



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Rural Economy and Connectivity Committee

**Wednesday 6 November 2019**

**Session 5**



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**RURAL ECONOMY AND CONNECTIVITY COMMITTEE**  
**30<sup>th</sup> Meeting 2019, Session 5**

**CONVENER**

\*Edward Mountain (Highlands and Islands) (Con)

**DEPUTY CONVENER**

\*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

**COMMITTEE MEMBERS**

\*Peter Chapman (North East Scotland) (Con)

\*John Finnie (Highlands and Islands) (Green)

\*Jamie Greene (West Scotland) (Con)

\*Emma Harper (South Scotland) (SNP)

\*Richard Lyle (Uddingston and Bellshill) (SNP)

\*Angus MacDonald (Falkirk East) (SNP)

\*Mike Rumbles (North East Scotland) (LD)

\*Colin Smyth (South Scotland) (Lab)

\*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Mike Palmer (Marine Scotland)

**CLERK TO THE COMMITTEE**

Steve Farrell

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Rural Economy and Connectivity Committee

Wednesday 6 November 2019

*[The Convener opened the meeting in private at 09:45]*

10:06

*Meeting continued in public.*

### Agriculture and Fisheries (Update)

**The Convener (Edward Mountain):** Good morning and welcome to the Rural Economy and Connectivity Committee's 30th meeting in 2019. I ask everyone to make sure that their mobile phones are in silent mode. I am sorry for the slight delay while we waited for our witnesses.

Agenda item 2 is an update on agriculture and fisheries. We will take evidence from the Cabinet Secretary for the Rural Economy and his officials on agriculture, fisheries and aquaculture issues.

I welcome the witnesses. Fergus Ewing is the Cabinet Secretary for the Rural Economy; from Marine Scotland are Allan Gibb, who is the head of sea fisheries, and Mike Palmer, who is deputy director for aquaculture, Crown estate, recreational fisheries, European maritime and fisheries fund and Europe; and John Kerr is the head of the agricultural policy division of the Scottish Government.

I invite the cabinet secretary to make an opening statement.

**The Cabinet Secretary for the Rural Economy (Fergus Ewing):** I am very happy to be here this morning to give evidence on fisheries and agriculture.

On fisheries, we continue to focus on the day job—the crucial business-as-usual process of securing quota for the fishing fleet in the coming year. Scotland has the primary interest in many of the fisheries negotiations, and my officials have the necessary skills, knowledge and negotiating experience to ensure that the best possible outcomes are achieved.

It is common sense for Scotland to have a leading voice in such forums because we have the dominant interest. Many of the stocks that are being negotiated on are found predominantly in Scottish waters: for example, between 60 per cent and 70 per cent of North Sea cod live in our

waters. Despite that, the United Kingdom Government often assumes that it has the primary management function for all stocks in UK waters, even Scottish waters.

We need Scottish advice for Scottish fisheries. We have most of the fish in UK waters, we have most of the relevant data, and we have a strong team of world-renowned fisheries scientists, who have more experience of our fisheries and fish stocks than scientists elsewhere have. Despite all the uncertainty that Brexit has caused, and continues to cause, we are prepared to do the best for Scotland's fishing communities.

In March 2019, I launched "Future of fisheries management in Scotland: national discussion paper". The aim is to develop a world-leading and sustainable fisheries management system for Scottish waters, with inclusive economic growth at its heart. All the input that we received at the discussion events is currently being analysed, and we plan to consult formally on firm proposals next year.

The Scottish Government supports sustainable aquaculture growth. The sector is dependent on the environment and makes a significant contribution to the Scottish rural economy. It also delivers positive impacts in many of our most fragile rural communities.

That said, in our response to the committee's inquiry into salmon farming, we committed to making progress on a number of challenges that face the sector, and I updated Parliament in June on the initial actions that we are taking with regard to sea lice management and reporting. We continue to make progress in addressing challenges that were highlighted by the committee, including through the salmon interactions working group, to ensure that our policies are developed with proper consideration of the economic and environmental impacts.

Scotland has a proud history of farming and supporting the rural economy. We believe that rural areas will be disproportionately impacted by Brexit, and that remote areas will be particularly vulnerable. We will continue to support communities by releasing cash flow via the basic payment loan scheme. We have also fought long and hard for the convergence money. Access to EU markets is important, but it is threatened by Brexit.

