

RURAL DEVELOPMENT COMMITTEE

Tuesday 18 June 2002
(*Afternoon*)

Session 1

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RURAL DEVELOPMENT COMMITTEE

16th Meeting 2002, Session 1

CONVENER

*Alex Fergusson (South of Scotland) (Con)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Rhoda Grant (Highlands and Islands) (Lab)
*Richard Lochhead (North-East Scotland) (SNP)
*Mr Jamie McGrigor (Highlands and Islands) (Con)
*Mr Alasdair Morrison (Western Isles) (Lab)
*John Farquhar Munro (Ross, Skye and Inverness West) (LD)
Irene Oldfather (Cunninghame South) (Lab)
*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)
*Elaine Smith (Coatbridge and Chryston) (Lab)
*Stewart Stevenson (Banff and Buchan) (SNP)

COMMITTEE SUBSTITUTES

George Lyon (Argyll and Bute) (LD)
Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)
John Scott (Ayr) (Con)

*attended

WITNESSES

Ross Finnie (Minister for Environment and Rural Development)
Iain Holt (Scottish Executive Environment and Rural Affairs Department)

ACTING CLERK TO THE COMMITTEE

Tracey Hawe

SENIOR ASSISTANT CLERK

Mark Brough

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 4

Scottish Parliament

Rural Development Committee

Tuesday 18 June 2002

(Afternoon)

[THE CONVENER *opened the meeting at 14:01*]

The Convener (Alex Fergusson): Good afternoon ladies and gentlemen and thank you for attending this meeting of the Rural Development Committee. Richard Lochhead will be slightly late, but I have received no apologies. As usual, I ask everyone to ensure that their mobile phones are turned off. I have not brought mine, so that is all right.

Items in Private

The Convener: Item 1 on the agenda is to ask members of the committee whether they are agreeable to taking items 6 and 7 in private. Item 6 is consideration of the draft annual report and item 7 is consideration of the committee's work programme. Do members agree to take those items in private?

Members *indicated agreement.*

Subordinate Legislation

Draft Code of Recommendations for the Welfare of Livestock: Laying Hens (SE 2002/100)

Draft Code of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens (SE 2002/101)

Draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2002

The Convener: Under item 2, we have in front of us three affirmative statutory instruments regarding animal welfare, which are of particular relevance to the poultry industry, as we heard last week. Copies of the instruments have been circulated to members.

I welcome Ross Finnie, the Minister for Environment and Rural Development, and his officials, Ian Strachan, Iain Holt, James Douse, James Shaw and Louise Connelly. I hope that you will not all be needed, but I thank you for attending.

Although we could have four and half hours of debate—we are allowed 90 minutes for each statutory instrument—I understand that the minister would like to be away by 3 o'clock for a Cabinet meeting. I am sure that we will manage to keep to that schedule.

The Executive has drawn our attention to an error in the Executive note on the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2002. As I explained last week, the last two bullet points in paragraph 9 of the note, which refers to schedule 3C, should be deleted as they are not relevant to that schedule. The Executive has apologised for that error.

Last week, in advance of considering formally the instruments, the committee agreed to hear evidence from the Scottish Society for the Prevention of Cruelty to Animals and the British Egg Industry Council. The Subordinate Legislation Committee has made brief comments on the drafting of one of the instruments, as can be seen from the extract from that committee's 27th report, which members have received. There are no other comments on the instruments.

We have three motions in the name of the minister, which invite the committee to recommend to the Parliament that the instruments be approved. I propose, if the minister is agreeable, to take them all together. I trust that that is acceptable to the committee and the minister.

I invite the minister to make opening remarks on all three instruments. Members can then ask

questions on any points that require explanation while we have the officials at the table. When members have asked for clarification and explanations, we shall move to the debate on the motions. We cannot then involve the officials, so members are asked to seek clarification early on.

The Minister for Environment and Rural Development (Ross Finnie): For the record, my official's name is Louise Donnelly, not Connelly.

The Convener: Obviously, it is not only the Executive that makes misprints. I apologise.

Ross Finnie: I have often attempted to get my retaliation in first. It was merely a factual error.

The Convener: My apologies. Thank you.

Ross Finnie: I am glad to take all three instruments together, because they are inextricably linked. The regulations seek to implement Council directive 1999/74/EC by amending the Welfare of Farmed Animals (Scotland) Regulations 2000, as they apply to laying hens. The regulations and the two welfare codes have been the subject of full public consultation. Separate legislation will be produced in England, Wales and Northern Ireland.

