OFFICIAL REPORT
AITHISG OIFIGEIL

Net Zero, Energy and Transport Committee

Tuesday 17 March 2026

Session 6

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NET ZERO, ENERGY AND TRANSPORT COMMITTEE
13th Meeting 2026, Session 6

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Michael Matheson (Falkirk West) (SNP)

COMMITTEE MEMBERS

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)
Monica Lennon (Central Scotland) (Lab)
*Douglas Lumsden (North East Scotland) (Con)
*Mark Ruskell (Mid Scotland and Fife) (Green)
*Kevin Stewart (Aberdeen Central) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Sarah Boyack (Lothian) (Lab) (Committee Substitute)
Dr Joanna Dingwall (Scottish Government)
Mairi Gougeon (Cabinet Secretary for Rural Affairs, Land Reform and Islands)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Net Zero, Energy and Transport Committee

Tuesday 17 March 2026

[The Convener opened the meeting at 09:05]

Decision on Taking Business in Private

The Convener (Edward Mountain): Good morning, and welcome to the 13th meeting in 2026 of the Net Zero, Energy and Transport Committee. I welcome Sarah Boyack, who will be substituting for Monica Lennon this morning.

Our first item of business is a decision on taking items 7, 8 and 9 in private. Item 7 is consideration of a draft report on the legislative consent memorandum on the Railways Bill; item 8 is—hold on. This is hellish—something has got out of order. No, the pages are stuck together, which is always a bad thing—I should have checked that. Item 8 is consideration of the committee's draft annual report and item 9 is consideration of our legacy report. Do we agree to take those items in private, and to consider a second draft of our legacy report in private next week, if we consider that it is necessary to do so?

Members *indicated agreement*.

Subordinate Legislation

Marine Licensing (Miscellaneous Amendment) (Scotland) Order 2026 [Draft]

09:06

The Convener: Item 2 is consideration of a draft statutory instrument, on which the Delegated Powers and Law Reform Committee has made no comment. I welcome Mairi Gougeon, the Cabinet Secretary for Rural Affairs, Land Reform and Islands. She is accompanied by her supporting officials: Michael Bland, who is—this is a snappy title—the streamlining and policy section head for the licensing operations team; and Dr Joanna Dingwall, who is the head of the marine renewables and law of the sea branch of the Scottish Government.

The instrument is laid under the affirmative procedure, which means that it cannot come into force unless the Parliament approves it. Following the evidence session, the committee will be invited to consider a motion recommending that the instrument be approved. I remind everyone that the officials can speak under this item but not in the debate that follows. Cabinet secretary, would you like to make a short opening statement?

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): I would, convener. Good morning to the committee.

The Scottish Government is committed to meeting the obligations under the biodiversity beyond national jurisdiction agreement. As the committee will be aware through the legislative consent process for the United Kingdom's Biodiversity Beyond National Jurisdiction Act 2026, the BBNJ agreement aims to conserve and sustainably use marine biodiversity in the areas beyond national jurisdiction and plays a role in supporting the delivery of global biodiversity and climate goals. Ensuring environmental impact assessments of the effects of planned activities that might cause substantial pollution of, or significant and harmful changes to, the marine environment is a key pillar of that agreement.

The Scottish statutory instrument supports the implementation of those EIA requirements in a way that accords with devolved legislative competence to control matters of the marine environment

"in and as regards Scotland".

It extends the Marine (Scotland) Act 2010's licensing regime to activities carried out by Scottish persons in areas beyond national jurisdiction and works alongside changes made to Scottish EIA regulations by the 2026 act. It also extends current exemptions so that they have

effect in that area and introduces new exemptions both for activity that does not meet the BBNJ's EIA threshold and for most cabling activity.

The SSI also updates a previous division of licensing responsibility between the UK and Scottish ministers to better reflect the devolved position by amending an exemption for activity in the high seas, involving loading in Scotland or the Scottish marine area when the vessels or aircraft are British registered.