I am getting the guillotine motion from the convener. I will respect that. I hope that there is no actual guillotine waiting for me in the questions, which—as always—I will be delighted to answer.

**The Convener:** Thank you, cabinet secretary. Members have indicated that they would like to put an awful lot of questions to you, so it might well be that we do not get through them all. I hope that

you will be understanding and respond post the meeting in a letter to any questions that have not been asked.

**Fergus Ewing:** Of course.

**The Convener:** That is fine. We move to the first group of questions, from Stewart Stevenson.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I will focus initially on the paperwork that is associated with exporting fish and fish products. I will start with a simple little question that processors have put to me. What label will processors have to put on the outside of shipments? As of two days before the putative date of 31 October for leaving the EU, processors still did not know what was to be on that label. I realise that the matter might not be in the Scottish Government's gift, of course, but I am sure that it will be of interest to it. Can you update us on that?

**Fergus Ewing:** I wish that I could. I will bring in Mike Palmer in a minute to give you some detail. That issue has been raised previously. I oversaw preparations for a no-deal Brexit by working with my colleagues on the Cabinet sub-committee, which met regularly in the run-up to 31 October, when there were concerns that there would be a no-deal exit, and by chairing a resilience committee of all the stakeholders in food and drink and agriculture.

The issue that Stewart Stevenson has raised was one of the specific concerns that were raised by many processors, who simply do not know what labels to use. In particular, goods that are to be sold frozen might be being sold for consumption at some point in the future, so not knowing what labels to use is a very practical problem. With the convener's permission, I invite Mike Palmer to update us on that.

**Mike Palmer (Marine Scotland):** The latest advice that we have—which we received in the run-up to a potential no-deal exit on 31 October—is that all labels would have to be switched, and that labels with the designation “GB” rather than “EU” would have to be used. The issue was raised with us specifically by pelagic fishermen in north-east Scotland, because they had very large quantities of frozen fish from which they physically could not remove the “EU” labels to replace them with “GB” labels. They were very concerned about the potential waste of all that produce in the event of a no-deal exit.

We now have a flex-tension, but we are not clear what the nature of European Union exit will be. That was the situation in the lead-up to 31 October, which caused great concern among processors.

**Stewart Stevenson:** I will move on to the related matter of the paperwork that exports will

require. I understand that Brexit will take us from using one bit of paper to using five or six. In particular, I know from attending the north-east Scotland fisheries development partnership meeting on Friday last week that Aberdeenshire Council is of the view that its previous estimates for the number of export health certificates that it will have to issue might have been wrong by a considerable order of magnitude—the number might be 10 times what the council previously thought.

10:15

Other councils, especially smaller councils such as Comhairle nan Eilean Siar, have significant problems. The people who sign certificates must have particular qualifications, which I understand can take up to five years to gain. What assistance could be given to councils and exporters to ensure that we get export health certificates for the valuable exports of our industry?

There is also the related matter of how to provide certificates when shipments from various suppliers are consolidated in a single container. I understand that there is to be a hub in Lanarkshire. That is excellent, but it creates a set of additional paperwork problems.

**Fergus Ewing:** That issue has exercised us greatly in preparing for no deal. First, let me make it clear that we think that the need for export health certificates can be avoided, even in the event of no deal, if the UK Government agrees to dynamic alignment. If it were to agree to that in the period following a no-deal exit, the UK would continue to be subject to the current laws and processes between the UK and the EU, there would be no need for export health certificates.

At my most recent meeting with George Eustice, which was some weeks ago, I asked whether the UK would apply to the EU for that process, which could avoid an enormous problem. He said that he would not apply because he thought that the answer would be no. I asked how he could be sure what the answer would be, if he had not asked, and I said that a very strong case could be made and that it would be in the interests of merchants and customers in mainland Europe to avoid difficulties. They, too, want the trade to continue, as I learned when I met colleagues in a deputation from Boulogne-sur-Mer, who are working with Seafish and industry players to work out a business solution.

In answer to the question, we are very worried about what will happen in respect of export health certificates if the UK refuses to pursue that option. Figures that I have seen suggest that an additional 150,000 or 200,000 certificates might be required, and that the cost would be between £7 million and

£15 million. However, that is just a prediction and, as has been indicated, people make different predictions. It is a large practical problem. I have visited DFDS Logistics Scotland, which has the proposed hub, and have worked with South Lanarkshire Council, which is proficient in the matter.