Directive 1998/58/EC sets minimum standards for all farmed animals throughout the European Union and provides a framework for species-specified standards. It was implemented in Scotland by the Welfare of Farmed Animals (Scotland) Regulations 2000. Current provisions for hens cover only battery cages and date back to 1988. Council directive 1999/74/EC bans the barren battery cage and will be implemented through the amendments to the Welfare of Farmed Animals (Scotland) Regulations 2000.

Proposed schedule 3A to the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2002 deals with non-cage systems. For the first time, there will be rules for those systems. The regulations will implement a stocking density of nine birds per sq m for new producers with immediate effect, and for existing producers from 1 January 2007. The derogation for producers in certain circumstances who stocked birds at 12 birds per sq m on 3 August 1999 will continue until the end of 2011.

Proposed schedule 3B deals with battery cages. No new barren cages are to be installed after 1 January 2003. All barren cages are to be banned from 1 January 2012.

Proposed schedule 3C provides for enriched cages, which provide additional space to nest, perch and litter.

Proposed schedule 3D makes general provisions that apply to all systems. In particular, it bans all mutilation, but allows beak trimming to be

authorised if it is necessary to avoid feather pecking and cannibalism. We will not seek to ban beak trimming until at least the end of 2010.

The directives are to be reviewed in 2005. That review will examine systems for keeping laying hens and the health, environmental and economic impacts of the systems. The Commission's report will form the basis of any new proposals and will take into account the outcome of any World Trade Organisation negotiations.

On the new welfare codes, laying hens and meat chickens are covered by the domestic fowl code, which dates back to 1987. That is why we have produced new codes that highlight the legal requirements with welfare advice. The codes are made under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968. They can be used as evidence in prosecutions for unnecessary pain or distress, or suffering or injury to livestock. Stock keepers must have access to codes, must have knowledge of them and must focus on welfare outcomes for their birds. The codes will apply in Scotland; separate codes apply in England, Wales and Northern Ireland. There has been full public consultation on our codes.

The laying hen welfare code provides guidance on regulations for producers, whereas the meat and breeding chickens code is issued in the absence of EU welfare proposals and in light of on-going concerns about the welfare of meat chickens in intensive systems.

The regulations and welfare codes play an important part in improving animal welfare standards and, with that in mind, I commend the regulation and the two welfare codes to your committee.

The Convener: Thank you, minister.

Last week, we took evidence from the British Egg Industry Council and the SSPCA. There was not a great deal of disagreement between those two organisations. You have been written to about gold plating the directive and I am aware that you have refuted any suggestion that you will be gold plating it, but the British Egg Industry Council made a point about the requirements for beak trimming, which will be banned in the UK from 2010. Although I got the impression that the council is not entirely against an eventual ban, it suggested that that date is somewhat premature because one of the best methods of preventing beak trimming is genetic improvement in the breeding of laying hens.

The council suggested to the committee that it would be more comfortable with an eventual ban if there were a possibility of a review being held just prior to 2010, to find out whether things had moved on enough to render beak trimming unnecessary and whether banning it would

therefore be easier for the industry. Do you have any thoughts on that? Will you undertake to conduct such a review?

Ross Finnie: I have two thoughts. Most of us want an end to beak trimming. There is a sensible way of interpreting the spirit of the directive and transposing it into domestic legislation, as well as taking account of our own consultation with the industry. If the industry accepts that beak trimming should be ended and that that should be done by breeding, there would be no harm in setting an end date and giving the industry suitable encouragement to proceed with the breeding programmes. The industry could then meet the requirement by 2010.

I do not believe that anyone who has read the directive can be in any doubt that the intention behind it is to end the practice over a reasonable period of time.

The Convener: The British Egg Industry Council and the SSPCA also told the committee that the industry in Europe is moving forwards together—although Germany is bringing in a ban on all cages from 2005—and that the main problems arise with processed eggs rather than eggs in the shell on the shelf, if I can put it that way.

The main competition from processed eggs comes from the United States of America, where it is assumed that none of these welfare improvements will be introduced. The European industry will therefore be left at a competitive disadvantage. Presumably any movement in that direction would have to take place under the WTO. Is there any way that that argument can be influenced so that our producers are not overly disadvantaged?

Ross Finnie: That is one of a number of respects in which the UK—particularly Scotland—and Europe are progressing towards introducing minimum acceptable levels of animal welfare, and rightly so.

