

RURAL DEVELOPMENT COMMITTEE

Tuesday 22 May 2001
(*Afternoon*)

Session 1

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RURAL DEVELOPMENT COMMITTEE

14th Meeting 2001, Session 1

CONVENER

*Alex Johnstone (North-East Scotland) (Con)

DEPUTY CONVENER

*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

COMMITTEE MEMBERS

*Mrs Margaret Ewing (Moray) (SNP)

*Alex Fergusson (South of Scotland) (Con)

*Rhoda Grant (Highlands and Islands) (Lab)

*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)

*Richard Lochhead (North-East Scotland) (SNP)

*George Lyon (Argyll and Bute) (LD)

*Dr Elaine Murray (Dumfries) (Lab)

*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Elaine Smith (Coatbridge and Chryston) (Lab)

*attended

CLERK TO THE COMMITTEE

Richard Davies

SENIOR ASSISTANT CLERK

Tracey Hawe

ASSISTANT CLERK

Jake Thomas

Neil Stewart

LOCATION

Committee Room 1

Scottish Parliament

Rural Development Committee

Tuesday 22 May 2001

(Afternoon)

[THE CONVENER *opened the meeting at 14:03*]

The Convener (Alex Johnstone): Good afternoon, ladies and gentlemen. Thank you for your attendance. We have received apologies from Elaine Smith, but otherwise all members are present.

I draw members' attention to the length of the agenda today. I intend to move as quickly as possible to discussion of draft reports. However, given that the committee planned not to meet for another two weeks and has since decided to extend that interval to three weeks, there are one or two items that we must deal with first.

Item in Private

The Convener: Item 1 is to decide whether to take item 7 in private. Items 7 and 8 are draft reports. On 6 February, we decided to take item 8 in private. Do members agree that item 7 should also be taken in private?

Members *indicated agreement.*

Common Fisheries Policy

The Convener: Item 2 concerns the common fisheries policy. The committee will consider a report by the European Committee entitled "Reforming the Common Fisheries Policy: a Blueprint for negotiations". Do all members have a copy of the report?

Members: Yes.

The Convener: The report has been placed on the agenda to allow members to raise any issues that they believe the committee should address and to comment on the report. Would anyone like to comment?

Richard Lochhead (North-East Scotland) (SNP): I have read the conclusions and findings of the report. I hope that we will have time to read the evidence in due course.

I welcome the report, which reflects a growing consensus in Scotland that the common fisheries policy is, as the report states, untenable in its current form. Although most people in Scotland think there is a strong case for common management of fisheries in the European Union, the CFP as it stands has failed. Fish stocks have declined and the Scottish fishing industry has contracted. For that reason there is a very strong case for radical reform.

This committee should welcome the report's key finding that zonal management is the way forward. Zonal management amounts to a decentralisation of the common fisheries policy, giving power to the fishermen and scientists in states with historic fishing rights to decide fishing policy in their areas. That is important. If Scotland's fishermen are to sign up to any future CFP, they must feel part of the decision-making process. That is why they must be placed at the heart of it. At the moment, there is a feeling in Scotland that the CFP has no flexibility and that it does not take into account local circumstances or the particular characteristics of the Scottish fishing industry. The CFP must be decentralised and the principle of subsidiarity must be introduced to it.

In a number of areas the report reflects the SNP's long-standing policy. The committee should welcome it and support any move away from a one-size-fits-all fisheries policy that is decided by out-of-touch Brussels bureaucrats to the cost of Scotland's fishing industry.

Dr Elaine Murray (Dumfries) (Lab): Like Richard Lochhead, I have not had time to read the whole report, but what I have read was well written and presented. It appears to be a very useful report.

Agenda item 3 touches on the same issues. Richard Lochhead mentioned zonal management.

The Executive, while recognising the need for a national strategy, is indicating a desire to bring regional influences and local knowledge to bear more closely on the CFP process. There is a general feeling that a more zonal approach is appropriate.