Finally, Stewart Stevenson mentioned five-year training. We have developed a proportionate process to tackle the issue, should it arise. However, we have had the threat of leaving with no deal on 30 March, 12 April, 31 October and now 31 January. Perhaps we should put a limit on the number of no-deal extensions, because the industry is getting more and more frustrated by being unclear about how to deal with the no-deal option.

**Stewart Stevenson:** I will move on to overseas workers. The cabinet secretary will be aware that there are large numbers of such workers in the fish-processing industry in north-east Scotland—approaching 70 per cent of the industry's employees. I understand that a number of processing factories are, for exchange rate and uncertainty reasons, already running with 30 per cent vacancy rates. What can the Scottish Government do, working with the UK and foreign Governments, to ensure that we continue to have access to foreign workers for the fish-processing industry, which is a year-round requirement, and for tattie howking and fruit picking, which need seasonal workers?

**Fergus Ewing:** In my view, the workforce issue is potentially the most serious of all. The current difficulties will only be exacerbated by Brexit—it can only make them made worse. That is the case across the whole rural economy, and in fish processing and for fishing vessels. I am hearing increasingly that skippers are finding it hard to get enough crew members, so there is a problem across the whole sector.

What are we doing about that? All members will have heard the First Minister's leadership and will know that the Scottish Government is very clear that people are welcome to come to Scotland. We have committed to a "Come to Scotland" campaign, and we are working on a package of measures to attract and retain people in Scotland. Our "Stay in Scotland" campaign is highlighting the need for EU nationals to apply for settled status and is providing advice and support to them.

I will stop there, because I do not want to use up time unnecessarily, but the issue is very serious.

**Jamie Greene (West Scotland) (Con):** Recently, we had an interesting round-table discussion with the fishing industry. I am sure that the cabinet secretary's officials watched the meeting. On crew for vessels, a comment was

made that EU countries and the UK are backfilling the workforce by using workers from Africa and south-east Asia. I appreciate that immigration is not a devolved matter, but is the Scottish Government aware of that situation? Are there any plans in place on how we could use that non-EU workforce?

**Fergus Ewing:** That is a good question. As I said, I have already considered that there is a very serious problem. In our national discussion paper, we focus on the need to attract new young people into the fishing sector and to make it more attractive.

I invite Allan Gibb to respond to the details of Jamie Greene's question.

**Allan Gibb (Marine Scotland):** Jamie Greene is quite correct to say that there is a significant reliance on workers who are not from the European Economic Area to backfill labour in the Scottish fishing fleet, but we try to ensure that fishing is an attractive career of choice for our domestic workforce, too.

The Scottish fishing industry faces an issue in that non-EEA labour tends to come in on transit visas, which are entirely inappropriate for such backfilling. Their having transit visas means that the fishermen cannot operate in our inshore waters, to 12 nautical miles out. That does not sound like a lot, but because of the geography of the west coast of Scotland, that means a significant area of sea, so there are challenges in relation to crewing.

Perhaps the greater challenge is that transit visas mean that individuals from the Philippines and such places cannot leave the boats and must reside on the vessels, which is a terrible situation. The cabinet secretary has raised that as an urgent issue over the past two years, and has sought that the powers be devolved to Scotland or that amendments be made to the current transit visas in order to address such issues—particularly those relating to the wellbeing of individuals who are forced to reside on boats that are simply not built for long-term accommodation.

**Jamie Greene:** Thank you.

**Emma Harper (South Scotland) (SNP):** Jamie Greene asked about workers from outside the EU. Many workers on our dairy farms have been here for years and years and have kids in school and wives who are carers in our communities. I know of a Romanian farmer who is the manager of a dairy herd and is the artificial insemination guy. We have workers who are very experienced and competent. We have an already established workforce in Scotland. If we brought in people from outside the EU, would we need to retrain them?

**The Convener:** I ask you to be brief, cabinet secretary.

**Fergus Ewing:** Emma Harper's point is well made. We need people from EU and non-EU countries who want to work here. They are welcome to work here, and we want them to continue to be able to come here with as few restrictions as possible. Sadly, UK immigration policy does not seem to be on the same wavelength as Scotland.

