

ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

Wednesday 1 June 2005

Session 2

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ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

16th Meeting 2005, Session 2

CONVENER

*Sarah Boyack (Edinburgh Central) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Rob Gibson (Highlands and Islands) (SNP)

Karen Gillon (Clydesdale) (Lab)

*Alex Johnstone (North East Scotland) (Con)

*Richard Lochhead (North East Scotland) (SNP)

*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)

Eleanor Scott (Highlands and Islands) (Green)

*attended

CLERK TO THE COMMITTEE

Mark Brough

SENIOR ASSISTANT CLERK

Katherine Wright

ASSISTANT CLERK

Christine Lambourne

LOCATION

Committee Room 4

Scottish Parliament

Environment and Rural Development Committee

Wednesday 1 June 2005

[THE CONVENER *opened the meeting at 10:03*]

Item in Private

The Convener (Sarah Boyack): I welcome members, public and press to this morning's meeting. I ask people to turn off their phones so that they do not beep during the meeting. I have received apologies from Karen Gillon; I do not know whether there are any other apologies.

Nora Radcliffe (Gordon) (LD): I apologise for the fact that I will leave at about 11 o'clock to go to another meeting.

The Convener: Under agenda item 1, I ask members whether they agree to discuss in private—just for today—item 3, which deals with options for our consideration of the United Kingdom Natural Environment and Rural Communities Bill. The reason for holding the discussion in private is that we are likely to consider potential witnesses. Does anyone have a problem with that? I do not think that the discussion will be lengthy. The clerks have agreed to put our decisions on the website so that people are made aware of them.

Richard Lochhead (North East Scotland) (SNP): I am relaxed about considering witnesses in private, but the general issue is quite important from the public's point of view. If we were to decide in private to do nothing about the bill, the reasons for our decision would not be made public. If we assume that we will take some action in relation to the bill, it is fine to hold the preliminary discussion in private, but that is not guaranteed.

The Convener: I am sorry; I should have said that I had a discussion with the clerks during which we hummed and hawed about whether to discuss the issue in public or in private. I was relaxed about that. However, my recommendation will be that we should take evidence on the bill, even though it appears to be uncontentious; I want us to invite witnesses to check that it is indeed uncontentious. That will be the nature of our discussion; provided that you are happy with the suggestion, we will consider in private which witnesses we should invite.

Richard Lochhead: On that basis, I am happy with your suggestion. I assume that the rest of the committee agrees with you. We have a duty to scrutinise Sewel motions in committee.

The Convener: It will be the first Sewel motion that we have dealt with. As we have not dealt with one before, I wanted to check out what the process would be.

Richard Lochhead: I am happy to take item 3 in private so that we can concentrate on the selection of witnesses.

The Convener: That is fine. For the record, we will try to inform people of our decisions as soon as possible. We will return to the issue later.

European Issues

10:06

The Convener: Agenda item 2 is our quarterly report on upcoming European issues, which includes a review of various legislative proposals. Members have the relevant paper, which takes us through a number of issues. It is up to colleagues to say what they are particularly interested in.

The paper gives an overview of what is happening with the European Commission's forward look and its recent activity on European Union issues and provides a list of when all the European Council meetings will be held. Our next discussion with the Minister for Environment and Rural Development is likely to be in September. The idea is that if we pick up issues on which we want further information between now and then, we can ask the minister for evidence in writing before we take oral evidence from him. Members can also flag up issues on which they think that we should be working, which we can come back to discuss. That is the overall context for the paper.

There are three main sections—issues to do with the environment, issues to do with fisheries and issues to do with agriculture—and I suggest that we deal with each of those groupings in turn. Members can pick up on subjects in which they are interested. On page 2, there is a section on relevant current issues. We can come back to that when we have finished going through the paper. Members have the chance to add issues to our agenda if they want to.

The first topic in the environment section is sustainable development.

Richard Lochhead: I will start with a general point. Given that the United Kingdom will hold the EU presidency from July onwards, I am slightly unhappy that we will wait until September—by which time the presidency will be well under way—to take evidence from the minister on his priorities for the presidency. I appreciate that the committee might already have discussed that timescale, but I think that we should revisit it. If the committee's role is to try to influence the minister before the UK's presidency of the EU begins, we cannot do that if we take evidence from him a third of the way through—

The Convener: We took a forward look when the minister appeared before us in January. We had the opportunity to raise issues that we wanted the minister to have on his agenda for the UK's presidency.