As the Executive has not yet had time to give a formal response to the report, it might be appropriate for us to invite the Deputy Minister for Environment and Rural Development and Executive officials to one of our meetings to discuss the report and how it relates to their strategic framework.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The Liberal Democrats are delighted with the report, which reflects the Liberal Democrat policy of introducing zonal management. Richard Lochhead has already pointed out that the report is in line with the policy of the SNP. This is the way forward. I congratulate the European Committee on a fine piece of work. The Liberal Democrat group welcomes it.

The Convener: I agree that there is a great deal in the report that we can welcome.

Mrs Margaret Ewing (Moray) (SNP): Like others, I welcome the report. What role will the committee have in the review of the common fisheries policy? Much of our information on that has come via the European Committee. Is there a conflict there? I think that the Rural Development Committee should be the lead committee, but that is perhaps a matter for the Parliament to decide.

The Convener: That is a sound position. We considered that at one point and wished to inquire into it, but as a consequence of the committee's work load, it was not possible to do so at the time. However, we have an opportunity to take that matter up in the long term. I understand that the report might be debated in the chamber before the recess, so we may have an opportunity to take part in a wider discussion. I take Elaine Murray's point that we might wish to discuss this with the minister at some point.

Are we content to allow the debate to take place in the chamber before inviting the minister to discuss the issue with the committee?

Members indicated agreement.

Richard Lochhead: The boldest statement in the report is to the effect that it is all very well supporting the change to the CFP, but that that will be achieved only by political will on the part of the Scottish Executive. That is why we should get the minister before the committee. It would be useful for the committee and Parliament to know how the Executive will express that political will.

George Lyon (Argyll and Bute) (LD): The £27 million package that the Executive gave the

industry is a clear statement of how seriously it takes the matter. That package forced England to take similar steps and shows that the Executive has the political will to ensure that the fishing industry has a sustainable long-term future.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): The report is well constructed and identifies a number of issues. It is particularly useful that it does not seek to apportion blame for things that have gone wrong in the past but looks to the future and examines how everyone can work together in the industry and politically. I hope that we will bear that in mind when we discuss the report and will try to find constructive solutions.

Sea Fishing Industry (Strategic Framework)

The Convener: The next item deals with the strategic framework for the Scottish sea fishing industry. We have before us a report that was received from the Deputy Minister for Environment and Rural Development. Any comments that members wish to make can be passed back to the minister. According to the document, it is pitched at a strategic rather than a detailed level. Do members think that it provides enough information for us to make any meaningful comments?

Mr Rumbles: I may be wrong, but I detected no mention of zonal management. It would be useful to find out the Executive's view on that issue.

Mrs Ewing: I will make many detailed comments in writing, but I have a general comment. Although the document is full of good intentions, it is extremely vague. It says that:

"The precise local impact of fishing on the rural economy is difficult to quantify."

That is a vague statement. The report also says that Scottish fish are a minority supply, which I do not agree with. We are told that Scotland has led the way in the strategic framework and that fishing gear selectivity could have a significant impact on the balance between fish stocks and the fishing effort of the fleet.

Gear selectivity is a very important issue to us. The paper says that we must approach the matter from a "sound scientific base", yet it is the Executive that defines who provides the sound scientific base. Further on, the paper says that the goals may require difficult decisions about total allowable catches, but it does not offer a solution. There is no recommendation from the Executive on a whole variety of issues. I will not bore members with the rest of the notes that I have made all the way through the paper.

The document is not concise. It needs much more definition and if we were to discuss it with the minister, we would require a detailed background paper on the various points that are raised.

The Convener: Ultimately, we may wish to discuss the document with the minister. However, if members have points that can be put in writing, we could put those directly to the minister to encourage the Executive to produce a more detailed paper.

14:15

Richard Lochhead: I echo many of Margaret Ewing's comments. I suppose that we should be thankful that, after two years, the Executive has

finally got round to producing a strategy for Scotland's fishing industry. The document is full of warm words, but is missing much detail.