As you say, convener, the WTO does not regard the levels of animal welfare as matters that should be taken into account in world trade. I am glad to say that Europe has moved to a position where it is now realising that that is not an acceptable way of progressing. I understand that, in the next round of WTO discussions, Europe will be arguing forcefully that the WTO should wake up, get into the 21st century and realise that we are not making these regulations as an impediment to free trade: we are concerned about animal welfare and are raising our standards.

That is the European position and it will be the position I take when I have the opportunity to talk to the relevant people in Europe, whether commissioners or officials. Those issues do not affect just the directive we are talking about today:

there is a range of animal welfare issues where I believe our industries become disadvantaged by the WTO insisting that animal welfare is not a relevant consideration in determining whether we can permit the importation of goods.

Although I am behind the industry, I support the European position of wishing to negotiate, as part of the next WTO round, for animal welfare considerations to become part of world trade considerations.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I am sure that all of us around the table and others in the rest of Scotland share the concerns that Libby Anderson expressed last week on behalf of the Scottish Society for the Prevention of Cruelty to Animals—that battery production is not conducive to proper animal welfare. I am sure that we all support the principles that lie behind the regulations.

Last week, £409 million was quoted as the assessed overall cost of the regulations for the UK, of which £26 million would be the cost for Scotland. Are those the correct figures?

14:15

Ross Finnie: I think that I have a figure of £425 million, but I do not think that we are going to argue around the margins.

Fergus Ewing: I thought it might be helpful to put those figures on the record, as they are big numbers and it is clear that the regulations will have a serious impact.

Notwithstanding what the minister said about the WTO, the big concern is what will happen in Scotland and England—and, indeed, Europe—implement the directive, but attempts to persuade competitors outwith Europe to follow suit fail. Last week, Andrew Joret of the British Egg Industry Council expressed concern that the result of the directive might be the export of our egg industry, particularly the processing side, outwith Europe. If that were to happen, welfare infractions and other problems would continue. The only difference would be that the hens would be living not in Europe, but in South America and other parts of the world.

Ross Finnie: Obviously, that argument can be produced, but I have to say that the evidence for it is mixed. We have to remember that we are not the last member state, but one of the last, to transpose the regulation into domestic regulation. Competitor member states have transposed the legislation. I understand from the industry that the message is a bit mixed.

There is clearly a risk of what Fergus Ewing described, but if an element of crisis arose we would want to take the matter to the Commission.

That takes us back to the problems with Europe in general and this EU directive in particular of trying to raise the standard of welfare in a sector where it is badly needed. Fergus Ewing has made a point in that respect.

A large part of the problem results from imported powdered and other processed product. However, in the Scottish context, we are talking about the shell egg sector. There may therefore be a slight onus on the industry. Part of the mechanism in the defence against the potential problem that Fergus Ewing mentioned is the industry upping the ante in respect of the trade marks that it has introduced as quality standard marks. The industry should be asking people, "Do you know what you are getting if you ain't buying an egg that's got a lion on it?"

Fergus Ewing: I do not disagree with anything the minister has said, but I want to pursue my general point one stage further. The minister mentioned in his opening remarks that a review is to take place in 2005. Am I right in saying that the remit for the review will not encompass an ability to alter the effect of the regulations? If, by 2005, it appeared that attempts to persuade the WTO to incorporate the regulations were failing, would there not continue to be a real risk of the processed side of the industry being exported?

Ross Finnie: That was not the purpose behind the 2002 review and I do not want to anticipate what might happen in 2005. As it is, I am having a little difficulty getting my head around what might happen in 2003. If there were that degree of concern and we were in danger of meltdown, I cannot believe that several member states or the Commission would not be open to changing the nature of the 2005 review. The purpose of the review has been laid down: it is to take forward progressive improvement in the welfare of laying hens. There is an element of speculation here. If the case that Fergus Ewing posits arises, I am sure that a different process will be put in train.

Iain Holt (Scottish Executive Environment and Rural Affairs Department): The directive makes provision for a review from 1 January 2005. The Commission is charged to submit to the Council a report drawn up on the basis of opinion from its scientific panel on animal health and welfare on the various systems for keeping laying hens and their health and environmental impact. The report will also take into account the socioeconomic implications of the various systems and their effects on the Community's economic partners. Proposals will then be put forward based on the report's conclusions and the outcome of the World Trade Organisation negotiations.

Ross Finnie: That seems to me to give them all the grounds that they need to reopen that if they so wish.

Fergus Ewing: That gives me some reassurance. I raise the point because of the potentially severe impact that the regulations could have.