**The Convener:** We move to the next question, which is from the deputy convener, Maureen Watt.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Will the cabinet secretary provide an update on his discussions with the UK Government on the tariff schedules for Scottish produce? What can the Scottish Government do to assist vulnerable sectors—such as the livestock, aquaculture and shellfish sectors, which are of particular interest to this committee—that might be impacted by tariff and non-tariff barriers?

**Fergus Ewing:** I would be much happier had there been discussions with the UK Government on proposed no-deal tariffs. I have met UK ministers on numerous occasions and have raised these matters repeatedly. We have not, I am afraid, been involved in any of the discussions whatever. The proposed tariffs on the lamb and sheep meat sector of 40 per cent or 50 per cent would be devastating, so much so that a compensation scheme has had to be devised to cater for the possibility of the loss of that market should there be no deal. There are also concerns in the meat sector in relation to cheap imports.

In the egg sector, I met representatives of the British Egg Industry Council in the past couple of weeks and they are concerned that eggs produced with no observance of the high standards that apply here would undercut them and cause real problems. That would be very damaging indeed.

I could go on, convener, as you know. This is a frustrating situation. Although we have such a clear interest, there just have not been discussions with the UK Government and it has not changed the list of tariffs proposed. The Prime Minister, when he visited a farm in Aberdeenshire, said that he was going to do that but he has not done it. It may be a question for him.

**Maureen Watt:** Is it the case that, regardless of when the exit date might be, the discussions will go on for years?

**Fergus Ewing:** The discussions pre-Brexit have gone on for several years, have they not? There does not seem to be any end in sight. As for post-Brexit, I heard Mr Barnier say that the target for sorting out trade issues was just ludicrous and unachievable. By their nature, trade agreements

with other countries are complex and time consuming. It is naive in the extreme to put forward such ridiculous predictions as the UK Government has about the likelihood of successful fruition and conclusion of such agreements.

**The Convener:** I should have done this at the beginning, so I stand to correct myself, which I occasionally do. I would hate anyone to think there had not been a declaration of interests at the outset, especially by anyone with unprofitable fields who has already asked questions. To save him being embarrassed, I shall start by making it clear that I have an interest in a farming business; it is disclosed in my declaration of interests. Does any other member care to join me at this stage and make a declaration? Peter, I see that you do.

**Peter Chapman (North East Scotland) (Con):** Absolutely. I need to declare an interest in a farming business as well. It is as well that you remembered that that needs to be done—thank you.

**Stewart Stevenson:** Just for completeness, I say that I have three acres that are registered as an agricultural holding. I derive no income whatever from that.

**The Convener:** Thank you. I am glad that we got that out of the way early on and I apologise for members not doing that at the beginning.

**Jamie Greene:** I have no income to declare from farming, but I take huge interest in it, as I am sure that all members do. The issue of standards is something that gets picked up on quite a lot in the media. There is a lot of to-ing and fro-ing, much of which, I am sure, is political narrative.

It is important that we dig below the surface a little bit. Do you foresee a situation in which Scottish producers will seek in any way to reduce standards because the regulatory or legislative environment will have changed? In your conversations with producers, have you heard any hint that if a trade deal is done that involves a UK regulatory regime that differs from the current one that we have as part of the EU, there will be attempts to reduce standards?

**Fergus Ewing:** By whom?

**Jamie Greene:** By agricultural producers, be it fisheries or otherwise.

**Fergus Ewing:** No, I do not detect that—what I hear is to the contrary, actually. It is a very general question, but whether I visit farmers or processors, the message I get is that there are high standards here and that people expect to benefit from continuing to comply with those high standards, because if they do not, non-adherence to EU standards is likely to result in a bar from the EU market. In other words, if we do not apply the same standards as producers in the EU, the EU



will not agree to future trade deals—in the event of no deal, in particular. I do not think that producers seek a reduction in standards.

I will finish on this point, as I know that there are lots of questions. Increasingly, there is concern in the agricultural sector that some countries—I do not think that I should name them, but we have some evidence of this—are not observing standards in relation to, for example, beef cattle. There is no provenance at all in some countries and there is scant regard to animal welfare. Thousands of cattle are being reared in deserts, using valuable water that should perhaps be used more fruitfully for other purposes. Dead animals are being pulled out by cowboys with their hind legs tied together. That is the reality of farming in some parts of the world. If the British consumer becomes aware of that, there will be an increased desire to maintain the scrupulously high standards that exist, as members know, for animal welfare and consumer protection.