Margaret Ewing made an important point about the social and economic role of Scotland's fishing industry. The paper mentions 15,000 jobs in the industry and suggests that the Executive is unable to quantify how many more related jobs there are. Most people recognise that about 25,000 jobs in Scotland are dependent on fisheries. More work needs to be done to identify the economic benefit of fishing to Scotland—it is very important to many of our smaller communities.

On the subject of smaller communities, there are more warm words in the strategy about the importance of protecting smaller coastal communities in Scotland. There are huge threats hanging over Scotland's small fishing communities, but the paper makes no reference to what those threats are or what solutions there might be. Finding solutions is crucial to the viability of the many fishing communities around Scotland.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Like Mike Rumbles, I noticed that the document does not refer specifically to zonal management. That is extremely surprising given the importance that we understand all parties are paying to the introduction of zonal management. When we advocate zonal management we must be clear as to whether we advocate a talking shop of advisory bodies or bodies that have delegated decision-making powers. That is what the European Committee report recommends. It is an extraordinary omission from the strategy document. However, perhaps we would benefit from the earlier suggestion that the Executive give evidence and answer some of the questions that have emerged today.

According to page 6 of the document, we are seeking to implement the precautionary approach to fisheries management. There are many more detailed analyses of that approach, such as the one that Hugh Allen gave to the European Committee. In his submission to the European Committee he says:

"we suggest that a better principle would be to proceed with caution",

rather than simply advocate the precautionary principle. That is just one example and I am sure that there are many others.

The main point is that we should take up the Labour party's suggestion that the ministers come to the committee to explain themselves.

Dr Murray: That was not the Labour party's suggestion. Despite the fact that I am a member for a marginal constituency, I am not here

representing a party position—unlike some people. I made the suggestion because I seek further clarification. For example, when the Executive says that it wishes

“to bring regional influences and local knowledge more closely to bear on the CFP process”,

I want to know whether it is talking about zonal management. That is why I suggest that we consider how the strategy relates to the Executive’s response to the European Committee’s report. Despite the imminence of the general election, we should try not to play party politics in the committee.

The Convener: We can ask the clerk to draft a letter to the minister covering the issues that were raised today, along with any further issues of clarification that members draw to our attention in the immediate future. Once we receive a detailed response, we could take it as the basis on which to proceed in the longer term. Is that agreed?

Members *indicated agreement.*

Common Fisheries Policy (Conference)

The Convener: Item 4 relates to a conference on the common fisheries policy. I have put it on to the agenda so that, if the committee feels that it would be appropriate for a member of the committee to attend the conference on its behalf, the necessary approval can be sought. Do members think that it is right that the details of the conference were circulated and that it would be appropriate for the committee to delegate a representative to attend the conference?

Cathy Jamieson: I looked at the conference programme, which seems to be extensive and to include many eminent speakers. I then noticed that the cost of the conference is £795—presumably plus travel costs. That seems to be a fairly substantial sum of money and I do not know how that would sit with whatever budget we have for doing other things. I am not sure what the process is and wonder if you could comment, convener.

The Convener: That is one of the significant reasons why I put the matter on to the agenda. We should consider whether it would be appropriate for the committee to be represented at the conference and whether it would be an appropriate use of resources.

Dr Murray: It was slightly unusual to receive notification of a conference. I presume that a large number of conferences come to the attention of the committee, about which information could be circulated. I was surprised that this conference had been singled out.

I am concerned about the cost. We have been cautioned in the past about going out and about in Scotland because of the associated costs, so I am rather concerned about the idea that it might cost in excess of £800 for one individual to go to one conference.

Fergus Ewing: I notice that the conference is being convened to discuss the European Union common fisheries policy, but is taking place at a location fairly close to Gatwick airport. It seems unfortunate that it is not taking place in Scotland, given the far more significant role of fisheries to the Scottish economy than other parts of the UK. Be that as it may, I think that it is important that the committee sends somebody to it.

I notice that the Deputy Minister for Environment and Rural Development is participating in the conference on 25 July. Given that Rhona Brankin will be there representing the Executive, I hope that members will agree that, in the interests of balance, an Opposition representative should go from the committee. In that spirit of bipartisanship,

I nominate Richard Lochhead.

