industry agree with commentators who say that there is little if any overlap or joined-up thinking between the activities of the Commission in the fields of fisheries and the environment? The directorate-general fisheries and the directorate-general environment hardly even speak to each other. The DG fisheries said that there was

"absolutely no inter-linkage between the instruments for conservation . . . and the decisions we take regarding the fleet".

I direct that question to Mr Morrison.

15:00

Hamish Morrison: That is factually incorrect, as people from DG environment are present at more and more of the meetings that I attend. To my certain knowledge, at least three people who were recently in DG fisheries are now in DG environment and vice versa. The director-general

of DG environment is Jim Currie, a good Scot from Kilmarnock, who is well known to many members of the committee. I speak to him quite often about his ambitions in this area, because they trouble me a little.

The difficulty with bringing together those two areas is that only the fishing industry has marine scientific assets worthy of the name. I am worried that the situation has been made difficult because of the business of executive agencies and the fact that the marine laboratories have to balance their books by taking in other people's washing. The amount of real fisheries science, on which our members' livelihoods depend, is declining.

I have nothing against a much closer relationship between environmental interests and fishery interests—we talk with environmental groups all the time—but the lack of resources is worrying. We are reaching the point where the relatively wealthy environmental interests will have to start paying for their share of the costs, because the costs all seem to be coming out of the pot that used to be marked "fisheries science".

Helen Eadie: I have a follow-up question. What lessons for our policy framework can we learn from our Norwegian, Swedish and Danish friends in relation to the links between the environment and the fishing industry?

Hamish Morrison: I am sure that there are lessons that we could learn. I am a great believer in the work that George MacRae talked about with all the north Atlantic fishermen's organisations. However, we must be realistic. In the end, there is a natural dynamic tension between fishermen, who believe in conservation as a means to an end—that is, to produce more and sustainable stocks of fish—and some parts of the environmental movement, which see conservation as an end in itself. They believe that we should simply leave things alone and they will return to the state that they were in during some golden age that probably never existed.

The debate between us is healthy and vigorous. Extending it in the international way that Helen Eadie proposed would help even more.

Helen Eadie: I have one final point. Would George Baxter comment on the issues that I just raised?

George Baxter: I agree with Hamish Morrison that both the industry and environmental groups have come a long way towards a meeting of minds. However, the myth that surrounds environmental groups is that somehow they are interested only in conservation and the golden age to which Hamish referred. That is not strictly the case: certainly it does not apply to the environmental groups with which WWF works, nor does it apply to the WWF in Scotland. We

perceive a strong connection between the health of the environment and the health of the people. Those two issues are inextricably linked. We must take the critical path of moving towards a balanced system in which people benefit from a productive and healthy environment. To do otherwise is inherently unsustainable.

Roddy McColl: A number of years ago, I was involved in the establishment of the SSF's environment committee and I am delighted to see the relationship that has developed between the WWF and the SFF.

I will echo the words of Hamish Morrison. My sole concern is that the fishing industry might become a scapegoat in the politically correct world that we live in of responsible and sustainable fisheries. I want to ensure that the community is also sustainable. Balances require checks and sometimes I feel that the checks are always on the fishermen.

Tom Hay: I am thinking about Helen Eadie's question. It is often said that fish stocks throughout the world are on the point of collapse, but that is not true. I highlight Norway, Iceland, Greenland, the Faroe Islands and Namibia. Those five nations have one thing in common; they are all masters of their own destiny. Fish stocks in Namibian waters are very healthy. I have *Namibia Brief* here, from the Namibian Government, which states:

"Namibia today is poised to become one of the great fishing nations of the world. The transformation started in March 1990 when the newly-independent state rid its fishing grounds of virtually all foreign operators. Exploitation pressure dropped dramatically, and the recovery of stocks, principally hake, has been described as astonishing and miraculous."

That is the way to save the stocks—such a measure is the essential basis for sustainable fisheries. Time will tell whether we are right, but failure to implement it and the pursuit of policies that have already failed miserably will not bring about conservation of stocks. Every member state needs to take control of its fishing grounds. Outside Europe, the fishermen of every nation in the world have first claim on their own living marine resources.

The Deputy Convener: On the common fisheries policy review in 2002, Hamish Morrison has already staked out the bottom line for the industry. I think that everybody will agree that we must stick to the principles of relative stability, the 6 and 12-mile limits and the Shetland box. Is there consensus on that? Can I assume that that should be the baseline for the United Kingdom negotiating team? Ideally, is not there a case for trying to build them into the treaty, rather than making them subject to renegotiation?

Hugh Allen: The boxes and the limits, certainly.

Hamish Morrison: Something as important as relative stability should not hinge on a derogation on something else.

The Deputy Convener: What about the Hague preference? I am not talking about William Hague.

Hamish Morrison: That should be written in as well. Either the Commission and the Union believe that that has value, or they do not. If it has a value, the total allowable catches should be included.

The Deputy Convener: I thought that there would be unanimity among the witnesses on that—I suspect that there might also be unanimity in the committee.

We move to the issue of enlargement.