I want to turn to more specific issues that were raised last week by Andrew Joret. First, on gold plating and the issue of beak trimming, as far as I understand it, a stop date is incorporated in the Scottish regulations, although it is not required under paragraph 8 of the annexe to the directive. I understand that Germany is not introducing a stop date. I think that our stop date is 2010. Mr Joret said that there were no significant competitive implications for that element of gold plating, but I wonder whether the minister could explain the thinking behind the introduction of the additional measure in the Scottish rules.

Ross Finnie: I tried to do that in my response to the convener's question. The ultimate aim of the regulations will be to ban trimming systems by 31 December 2010. I agree that we could decide not to say that that is the aim until we implement the measures. However, we gathered that the industry would seek to deal with the issue by breeding. It seemed to us that, having regard to the consultation process and wider animal welfare considerations and given that the industry accepts that it did not impose a competitive disadvantage, the additional measure would prompt the industry to act to implement the regulations.

I am not entirely sure that there is a difference between our approach and that south of the border. The effect is the same. We have stipulated the stop date in the regulations to give the industry a clear signal about what it needs to do by 2010.

Fergus Ewing: Yes. Beak trimming is an activity that should be outlawed. I am sure that we all agree on that. I am concerned about the practicalities.

The second item that Mr Joret drew to the committee's attention was an example of gold plating that he said would have competitive implications because it might impose additional costs in Scotland that would not be borne in England or in other EU states.

In evidence to the committee, Mr Joret drew attention to the way in which perches are measured and the effect of paragraphs 41 and 42 in the regulations. Mr Joret said:

"In the English regulations, it is made clear that the raised slatted area counts as perching, but that is not made clear in the Scottish regulations."

When I am asked him how serious the matter would be, he said:

"Quite serious. It is a question of practicalities."—[*Official Report, Rural Development Committee*, 11 June 2002; c 3277.]

Can the minister explain the thinking of the Executive in relation to that aspect of gold plating?

Ross Finnie: There is a difference. You are referring not to the statutory instrument, but to the welfare code.

Fergus Ewing: Yes.

Ross Finnie: The Scottish Executive has never had any difficulty with the industry in not regarding slatted floors as perches. That has always been our position. If anyone sought to employ a perch arrangement, that would require some consultation and discussion. We do not define slatted floors as perches—that has always been the case. I am therefore surprised that the issue gives rise to any difficulty. It is not as though, as a consequence of the regulations, we are introducing a different interpretation from that which has existed in Scotland for some time.

Fergus Ewing: I am simply reading from what Mr Joret said last week. You are saying that his concerns are misplaced.

Ross Finnie: I am surprised by those concerns. We have not defined slatted floors as perches and I do not see how one could do that. It may be that someone else has, but I think that there is a distinction between a slatted floor and a perch.

Fergus Ewing: Perhaps that is an issue that Mr Joret should pursue with you directly. I think that he was basing his argument on a reading of paragraphs 41 and 42 of the welfare code.

Iain Holt: I think that he was reading from the English code rather than the Scottish code. The English code states more fully what is considered to be a perching space and slatted floors come into that. The Scottish code is silent on exact definitions, which means that we are not putting any different pressure on Scottish producers. I believe that they follow the same pattern as the English in any case.

Fergus Ewing: So only the wording is different.

Iain Holt: There is no material difference. It is not gold plating, because what we are talking about is a welfare code, not the statutory instrument. Gold plating is a specific phrase that refers to Scottish regulations going further than required in the directive. For example, if the directive said, "You must do A, B and C" and we said in our statutory instrument, "You must do A, B, C and D," D could be considered gold plating. What we are talking about is a welfare code, which is not a statutory instrument, so gold plating does not apply.

Fergus Ewing: I think that we know what gold plating means.

Ross Finnie: I understand the point that Mr Joret is making. However, a code cannot prescribe

something that is not provided for in the statutory instrument.

Mr Jamie McGrigor (Highlands and Islands) (Con): Let us return to the issue of egg powder, which is a worldwide commodity that is bought and sold rather like powdered orange juice. How can it ever be labelled so that we know that the product comes from birds who meet the proper welfare standard?

Ross Finnie: There are two elements to that question. The first concerns the extent to which we can control the importation or free trade of egg powder. At the moment, we do not have any control. The Scottish Executive is wholly supportive of the European Union's position that welfare considerations should be taken account of by the WTO in determining and defining free trade. Beyond that, if an accepted standard is established and the EU is able to make that imposition, it can then start to require certain products to contain information that would allow the consumer to make an informed choice. Of course, it would also allow the EU and others to determine whether they would permit the free trade of those products. However, we are very far from reaching that point and have no power to determine various aspects of free trade by taking into consideration elements of animal welfare.