Richard Lochhead: If I remember correctly, we did that as part of our evidence taking on the six-month presidency that was then forthcoming.

What I am trying to say is that we would have met the minister at that point anyway, to discuss his priorities for the presidency that was about to begin—albeit that we used that opportunity to look forward to the UK's presidency.

The Convener: That was why we scheduled our session with the minister then.

Richard Lochhead: We face a number of pressing issues. The future of the Shetland box, which is vital to the fishing communities in Shetland, is up for discussion before the end of 2005. Less favoured area status and the rural development regulation are also important.

The Convener: We will work through all those issues as we go through the paper. Now is our chance to do that—unless you are suggesting that we should schedule a meeting with the minister in the next few weeks.

Richard Lochhead: I am. We should get an update from the minister before the UK's presidency of the EU begins.

The Convener: Let us go through the paper and find out which issues other members want to put on the agenda, some of which may be more pressing than others. We can have a debate about whether we want to receive a view in writing or to have a session with the minister before the summer recess. The purpose of having a quarterly report is to keep the minister's handling of European matters under regular review.

Does anyone want to raise anything in connection with the section on sustainable development? I note that the sustainable development indicators are now available for people, which is a step forward at European level.

Do members wish to make any points about the chemicals policy?

Mr Mark Ruskell (Mid Scotland and Fife) (Green): The proposed directive on the registration, evaluation, authorisation and restriction of chemicals will be hugely significant. The directive is not being transposed into our law—it will be applied directly as a regulation—and we need to understand a lot better its implications for Scotland. It would be useful to get a briefing from the minister about how he views the implications for Scotland. We could then consider further whether we need to scrutinise the proposed directive in detail.

The Convener: I agree. We have discussed the REACH directive a couple of times, but the last time that we discussed it, everything had gone quiet. If the directive is to remain a high priority throughout 2005, we should pick up on the environmental implications.

Nora Radcliffe: Has the Scottish Parliament information centre done a paper on REACH?

The Convener: No. We will look into that prior to our September discussion. Political agreement on the matter is expected by the end of the UK presidency of the EU.

Richard Lochhead: Nora Radcliffe asked about research. For members' reference, I recommend an excellent briefing on the REACH directive, which is available from Scotland Europa.

The Convener: SPICe can look into the matter and judge whether any specific issues need to be drawn to our attention.

The next subject is climate change.

Rob Gibson (Highlands and Islands) (SNP): I will be interested to see how Ross Finnie measures his responses against the committee's report into climate change. It would be good to have a comparison and to try to mesh the two together. There might be issues that we will wish to keep separate and to ask about separately. We will no doubt have a debate on the matter in due course.

It would be useful to see how the aims that are listed at paragraph 18 of the paper fit with the minister's view on what should happen in Scotland, which must take into account our report. I would be pleased if the minister's views could be amplified. The problem is how the major aims at European level mesh with what we are doing here.

The Convener: Our report suggested having a route map of how to achieve a 60 per cent reduction in CO₂ emissions by 2050. The March council recommended a reduction

"in the order of 15-30% by 2020".

It would be particularly interesting to put that to the minister. Is everybody happy that we put that on the agenda?

Members indicated agreement.

The Convener: We will write to the minister about all those matters, so that he and his officials are aware of the importance that we attach to the issues.

The next subject is the sixth environmental action programme, which is trundling through the system.

Maureen Macmillan (Highlands and Islands) (Lab): I am interested in what we are doing on the marine environment. I know that there was a consultation, which started two years ago and closed in July last year. We are still waiting for the Executive to make an announcement on the result of that consultation. There are pressures from people who are interested in the marine environment to develop integrated coastal management, and I would like to hear the minister's thoughts on the matter. Whenever I

have asked the minister about that, through oral questions or otherwise, the response has always been simply that we will know in due course. Perhaps it is time that we heard about the Executive's plans.

The Convener: Okay. We will put that on our agenda.

The next subject is the waste electrical and electronic equipment directive, which we have discussed several times.

Richard Lochhead: The minister has commented on the elements of the directive that it would be appropriate to implement in Scotland and the elements that it would be more appropriate to leave to the UK Government to implement. We should delve further into the minister's comments to find out what the outcome of that has been.

