

Wednesday 16 November 2005

Session 2



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ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE 29th Meeting 2005, Session 2

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DEPUTY CONVENER

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

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- *Rob Gibson (Highlands and Islands) (SNP)
- *Richard Lochhead (North East Scotland) (SNP)
- *Maureen Macmillan (Highlands and Islands) (Lab)
- *Mr Alasdair Morrison (Western Isles) (Lab)
- *Nora Radcliffe (Gordon) (LD)
- *Elaine Smith (Coatbridge and Chryston) (Lab)

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Committee Room 6

^{*}attended

Scottish Parliament

Environment and Rural Development Committee

Wednesday 16 November 2005

[THE CONVENER opened the meeting at 10:54]

European Issues

The Convener (Sarah Boyack): I welcome colleagues and members of the press. I remind everyone to switch their phones to silent. Members are all here, so there are no apologies.

Agenda item 1 is the sixth of my quarterly reports on European issues. The paper gives an overview of recent activity on the environment, fisheries and agriculture. It is for members to identify the subjects that they would like to pursue. We have the option of requesting further information in future updates, or of seeking a briefing from the Minister for Environment and Rural Development before we next take oral evidence from him on European Union issues.

If everybody has the paperwork, I will run through the headings and let members pick up on issues. On EU activity, we have a meeting with the minister scheduled for before Christmas—before the December meeting of the agriculture and fisheries council—which was to have taken place on 7 December; however, the minister will return from Canada on the morning of that day, so I suggest instead 14 December for the pre-council discussion.

The appendices to the paper run through all the key issues that are being debated in Europe, which include progress on sustainable development and progress on the chemicals policy. Members can stop me as I go through the headings when they want to raise an issue.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): A big vote will take place in the European Parliament this week on the registration, evaluation, authorisation and restriction of chemicals regulation. A lot of to-ing and fro-ing has gone on and compromises have been made on the final regulation. Before the minister comes to speak to the committee, it would be useful to have information from the Executive about its role in the decisions on various compromises. We know that the United Kingdom Government has led some of those compromises so it would be useful to know the Executive's position throughout those discussions.

The Convener: The whole process is being delayed because Germany does not yet have a Chancellor. Germany is being given the chance to buy time on the issue. Do we agree to ask for a note from the Executive on the matter?

Members indicated agreement.

The Convener: The paper has quite a lengthy update on the climate change review. A new phase of the European climate change programme began last month. The key subjects on which it will focus are carbon capture and storage and emissions from transport. A proposal has also been made on incorporating aviation into the EU emissions trading scheme. We discussed that in our climate change report, so that is good to see. The EU will try to take the lead on climate change at the next United Nations conference. That is good progress.

Richard Lochhead (North East Scotland) (SNP): As members may be aware, Scotland has huge potential for carbon capture and storage, because the North sea reservoirs could store 755 gigatonnes of carbon, which is the equivalent of 5,000 years' worth of Scotland's carbon output. That could be a new industry for Scotland. It would be interesting for the committee to have a bit more information on what Europe is doing, because Scotland has the opportunity to lead that new international industry. We might want to find out what is happening in Europe, to ensure that it is not outpacing us and that we can take advantage of what it is doing.

The Convener: We will also ask for another note from the Executive. I notice that a proposal from BP is being considered. We can be updated on what is happening.

Maureen Macmillan (Highlands and Islands) (Lab): The Parliament's cross-party group on oil and gas will discuss the subject this evening, if any committee members would like to attend its meeting.

Richard Lochhead: I will be at that meeting.

The Convener: We will ask for an update on the situation in Europe and a note of progress from the Executive on carbon capture.

Last month, I attended a seminar on the committee's behalf and I have papers from that for members who are interested. The key issues that emerged from the session were the broad consensus that climate change is happening, tipping points and the point at which we can see accelerated change in the climate, which were discussed quite a lot. It was also useful to hear about work to provide predictions that policy makers can work with. However, the session was not as good as the round-table discussion that we had.

The next paragraph in the document relates to "Doing More With Less", the Commission's green paper on energy efficiency, which sets a target for everyone to use 20 per cent less energy. It will be interesting to compare that with the Executive's energy efficiency paper when it comes out—I think the latest date that we have from the minister for that is January.