14:30

The Convener: I quite understand the technical aspects of gold plating. However, the industry feels that anything—be it part of a code of practice or part of a statutory instrument—that sets it at a disadvantage or affects it in practice is gold plated against its interests. That is the reason for the representations that we received last week. For example, one of our witnesses pointed out that it was normal practice to create false day time for non-caged birds by dimming lights and then switching them off. I understand that the statutory instrument, code of practice or whatever will propose that that should be extended to caged birds.

Ross Finnie: I know that lighting regimes must allow for a period of twilight. Indeed, the directive seeks to improve that situation and sets conditions for all lighting regimes.

I take your point about gold plating. I would be concerned about that issue if, in the light of evidence even from England—which has been mentioned once or twice—it became apparent that we would be imposing a standard that added to the industry's costs. I am certainly not aware of such evidence. The directive undoubtedly provides for the twilight issue and requires all regimes to follow a 24-hour rhythm, including a period of darkness for a third of the day. Our instrument also provides for that.

The Convener: Will the practice be extended to cover caged birds as well?

Iain Holt: It is one of the general conditions in the directive that applies to all systems. The directive says that there will be a 24-hour rhythm for lighting, and that that will apply to all systems. In that case, the directive also applies to cages in that respect.

The Convener: Right. Thank you.

Stewart Stevenson (Banff and Buchan) (SNP): I want to make a general observation. It is not simply the content of regulations that gives rise to the comment that they are gold plated, but the timing of such regulations when compared with the introduction of similar measures in other EU states. If we introduce identical or more restrictive regulations ahead of other countries, we have to bear that burden not just in agriculture but across the board. As a result, when ministers introduce such regulations, it might be useful if they could indicate how our timetable stands in relation to the timetables of our competitors throughout the EU.

Ross Finnie: We are one of the last to implement that particular directive.

Stewart Stevenson: Congratulations, minister.

Ross Finnie: Indeed, I regret to say that that tends to be my record on such matters. Certain members of the European Commission take a very dim view.

The Convener: Do members have any other comments?

Mr Alasdair Morrison (Western Isles) (Lab): Agreed.

The Convener: I did not ask whether we agreed the instrument, Mr Morrison. Although you are keen to move on, I am afraid that I cannot yet do so.

Minister, do you wish to make any closing remarks?

Ross Finnie: No. I think that we have adequately dealt with all the points.

The Convener: In that case, I ask the minister formally to move the motions.

Motions moved,

That the Rural Development Committee, in consideration of the draft Code of Recommendations for the Welfare of Livestock: Laying Hens (SE/2002/100), recommends that the Code be approved.

That the Rural Development Committee, in consideration of the draft Code of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens (SE/2002/101), recommends that the Code be approved.

That the Rural Development Committee, in consideration of the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2002, recommends that the

Regulations be approved.—[*Ross Finnie.*]

Motions agreed to.

The Convener: Members will be relieved to find out that we do not need 90 minutes to debate each motion. I thank the minister and his officials for their attendance. I am glad that we are able to let you away well ahead of schedule.

Ross Finnie: I am obliged. The committee should be congratulated on replicating the conditions of battery cages for this meeting.

The Convener: I think that you mean enriched cages, minister.

Welfare of Animals (Slaughter or Killing) Amendment (Scotland) Regulations 2002 (SSI 2002/238)

The Convener: Item 3 is an instrument to be considered under the negative procedure: the Welfare of Animals (Slaughter or Killing)—that is a slightly strange tautology—Amendment (Scotland) Regulations 2002. The Subordinate Legislation Committee reported on the instrument in its 26th report and brought nothing to the attention of the Rural Development Committee. Do any members wish to comment?

Mr Morrison: No.

The Convener: You are very decisive today, Mr Morrison.

In that case, I take it that members are happy that the committee should make no recommendation to the Parliament.

Members indicated agreement.

Petition

Raptors (Licensed Culling) (PE187)

The Convener: Item 4 is the long-running petition PE187, from the Scottish Gamekeepers Association, which calls for the Parliament to allow limited licensed culling of raptors, under the terms of the Wildlife and Countryside Act 1981, in areas where local raptor populations have increased to beyond normal levels.