We should express concern over the fact that the Commission is commencing proceedings in relation to the UK's late implementation of the WEEE directive. The directive is important and although we want to ensure that it is robust—we do not want any more fridge mountains or their electrical equipment equivalents—we want its provisions to be implemented as soon as possible. Talk of proceedings being taken against the UK is slightly embarrassing.

We should get an up-to-date report that addresses some of those points. We should find out why the delay has happened and what criteria the minister used to determine which elements will be implemented in a Scottish context rather than a UK context.

10:15

The Convener: Okay. This is work in progress, given that we have dealt with the matter on several occasions.

Does Nora Radcliffe want to go back to the soil directive?

Nora Radcliffe: Yes. The Macaulay Land Use Research Institute has considerable expertise on the matter. I am sure that it will be doing its own appraisal of the strategy. It might be worth getting a briefing from the institute on the implications of the strategy.

It is regrettable that the UK is behindhand in implementing the WEEE directive. I am concerned that, although the directive is intended to put pressure on producers to redesign products, all the back pressure seems to be on the retail sector, which will have to bear the brunt of collecting returned goods. It seems to me that the UK's approach to the matter has rather missed the target.

The Convener: We can raise that point with the minister when he next appears before the committee. We should have a discussion with him two months before regulations are likely to be laid.

As the paper suggests, we should get an update on the batteries directive, because it is likely to be concluded by the end of the year. There is also an update on the groundwater directive.

On fisheries, Richard Lochhead raised the issue of the Shetland box.

Richard Lochhead: Several crucial issues will arise in relation to fisheries over the six months of the UK's presidency of the EU. First, there is the hanging threat of closed areas. There are mixed views on those areas in Scotland, but clearly the committee would want to find out the minister's position on the matter as it is bound to come back on to the agenda.

Another matter is the prospect of changing the date of the annual negotiations. Apparently, the current Commission is sympathetic to doing that so that the negotiations do not take place in late December, just before Christmas and the new year.

The Shetland box is of significant concern to the Shetland fishing communities. I note that the Commission will report on the future of the Shetland box before the end of 2005. I want to find out about the minister's input on that matter.

The Convener: Okay. We want another update.

Do members want to raise any other matters about fisheries?

Maureen Macmillan: I am keen to find out what new support there will be for aquaculture from the European fisheries fund. I would like to tease out with the minister who can and cannot access what used to be financial instrument for fisheries guidance funding for aquaculture.

The Convener: There is also a significant issue about the type of fish that may be supported under those regulations; the enlargement of the EU may add new types of fish that are capable of receiving support. We would like to get a view on how relevant that might be to Scotland and what opportunities it offers.

The paper includes a lengthy update on the rural development regulation, which we have discussed quite a few times, particularly in the context of less favoured area support. Members will note that paragraph 41 refers to less favoured areas. When the committee discussed that matter recently, it looked as though there would be a reduction in the eligible area, but it now looks as if that is not likely to happen. Mark Brough can update us.

Mark Brough (Clerk): I understand that agreement on redefining LFAs has been difficult to

achieve. The Luxembourg presidency is keen to secure political agreement on a new rural development regulation at the June agriculture council. I understand that, to facilitate that agreement, the presidency will invite the Commission to defer discussion of the redefinition until 2008 and implementation until 2010 onwards.

The Convener: In effect, the issue is being kicked into touch.

Alex Johnstone (North East Scotland) (Con):

Are we aware of what that agreement is likely to be on? In the early stages of the negotiations, certain countries seemed to be pressing for a redefinition of LFAs to include criteria relating to mountainous regions. Miraculously, that would have had the effect of drawing money out of peripheral areas and concentrating it in France and places like that. What stage have the agreements reached and what is about to be agreed to?

Mark Brough: At the minute, the only information that we have is a limited set of notes from the Executive on the expected agenda for the June council. The notes say only that it is expected that the presidency will invite a deferment until 2008. We have no further detail.

Rob Gibson: For the same reason as Alex Johnstone gave, I am concerned about the definition of LFAs that is being drawn up. From the figures, it is clear that a good deal more emphasis needs to be placed on the areas that are least favoured. The committee will need to keep the issue under scrutiny as there has been no debate about what the effects of the redefinition will be. Given that all of Luxembourg has less favoured area status, it seems crazy that the same status should apply to our islands and remote areas. We need a definition that takes into account the real geography, so we will need to keep that issue on the table.