The Convener: I certainly take the view that if the committee nominated a representative to attend the conference, that person would represent the committee rather than the Opposition.

Mr Rumbles: What Fergus Ewing said was outrageous.

Rhoda Grant (Highlands and Islands) (Lab): I suggest that we ask for a report back on the conference. That would save us sending anybody.

Mrs Margaret Ewing: I would like clarification on the question of costs. I assume that if a representative of a committee attended, that would be paid for by the Scottish Parliament, and not out of this committee's budget.

The Convener: That is correct. Of course, we would have to ask for permission. The matter has been put under this agenda item so that finance could be sought if the committee felt it appropriate for us to be represented.

Richard Lochhead: Arguing against sending a representative of the committee on the ground of cost is complete nonsense. It is a very important conference. A conference is taking place in the Shetlands today, which many members will know about. It is a one-day seminar, to which we all received an invitation last week. That was unfortunately short notice, as we were unable to apply in time to the conveners liaison group, which needs six weeks' notice. It turns out that MSPs are the only group of politicians to be absent from that major conference on the CFP. The Executive, the Westminster Government, MEPs, the industry and the European Commission are all represented.

I recommend that we send someone to this conference. Otherwise, the Parliament will not be represented. We are not represented at the CFP conference that is taking place in Scotland, but we have another opportunity to get some feedback from the wider debate. Either the Rural Development Committee or the European Committee should send someone to the conference.

Cathy Jamieson: I should perhaps have asked this at the beginning. Richard Lochhead has raised an interesting question: should the Parliament be represented by someone who could report back to both committees? Has the European Committee discussed that, given that it has just published a report on this subject? Has that committee made a request to send anyone?

The Convener: I am afraid that I have no information on that.

George Lyon: I do not think that it is appropriate for the committee to send people to conferences.

If we want information on these issues, we should ask the European Commission or the relevant minister for evidence. I do not think that we should be sending someone to the conference, because it might set a precedent. Will it mean that every conference that comes up will be included on the committee agenda? To be quite honest, I think that that is nonsense. It would be quite legitimate to ask for reports for information, but we should not send representatives. As I said, if we want to investigate these issues in any great depth, we should seek out the information from Franz Fischler himself, or do things properly and invite organisations to give evidence to the committee.

Richard Lochhead: I point out to George Lyon that there is something out there called the wider polity where people engage in discussion and debate. To argue that Scotland's Parliament should not send any representatives to these occasions under any circumstances is absolute nonsense. It beggars belief.

George Lyon: You are free to go if you wish to go.

Mrs Ewing: I think that election nerves are destroying the committee's valid arguments for sending a representative to the conference. We have responsibility for rural affairs, of which fishing is a key aspect. The idea that someone should not attend and be involved in what will be an extremely serious issue for the Scottish economy over the next two years and beyond is absolutely wrong. We would be diminishing the committee's role if we did not send someone to represent us and to report back. It is all very well to say that the minister should report back, but all that we will get is another file of papers to discuss. Why should we not send a committee member who will report back directly and objectively on the issues that were raised? That is what a committee representative should do.

Mr Rumbles: I register my disappointment both at the fact that the issue has been put on the agenda and at the discussion that we have just had. In my view, the item should not have been put on the agenda, and I do not know why you put it there, convener. As someone mentioned, there have been many conferences over the past two years on important issues that the committee has addressed, but this is the first one that has been approached in this way. The matter should have been discussed with committee members before it was put on the agenda; indeed, I feel that it should not have appeared on the agenda at all and I am disappointed at the way in which the whole debate has progressed. I hope that we will agree to end the discussion and move on to the next agenda item.

Mrs Ewing: I propose that we nominate a representative from the committee to be present at

the conference.

The Convener: The mood of the committee is that there is a reluctance to go ahead with that suggestion.

Dr Murray: I suggest that we take a vote on Margaret Ewing's proposal.

The Convener: Okay.

George Lyon: Can we clarify what is being proposed? Is Margaret Ewing proposing that an individual from this committee should go to this specific conference or that we should set a general precedent for all conferences where important issues are being discussed that the committee should hear about?