We discussed the petition on 30 April and members asked whether the SGA had been invited to join the moorland forum. We wrote to find out about that, and members will have received a letter from Scottish Natural Heritage confirming not only that the SGA has been asked to join the forum, but that the first meeting of the forum was held on Friday last week. Members have also received from the clerks a cover note and various papers on the petition, which set out the background and suggest options for proceeding.

Members will be aware of the work that the Transport and the Environment Committee has done on the petition, and that that committee has now completed its consideration of the petition. Originally, we discussed considering the petition jointly with that committee, but the Transport and the Environment Committee took a lead role on PE187 and on related PE8. I note that PE187 has been with the Parliament for quite a long time now, so I think that we should take some steps towards concluding the matter.

Do members have any views on how best to proceed? If not, I will be happy to guide them.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I would like some clarification. Paragraph 7 of the note from the clerks says:

"On 14 January 2002 a petition (PE449) on a related matter was submitted by the SGA, calling for the Scottish Parliament to initiate an independent investigation into the impact of predatory birds on waders, songbirds, fish stocks and gamebirds."

The clerks' note says that that a new petition, PE449, has been sent to the Transport and the Environment Committee, but this committee is dealing with PE187. Surely the Parliament should be working in a joined-up way—one committee should deal with both petitions. I am a bit confused about that.

The Convener: There are two separate petitions. PE449 has been referred to the Transport and the Environment Committee, although that committee has not yet considered it. PE187 went to both committees, but the Transport and the Environment Committee in effect stole a march on us—perhaps that is not the right

phrase—and considered it before we did. My recommendation is that, in the light of PE449's having been laid before the Parliament, we should choose option B, which is that the committee should note PE187 and that I should, with the committee's approval, write to the minister pointing out the concerns that have been raised. In the light of PE449's having been presented, we would leave PE187 at that.

Mr Rumbles: My point is still the same. The petitions deal with a subject that this committee should be taking a lead on. I do not understand why the Transport and the Environment Committee is dealing with PE449.

The Convener: I hear Fergus Ewing agreeing with that. Do other members agree?

Rhoda Grant (Highlands and Islands) (Lab): It would be a bit strange if we repeated work that had been carried out by the Transport and the Environment Committee. It has done the report, which we were not in a position to do when the petition was first considered. Matters are progressing nicely, so I suggest that we take the action that the convener recommends. There is nothing to be gained by going back over ground that has already been covered by another committee.

Fergus Ewing: I agree with Mike Rumbles that the petitions are both plainly within the remit of the Rural Development Committee and that the gamekeepers should be given a hearing and get the opportunity to put their case to the committee. As far as I can see, that simply has not happened. Now, because the SGA has lodged another petition on a similar subject, it is being suggested that we should not properly dispose of the initial petition.

It seems to me that option C proposes sensibly that we take evidence from the main parties; the Scottish Gamekeepers Association, Scottish Natural Heritage and the Scottish Executive have been suggested. Surely we exist as a committee of the Scottish Parliament to give people a hearing. I would like to hear the case. I do not have fixed views, but the committee has a great deal of knowledge and expertise on related issues, through its consideration of the Protection of Wild Mammals (Scotland) Bill. I am sure that members are aware of many of the arguments. Surely the Rural Development Committee should give the Scottish Gamekeepers Association a hearing. If it does not, the association might be aggrieved, and rightly so.

The Convener: Are you referring to PE449?

Fergus Ewing: No. I think we should give the SGA a hearing on PE187. It might be that, because of the closeness of the subjects of the petitions, we could conjoin them and hear about

them at the same time. That should not cause any difficulty from the petitioners' points of view. However, I certainly think that they should be given a hearing, which they have not had from the Rural Development Committee to date.

Stewart Stevenson: I approach the issue differently from Fergus Ewing, but I reach the same conclusion. There is an ecological issue involved. If there is predation by raptors on species that we are choosing to introduce to the environment, there are issues to be considered. I do not have a fully formed view on that. Fergus Ewing's suggestion that the committee hear from the gamekeepers on both the petitions, if they are in a position to give us evidence, is a sensible way forward.

Rhoda Grant: PE449 has been referred to the Transport and the Environment Committee. The Rural Development Committee has been copied in only for information, so the petition has not been remitted to us. It would be wrong for us to start taking evidence on a petition that has not been passed to us for consideration.