Richard Lochhead: I want to talk about the energy performance of buildings directive, which will be implemented next year in the United Kingdom through the 2006 building regulations. According to some of the organisations that are involved in energy efficiency in Scotland, the plans to impose the directive in Scotland are weaker than they are elsewhere in Europe and the UK. It might be worth our while to look into that, given that it relates to the transposition of European legislation into Scots law and Scottish regulations.

11:00

The Convener: The matter was highlighted in our climate change report. We have asked the minister about it before, but we could ask for an update on what has happened since last we raised the issue. The matter should be dealt with by the Minister for Communities rather than by the Minister for Environment and Rural Development.

Mr Ruskell: We highlighted issues regarding the training of inspectors, which is why the UK has sought a derogation on implementing the directive. It would be useful to get feedback from the minister about what is happening in relation to training the trainers—which I believe is the real issue—and ensuring that there are more inspectors.

The Convener: I think that is why the current suggestion is for self-certification—there is a question about whether that will meet requirements. We will ask for more information on that.

The report deals next with the sixth environmental action programme. Air pollution and marine environment strategies have now been published.

The next part of the report is on the waste electrical and electronic equipment directive. We have mentioned the directive almost every time we have come back to the topic. You will note that the Commission has commenced legal action against the United Kingdom for failing to transpose the regulations in time. They were due to have been in place by last August. We could ask for an update from the Executive about what is being done to put them in place.

The next paragraph in the report deals with the batteries directive. We are not yet at the

agreement stage. That is not now expected until next year.

The report then deals with the bathing water directive—progress is being made in that regard—and then with European energy networks. I picked up on energy networks from the brief that conveners are given on European issues. The subject is relevant, given our discussions on climate change. Political agreement has been reached and a common position will come soon from Europe on the guidelines for trans-European networks. We should keep an eye on that in the context of what is happening with fuel prices and energy efficiency.

Rob Gibson (Highlands and Islands) (SNP): I wonder how the British electricity transmission and trading arrangements, which have been adopted in relation to renewable energy, square with those of other European countries, and whether there is likely to be such an energy network. From an environmental point of view, the areas that we know can produce renewable energy are somewhat disadvantaged by the pricing structure. Although that is an enterprise matter, the issue of how the environment is affected is something that this committee should keep in mind in relation to climate change mitigation.

The Convener: Can we ask for a briefing note on that issue?

Mr Ruskell: Recently, I was at the international parliamentarians conference on renewable energy—a good event that was held in Edinburgh. One of the big issues that were discussed was the need for a subsea grid infrastructure and the potential for transnational electricity sharing projects. It would be useful to find out what the Executive's thinking is on a subsea grid to link the UK with other parts of Europe.

The Convener: It would be interesting, too, to hear debates about linking the whole of the United Kingdom on subsea grids.

We have four key topics on fisheries issues, the first of which is the quotas for 2006. That issue will come up at the European Union agriculture and fisheries council meeting in December. We have agreed that we will meet the minister before Christmas. I should also say to colleagues that the Scottish Parliament information centre is organising a seminar on 30 November as an information update. It is not just for our committee but for all MSPs. It is important that people keep up to speed on those issues.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Can I make two points? It is regrettable that the International Council for the Exploration of the Sea still sees no credible recovery in cod stock. However, we must keep stressing that cod

is only one species and that it is not a species that is particularly targeted by Scottish fishermen.

It is concerning, particularly at a time when there is no problem with nephrops or prawn stocks, that we keep on talking about a zero catch of cod in the North Sea and in the west. The European Union issues update paper tells us about the debate over whether nephrops fishing should be constrained because of concerns over a bycatch of cod. Nephrops is an extremely important species for our fishermen, and we have to get cod into balance with it. That is point number 1, and it is something that we should be talking to the minister about.

The second point is the question of the European fisheries fund being used in certain countries to build boats when our fleet has been decimated. It is ludicrous to think that the Spanish and the Irish in particular have been increasing the size of their fleets up to the end of last year. We must ensure that there is no further boat building, especially when our fleet is being slashed.

Richard Lochhead: I concur with Ted Brocklebank, especially with his last point, which I was going to mention. Perhaps we could get more details on the dispute over the use of European fisheries funds for the building of new vessels by other countries. It would be devastating if that went ahead, because it would discriminate against our fleet.