I would be interested to know whether other members have a different view from Mr Greene. I do not see that primary producers or processors are seeking a diminution in standards, although, in some cases, they might seek a simplification of their application.

**Jamie Greene:** I whole-heartedly agree with that statement. Consumers tend to vote with their feet and they have to make a choice between high-quality home-grown products and cheaper products from overseas.

What conversations, if any, are the Scottish and UK Governments having at ministerial or civil service levels on intra-UK common frameworks for agriculture and fisheries? There are clearly some areas of mutual agreement and there might be some of disagreement. Will you provide an update?

**Fergus Ewing:** In general terms, what is a framework? It is a method of working together, and we do work together. Look at the Forestry and Land Management (Scotland) Bill, which we spent quite a lot of time considering. We all agreed that it made sense for scientific research to be done on a pan-UK basis. When it is sensible to work together, we do.

I start to glaze over when we get into jargon such as this, but the primary point of principle regarding frameworks is that we are happy to work together with the UK, but we do not want to be dictated to by the UK on areas of devolved responsibility. That has been our primary concern.

Work has been continuing and the relationships between officials are fairly good, by and large. However, although it would be wrong of me to divulge individual circumstances or conversations with individual civil servants—I am not pointing at

anybody here—some have expressed frustration about the dearth of information that has been supplied, from time to time, about fishing, agriculture, trade deals or other matters. That has hampered the efficacy and fruitfulness of work on frameworks.

**Jamie Greene:** In a post-Brexit environment, which bit of the Government will oversee the development of regulatory standards for new technologies in agriculture and fisheries, for example? Who will maintain a watching eye on that brief?

**Fergus Ewing:** It will probably be me, but we also have a regulatory reform committee, which has general oversight of how regulations should be framed and what they should seek to do. They should be proportionate, practical and not unduly burdensome.

I suspect that I will be the lead in relation to impacts on aquaculture, fisheries and agriculture, in particular, but there will be aspects on which I will work with colleagues.

**Emma Harper:** I am interested in agricultural supply chains and the impact on the food and drink sector. We took evidence on that from Steven Thomson from Scotland's Rural College, who said that

“it is interesting that we always focus on agriculture”

and that Brexit will have

“a significant knock-on effect on the wider rural economy”.—[*Official Report, Rural Economy and Connectivity Committee*, 18 September 2019; c 6.]

What action has the Scottish Government or Food Standards Scotland taken to mitigate the impacts of Brexit on the wider supply chain?

**Fergus Ewing:** I try to be practical. The single biggest mitigation in not just Scotland but the UK has been the fact that we have managed to get our loan payments out to farmers—about 93 per cent by value and more than £337 million. I will check those figures and feed back to the committee, but that is from my memory. The purpose of getting that money out in the first possible week, in accordance with the rules, was that we feared a no-deal Brexit on 31 October. I was concerned that there should be money in the bank for farmers, such as the farmers on this committee who have declared their interests. They are subsequently able to make investments at events such as AgriScot. Thanks to the diligence and efficiency of civil servants in the rural payments and inspections division, we were able to do that around two months earlier than our counterparts in England, although the systems operate differently.

On a wider note, we have touched on export health certificates. I will not repeat what I said

about that, but a concern for the fishing sector is the risk, by blockages and delays at Dover, of a delay in fresh, live fish or shellfish getting to the markets in Europe, such as Spain, France and Italy. Therefore, for the past 18 months, at the meetings that we attend, I have pressed the UK Government for prioritisation to be given at Dover to heavy goods vehicles that are carrying that produce. At first, the UK Government refused to countenance that but, over the past weeks, it has changed its tune. However, we still do not know whether that will be agreed. There is a willingness now, but there seems to be a dispute between UK Government departments about whether that should be agreed. The consequences of not agreeing would be catastrophic for seafood businesses in, for example, the west of Scotland, particularly small businesses. If a no-deal Brexit is not removed from the table, there must be a compensation scheme for that as well.