I suggest that even if we continue along the lines that Fergus Ewing proposes, it will be some time before we can take evidence. The forum is meeting and the petitioners are part of that forum. We should note the petition; the petitioners will be in a position to petition again if they feel that they are not getting the answers they seek through the moorland forum. That will leave the petitioners with the scope to come back to the committee if need be, but it stops the committee going back over old ground that has been covered by another committee. Our agenda is pretty tight.

The Convener: My understanding is that PE449 has been lodged because the petitioners felt that they were not getting the answers that they sought with PE187. That seems to be pretty clear. It is a logical extension of that that the gamekeepers consider PE187 to be dead as far as parliamentary procedure is concerned. That petition was dealt with by the Transport and the Environment Committee. I am sure that PE449 was lodged because the petitioners wanted further action on the issue, or felt that they had not been given a proper hearing.

PE449 has been referred to the Transport and the Environment Committee, so rightly we cannot barge in and take evidence on it, because that would be duplicating the work of another committee. However, I am not totally clear as to the right way forward.

Fergus Ewing: Convener, will you clarify a point of fact?

I am looking at the clerks' note on PE187. Paragraph 7 refers to the procedural position of new petition PE449 and says that the Public

Petitions Committee agreed to

"pass a copy of the petition"

to the Rural Development Committee and the Transport and the Environment Committee. Where does it say that the Transport and the Environment Committee is considering the petition?

Rhoda Grant: The next sentence of the note says that the petition was subsequently transferred to the Transport and the Environment Committee.

Fergus Ewing: Is that the current situation?

The Convener: If I am right, when the gamekeepers submitted PE449, they made a specific request that it be referred to the Rural Development Committee. The Public Petitions Committee has obviously seen fit to decide otherwise.

Mr Rumbles: Do we have an explanation for why that was that case?

The Convener: I do not know, but I cannot say that I am au fait with the *Official Report* of the relevant meeting of the Public Petitions Committee. I could not attend the meeting on that day, although I wanted to.

I wonder whether committee members agree that we should ask the Transport and the Environment Committee to notify us about when it will discuss the petition, so that the Rural Development Committee can be represented at the meeting. We could appoint a reporter to that committee when the petition comes up.

14:45

Stewart Stevenson: We could perhaps add a request for an indication of whether the Transport and the Environment Committee plans to take evidence from the Scottish Gamekeepers Association. I expect that it will. We want to know whether the gamekeepers will get a hearing, because that is at the core of what we are talking about.

The Convener: It might be in order for us to say that we are aware that the gamekeepers feel that they have not had a hearing on the subject with the Rural Development Committee, even though the committee's remit is relevant to it. We could request that the Transport and the Environment Committee take evidence on PE449 and that we appoint reporters to that committee. Does that proposal meet with members' approval?

Members indicated agreement.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): What is the difference between the two petitions? Petition PE449 was lodged by the Scottish Gamekeepers Association,

which also submitted petition PE187. The petitions are closely related and I do not see what the difference is.

The Convener: That is not for us to say—it is up to the gamekeepers to do that.

Mr McGrigor: I think that PE449 came after PE187, because PE187 was not dealt with.

The Convener: I presume that the wording of the two petitions is not the same, because if that had been the case, PE449 would have been thrown out.

Mr Rumbles: Please correct me if I am wrong, but as far as I am aware, when the gamekeepers submitted PE187 more than two years ago, they expected—and I hoped—that the then Rural Affairs Committee would at least give them a hearing. They are obviously frustrated by the extreme length of time that has elapsed. Although PE187 was passed for consideration by the Transport and the Environment Committee and to the Rural Affairs Committee, I do not believe that the gamekeepers appeared before that committee. They have submitted another petition—PE449—in an attempt to obtain a hearing. It seems odd that a parliamentary committee has not given the petitioners a hearing.

If other members of the committee think that it is appropriate to ask for reporters from our committee to go to the relevant meeting of the Transport and the Environment Committee, I will accept their wishes. I also request that we keep open our consideration of PE187, because that is the only hook that is left to us, as PE449 was not referred to the Rural Development Committee. I do not know why that was the case and I ask the convener to enquire politely about the reasons for that.

Fergus Ewing: I agree.

Mr McGrigor: I agree, too.

Elaine Smith (Coatbridge and Chryston) (Lab): I would like clarification on a matter that relates to what Mike Rumbles said about petitioners getting a hearing. Perhaps the clerks know whether every petitioner to the Parliament gets a hearing.

The Convener: Not every petitioner gets a hearing.