Dennis Canavan (Falkirk West): What are the implications of enlargement for the common fisheries policy? I think Mr Hay of the Fishermen's Association expressed fears about new member states—even those without seaboard—coming in with their fleets and exploiting Scottish waters. Are those fears shared by other representatives of the industry?

Hugh Morrison: I seem to be doing an awful lot of talking.

The Deputy Convener: Why change the habit of a lifetime?

Hugh Morrison: It is too soon to know what the practical outcome of that will be. If we have many more performances like the Nice summit, there might not be any enlargement—I am sure that many people would be delighted about that. The broad rule, as I understand it, is that one can take out only what one puts in. If, for example, Poland joined, it could put in the X thousand tonnes that it was already catching in the Baltic, and that is all that it could take out. It could negotiate to take it out in a different form and from a different place, but you cannot take more out of the system than you put into it—that is the basic rule.

Hugh Allen: We have heard that Poland is interested in mackerel in the North sea. It comes back to the question of relative stability and exactly what would be meant by that with enlargement.

Dennis Canavan: Supposing you were members of the Scottish Executive, which two or three fundamental issues would be at the heart of your negotiating position?

Hugh Allen: The first point is that the UK is leading the way with technical conservation measures.

The Deputy Convener: Please rephrase that—Scotland is leading the way with technical conservation measures.

Hugh Allen: I was about to say that the UK has the largest area of fish, and Scotland has the largest share of it. As the convener correctly says, Scotland is leading the way with technical conservation measures. That should be extended to every nation that uses our waters, and indeed other countries' waters. The five-year cod recovery plans for the east and west coast of Scotland are likely to centre on technical measures. Therefore their use will be extended. The Norwegians are fairly supportive of that—it is one of the key issues.

There is a huge job to be done in developing technical measures further. In a way, that goes back to something that we talked about earlier, which was what should be done with boats that are tied up through effort limitation. The square-mesh panel that was introduced last year works for some people, but not for others. It depends on things like horsepower, type of ground, the type of seed fish and other considerations. Many fishermen have their own practical ideas of which technical measures are more successful. In fact, some people find that an illegal positioning of the square-mesh panel is better at avoiding young fish than the mandatory position.

Those things have to be developed and extended further. Along with other methods of effort limitation, technical measures have to become accepted as the norm. That is one area that the Scottish Executive will need to lead on—and, indeed, has led on.

Dennis Canavan: Is zonal management a fundamental issue?

The Deputy Convener: We will come to that under a separate heading, Dennis.

Hugh Allen: We certainly want to see that promoted by the Scottish Executive. We believe that zonal management, as promoted by the SFF document, can be taken a stage further to regional management—where there are regional issues—and local management, where there are local issues. Something like that happened recently on the west coast of Scotland. When John Home Robertson was a minister he was very supportive of it. There was an agreement about how a small area between Loch Torridon and Loch Hourn should be controlled, from the point of view of avoiding gear conflict and for conservation. That is a local issue.

A local issue could also involve the use of fish farms or even, where necessary, the way that seas are managed. The zonal issue is the big picture, but within that we should be able to come down to regional management; what is right for the west coast, what is right for the North sea and so on.

Mr Kindleysides: I echo that. One of the

priorities for the Executive should be the inshore regime. After all, we can manage outwith the CFP to some extent. The inshore is incredibly important for fisheries-dependent communities. It is also probably the most important area for marine wildlife and biodiversity. One of my priorities for the Executive would be the future management of the inshore regime to achieve the broad objective of sustainable fisheries.

Ben Wallace (North-East Scotland) (Con): I return to enlargement. Have any of the organisations that are represented here been consulted by the Scottish Executive or the UK Government on the impact of enlargement to include the four Baltic countries? The fleets of most of those countries have an interest in herring and cod, which is similar to the interests of our fleet.

15:15

Hamish Morrison: Through its position on the Commission's advisory committee on fisheries and agriculture, the Scottish Fishermen's Federation occasionally meets fisheries organisations from applicant states. We discuss their expectations and the commissioner advises on how realistic the applications are. We talk about enlargement now and then, but not frequently, because there are other more pressing problems. It is still far from clear when and under what terms accession will take place. There is dialogue on the subject.

Ben Wallace: Let us not talk about zonal management yet. Under the current arrangements, would parts of the Scottish fleet be interested in the Baltic?

Hamish Morrison: We have no entitlement in the Baltic.

The Deputy Convener: Relative stability would keep us out.

Hamish Morrison: Equally, the applicant states would not gain access to the North sea.

Mr Lloyd Quinan (West of Scotland) (SNP): The principal issue is the enlargement of the European Union and how best the inquiry can help the witnesses to present the case for the Scottish fishing industry. The European Union is developing, through the entry of new members and the greater access of nations and regions to negotiations on the CFP. Given the fact that 70 per cent of the British fishing industry is concentrated in Scotland, should Scotland lead on fishing?

Hamish Morrison: I would be happy if the leadership of even the Scottish fishing industry were located in Scotland but, as members know, that is not the case. The difficulty with the proposition is that the UK's case would be led by a

politician who was answerable only to the Scottish Parliament. That would suit me fine, but my friends in Cornwall and Northern Ireland might have a thing or two to say about it.