I have two other points; they are major ones, but I will mention them only briefly. First, any uncertainty over the Shetland box should cause concern—

The Convener: We are not on to that yet; it is the next topic. We are dealing with quotas.

Is there anything else on quotas? It is useful to highlight those issues in the *Official Report* so that the minister can see our interest in them before he comes to speak to us.

Richard Lochhead: I would like to make a brief point about quotas. The parliamentary answer that I received from the minister a couple of weeks ago indicated that Scotland had exceeded its target for reducing capacity for cod in the North sea. The target was set at 65 per cent; we have achieved 67.5 per cent. We have already exceeded the target.

However, the question that the committee has to ask of itself and of the minister is this: have the other states that fish the same seas and the same stocks achieved their targets? We should keep a watching brief on that issue.

The Convener: Okay.

Mr Alasdair Morrison (Western Isles) (Lab): Although we have to get information from the Executive on quotas, it would be useful to get an update from the minister on the success of policing landings of black fish, which has had the greatest impact on the viability of fishing communities. It would be useful for the committee to be updated on an abhorrent practice that puts the viability of fish stocks and, ultimately, the sustainability of jobs, at risk. Briefing on that would be very useful.

The Convener: Okay. Colleagues have raised quite a few issues that we can flag up with the minister before he comes to talk to us next month.

The next issue is the Shetland box.

Richard Lochhead: There is uncertainty over the future of the Shetland box, which is causing anxiety in the Shetlands, so the committee should take a very close interest in the matter. My colleague Ian Hudghton, who is a member of the European Parliament, has raised the issue in Scotland. Perhaps we should seek a briefing to find out exactly where the debate is going.

The Convener: Okay. We did not get agreement on the European fisheries fund proposal under the UK presidency. Subsidising the building of new boats was the main issue. That picks up Ted Brocklebank's point that fishing capacity is out of line with the fishing stocks and that new boat building should not be subsidised in cases where such building will make the situation worse. That has not come up at subsequent council meetings, so we want to be notified about whether it will be raised at all in December.

Richard Lochhead: Can we also get a background briefing on how that situation came about? There was an outcry previously when agreement in Europe extended the subsidies by 12 months, yet here we are in 2005 and the matter seems still to be on the agenda, its having not been resolved.

The Convener: It is clear there was no agreement on subsidies. The UK led on the matter, so we can get more information on it.

Eco-labelling schemes for fisheries products have been under discussion since a communication in June. The Commission has three options, the last of which is best. The options are: the status quo; letting individual producers develop their own schemes, which would create one EU labelling scheme; and having EU requirements for voluntary eco-labelling schemes. That debate will start in the EU, and we may want to keep an eye on it to see what is said about Scottish fish.

Rob Gibson: Can we bear in mind arguments about labelling of agricultural produce? We should think about replicating that appropriately for seafood. We should also recognise the need to

have labels that people understand. There needs to be uniformity; a free-for-all will not serve customers well, far less the producers.

The Convener: Labels must be understandable.

Rob Gibson: Yes. Can we get a note from the Executive about its input?

The Convener: Okay.

Agricultural issues are the last of the European issues to be discussed. Better regulation of the common agricultural policy is the first matter on the agenda. I have quite a lengthy briefing on that. Does any member want to bring anything up on that? There is also an update that progress on BSE has been made in Scotland, in that the over-30-month restriction has been removed. Although there has been progress, the European Commission ban on the export of beef has not been lifted.

Elaine Smith (Coatbridge and Chryston) (Lab): If the test regime is robust enough to allow British consumption, why has the export ban not been lifted. Is there a date for its lifting? What is the explanation for the situation?

The Convener: We can get a report about that from the Minister for Environment and Rural Development.

The next issue is the welfare of broiler chickens, which is the only major area of extensive livestock production that is not covered so far by a species-specific EU programme of animal welfare standards. There is quite a lot of detail about that in paragraph 5. Does any member wish to ask any questions? The Council should have a report from the European Parliament on the proposal by February 2006. The standards on animal welfare that have been agreed across the EU will return to the committee for discussion.