Mrs Ewing: I make my proposal on the specific paper in front of us. Every case should be dealt with from the chair.

George Lyon: Can I put a counterproposal that we ask for notes back of all the speeches at this conference so that we can take cognisance of them and that, if we want to pursue any of the issues, we invite the speakers to come before the committee? That is the way it should be done.

The Convener: Elaine Murray has suggested that we go to a simple vote on Margaret Ewing's proposal. We can take it as read that we will take the action that George Lyon suggested. I propose that we vote for or against Margaret Ewing's proposal. Is that agreed?

Cathy Jamieson: I am not trying to be disruptive, but is not George Lyon's suggestion an amendment to the proposal?

The Convener: We are not required to proceed in this matter on a complex basis. I feel that the view that George Lyon expressed is the view of the majority of the committee. We have had a proposal from Margaret Ewing and a subsequent proposal from Elaine Murray to vote on whether to go ahead with that proposal.

George Lyon: I suggest that we amend that proposal.

Richard Lochhead: That is a separate proposal. No one is going to argue against getting the notes if we do not send someone.

Mrs Ewing: We will not get the notes unless we send someone.

George Lyon: We can ask for the text of the speeches. Everyone has to submit a paper before they attend the conference.

Fergus Ewing: I second Margaret Ewing's proposal. Let us have a vote on it. If George Lyon wants to make another proposal, we can vote on that as well.

The Convener: The proposal has been seconded, and it is suggested that we take a simple vote for or against the proposal. The question is, that the proposal that the committee send a representative to the conference on the common fisheries policy be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)

AGAINST

Fergusson, Alex (South of Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Johnstone, Alex (North-East Scotland) (Con)
Lyon, George (Argyll and Bute) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

The Convener: The result of the division is: For 3, Against 7, Abstentions 0. The proposal is disagreed to.

14:30

Fergus Ewing: On a point of order. Does that decision mean that the committee is now decided that it is inappropriate for a member of the committee to attend any conference? If so, that is a retrograde step.

The Convener: We have taken a simple vote. I assume that the view that has been expressed by George Lyon is shared by the committee.

Members indicated agreement.

Richard Lochhead: I have a separate point to make. I am sure that George Lyon attended conferences when he was the president of the National Farmers Union, rather than asking for the speeches to be sent to him. However, he made an important point when he said that it is inappropriate for the Parliament to send representatives to conferences. Will the convener take up that issue with the conveners liaison group and seek clarification on it?

Mr Rumbles: On a point of order, convener.

The Convener: There are no formal points of order in a committee meeting, but I shall be delighted to hear what you have to say, Mr Rumbles.

Mr Rumbles: Your interpretation of standing orders is slightly different from mine. Can you clarify what Margaret Ewing suggested? She said that she was talking about the specific conference.

The Convener: Yes.

Mr Rumbles: Therefore, all the generalisations from Margaret Ewing's proposal are not appropriate. Margaret Ewing made it quite clear—and she is nodding in agreement—that she put forward the proposal in relation to this conference only. That is the end of the story.

The Convener: Yes. I am happy with that interpretation.

George Lyon: Let me clarify what I said. I said that we should ask for the conference papers. If specific issues that the committee wants to investigate arise in those conference notes, I suggest that we invite the individuals to the committee to give evidence to us. That is the appropriate way for the committee to carry out its business—not by being spectators at a conference.

The Convener: Rhoda Grant suggested that we ask for the minister's comments on the conference, as the minister will be present. I presume that that meets with the approval of the committee.

Alex Fergusson (South of Scotland) (Con): With respect, convener, it is pretty obvious that the minister will be at the conference for only a short period. If we asked for her views on the whole conference, we would be asking her to give up three days, which she is not prepared to give up for that conference.

As someone said, there must have been hundreds of conferences that we would have liked to have attended. I would have given my right arm to have gone to one on forestry, for example, but that was never on the committee's agenda. We must have an agreed way of dealing with such matters. We have not voted that we should never attend a conference; we have simply voted not to attend this one. We should have a proper procedure for dealing with such issues.