Mr Quinan: We are extending the concepts of devolution and recognising that in a growing, developing Europe the issue is about common sense rather than constitutional conflict. Therefore, would the fishermen of Cornwall be better served if they were represented by a regional organisation and by the British minister? The fishermen of Northern Ireland could be represented by the Northern Ireland Minister of Agriculture and Rural Development, and we could be represented by the Deputy Minister for Rural Development. That is called subsidiarity.

Hamish Morrison: At a recent meeting of the fisheries council, I was teased mercilessly by my French opposite number because the British minister appeared with Rhona Brankin and Brid Rogers from Northern Ireland. My French counterpart said, "How many will we bring next time? One from Brittany, one from somewhere else?" That is the difficulty with what is proposed, although the principle is fine. The advantage of zonal management—which we will address—is that it would provide a focus for much more closely related representation from the industries that are concerned. If discussions take place in the fisheries council, they must be conducted between national Governments on behalf of nation states.

Mr Quinan: We accept that position, but the European Union is reforming as we speak and will change rapidly over the next few years. My question is hypothetical, in view of the position at 20 past 3 today, but that position will not necessarily be the same at 20 past 3 tomorrow. Would you say—given the fact that 70 per cent of the UK fishing economy is based in Scotland—that the practical and sensible way forward for the preservation of the Scottish fishing industry is for us to lead on the issue? Whether the right circumstances and structures exist at present is not the question. The inquiry is concerned with the alteration of structures.

Hamish Morrison: Absolutely. If we could find a way of gaining direct access at political level, I would be the first to agree, but that is not the position at the moment.

The Deputy Convener: At some point, I will give the committee the benefit of my recent experience on the UK delegation to explain how the fisheries council operates, but I will do so later and in private. We will move on to the question of zonal management, which I know is a big issue.

Mr Jamie McGrigor (Highlands and Islands) (Con): Should one of the Executive's priorities be to push for a much-reduced quota in industrial

fishing? A 20mm mesh net—

The Deputy Convener: Order. We are talking about the big picture—the review of the common fisheries policy in 2002—rather than the nuts and bolts of the current settlement.

Tom Hay: Mr Canavan put his finger on the nub of the matter: enlargement is the problem. If we had not taken in Spain, we would not face the current problem. Mr Morrison says that one cannot take out more than one puts in, but that is not correct. It is only correct within the terms of the derogation under which we now operate. When the real and uglier common fisheries policy is introduced after 2002, there will be a non-discriminatory system—you should know that, convener, as Jacques Santer wrote it in a letter to Tony Blair. The Maastricht treaty demands an end to all national considerations. Our real problem is with enlargement—I would like to expand on that, but I cannot at the moment.

Dennis Canavan: Would not it be better for the industry to speak with one voice rather than through different organisations, federations and associations? There is an old saying in the trade union movement; united we stand, divided we fall. Is not there a message in that for the fishing industry?

Roddy McColl: I have heard that saying for the past 20 years, and I wish that it would be listened to. Today the catching sector is represented, but the industry is complex and involves a range of organisations and communities. It is extremely difficult to get them to agree and to speak with one voice. I would love for that to happen. There are tensions that should be buried for the common good. Perhaps that will happen eventually.

The Deputy Convener: I can confirm from recent experience that it is difficult to hear a united voice from fishing communities. That is the nature of the fiercely individual people we are dealing with.

Hamish Morrison: As 90 per cent of the industry is federated, I would not want Mr Canavan to get the idea that there was wholesale disunity in our industry. Far from it. There are one or two splinter groups off the edge, but the great mass are centrally federated.

Dennis Canavan: So your organisation represents 90 per cent of the industry?

Hamish Morrison: Absolutely.

George MacRae: As Hamish Morrison said, we represent more than 90 per cent of the industry. The SWFPA is the largest single member of the Scottish Fishermen's Federation. The Mallaig and North West Fishermen's Association is a member and there are other associations too. That represents quite a degree of unity, Mr Canavan. I

am quite sure that if that degree of unity existed in a political party, you would have been elected to represent it.

The Deputy Convener: Do not encourage him, please. Let us move on to zonal management.

Colin Campbell: Obviously, zonal management has its attractions. To what extent would you like there to be decentralisation and how do you think decentralisation could be successfully implemented?

Hamish Morrison: We sent a statement of the federation's approach to the situation. We have, to our very great surprise, received a great deal of support for that approach, not just from the usual suspects in northern Europe but, believe it or not, from the French and the Spanish. Latterly, those countries have been coming round to the principle, which is really quite simple. It simply says that the enormous European fishing pond should be carved up into manageable chunks and that the management of the areas that have been so divided should be put in the hands of those who have a direct interest in them because they actually have fishing entitlement. The management group could be made more inclusive by bringing in scientists and fishermen instead of simply having Government officials doing the job. Indeed, we have been running a shadow version of such a system for the North sea over the past year, just to see the practicalities of it.