**Emma Harper:** I am also interested in food and drink standards. Recently, we have talked about chlorinated chicken and hormone-injected beef. I found an interesting article about what the Food and Drug Administration in America allows in food at certain defect levels. It has a defect level handbook, which allows, for example, certain levels of rat poo, rat hair and insect parts in food products that are made in America. One example of an acceptable level is that cocoa beans can contain up to 10mg of rat poo per pound. If we enter into trade negotiations with America, will Scottish people have to accept what the UK Government negotiates? We do not have the ability to negotiate trade in Scotland. Does it mean that consumers in Scotland might have to accept certain levels of rat poo, insect parts and rat hair in their food?

**Fergus Ewing:** You are painting a grisly mental picture.

**Emma Harper:** I hope that we have all had breakfast this morning.

**Fergus Ewing:** Please remind me not to ask you to share your reading material with me any time soon. *[Laughter.]*

**The Convener:** Or her chocolate.

**Fergus Ewing:** There are many concerns. John Kerr is perhaps better placed than I am to advise on rat poo.

**The Convener:** Briefly, Mr Kerr.

**John Kerr (Scottish Government):** Trade negotiations—and the standards that underpin them—are complex. The levels that Emma Harper referred to are minimum standards. Many people produce above those standards. The minimum standards are there, and if we accept the minimum standards that another country is trading under,

our lowest-quality produce might be at those standards. That is the natural consequence. If we are not part of the discussion on what acceptable minimal standards form part of a trade deal, Emma Harper's fears would be well founded. However, we should not expect that the natural progression would be that amount of rat poo being on our Shreddies for our breakfast.

**The Convener:** I do not want anyone to be put off their morning cereal. The level was in chocolate, which is not produced in Scotland anyway. Maybe we will leave that matter there, unless Emma Harper has a follow-up question.

**Emma Harper:** Basically, the point is that EU law has no acceptable defect standards that are equivalent to those that the FDA has.

**The Convener:** That was a point rather than a question, so I will move on.

**Angus MacDonald (Falkirk East) (SNP):** We know that, on our leaving the EU, UK vessels will no longer have access to EU waters and vice versa. What access agreements have been agreed with the EU and the coastal states of Norway, Iceland and the Faroe Islands? Are there any outstanding agreements that need to be negotiated?

**Fergus Ewing:** Continuity agreements were agreed and signed with Norway and the Faroes that would have allowed continued access until the end of this year, in the event that we left the EU on 31 October. The need for continuity agreements will be reviewed as and when the situation develops over the coming months. If we leave with a deal, we will continue to operate under the EU during an implementation period, but as a consultee. The problem with that is that we would not be able to negotiate anything independently until the implementation period ended.

**Angus MacDonald:** Thank you. The annual December fisheries negotiations are only a few weeks away. What is the current status of negotiations on fishing opportunities for 2020, and how might they be impacted by leaving the EU on 31 January 2020 or earlier?

**Fergus Ewing:** Negotiations are under way. Those for some of our pelagic stocks, including mackerel and blue whiting, have already been concluded and the remainder will take place over the coming weeks. Allan Gibb is leading on that and can give more information, which might be of use to the committee.

**Allan Gibb:** We are about to commence negotiations with Norway on an EU-Norway agreement. Negotiations with the Faroes will follow that, and the traditional December council at which we ratify all the domestic and internal EU stocks will be in the week commencing 12

December. It looks as though we will be staying in the EU during that period and will be under EU competence. The negotiations will be traditional ones, but as the cabinet secretary suggested, we will, as a pre-emptive move or precedent to the UK leaving the EU, have throughout them to review diligently what will be the impact of what might be agreed, which is not the norm. We will keep a clear eye on that, but I hope that the negotiations will be relatively traditional this year, if not overly fruitful.

**Angus MacDonald:** I turn to concerns about the EMFF funding that we have been hearing in recent months. It is clear that leaving the EU will mean that we lose access to that funding, which aims to support innovation in the fisheries industry. What alternatives to the EMFF funding is the Scottish Government considering? For example, are you looking at an industry levy for fisheries?

**Fergus Ewing:** The EMFF, funded by the European Union, has been a valuable source of funding for the marine sector including ports, harbours and businesses. We have sought, but have not obtained, clarity on that from the UK, which has responsibility for taking over the funding from the EU. If the UK Government wants Brexit, it has that responsibility and needs to come up with the money. There is a lot of detail, so I will park there and let Mike Palmer provide the committee with factual detail to supplement my general remarks.

