

# **ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE**

Wednesday 3 December 2003  
*(Morning)*

Session 2

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## ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

**14<sup>th</sup> Meeting 2003, Session 2**

### CONVENER

\*Sarah Boyack (Edinburgh Central) (Lab)

### DEPUTY CONVENER

\*Eleanor Scott (Highlands and Islands) (Green)

### COMMITTEE MEMBERS

Roseanna Cunningham (Perth) (SNP)

\*Rob Gibson (Highlands and Islands) (SNP)

\*Karen Gillon (Clydesdale) (Lab)

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

\*Maureen Macmillan (Highlands and Islands) (Lab)

\*Mr Alasdair Morrison (Western Isles) (Lab)

\*Nora Radcliffe (Gordon) (LD)

### COMMITTEE SUBSTITUTES

Alex Fergusson (Galloway and Upper Nithsdale) (Con)

Janis Hughes (Glasgow Rutherglen) (Lab)

Jim Mather (Highlands and Islands) (SNP)

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

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

\*attended

### CLERK TO THE COMMITTEE

Tracey Hawe

### SENIOR ASSISTANT CLERK

Mark Brough

### ASSISTANT CLERK

Catherine Johnstone

Roz Wheeler

### LOCATION

Committee Room 3



## Scottish Parliament

### Environment and Rural Development Committee

Wednesday 3 December 2003

(Morning)

[THE CONVENER opened the meeting at 10:02]

**The Convener (Sarah Boyack):** I welcome to the meeting committee members, witnesses, the press and members of the public, although I am not sure whether any members of the public are present. I remind everyone to switch off their mobile phones.

### Subordinate Legislation

#### Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (SSI 2003/531)

#### Environmental Protection (Duty of Care) Amendment (Scotland) Regulations 2003 (SSI 2003/533)

#### Air Quality Limit Values (Scotland) Amendment Regulations 2003 (SSI 2003/547)

**The Convener:** For our first agenda item, we have three statutory instruments to consider under the negative procedure: the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (SSI 2003/531); the Environmental Protection (Duty of Care) Amendment (Scotland) Regulations 2003 (SSI 2003/533); and the Air Quality Limit Values (Scotland) Amendment Regulations 2003 (SSI 2003/547). All three instruments have been considered by the Subordinate Legislation Committee, which made several technical points about SSI 2003/531, on the control of pollution. Members have an extract of the Subordinate Legislation Committee's report in front of them.

Members have no comments to make. Are they therefore happy with the instruments and content to make no recommendation to the Parliament?

**Members indicated agreement.**

## European Issues

10:04

**The Convener:** The second agenda item is a paper on European issues. We agreed in the summer to consider European matters every quarter, so that we could be strategic. Our first update is before us today. The paper sets out a work programme for us on some key European issues. It is up to members to discuss the paper. I am keen to note the information; if there is anything else that members wish to discuss, now is the time to raise it. If members want more information on certain issues or if they wish to put items on the agenda, please say so. In particular, I draw members' attention to the pre-council and post-council briefings that we have received from the Executive and which are now being circulated more regularly. We have already agreed work on some European Union issues—they are well and truly part of our work programme—but members might wish to draw attention to other issues today. I suggest that we go through the various topics.

I invite members to turn to page 2 of the paper, which lists the core issues before us. Chemicals policy, under paragraph 5, will be an important issue, not just for this committee but for the Health Committee and the Enterprise and Culture Committee. I am not sure whether members clocked last week's big public information campaign around the issue of chemicals, but I was one of those tested. I have a number of chemicals that were banned in 1974 floating around in my bloodstream.

**Mr Alasdair Morrison (Western Isles) (Lab):** That explains a lot.

**The Convener:** Thank you, colleague.

**Alex Johnstone (North East Scotland) (Con):** It demonstrates that you are at the top of the food chain.

**The Convener:** Yes—I must eat a lot of oily fish.

The campaign concentrated the mind, and the key point is for us to work out where that issue is in the system. As I understand it, the matter is being developed in Europe. As far as plans in Brussels are concerned, the paper says:

"The proposal is for a Regulation, which will be directly applicable in UK law without the need for subordinate legislation to transpose it. It will be agreed by co-decision of the European Parliament and the Council."

It would be interesting to get more background on that. We might request a briefing from the Minister for Environment and Rural Development on the content of that regulation. We could then gauge whether other committees should be alerted to it.

**Mr Morrison:** I have a question, although it is not on the detail of chemicals policy issues; the clerks could perhaps best answer it. How do we decide where these matters best sit in relation to the various committees? The convener mentioned the Health Committee, the Enterprise and Culture Committee and this committee.