People were worried that we might use those forums to redivide relevant stability in enforcement, but that is not the case at all. As long as we keep the focus of the group on baking a bigger cake and not on dividing it, everyone gets stuck into it and does really well. I am not saying that we agree all the time, but there would be no point in having such a body if there was universal agreement.

I happen to believe, rightly or wrongly, that we are quite close to the Commission conceding to our proposals. As Hugh Allen said, we must now start to put some arms and legs on our plan, ensuring that the very local dimension is also brought into play. RSPB Scotland has done good work in explaining how that might happen.

I am tremendously proud of the fact that the United Kingdom, and perhaps Scotland, has given a lead on this issue. Every time Europe is mentioned, people say, "We must reform the institutions." I cannot remember how often I have heard that. Now a dedicated group of people who have thought things through thoroughly have come up with a really sophisticated way of devolving power within the EU. That approach may be adopted for other subjects in due course. It will have to be worked at to ensure that it yields its true promise, but it is a considerable leap

forward in European reform.

Colin Campbell: You are obviously fairly confident that most of the other big players are quite relaxed about that approach and see roughly the same attractions in it as your industry does.

Hamish Morrison: I could give you a roll call. Starting in the very north, Finland and Sweden are absolutely 100 per cent behind the idea, as is Denmark. Those three countries already run a similar show in the Baltic and have done for 20 years. Coming south, we were worried for a while about the Dutch, who tend to have a multinational approach to fisheries, but no, they are fine. They actually have a domestic co-management system. France, Spain and Portugal were always going to be difficult, but we took the time to go and see them on their own turf and talk it through with them. What emerged was that, far from being against the principle of zonal management, all three are in favour of it. However, Europe being Europe, they wanted to withhold their detailed support because they have other negotiating agendas in the wider context of the CFP review.

15:30

Tom Hay: The committee will be aware that, last week, the European Parliament voted down three principal points that have been mentioned today: relative stability, the Shetland box and zonal management. I am disappointed that George Baxter of WWF Scotland has gone, because what he said at the start of the meeting was not correct. The Amsterdam treaty explicitly rules out any decentralisation of power from Brussels back to zonal management committees. A zonal management committee that has not come about as a result of an amendment to the treaty, which requires the unanimous consent of each member state, is just a talking shop.

We all know that and there is no point in trying to disguise the fact. Unless we can get zonal management through an amendment to the treaty, which would need Spain, Portugal, Greece, Italy and every other member state to say yes, the Amsterdam treaty stands like a ratchet and will not allow power to come back to local committees. The Amsterdam treaty tells us that the power all goes one way—from London to Brussels—and stays there. It does not come back. People who go to Brussels must know that there have recently been debates about the matter and that the European Parliament will not let one vestige of power back out of Brussels.

Ben Wallace: At the very beginning of the committee, we examined the Amsterdam treaty, and I was not aware that the CFP was readjusted in any way. I ask the clerk to advise me on that and I would be interested if Mr Hay could tell me

where in the Amsterdam treaty it says that.

Tom Hay: Protocol 30.

George MacRae: Our association, as part of the SFF, supports zonal management 100 per cent. There are a number of issues that have to be addressed within a scheme of the type that we are talking about. Hamish Morrison has give the roll call, so I do not need to go through it again. Tom Hay was asking questions about what the structure could be, rather than about what it is today. There is no doubt that there is a will to achieve zonal management and I would certainly encourage the Scottish Executive to support that as a leading issue.

Mr Canavan referred to policy, and we would certainly want to become involved in that. It is important that the stakeholders in the North sea are involved in zonal management. All must contribute, but the fishermen and the fishing industry must have a leading say in policy on conservation and stock management.

I should point out that the European Parliament did not vote down the issue of relative stability and the Shetland box. I have a transcript of what was agreed, but I do not think that I need to go into it in detail now. I simply want to make it clear to the committee that that was not decided.

The Deputy Convener: Is the environmental lobby signed up to this as well?

Mr Kindleysides: Yes. I just want to put the weight of the Scottish environmental lobby behind the proposals for zonal management.

The CFP's one-size-fits-all model is one of its biggest failings. I draw the committee's attention to the zonal management regime in Canada, which is run by the Fisheries Resource Conservation Council. That is a good example of what we should recommend for the shape of zonal management. That council has succeeded because it is an independent advisory committee that is not powerless. It has a direct line of communication to the decision makers. Any regional advisory body that is proposed must have a direct line of communication and must influence policy. That has been done successfully in Canada.

The other strength of the Canadian model is the constituency of the advisory body, which includes scientists, fishermen and representatives of environmental bodies. That group has been effective in driving forward the ecosystem approach, for example, which is now fundamental to fisheries management in parts of Canada.

The Deputy Convener: Thank you.

As ever, we are up against the clock, and some members have not had the opportunity to take

part. However, I think that we have established that there is unanimity on zonal management, to which we will return. Nora Radcliffe will now ask about quotas and the precautionary principle.