Fergus Ewing: John Farquhar Munro made the point that the petitions are substantially the same. Although the subject matter is the same, the recent petition—PE449—calls for an independent investigation, whereas the original petition called for specific action, namely allowing limited licensed culling of raptors. The petitions are on the same topic, but because they call for different action, they should be regarded as different. It is

about time that we gave the Scottish Gamekeepers Association a hearing. It is not relevant to say that the SGA should not be heard from just because one or two petitioners might not receive a hearing. I feel strongly that the SGA has been treated poorly so far and that we should try to put that right.

Elaine Smith: That is not what I was saying at all. I merely asked whether all petitioners are called to give evidence to the Parliament.

The Convener: I take your point.

Rhoda Grant: To move the issue on, I suggest that we appoint a reporter to attend the meeting of the Transport and the Environment Committee at which PE449 will be discussed and that we ask whether that committee will take evidence from the gamekeepers.

The Convener: I was going to suggest slightly stronger action. I propose that we write to the convener of the Transport and the Environment Committee to request politely that the committee consider asking the Scottish Gamekeepers Association to give evidence on PE449, provided that the SGA was not asked to give evidence on PE187. I do not think that it was. I also propose the appointment of one or two reporters. There is nothing to stop any interested member of the committee from going along to the meeting when PE449 comes up. I could ask that we be informed when the petition is on the agenda. I also suggest that we write to John McAllion, the convener of the Public Petitions Committee, to clarify why, when a specific request was made for the petition to come to this committee for consideration, that did not happen. Do members agree with those suggestions and with the proposal to keep open consideration of PE187 as a final fallback position?

Members indicated agreement.

Mr Morrison: I nominate Jamie McGrigor as the committee's reporter.

Stewart Stevenson: Fergus Ewing has probably teed himself up for the role.

The Convener: There is nothing to stop us from having two, three or even four reporters.

Stewart Stevenson: Two might do.

Mr Rumbles: I would like to go.

Fergus Ewing: Would it be sensible to postpone the decision about reporters until we find out whether the Transport and the Environment Committee will give the gamekeepers a hearing? We would want to appoint reporters only if a hearing was to be held.

The Convener: We will postpone the choice of reporters until we receive an answer to the letter

that we will send this week. The relevant meeting will not take place before the recess. Are members happy with that?

Members *indicated agreement.*

European Policies (Scrutiny)

The Convener: Item 5 has the rather grand title of scrutiny of European policies. Members have received a copy of a paper in my name. The paper has been produced as a result of previous discussions about the work programme, in which the committee acknowledged how heavily its remit is influenced by European Union legislation. We agreed that we should consider how we could engage more effectively with European developments. The paper in my name invites us to consider the establishment of an on-going system, which would allow the committee to stay more up to date. Under item 7, we will discuss consideration of specific European policy areas, but there are a number of general issues to cover and I propose to work through the paper in the order in which the issues appear in it.

First, the paper asks whether the committee is content to seek from the Scottish Executive a regular quarterly overview of European Union policy developments, legislative proposals and transposition arrangements. We can have a debate by all means and members can bring up any points that they want to, but I ask whether members are content for me to write to the minister to seek what I have outlined.

Members *indicated agreement.*

The Convener: Splendid. Secondly, the paper invites the committee to authorise the convener, in conjunction with the clerks, to seek further detailed briefings as required from the Scottish Executive on the key dossiers within the rural development portfolio. If members have concerns about any particular area, they can relay their concerns through the clerks or me. Feel free to comment. Are members content with that proposal?

Members *indicated agreement.*

The Convener: There is a great danger that consideration of my paper will be much simpler than I had anticipated. Thirdly, the paper invites the committee to agree to consider options for more detailed scrutiny of specific EU proposals as part of the regular work programme discussions. We will go for three in a row. Are members content to agree to that?

Members *indicated agreement.*

The Convener: That is truly wonderful.

John Farquhar Munro: On one of our visits to Brussels, the point was made that the current situation means that directives are implemented or set in tablets of stone before we know about them. The suggestion was made that we should be in on the ground floor at the start of negotiations. Your paper covers that issue very well indeed.

The Convener: I am glad you said that. When I went to Scotland in Europe week on the committee's behalf last year, I was given exactly the impression that has been described, which is that we are reactive on decisions, rather than proactive. The committee certainly had a desire to put that right, but given our work programme, it is quite understandable that we are where we are in that regard. If we could implement the findings of the paper, it would help in that process. Thank you for your backing.

We will move into private session to deal with items 6 and 7.

14:54

Meeting continued in private until 15:30.

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