The Convener: Are we content that we have dealt with this matter?

Members indicated agreement.

Richard Lochhead: I return to my point that George Lyon suggested that it is inappropriate for the Scottish Parliament to send any member to any conference. I am not talking about the vote—I am talking about a comment that George Lyon made. Will you raise the matter at the conveners liaison group, convener, to clarify whether the Parliament deems it appropriate to send representatives to any conference at any time?

The Convener: I will approach the convener of the conveners liaison group on that issue. Are we content with that?

Members indicated agreement.

Alex Fergusson: Will we come back with proposals for how to deal with these matters in future?

The Convener: Yes.

Alex Fergusson: They will either be on the agenda or they will not—we need a way of dealing with them.

Amnesic Shellfish Poisoning

The Convener: The next item is consideration of the papers on amnesic shellfish poisoning from the Food Standards Agency Scotland and the Executive. The committee reported on the issue in 1999. Since the publication of the report, we have had continuing dialogue with the minister and officials. The papers supplied provide updates on the work of the Scottish scallop advisory committee, the economic impact of the shellfish toxin outbreak and the implementation of tier testing for shellfish toxins. The development of the tier testing regime and the strengthening of the dialogue between industry, scientists and Government have been recurring issues, which the committee has been keen should be resolved.

Do members have any comments?

George Lyon: The issue has badly affected the scallop industry, certainly in my constituency and right up the west coast. I am sure that the same applies in Fergus Ewing's constituency. I welcome the moves by the Food Standards Agency Scotland. There has been a lot of pressure to move to product testing. A number of issues still arise because of the changes that are being proposed, which relate especially to scallop farmers and divers rather than to the trawler industry. That is the premium market in the UK. Its ability to sell the live products straight to the hotel trade will be affected by the proposals.

I wonder whether it would be worth while bringing the Food Standards Agency Scotland before the committee to explore issues around marketing of live animals to the hotel trade when end-product testing is in place. There seems to be an issue about where the balance of risk lies and whether the hotel trade can be deemed a processor, which would allow it to continue to take the product.

The Convener: We have to be careful with the remit; we are running very close to the remit of the Health and Community Care Committee.

George Lyon: I have already been lobbied by Doug McLeod from the Association of Scottish Shellfish Growers, which is concerned about the issue. It welcomes the general thrust of the policy, but there are specific issues that affect the divers and shellfish growers. We need to clarify whether there is a way forward that will allow us to address those issues.

Rhoda Grant: I agree with George Lyon's suggestion. I propose that we ask Doug McLeod along to the same meeting as the Food Standards Agency Scotland so that we can find out what he would see as a counter-proposal and whether we can find any solution to the problem.

Cathy Jamieson: On the point about the overlap with the Health and Community Care Committee, I wonder whether we will in fact take this issue further. I would like to hear some explanations from the Food Standards Agency so that we can pick up on what the issues are. Could we liaise with the Health and Community Care Committee to ensure that, if we take the matter further, we do so constructively and people do not feel that we are crossing the boundaries inappropriately?

The Convener: It is vital that we establish contact with the Health and Community Care Committee.

Fergus Ewing: I welcome the opportunity to hear the FSA and Doug McLeod, who I think has sent a briefing note to us all, raising problems about marketing. While we welcome the developments, I am concerned about their pace. Much economic damage has been caused to scallop fishermen on the west coast, nowhere more so than in Mallaig, in my constituency.

If we hear from the FSA and Mr McLeod, it will be necessary to hear from scallop fishermen or their representatives, so that we have their input on how any new regime would affect them. I hope that, if we have an evidence session, they will not be excluded.

Richard Lochhead: I echo many of the comments that have been made so far, but there is a strong case for an inquiry into the shambolic way in which the crisis has been handled. By that I mean the time scale and European bureaucracy holding up everything. No doubt there was some Scottish bureaucracy, too. This committee reported on the crisis at the end of November 1999. One issue was the economic impact analysis of the toxins. On 31 October 2000, the minister finally announced that an economic analysis was to be commissioned. It has now been commissioned, yet it is four or five months away from being finalised. The economic analysis of the crisis will not be on the table until September this year.