There has been some progress on sheep identification. The UK's application for a derogation for the national system of sheep identification until 2006 has been agreed. That represents progress on a matter that the committee has discussed before.

There is an update on the work that the "European Convention for the Protection of Animals kept for Farming Purposes" has done on farmed fish.

Mr Brocklebank: As we know, the bulk of the salmon being dumped on the UK market comes from Norway and Chile. Neither of those countries has the same medical standards to which our salmon are subjected. The third bullet point under paragraph 8 mentions the management of fish, including grading, medicines, handling and transport. Will countries such as Norway and Chile, which are dumping fish on the European

market, be subjected to the same testing for medicines over the same sort of period that applies to Scottish salmon? Does anybody know whether that is the intention?

The Convener: We could ask the minister that.

11:15

Mr Morrison: Ted Brocklebank will know that the European Commission has now put in place measures to reduce the quantity of salmon that comes into the European market. That has greatly benefited Scottish and Irish salmon producers, but it does not answer his question. The Executive can provide the answer. The campaign that has been led by ministers here and by the Prime Minister has been very successful in preventing illegal dumping, particularly by the Norwegians.

Maureen Macmillan: I would like to find out from the minister how the proposals at European level dovetail with what the Executive, the fish farmers and the wild fish interests are doing. A lot of work is being done to draw up codes of practice and codes of conduct for the fish farming industry. Perhaps we could find out whether the European proposals are in harmony with that.

The Convener: That takes us back to the idea of an eco-labelling scheme. What are people actually getting when they buy a product? Does the labelling tell them what the animal welfare conditions are and what kind of farming is being carried out? Perhaps we can tie the two issues together, particularly if there is some development there.

Mr Brocklebank: I know that a particular smoked salmon product is being sold in Spain. The front of the package has a rough representation of the Scottish Highlands, with various lochs listed. At the bottom, it says, "Product of Norway". Pictures of Scotland are being used to identify a certain level of quality, but it is Norwegian smoked salmon that is being sold.

Mr Morrison: There is the classic case of socalled Scottish smoked salmon that is only smoked in Scotland.

The Convener: It is all about greater transparency, fairer trading and level playing fields. That last case sounds like a trade descriptions issue. Labelling might make people think that salmon has been farmed in a Highland loch, whereas it has in fact come from Norway. We will note those issues and pass them on to the minister.

That brings us neatly to aquaculture. As our paper says,

"The Commission adopted a proposal in August 2005 on the health of farmed fish and shellfish and the control of certain diseases in the aquaculture sector." We want to join the dots, as it were, and add that point to the issues that we have just been discussing. This concerns standards both within and outwith the EU.

Maureen Macmillan: I am keen to see the detail. The matter has been of concern to the fish farming industry ever since the outbreak of infectious salmon anaemia—ISA—in the late 1990s, especially given the manner in which it was dealt with. There have been changes in the legislation since then, but I wonder what is being proposed now.

The Convener: Finally, there is the rural development programming period 2007 to 2013. Members will note that the Commission has now

"adopted a Proposal for a Council Decision on Community strategic guidelines for Rural Development (programming period 2007-2013)."

The paper continues:

"The guidelines set out a strategic approach and a range of options which Member States could use".

We could ask what issues the Executive feels it could pick up, and we could ask about any opportunities arising there.

Richard Lochhead: The other question that I expect we will want to ask ministers is where we are with securing a budget to fund rural development regulation, given the shenanigans over the European budget. In particular, we should find out what the UK Government means by making that dependent on further reform of the common agricultural policy, which is causing consternation in the agriculture community and in rural communities generally. UK ministers have been making statements on that, so could we find out Ross Finnie's response to them and what the UK means by further reform of the CAP?

Mr Morrison: If members of this committee are exercised by what UK ministers have said, why do they not approach their member of Parliament, whoever that is, who sits in Westminster, to discover exactly what they mean? Bogging down the Scottish ministers in an attempt to get their interpretation of what UK ministers have said is, frankly, a waste of this committee's time and a waste of the Scottish ministers' time.

As for the agriculture community being exercised by reform of the CAP, Richard Lochhead knows that it is the French agriculture community that is exercised by the prospect of further changes to and reform of the CAP.

The Convener: Does Rob Gibson want to say anything?