Nora Radcliffe: I would like the witnesses to comment on the current system of setting quotas annually and the December bargaining round. Earlier answers today have suggested that the industry agrees that the annual setting of total allowable catches should become a thing of the past. Will the witnesses confirm that that is the industry's view? What might replace that system? Would total allowable catches be set by a formula that relates to stock levels? How would approval be won from other member states for the suggested replacement? How would the new system be enforced? That is a nice range of questions for the gentlemen.

George MacRae: I will be brief, and I ask my colleagues to contribute to the answers, because the questions raise important issues. Hamish Morrison made the point that what we call the annual bun-fight, and the EU-Norway talks, must stop. I think that everyone agrees about that. However, it is vital to remember that the TACs will always be geared to scientific advice. That will not change, but the involvement and development of the partnership between fishermen and scientists must change. Funding for research and trials through that partnership must be provided.

We propose a three or five-year cycle, depending on the stocks and the scientific advice. The advice that is given should be supported by the industry, which should be involved in the development of that advice from day one to day 365. The industry should be able to contribute to the whole package of scientific advice with information, ideas, thoughts and suggestions. The system is geared to sustainability, to which we are committed.

I do not think that the basis of decisions would change, because the bottom line is scientific advice. I will not comment on what has happened in the past four or five weeks—that is not relevant—other than to say that the events have not been a good example of the partnership that we propose. However, the situation can change, and it must change.

The system should not be set annually, but we cannot get away from a system of TACs. No one says that the system is perfect. There are many complaints about it, especially from those whose quotas are cut. If someone proposed a better system, I would be delighted. The issue is not the system of TACs, but how the quotas are set and how much fishermen and others are involved in a package that will progress with unanimity.

This might be a little fanciful, but I think that the

annual politicking, which has nothing to do with conservation or the setting of TACs, should be reduced, if not eliminated. We should take a more objective approach that is based on scientific advice in which the industry and other stakeholders have been involved.

The Deputy Convener: Before you answer, I would like to say that I know that this is an important issue and that it is a pity to rush it. Please go on.

Hugh Allen: I would echo a lot of what George MacRae has said. The TACs slice up the cake and are used as a political tool. They do nothing whatsoever for conservation. Compared with, say, 10 years ago, we have come a long way with regard to our relationship with the scientists. Although the relationship is by no means perfect, we have a chance to speak to them and provide them with some anecdotal evidence before they go to the International Council for the Exploration of the Sea meetings.

As a practical fisherman, I do not think that enough importance is placed on the anecdotal evidence. I do not want to go into specifics, but I will mention one species: saithe. Curiously, the quota for saithe was increased this year even though it is part of a mixed fishery. The advice on saithe has always been poor, yet the fishermen cannot move because of it. That is an instance in which anecdotal evidence would be useful.

Fishermen have to be part of the ICES discussions rather than feeding in information at second hand. That is difficult because the UK representative is not necessarily always a Scottish scientist and the information has to be fed through to the English. I liken the relationship between fishermen and scientists to that between fishermen and environmentalists. Ten years ago, none of us were speaking and the scientists were our worst enemies in the world. I am sure that John Home Robertson will agree that a lot of the crucial decisions in the annual bun-fight are made in the early hours of the morning. That is crazy, considering that the decisions will affect the livelihoods of a lot of people and coastal communities. A multiannual approach is obviously a lot more sensible.

Nora Radcliffe: When you say multiannual, do you mean that that would be a rolling programme?

Hugh Allen: Yes.

The Deputy Convener: Longer term rather than just a year at a time.

Hugh Allen: Yes.

The Deputy Convener: As I said, we are up against the clock so I will move on.

Everything that we have talked about depends

on enforcement. One can set as many quotas and conservation measures as one likes, but if fishermen do not abide by them, we are wasting our time. Irene Oldfather, could you lead us into that issue?

Irene Oldfather (Cunninghame South) (Lab): I wanted to pick up on a point that George MacRae made earlier. He said that fishermen wanted a level playing field and that what was wrong was not the policy but the enforcement. Could you elaborate on that by saying what evidence there is that other member states are adequately enforcing regulations and policies? The committee wants to get to grips with that issue.

George MacRae: As the committee will know, enforcement is the responsibility of the Scottish Fisheries Protection Agency. We are trying to work closely with the agency as we prefer to use the word "compliance" rather than the word "enforcement". The relationship will sometimes be at arm's length, but cannot always be. We have a joint aim, which is for the agency to ensure that the regulations are complied with and for us to ensure, where at all possible, that we are complying with them as well in the interests of conservation.

However, many issues do not seem to be monitored as well in other countries as they are in Scotland. For example, there are many French vessels off the west coast of Scotland that do not seem to be being monitored. Similarly, the quantity of fish that is landed does not seem to be monitored as carefully in other European countries. The level of fishery officer enforcement in some countries does not seem to be the same as the level in this country. Informally, civil servants have confirmed that they agree that there is not a level playing field. That is a huge issue for the credibility of our industry and that of the Government and the Scottish Executive.

New measures will be introduced in this country in March 2001 and it is imperative that other countries introduce the measures as well. I agree that we are in the lead, but it is galling that other countries are not following closely. The suspicion—maybe it is more than a suspicion—that the level of enforcement is lower in other countries has existed for years and is no less strongly felt in 2001 than it was 10 or 15 years ago.