The Scottish Government and the Department for Environment, Food and Rural Affairs consulted on the approaches, and feedback has been used to shape the proposals. Officials have worked closely together to ensure that approaches align and that they are clear to users.

The SSI ensures that the Parliament introduces Scottish controls for Scottish actors. If we did not introduce the SSI, the UK Government would introduce controls on all such activities, irrespective of whether there is a Scottish aspect. The UK Government will introduce equivalent controls for UK persons and proposes to exempt those activities newly introduced by our SSI, thereby avoiding double regulation.

In order for the United Kingdom to participate in the first meeting of the conference of parties, which is the decision-making forum under the BBNJ agreement, it must join that agreement in time. The SSI, together with the EIA changes under the 2026 act, will provide the framework for meeting the BBNJ EIA requirements in a proportionate way that honours devolution and enables the UK to join the agreement, to which the UK is already a signatory, ahead of the first conference of parties, which will take place later this year.

Although the SSI has been developed and introduced in a very short period of time due to compounding factors, we are confident that it will honour devolution, that it will provide proportionate regulation of activities in the areas beyond national jurisdiction and that it will meet the EIA requirements under the BBNJ agreement.

I am happy to answer any questions that the committee has.

The Convener: I will ask a very simple question. The instrument talks about "Scottish persons" and the responsibilities of the Scottish Government. What does it mean for policing? Will the Scottish Government be responsible for policing or prosecuting Scottish persons?

Mairi Gougeon: It is important to point out that we still have to get to grips with what the activity in the high seas might look like. The SSI is about putting in place a framework so that we can screen such activity against the EIA requirements. We will gather more information on the extent of that activity from the conference of parties. However, the consultation that we have undertaken suggests that very few Scottish actors operate in that space at the moment. Of course, where such activity relates to Scottish persons or Scottish actors, its monitoring and enforcement would ultimately be our responsibility, as we would be the licensing authority. However, what that enforcement could look like is largely to be determined. We need to understand the scale of the activities, but the overall intention is for it to be our responsibility.

The Convener: My concern, since we first heard about the instrument, has been that, in order to make it work, we will have to enforce it. That will mean taking responsibility for policing it in some ways. I guess that the policing falls to the UK Government, but are you saying that, if there are Scottish actors or "Scottish persons", as the instrument refers to them, it would be down to Scotland to prosecute them under Scottish legislation?

Mairi Gougeon: If they were Scottish persons and we were providing the marine licence for them in that area, it would fall to us, as the licensing authority, to monitor that activity, whatever it looks like, and potentially enforce the instrument.

The Convener: I was looking for a simple answer, and I think that the answer that you have given me is yes.

Mairi Gougeon: Yes, it is.

The Convener: Thank you.

Mairi Gougeon: I got there in the end.

Mark Ruskell (Mid Scotland and Fife) (Green): Looking at the detail, I can see that the instrument seems to be about controlling the dumping of stuff—the deposit of substances and objects, the scuttling of vessels, dredging, and the deposit of explosive substances. It is quite an alarming list. Is there evidence to suggest that such dumping is happening at the moment in the area beyond the Scottish marine area and that it is coming from particular sectors? If so, which sectors are they? Is it the fishing sector or is it maritime sector?

Mairi Gougeon: Again, this SSI on marine licensing does not apply to and is not relevant to fisheries. It is important to note that, where exemptions exist for key sectors, it is only because those sectors are already governed by other pieces of legislation. For fisheries, we provide licences for the vessels themselves, rather than in relation to the marine environment. There are other areas that are governed by other pieces of legislation.

Again, part of the SSI is about ensuring that we have a framework to enable us to better regulate or screen the activity that could be taking place in the high seas. We do not have a full picture of the extent to which such activity is taking place at the moment. However, a number of nations have ratified the agreement, and the conference of parties that will take place later this year will give us an opportunity to have more of a discussion about capturing such activity so that we can see exactly what we are talking about. My officials might have more information to add on that.