Rob Gibson: I was merely going to say that it is essential that we know what input there has been of Scottish thinking to the British position, and the

only way we can find that out is by asking the minister. I emphasise what Richard Lochhead said and suggest that we should try to find out what the position is.

The Convener: I think that we can find out what the Scottish Executive position is.

Rob Gibson: That is what we are asking.

The Convener: The big political question is whether other European states are treating the reform of the common agricultural policy with the seriousness with which we have debated it over the past few years. We shall seek a bit more information from the Executive on how it sees the matter as an opportunity and how it fits into debates on the budget.

As there is nothing else on Europe, let us move on.

Subordinate Legislation

Salmonella in Broiler Flocks (Sampling Powers) (Scotland) Regulations 2005 (SSI 2005/496)

Animal and Animal Products (Import and Export) (Scotland) Amendment (No 2) Regulations 2005 (SSI 2005/502)

Pollution Prevention and Control (Public Participation etc) (Scotland) Regulations 2005 (SSI 2005/510)

11:21

The Convener: There are three documents in front of us under agenda item 2: the Salmonella in Broiler Flocks (Sampling Powers) (Scotland) Regulations 2005; the Animal and Animal **Products** Export) (Import and (Scotland) Amendment (No 2) Regulations 2005; and the Prevention Control and Participation etc) (Scotland) Regulations 2005. Are there any questions on the statutory instrument on salmonella or on the one on animals and animal products?

Members: No.

The Convener: I have a couple of comments on the pollution prevention and control regulations. Members will recall that I went to the Subordinate Legislation Committee last week to give our views on how we deal with statutory instruments.

The instrument seems to bring up a couple of interesting issues. It is clearly to be welcomed for improving public participation. In particular, it gives non-governmental organisations opportunities to be consulted and to be involved in the application of pollution prevention and control regulations, but it also deals with quite a few deregulatory mechanisms. I could not work out the significance of those mechanisms. I felt that the public participation elements were clearly set out in the accompanying note, but I did not get the same sense about the deregulatory side of the instrument. "Public Participation etc" does not draw attention to the fact that it fulfils two objectives, and I would like to get a bit more information from the Executive about that. I understand that it is already in force, so it is not a question of delaying it, but of getting a bit more information about it.

If there are no other comments, are members content with the instruments and happy to make no recommendation to the Parliament?

Members indicated agreement.

Work Programme

11:23

The Convener: Members have an update on our forward work programme and an indication of the likely work of the committee in the period from November through to April 2006. I invite colleagues to note the likely time commitments for considering primary legislation. We already have an agreed timetable for the Animal Health and Welfare (Scotland) Bill and we expect the crofting reform bill in the spring.

Rob Gibson: I want to ensure that, on the crofting reform bill, we have dialogue with ministers and that the note of opinions gathered by the committee so far is given to them at an early stage. The Executive offered us the opportunity to make some input to the bill before it was referred to us, and I want us to be as effective as possible in doing that. Opinion in the country is developing and ideas for amendments are beginning to arise. I hope that our committee can reflect some of those opinions and ideas. Perhaps we should be asking the Scottish Crofting Foundation to tell us its views, once the series of meetings that are taking place at the moment is held.

The Convener: That seems a sensible proposal.

Elaine Smith: Can you clarify that we will receive information from the minister following the evidence session that was held?

The Convener: What we said at the time was that the clerks would bring an aide-memoire back to the committee, which we can consider then send to the minister for comment. The clerk has reminded me that we have asked the minister for some information following that meeting. That information is due by the end of this month. If we pull together all the issues before Christmas, our comments will go to the Executive in good time for it to take note of them before the proposed crofting bill comes back to us. Are colleagues agreed?

Members indicated agreement.

The Convener: The next issue is to consider whether we wish to take oral evidence from the minister in early 2006 on priorities for the Austrian presidency of the EU. We tend to do that as standard as it keeps the committee, the public and interested parties up to speed with the Executive's perspective on the next six months of the European presidency.

Members indicated agreement.

The Convener: The next issue is to consider whether we want to make a bid for a slot in the chamber to debate the rural development inquiry

report. A formal response from the Executive is due in mid-December; whether we want to put in a bid depends on what the minister says to us. Are colleagues happy with that?

Members indicated agreement.