**Tracey Hawe (Clerk):** The issue is to do with the committees' scrutiny role. This committee might be best placed to ask the Minister for Environment and Rural Development about what the Executive is doing as a whole. In that way, we do not get into too many issues of remit.

**Mr Morrison:** We would not want to start down a road only to realise later that another committee would have been best placed to address the matter. If we had an early warning system, we could avoid that.

**The Convener:** If we get a reply from the Minister for Health and Community Care or from the Minister for Enterprise and Lifelong Learning, that would tell us that the matter lies within another committee's remit.

**Mr Morrison:** That is fair enough.

**The Convener:** I suggest that we ask the Executive for a note on the matter and see what comes back.

The next topic, waste management and resource use issues, provides a useful follow-up on the matter to our own submission, which has gone off to Europe now.

**Nora Radcliffe (Gordon) (LD):** It is a while since we first heard about the waste electrical and electronic equipment—or WEEE—directive. However, I am not aware of any mechanisms that have been put in place for producers to accept items back or of publicity that has been issued to tell consumers that they are allowed to take things back. Is there a way in which we could explore whether anything is happening in that regard? We might need just to write to producers' organisations, the Scottish Retail Consortium, Scottish Executive ministers and possibly someone at Westminster.

Aside from the WEEE directive, the end-of-life vehicles directive has been around even longer. If we thought that fridge mountains were bad, what will car mountains look like? What is being done to put in place receiving stations for end-of-life vehicles and the people to break them up?

**The Convener:** A letter to the Minister for Environment and Rural Development seems appropriate. On the WEEE directive, the paper helpfully says:

"Subordinate legislation will be required to transpose this into UK law by 13 August 2004."

Somebody will be considering what will be in that subordinate legislation.

**Tracey Hawe:** A statutory instrument on end-of-life vehicles is being laid by the Executive, so we will be considering that shortly. Issues around the waste electrical and electronic equipment directive can also be followed up in writing with the minister.

**Nora Radcliffe:** The directive is the sort of thing that is a great idea if it is made to work. If the directive is to be made to work, people have to know about the mechanisms for dealing with it.

**Rob Gibson (Highlands and Islands) (SNP):** Could we contact organisations such as the Scottish Retail Consortium to find out whether the sellers of batteries are making facilities available in their shops in the way that supermarkets do for plastic bags and the like? We could do that as a lead-up to the proposals. If we were to flag up the issue in that way, we might encourage people to respond. That would show that we are proactive.

**The Convener:** The difference between the WEEE directive and the proposed directive on batteries is that the WEEE directive is much further down the track. At this stage, we could flag up concerns about the practicalities of how the batteries directive will be implemented. That is what we would put on the agenda. The European Commission's consultation on the proposed batteries directive closed at the end of last week and the Commission will propose a final strategy next autumn. As the proposed batteries directive is not as far down the track as the WEEE directive, which is pretty much imminent, it could be quite useful to flag up such concerns about the batteries directive now.

**Alex Johnstone:** Would it be possible to get some reading material on the technical background to the proposed directive? Although we have taken into account parts of what the directive would cover, we do not have any details about recycling of things such as semiconductors, which are generally made out of highly toxic materials, including germanium and arsenic. I think that the proposed directive will cover those issues, but we are probably not well up on the technical aspects.

**The Convener:** That is a useful thought. Having spoken to the clerks, I think that we get good briefings on some of the detail from Scotland Europa. It may be worth asking whether there is something available that could be e-mailed round members so that we could all have a look at it.

**Eleanor Scott (Highlands and Islands) (Green):** May I ask a silly question? I think that I am clear about what a directive is and what a proposal is, but I am not sure what a communication is. What status does a communication have?

**The Convener:** I think that a communication is a note of intent. It is like a white paper, which says that the Commission intends to be active on a subject. A communication is like a scoping paper.

I suppose that we want to try to pick out the issues that are close to us and ensure that people are geared up. We then want to identify the issues that are slightly further down the track and about which there might be a Scottish interest.

Let us keep going through the paper. There is a note that we have sent our waste inquiry report to Margot Wallström, and we have provided copies of it to all Scottish MEPs so that they are aware of the work that we have done. Next week, we will deal with a set of regulations on packaging and tomorrow we debate the bathing water directive. The next part of the paper deals with fisheries, which I know was discussed at the European and External Relations Committee yesterday. Does anyone have any comments on that?