Alex Johnstone: Given Luxembourg's status, there is a certain irony that any of Scotland should be less favoured.

The Convener: We will return to the issue. We will ask for an update on the current situation to allow us to have a decent discussion with the minister. Is that agreed?

Members indicated agreement.

The Convener: The next section of the paper provides an update on products with a unique geographical origin, such as Scotch beef and Parma ham. The issue will come up again during the UK presidency, so we will keep an eye on it, as the matter is relevant to Scotland.

The next section is organic farming. We will want an update on developments in relation to that issue, because it appears that the Commission will

propose to simplify the amount of detail on organic products that is required at an EU level and to change the rules on imports of organic produce. We will want to keep an eye on the matter to ensure that the proposal does not downgrade organic produce and so that we know that we are all applying the same principles.

Mr Ruskell: It would be useful to consider the proposal in the context of the organic action plan.

Alex Johnstone: I am interested in that area, as I believe that the organic definitions that are used in this country are significantly more stringent than those that are used in other European countries. Given that organic farming is one of the most successful and cash rewarding of the premium marketing strategies that are used in Scottish agriculture, we need to protect the sector from being undercut by foreign imports that do not meet our standards.

The Convener: The last sentence in paragraph 43 states that the new regulation

“will also replace the current rules on imports of organic produce.”

We will want to check what that is about. We will add that issue to our list.

The next section mentions a Commission proposal for minimum welfare standards for broiler chickens.

Rob Gibson: That is interesting. I wonder how that will relate to the biomass plant that Maureen Macmillan and I visited. The plant uses chicken manure and litter—I think that I am using that word correctly—from that end of the chicken-production market.

The Convener: I am glad to know that two committee members are keeping a close eye on the matter.

Rob Gibson: Whether the plant can work depends on its having a source of material. It will be interesting to hear more about the proposal.

The Convener: It sounds as though we want a bit more detail on the current standards—

Maureen Macmillan: But we do not want too much information.

The Convener: We will also want to know what standards are likely to come from Europe at the end stage of the process. We want to know what implications the proposal will have for farming and welfare interests.

Finally, the paper mentions a couple of big issues. First, a World Trade Organisation deal looks likely to be finalised in Hong Kong. I think that we want an update on that, given our previous discussions about tariffs and trade and fairness issues. Is that agreed?

Members indicated agreement.

The Convener: Secondly, with regard to the enlargement and financing of the common agricultural policy, the big issue is whether Romania and Bulgaria can be paid for out of the existing budget or whether the CAP budget will have to be increased, which would lead to cuts elsewhere in the EU. Of course, one of the big issues with the new constitution is whether we can make that kind of decision. I hope that we will get an update on that.

Is there anything that is not on the list that members would like to be updated on? The list is pretty comprehensive, but are members involved in anything else that we might want to consider?

Members: No.

The Convener: We planned to take oral evidence from the minister in early September. The committee has authorised me to seek detailed briefing on several issues between now and then. Richard Lochhead asked whether the committee could meet the minister in June. What do colleagues think about that?

Nora Radcliffe: It is about time.

The Convener: We have the minister lined up for our meeting on 29 June to discuss our rural development report. We must also consider whether to take evidence from him on the Sewel motion. Richard, are you keen for the committee to hear from the minister on European issues at that time?

Richard Lochhead: Yes. If the minister is coming to the committee on 29 June, we could ask for an extra 45 minutes or so to discuss his priorities for the UK presidency of the EU and some of the issues that we have all acknowledged as important. We last spoke to the minister in that regard in January and we are due to meet him again in September, which is a couple of months into the UK presidency. That is a long time between meetings, and the 29 June meeting would be a good opportunity to talk to the minister. I think that the committee would find that productive.

The Convener: Is everyone agreed?

Members indicated agreement.

The Convener: We will have to talk to the minister; he is already lined up for the meeting on 29 June and it might be that he will have to miss a Cabinet meeting. We will ask the minister about that and pass him a note of the issues on which we want to be updated.

I thank colleagues for their consideration of the paper on European issues. I thank members of the public for their attendance this morning; I hope that they found the meeting interesting. Everything that we have discussed will be published on the

web within a week if people are interested in reading it. We agreed earlier to take agenda item 3 in private, so I invite the official report, broadcasting and the public to leave the room.

10:28

Meeting continued in private until 11:02.

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