The Convener: The next issue is to deal with petition PE749, from the Newcastleton community council, which is about the spreading of sewage sludge on agricultural land. The petition was referred to us recently by the Public Petitions Committee and there is extensive paperwork attached to it.

We need to consider how we might take the petition forward. Three options are set out in the committee paper. First, given that we have so much written evidence, it would be possible to consider the correspondence and to conclude that the petition has been comprehensively explored and explained. We could at this point note and formally conclude the petition.

Another option would be to delay our consideration of the petition until we know the results of the Scottish Water review of its sewage sludge disposal strategy. Finally, where possible, we could integrate the petition into our work on other relevant items. There is currently no directly related primary or secondary legislation, although the Contaminated Land (Scotland) Regulations 2005 were laid in Parliament this week.

Mr Ruskell: We should go for the second option. We cannot discuss the issue in a vacuum. We need to know Scottish Water's long-term strategy and discuss the petition in the light of that.

The Convener: That makes sense. It would allow fairly rigorous consideration of the petition and let us pick up the strategic issues as well as the one-off issues. Are colleagues happy with that?

Members indicated agreement.

The Convener: The last item is to consider potential inquiry topics and detailed proposals for how to pursue any agreed topics at a later date. There is a list of options in annex C to the committee paper, which follow on from our away day in the summer. The clerks have been working with the Scottish Parliament information centre and have drafted some options for us on the basis of the committee's previous discussions.

I know that colleagues have lots of views on this. Reading the mind of the committee, there are probably three areas where we wish to pursue further work. The first is energy demand and supply, which we discussed in the summer. We could progress on that by considering the work that has been done by the Enterprise and Culture Committee. I know that colleagues feel that it might be time for a discussion with that committee

about the crossover between the environmental issues and the economic issues. We could explore whether it is interested in doing more work on its renewables report—that would certainly fit into our climate change study. The Executive's energy efficiency report is due out in the spring. That would give us a reasonable piece of work to do, which we could work on with the Enterprise and Culture Committee if it was interested. Are members happy for me to write to Alex Neil to see whether we can have a joint committee inquiry on that?

Members indicated agreement.

11:30

The Convener: The other issue that has been on and off the books for quite a while is forestry, biomass and biofuels, which came out strongly in our climate change report as a potential economic and environmental opportunity for Scotland. The Rural Development Committee never took evidence on the forestry strategy, so we could pursue that. It would link in the rural development aspects of the committee's work as well as our environmental agenda. Might I suggest that the clerks do a bit more work for us on that, and that we consider possible terms of an inquiry?

Members indicated agreement.

The Convener: The final topic is one that we are all keen to consider: it is two issues under the agriculture strategy. Members should note that we will deal with the levels of financial support from the Executive for the organic aid scheme before Christmas. It came up in our recent budget scrutiny that we should take formal evidence from the minister on that issue when it comes to the Parliament. We can give particular consideration to whether the subsidy levels are correct and what the industry needs. We should clarify the dates with the clerks and consider whether we could have an evidence session on that for interested parties.

We have all had representations from NFU Scotland on the food supply chain, the milk industry sector and the relationship between producers, processors and supermarkets. There is a general feeling round the table that we would like to bring that to the committee and take evidence from the minister, the producers and the processors—

Rob Gibson: The supermarkets.

The Convener: The supermarkets, yes.

Rob Gibson: Rural development is central to the committee's interest. We have an interest in having debates on subjects that are hot topics, and a lot of people want to hear us comment on the impact on rural development of the supermarkets' trading practices. I look to you, convener, to find the most appropriate way in which we can do that. It is urgent, but we have a tight programme. However, much more than just the farming community is at stake.

The Convener: The minister has been going into the press recently about representations he will be making to the Office of Fair Trading and the Competition Commission. There clearly are reserved issues, but there is scope for us to have an evidence session that brings up the particularly Scottish issues that are relevant to us. The clerks could help us to timetable that and to ensure that representatives of the relevant industries, producer groups and supermarkets give us evidence that we can consider before we have a session with the minister.

Members indicated agreement.

The Convener: If all that is in the *Official Report*, people outside the Parliament will be able to see what our agenda is likely to be over the next few weeks and months.

11:33

Meeting continued in private until 12:15.

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