09:15

Dr Joanna Dingwall (Scottish Government): As the cabinet secretary has outlined, between Scottish ministers' licensing and the marine management organisation, we already have a robust marine licensing regime in place that covers deposits anywhere at sea. We are enhancing the various grounds and adding activities that were not previously covered by the regime, such as construction anywhere at sea. We already cover the deposit activity, but we are now adding the "Scottish person" connector. Part of what we are doing is creating a more comprehensive and user-friendly regime.

Mark Ruskell: Would the existing licensing regime cover the pelagic sector in international waters, or is that a gap?

Mairi Gougeon: It is not a gap, because the fishing activity is already governed by other licences and regulations.

Mark Ruskell: Is that regardless of where the fishing takes place?

Mairi Gougeon: Regardless of where the fishing takes place.

Mark Ruskell: Okay, so that is not a gap.

Douglas Lumsden (North East Scotland) (Con): Cabinet secretary, you said that fisheries are not part of the SSI. I am thinking about whether some of the licensing activities would have any impact on fisheries—they could be positive or negative. Has anything in the SSI been flagged up that might impact our fishing communities?

Mairi Gougeon: No, and the Scottish Fishermen's Federation did not raise any issues with us, and I think that it was approached for comment about the SSI.

Douglas Lumsden: So, it was asked.

Mairi Gougeon: Yes, but it had no further comments to make about it.

Douglas Lumsden: Thank you.

The Convener: As there are no more questions, we will move on to agenda item 3, which is a debate on motion S6M-20874.

There are no contributions from members. Cabinet secretary, would you like to comment, or would you like to just move the motion?

Mairi Gougeon: I have no further comments.

Motion moved,

That the Net Zero, Energy and Transport Committee recommends that the Marine Licensing (Miscellaneous Amendment) (Scotland) Order 2026 [draft] be approved.—[*Mairi Gougeon*]

Motion agreed to.

The Convener: Do committee members agree to delegate authority to me, as convener, to approve a draft of the report for publication?

Members *indicated agreement*.

The Convener: Before you disappear, cabinet secretary, you have engaged with the committee quite heavily over the past few years on land reform and various other matters. Disappointingly, I did not always get my way on the Land Reform (Scotland) Bill, but I—and, I think, the committee—have appreciated how you approached matters when you came before us, which was with great seriousness, but also in a manner that made it easier for us to deal with things. For that, we are extremely grateful, and I have been asked to record our best wishes to you as you move on to your next job.

Cabinet secretary, would you like to respond? You always like to have last words, so perhaps that is appropriate. [*Laughter*.]

Mairi Gougeon: That is not strictly true, but I will reciprocate. Thank you, convener, and the rest of the committee. I have predominantly appeared in front of the Rural Affairs and Islands Committee, but the work that this committee has undertaken, particularly on land reform, has been extensive and detailed. I have really appreciated my engagement with members around the table and the work that we have done together. Thank you so much for that.

I also always appreciate the scrutiny that the committee undertakes. As I said at the Rural Affairs and Islands Committee last week, I cannot say that it has always been a pleasure to sit at this end of the table and be grilled, but I really appreciate the scrutiny. I send my best wishes to everyone who is standing for election again and to those who are stepping down at the end of this parliamentary session. It has been a pleasure to work with you all.

The Convener: Thank you, cabinet secretary. As you have had the last word, we will briefly

suspend the meeting before we move on to the next item of business.

09:18

Meeting suspended.

09:20

On resuming—

Environmental Protection (Wet Wipes Containing Plastic) (Scotland) Regulations 2026 (SSI 2026/75)

The Convener: Welcome back to this meeting of the Net Zero, Energy and Transport Committee. The next agenda item is consideration of an SSI that has been laid under the negative procedure, which means that it will come into force unless the Parliament agrees a motion to annul it. No such motion has been lodged, and the Delegated Powers and Law Reform Committee has made no comment on the instrument. Do members have any comments?

Sarah Boyack (Lothian) (Lab): I am interested to know the extent to which the impact of the new statutory instrument will be monitored. The briefing notes that public awareness campaigns change attitudes for a short period, but not for the long term. I am interested to hear about the SSI's impact and how it will be monitored.