**Karen Gillon (Clydesdale) (Lab):** Let us see what the European and External Relations Committee says in its report.

**The Convener:** Nora Radcliffe was at that meeting.

**Nora Radcliffe:** The main point that came out of the meeting was the difference between last December and this December. The scientific evidence that is being presented is much more broadly based. It has not focused on a stock that affects one member state or sub-member state exclusively, so there will be a lot less scope for people to keep their heads below the parapet just because they feel that they are out of the firing line. From what the minister said, I think that a lot more preparatory work has been done this time, as there have been bilaterals with other member states and a lot of work at official level in Brussels in the lead-up to this year's council.

**The Convener:** The process is that we will get a post-council report next week to find out what happens. The issue will be on our agenda next year and members can pick up on it then.

The paper notes that the consultation on the regional advisory councils is due for completion in February. Again, we might want to consider that later next year.

**Nora Radcliffe:** The regional advisory councils could be quite important as they are a first step towards regional management. That first step has to demonstrate that the mechanism can be pulled together and made to work. That is a really important development.

**The Convener:** A number of regulations on the implementation of that measure will come to the committee.

The paper gives us a note on common agricultural policy reform and the Scottish consultation. I suppose that we need to decide when we will come back to and debate the matter in committee. We have done some preparatory work on that.

**Mr Morrison:** Sheep identification is a subject that is close to my heart. Paragraph 17 of the paper states:

"The Scottish Executive considers the details of the proposals to be unworkable."

That is encouraging. Proposals for identical tags in both ears of sheep on hill farms and crofts are completely and absolutely unworkable. If the committee can do anything to support the minister, who has assured us that he will make strong representations to his colleagues in the Department for Environment, Food and Rural Affairs and the European Commission, I would certainly welcome that.

10:15

**The Convener:** Is that the view of other members? I see a lot of nodding of heads. Perhaps we should add to the letter to Ross Finnie that he has our strong support on that matter.

**Rob Gibson:** I would like to return to the transportation of live animals. I hope that we will have long enough to debate that subject. We ought to have an input to next year's consultation. It is of grave concern that we and member states whose geography is similar to ours—especially those with islands—should find some way of stating a strong view. I know that we have done so in the past, but the crunch time is coming. We should ensure that the committee is united on the matter, if that is possible.

**The Convener:** It might be useful to flag up that issue to the minister when he comes to speak to us in the new year. It would be timeous to do so in January, given that a decision seems to be fast approaching—a decision in Europe could be taken in April 2004. If the minister appears before the committee in January, we could flag up the issue to him and find out what is happening. That would be useful.

**Maureen Macmillan (Highlands and Islands) (Lab):** Before we proceed, I would like to go back a bit. The Scottish Executive has issued a consultation on intended changes to the special waste regulations. The issue concerns the movement of hazardous waste. I would like to see a copy of the consultation document, as I am concerned about the movement of hazardous waste by sea. Can we obtain a copy of it to find out what the Executive is asking for?

**The Convener:** Yes. We will obtain copies so that all members can consider the matter.

That takes us to the EU timetable for 2004. Members will remember that in the summer, we had a broad discussion about what will happen in Europe, given that there are elections next year and that there will be a new Commission. The timetable aims to tell members what the target dates are for different events that will happen throughout the year and where we might pick up issues.

Previously, the committee agreed to take ministerial evidence on the Irish presidency, which starts at the beginning of next month. We must arrange for the minister to come to the committee to talk to us about that.

There are a number of other issues on the agenda. We have just agreed to pick up a couple of fishing and farming issues. There is also the CAP reform debate, which we discussed returning to once the minister's consultation had finished. All the work in question must be programmed.

**Nora Radcliffe:** I recollect that the European and External Relations Committee prepares a briefing paper prior to each new presidency. Would it be useful to have that paper before we speak to the minister? There is no point duplicating work or reinventing wheels. Perhaps we will have a more focused debate if we have that briefing paper.

**The Convener:** If issues relating to the Irish presidency, agriculture and fishing issues and the other issues that we have picked up today are added together, we could have a hefty agenda. I wonder whether two meetings with the minister will be needed. That might make more sense, as we could then have more discussion about the European agenda and on-going agricultural issues. We should still receive our pre-council and post-council briefings and the six-month presidency update, from which we can pick out relevant information.

Would members like a briefing on any European issues that are not highlighted in the report? The report is pretty comprehensive. I do not know about members, but I think that the paper has been a useful way of dealing with European issues, which should mean that we do not leave things until they creep up on us. The paper will be useful, as it will go on the web. People will be able to see what European issues are coming to the committee and when we intend to return to them. I hope that that will aid transparency. The next update is due in early March.

We will now move into private session to consider a draft stage 1 report on the Nature Conservation (Scotland) Bill, which we agreed to consider in private at our previous meeting. I ask

members of the public and the press to vacate the room.

10:19

*Meeting continued in private until 12:14.*



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