I will now address what has been happening in Europe. We reported in 1999. The Standing Veterinary Committee in Europe was ready to report on the issue in December 2000. The report of the Food Standards Agency stated:

"however, due to various other commitments of the Group members, it was not possible to arrange a meeting to consider it until 3-4 April 2001."

We are still awaiting the next stage in the process. Neither European bureaucrats nor the Executive have treated the issue with any seriousness. It has been two years since the matter turned into a serious crisis. We have been told that the tier testing system may be in place

soon, but the possibility of further complications has been flagged up, which has led the FSA to come up with its own options in the meantime, which it will enforce. That raises the question of why the FSA did not come up with such options originally and enforce them under current legislation, if that were possible. There is a strong case for inquiring into the time scale and the impact that European bureaucracy and decision making has had on the whole issue.

Dr Murray: I return to Fergus Ewing's point. There are concerns in the industry about some of the proposals in the statutory instrument that is under consultation. I would welcome the opportunity to examine the statutory instrument, the consultation paper and the responses that are made to it after 20 July. I do not know when the Executive can make them available, but it would be helpful to those of us with constituency interests in the scallop industry to have such details.

Alex Fergusson: I back that up. I have received similar representations to those received by Elaine Murray. There are considerable reservations about some of the provisions of the draft statutory instrument. I, too, would welcome a chance to question people about such issues.

The Convener: Would members be content if we passed such suggestions to the reporters, who are currently organising a time to meet? They can consider them and place them at an appropriate place on a future agenda.

Members indicated agreement.

George Lyon: I wish to flag up the bureaucracy that will be involved in implementing the measure. Traceability has huge implications for the bureaucracy that will be needed. We must be able to trace the product through to the marketplace.

Subordinate Legislation

The Convener: The first statutory instrument before us is the Plant Protection Products Amendment (Scotland) Regulations 2001 (SSI 2001/161). The extract of the Subordinate Legislation Committee report on the instrument is attached in annexe B of the documents that have been circulated. I notice that the Subordinate Legislation Committee drew attention to some drafting defects, although it stated that they should not affect the instrument's validity.

As there seem to be no comments on the instrument, can I assume that members are content and wish to make no comment in their report?

Members indicated agreement.

The Convener: The second instrument before us is the Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2001 (SSI 2001/174).

Rhoda Grant: I am delighted to see this SSI. I have been involved with this issue for some time. It just shows how a small community of inshore fishermen can have beneficial changes made to the law. The instrument does not say this, but because the loch will be closed, studies of conservation methods will be undertaken. That is a good thing.

The Convener: Do members wish to make no comment on the instrument in their report to Parliament?

Members indicated agreement.

14:45

The Convener: The final instrument is the Water (Prevention of Pollution) (Code of Practice) (Scotland) Amendment Order 2001 (SSI 2001/175). We received the extract from the Subordinate Legislation Committee report very late. The papers have been circulated, but I do not know whether members have had the opportunity to read them. They contain responses to questions that were raised by the Subordinate Legislation Committee. As explained in the papers, the reason why we are discussing the instrument today is that the instrument must be dealt with by 11 June and our next scheduled meeting is 12 June. If members have any problems with the instrument, we will have to arrange an additional meeting. Are members content with the Executive's responses to the Subordinate Legislation Committee's queries?

Cathy Jamieson: It seems that the Subordinate Legislation Committee raised some technical points to do with the drafting of the document but

that the content of the document did not cause anyone any problems. I took an interest in this issue when I was on the Transport and the Environment Committee, lodging questions and so on. I am therefore pleased to see that the document has been published. I hope that it will contribute to good practice.

The Convener: Are members content to make no comment in their report to Parliament?

Members indicated agreement.

The Convener: That brings us to the end of item 6. We have agreed to take item 7 in private.

14:47

Meeting continued in private until 16:50.

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