Irene Oldfather: Do you have any proposals on improvement? Should we have later centralisation and harmonisation? Should we pool resources across member states? The House of Lords European Union Committee has considered that idea.

15:45

George MacRae: Indeed. It was also discussed at the European Parliament last week. I read the transcript of those discussions and the point that I have made was recognised as a problem. That point was made not only by the UK, but by other member states. There is a common goal and acceptance that compliance and enforcement must not just be done, but be seen to be done. That is the crucial point. We are not being critical of the degree of enforcement or compliance requirement of the agency. We are simply saying that we want others to be brought up to the same level.

Hugh Allen: I do not want to say too much against the SFPA, because I am hoping for its assistance in a court case. When it became an agency it took a regressive step by operating to targets—meeting its annual or monthly allocation of enforcement targets, prosecutions and boardings. The perception is that the softer targets—the boats that are easier to board or work in more sheltered waters—are used to meet the figures, rather than the harder targets, such as the foreign vessels to which George MacRae referred. If one carried out an audit of the agency, it would be interesting to see the value for money that the taxpayer is getting in terms of how many fish it is conserving.

The other aspect is the assistance that the SFPA gives to fishermen to work through the complicated bureaucracy with which they have to deal. The association tries to help—by and large, fishery officers in the ports are very helpful in working through that and understanding the licence variations. The agency is on the point of decommissioning one of its vessels. Last year, it overspent its budget substantially. We are moving into a year that will be very difficult for enforcement because of the quota situation, yet the resources are less than what they were last year. One must question how many fish are being saved through the agency's work and whether operating to targets is the most efficient way of working.

Irene Oldfather: You raise a key point on resources. In order to enforce there must be adequately imposed penalties. Should the level of fines for breaches of rules be increased and are we enforcing them properly and adequately?

Hugh Allen: That goes back to my hobby horse of operating capacity through units of effort, rather than units of tonnage. Fines do not work. The people who are likely to be guilty of contraventions that attract the biggest fines are probably able to afford them. If a person makes a mistake in filling in their log book by getting one number wrong, which could be a genuine error, they might attract a fine of £50,000—that is quite out of proportion—

but could also earn a criminal record for fraud. That has implications for when that person wants to take out a mortgage or a bank loan.

If licences were operated through units of effort, there could be a fixed penalty system. That would save a lot of money because it would not have to go through the courts. For example, if a person was caught landing at a non-designated port they would get a month off their licence. That would hurt and would impinge on the crews, so it would be in their interests to encourage the skipper to obey the law. That system would be fair for everyone.

Irene Oldfather: Thank you. It was helpful to put that on record.

The Deputy Convener: I am sorry that we have been rushing through a long agenda. I am aware from experience that we could talk long into the night on some of these issues. Thank you all very much for your written and oral submissions. We may well return to you for clarification on specific points, if necessary.

We have three further items of business to deal with. Anyone may stay if they are interested—which I doubt.

Convener's Report

The Deputy Convener: In the paper that has been circulated, Hugh Henry has made recommendations on each item that we have to deal with. The first is the response that has been received from Sam Galbraith on the committee's concerns over the proposed directive on waste electric and electronic equipment. Hugh Henry recommends that we thank the minister for his response and seek further clarification on various issues. This morning, we received more information on the matter from Scotland Europa, which we may want to follow up. It presses the point that Scotland's case should be made in Brussels before the common position is adopted in the next few weeks. Is the committee agreed to follow Hugh Henry's advice?

Members indicated agreement.

The Deputy Convener: The second item is the Scottish Executive's response to the committee's sixth report, which is on its inquiry into European structural funds and their implementation in Scotland. The recommendation is that we note the comments that have been made, which are positive. Is that agreed?

Members indicated agreement.

The Deputy Convener: The third item is the European Commission news release. I am not in the habit of discussing press releases, but this is a quite important one on the environmental action programme, biodiversity and climate change. Sylvia Jackson produced the initial report on the subject, and I spoke to her earlier today. The recommendation is that we instruct the clerk to gather more thoughts together and return to us with a report and some draft conclusions to be considered. Is that agreed?

Members indicated agreement.

The Deputy Convener: Thank you. This is going well.

Scrutiny

The Deputy Convener: The next agenda item is scrutiny of EC documents. There are no documents for priority scrutiny or for routine scrutiny.