Mark Ruskell: A UK-wide approach is being taken to the issue—I understand the reason for that, so I welcome it. However, I have a slight concern. If the regulations are being introduced in other parts of the UK—I am thinking of Wales—eight months ahead of their introduction here, that could open up the potential for such products to be dumped in Scotland. I am not clear about what interministerial conversations have taken place on the issue. Is it a live concern? If so, how will it be addressed?

The Convener: Is the committee happy to delegate power to me to write to the Government on behalf of the committee to inform it of Sarah Boyack's comment about monitoring and Mark Ruskell's comment about the UK-wide approach to the instrument when we notify it that we have considered the instrument?

Members *indicated agreement*.

Mandatory Water Efficiency Labelling Regulations 2026

The Convener: Item 5 is consideration of the proposal by the Scottish Government to consent to UK Government legislating in devolved areas, as set out in the UK statutory instrument proposal for the Mandatory Water Efficiency Labelling Regulations 2026. The proposed regulations would introduce a mandatory water efficiency labelling scheme for certain domestic water-using products, such as taps, showers, toilets, washing machines and dishwashers.

The committee's role is to decide whether it agrees with the Scottish Government's position on consent. We can express a view both on whether we agree in principle to the UK Government legislating in this area, and on whether we agree with the specific manner in which it proposes to do so. If we are content for consent to be given, I will write to the Scottish Government accordingly. In doing so, the committee also has the option to draw matters to the Government's attention, pose questions or to ask to be kept updated on particular matters. However, if the committee is not content with the proposals, it may make one of the recommendations that are outlined in the clerk's note. I will not read those recommendations.

The proposed labelling seems very similar to that used for electricity, including electricity used only for water, and we are used to seeing such signs—A, B, C, D and so on—on machines, so it seems to make sense.

No member has any comments on the proposal, so I will move to the substantive question on the item. Is the committee content that the provision that is set out in the notification should be made in the proposed UK statutory instrument?

Members *indicated agreement*.

The Convener: We will write to the Scottish Government to that effect.

Green Gas Support Scheme (Amendment) Regulations 2026

The Convener: Agenda item 6 is consideration of a further proposal by the Scottish Government to consent to the UK Government legislating in a devolved area as set out in the UK statutory instrument proposal for the Green Gas Support Scheme (Amendment) Regulations 2026. The proposed regulations amend the green gas support scheme, a UK-wide scheme that provides tariff support for biomethane that is produced via anaerobic digestion and injected into the gas grid.

As with the previous agenda item, the committee's role is to decide whether it agrees with the Scottish Government's position on consent. We can express a view on both whether we agree in principle to the UK Government legislating in this area and whether we agree with the specific manner in which it proposes to do so. If we are content for consent to be given, I will write to the Scottish Government accordingly. In writing to the Scottish Government, the committee has the option to draw matters to the Government's attention, pose questions or ask to be kept

updated. However, if the committee is not content with the proposal, other options are laid out in the clerk's paper.

As no members wish to make any comments on the proposal, I will move to the substantive question on the item. Is the committee content that the provision that is set out in the notification should be made in the proposed UK statutory instrument?

Members *indicated agreement*.

The Convener: We will write to the Scottish Government to that effect.

We now move into private session. I suggest that we move to the private agenda items directly, because we have a lot of work to do.

09:26

Meeting suspended.

09:27

On resuming—

The Convener: Sorry, but when we considered the negative instrument—the Environmental Protection (Wet Wipes Containing Plastic) (Scotland) Regulations 2026—I failed to be clear. I want to know whether the committee agrees that it does not wish to make any recommendation in relation to the instrument. I had not asked that question.

We will write to the Scottish Government about the issues that we have raised, but does the committee agree that we wish to make no recommendation on the instrument apart from those comments?

Members *indicated agreement*.

The Convener: I will now move the meeting into private session.

09:27

Meeting continued in private until 10:34.

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