Pages 3 to 6 of the recommendation note concerns documents on which we still await some information. The suggestion is that consideration of the following documents be deferred:

SP 1586 (EC Ref No 12646/00 COM(2000) 573 final)

SP 1711 (EC Ref No 13464/00 CRIMORG 154)

SP 1728 (EC Ref No 14052/00 EUROJUST 19)

SP 1737 (EC Ref No 14357/00)

SP 1753 (EC Ref No 5001/01 SIS-TECH 1)

SP 1761 (EC Ref No 14469/00 COM(2000) 815 final)

SP 1765 (EC Ref No 14402/00 COM(2000) 782 final)

SP 1793 (EC Ref No 11322/00 COM(2000) 545 final COD 2000/0227)

SP 1811 (EC Ref No 14373/00 DROIPEN 60)

SP 1812 (EC Ref No 14900/00 EUROJUST 21)

SP 1715 (EC Ref No 13540/00 COM(2000) 745 final)

SP 1716 (EC Ref No 13542/00 COM(2000) 747 final)

SP 1719 (EC Ref No 13543/00 COM(2000) 738 final)

SP 1727 (EC Ref No COM(2000) 786 final)

SP 1736 (EC Ref No 14174/00 COM(2000) 716 final COD 2000/0286)

SP 1740 (EC Ref No 14291/00 COM(2000) 727 final)

SP 1747 (EC Ref No 14270/00 COM(2000) 736 final)

SP 1749 (EC Ref No 13682/00 SEC(2000) 1890 final)

SP 1758 (EC Ref No 14236/00 COM(2000) 770 final)

SP 1759 (EC Ref No 14187/00 COM(2000) 785 final 1999/0269 (COD))

SP 1760 (EC Ref No 14440/00 COM(2000) 77 final 2000/0068 (COD))

SP 1773 (EC Ref No 14234/00 COM(2000) 791 final)

SP 1775 (EC Ref No 14595/00 COM(2000) 802 final)

SP 1782 (EC Ref No 14181/00 COM(2000) 820 final)

SP 1786 (EC Ref No 13545/00 COM(2000) 762 final)

SP 1789 (EC Ref No 14058/00 COM(2000) 803 final)

SP 1790 (EC Ref No 14061/00 COM(2000) 801 final)

SP 1791 (EC Ref No 14219/00 COM(2000) 774 final)

SP 1792 (EC Ref No 13905/00 COM(2000) 751 final)

SP 1794 (EC Ref No 11529/00 COM(2000) 757 final)

SP 1798 (EC Ref No 14159/00 COM(2000) 807 final)

SP 1803 (EC Ref No 13119/00 COM(2000) 755 final)

SP 1804 (EC Ref No 14184/00 COM(2000) 749 final)

SP 1807 (EC Ref No 14639/00 COM(2000) 824 final)
 SP 1808 (EC Ref No Brussels 21/12/2000 COM(2000) 846 final)
 SP 1809 (EC Ref No 13941/00 COM(2000) 773 final)
 SP 1813 (EC Ref No 13986/00 COPEN 81)
 SP 1826 (EC Ref No 5082/01 CRIMORG 1)
 SP 1767 (EC Ref No 14245/00 COM(2000) 786 final 2000/0304 (CNS))
 SP 1778 (EC Ref No 12825/00 COPEN 73)
 SP 1779 (EC Ref No 14352/00 COPEN 83)
 SP 1810 (EC Ref No 5146/01 JAI 2)
 SP 1671 (EC Ref No 13394/00 COM(2000) 724 final)
 SP 1693 (EC Ref No 13289/00)
 SP 1702 (EC Ref No 13635/00 COM(2000) 694 final)
 SP 1707 (EC Ref No Brussels 8/11/2000 COM(2000) 716 final)

The Deputy Convener: Is that recommendation agreed?

Members indicated agreement.

The Deputy Convener: The recommendation on page 7 of the note is that no further action should be taken, other than copying the documents to the relevant committees for their information. The documents involved are:

SP 1730 (EC Ref No 14011/00 COR 1)
 SP 1742 (EC Ref No 14255/00 COM(2000) 796 final)
 SP 1822 (EC Ref No 12617/00 SOC 376)

The Deputy Convener: Is that recommendation agreed?

Members indicated agreement.

The Deputy Convener: It is recommended that no further action be taken on the following documents, which are listed on pages 8 to 14 of the note:

SP 1723 (EC Ref No Brussels 6 Nov 2000)
 SP 1729 (EC Ref No 13165/00 CIREFI 76 COMIX 806)
 SP 1731 (EC Ref No 14145/00 EUROPOL 41)
 SP 1732 (EC Ref No 14146/00 EUROPOL 42)
 SP 1733 (EC Ref No 14147/00 EUROPOL 43)
 SP 1734 (EC Ref No 14148/00 EUROPOL 44)
 SP 1776 (EC Ref No 13739/00 DROIPEN 58)
 SP 1818 (EC Ref No PE 297.081 Annex Part 2)
 SP 1622 (EC Ref No 13075/00 COM(2000) 627 final)
 SP 1708 (EC Ref No 12508/00 COM(2000) 737 final)
 SP 1709 (EC Ref No 13609/00 ENFOPOL 80)
 SP 1710 (EC Ref No 13004/00 COM(2000) 733 final)
 SP 1712 (EC Ref No 13896/00 COM(2000) 728 final)
 SP 1713 (EC Ref No 13780/00 COM(2000) 740 final)

SP 1714 (EC Ref No 13561/00 COM(2000) 678 final)
 SP 1717 (EC Ref No 13889/00 COM(2000) 743 final)
 SP 1718 (EC Ref No 13512/00 COM(2000) 698 final (Volume I))
 SP 1720 (EC Ref No 13512/00 ADD1 COM(2000) 698 final (Volume II))
 SP 1721 (EC Ref No 13917/00 COM(2000) 739 final)
 SP 1722 (EC Ref No 9401/00)
 SP 1724 (EC Ref No Brussels 06/07/2000 COM(2000) 423 final)
 SP 1725 (EC Ref No Brussels 3/5/2000 COM(2000) 268 final)
 SP 1726 (EC Ref No Brussels 30/5/2000 COM(2000) 336 final)
 SP 1735 (EC Ref No 14026/00 COM(2000) 766 final)
 SP 1738 (EC Ref No 14389/00 COM(2000) 789 final)
 SP 1739 (EC Ref No 14482/00 COM(2000) 810 final)
 SP 1741 (EC Ref No 14507/00 SEC(2000) 2077 final)
 SP 1743 (EC Ref No 13969/00 COM(2000) 758 final)
 SP 1744 (EC Ref No 13178/00 SEC(2000) 1814 final)
 SP 1745 (EC Ref No 13973/00 COM(2000) 734 final 1998/0300 (COD))
 SP 1746 (EC Ref No 14253/00 COM(2000) 772 final)
 SP 1748 (EC Ref No 9886/00 REV 1)
 SP 1750 (EC Ref No 12770/1/00 COM(2000) 660 final 2 1993/0463 (CNS))
 SP 1751 (EC Ref No 14215/00 COM(2000) 742 final)
 SP 1752 (EC Ref No 14203/00 COM(2000) 783 final)
 SP 1754 (EC Ref No 13032/00 COR1 COM(2000) 634 final 2)
 SP 1755 (EC Ref No 14344/00 COM(2000) 744 final 1997/0348 (COD))
 SP 1756 (EC Ref No 14484/00 COM(2000) 811 final)
 SP 1757 (EC Ref No 14292/00 COM(2000) 794 final)
 SP 1762 (EC Ref No 14551/00 COM(2000) 817 final ACP 167)
 SP 1763 (EC Ref No 14550/00 COM(2000) 819 final ACP 166)
 SP 1764 (EC Ref No 14701/00 COM(2000) 821 final)
 SP 1766 (EC Ref No 14351/00 COM(2000) 787 final)
 SP 1768 (EC Ref No 14511/00 COM(2000) 814 final)
 SP 1769 (EC Ref No 14304/00 COM(2000) 750 final)
 SP 1770 (EC Ref No 14295/00 FIN 539)
 SP 1771 (EC Ref No 14334/00 COM(2000) 748 final)
 SP 1772 (EC Ref No 14335/00 COM(2000) 741 final)
 SP 1774 (EC Ref No 14329/00 COM(2000) 595 final)
 SP 1777 (EC Ref No 14197/00 SEC(2000) 2088)
 SP 1780 (EC Ref No 14220/00 COM(2000) 776 final 2000/0318 (ACC))

SP 1781 (EC Ref No 14223/00 COM(2000) 778 final)
SP 1783 (EC Ref No 14177/00 COM(2000) 804 final)
SP 1784 (EC Ref No 14026/00 COM(2000) 766 final)
SP 1785 (EC Ref No 13924/00 COM(2000) 753 final)
SP 1787 (EC Ref No 14021/00 COM(2000) 761 final COD 2000/0185)
SP 1788 (EC Ref No 13972/00 COM(2000) 754 final)
SP 1795 (EC Ref No 14227/00 COM(2000) 781 final 2000/0301 (ACC))
SP 1796 (EC Ref No 14616/00 SEC(2000) 2167 final)
SP 1797 (EC Ref No 14093/00 COM(2000) 763 final)
SP 1799 (EC Ref No 14203/00 COM(2000) 783 final)
SP 1800 (EC Ref No 14109/00 COM(2000) 760 final)
SP 1801 (EC Ref No Brussels 07/11/2000 SEC(2000) 1922 final)
SP 1802 (EC Ref No 13349/00 COM(2000) 756 final)
SP 1805 (EC Ref No 13852/00 FIN 497)
SP 1806 (EC Ref No 14205/00 COM(2000) 765 final)
SP 1814 (EC Ref No 14511/00 SEC(2000) 2194)
SP 1815 (EC Ref No Brussels 25/10/2000 SEC(2000) 1777 final)
SP 1816 (EC Ref No PE 297.081)
SP 1817 (EC Ref No PE 297.081 Annex Part 1)
SP 1819 (EC Ref No PE 297.081 Annex Part 3)
SP 1820 (EC Ref No PE 297.081 Annex Part 4)
SP 1821 (EC Ref No PE 297.081 Annex Part 5)
SP 1823 (EC Ref No 14007/00 STUP 24)
SP 1824 (EC Ref No 14008/00 STUP 25)
SP 1825 (EC Ref No 14935/00 DROIPEN 66)

The Deputy Convener: Is that recommendation agreed?

Members *indicated agreement.*

The Deputy Convener: Thank you. The committee is also requested to note the contents of a correspondence report showing the nature of discussions with the Executive and its response regarding the Scottish view on items of EC legislation.

We now move into private session.

15:53

Meeting continued in private until 16:05.

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