**Mike Palmer:** It is our belief that the UK Government did not negotiate a sufficiently large amount for the EMFF programme, and because of that we have already pretty much run out of money from the current EMFF—certainly in the fisheries and processing lines. The UK Government committed some further funding of £16.5 million for this year, next year and the following year so we have a bit of bridging funding. However, as the cabinet secretary said, we remain in very uncertain territory with regard to the longer-term intentions for successor funding post EU exit.

10:45

Our position is that Scotland's marine sector is the largest in the UK and has a very wide range of very significant needs, so it should be supported appropriately. We have been lobbying the UK Government on that basis, but we still have no clarity from it as to what kind of investment levels would be forthcoming in the future.

**Angus MacDonald:** Is there any indication as to when you will get clarity?

**Mike Palmer:** No.

**Angus MacDonald:** We know that normal access to vessel monitoring system data is at risk.

It looks like Marine Scotland will not be able to receive data from other flag states and will have access only to the locations of domestic vessels. Post Brexit, how will Marine Scotland and the UK Government work together to handle issues such as potential conflicts at sea and the potential loss of VMS data on EU member state vessels?

**Fergus Ewing:** We are committed to providing funding to enable the installation of electronic monitoring, including CCTV. We have set aside £1.5 million, and new tracking and monitoring equipment will be introduced across the inshore fleet. The aim is to do that, if possible, over the next two years. The scallop sector is leading the way, with remote electronic monitoring cameras to be installed in 2020. That is an extremely positive move.

With regard to gear conflict, that is a serious problem, although it involves a relatively small number of individuals and vessels. I will hand over to Allan Gibb, who can amplify the issue for the committee.

**Allan Gibb:** The cabinet secretary outlined proposals for modernisation of our inshore fleet. The other part of the question was about the potential risk from loss of data on EU vessels operating in our waters.

Currently, Scotland can observe the presence of any Scottish vessel anywhere in the world and any other vessel over 12m long in our waters—probably all vessels that have travelled to get there are over 12m.

We expect that there will be an agreement on data sharing, because there will be reciprocal benefit; everybody wants to know where the fleets are. However, if we end up with no agreement, because we are a coastal state there are things called agreed records, and at the annexes of which there will be stipulations about data sharing being a condition of access. We envisage that people who want access to Scottish waters in the future would have to share their data. We would be happy to reciprocate in that respect with other coastal nations because sharing data is beneficial to both parties.

**The Convener:** John Finnie has questions on that.

**John Finnie (Highlands and Islands) (Green):** I have a supplementary to Angus MacDonald's question.

Good morning, cabinet secretary and panel. Marine Scotland is responsible for enforcement of fisheries regulations, marine planning and conservation and licensing in Scottish waters out to 200 nautical miles. The committee has heard from a number of witnesses on enforcement; I will

quote a couple of them. Professor James Harrison of the University of Edinburgh told us that

“there are significant challenges in policing inshore at the moment.”

We also heard from Alistair Sinclair of the Scottish Creel Fishermen’s Federation, with whom I am sure you will be familiar. He told us:

“Marine Scotland is unable to police the inshore waters as matters stand. There have been numerous incursions within the marine protected areas around the coastline of Scotland that were hard fought for by me and many others such as the Coastal Communities Network. Until Marine Scotland properly addresses the inshore situation, how in the name of the wee man are we going to police the offshore waters?”—[*Official Report, Rural Economy and Connectivity Committee*, 9 October 2019; c 24, 23.]

I have raised this issue on a number of occasions with the cabinet secretary and his colleague, Roseanna Cunningham. There has been a lot of public awareness around the Channel 4 documentary news item about illegal industrial fishing damaging Scotland’s Great Barrier Reef.

It is not news to me, and it certainly is not news to the cabinet secretary, that we cannot police the existing arrangements. How, therefore, can we have confidence that future arrangements will be policed? What consideration have you given to reinstatement of the 3-mile limit and the benefits that that could bring to coastal communities?

**Fergus Ewing:** There was lots of material, in that. First, I say that we take all such issues very seriously. Secondly, from my observation, the work that our officers do in enforcement is highly professional, and I do not accept some of the assertions that have been made.

I will go back a step. One of the purposes of rolling out remote electronic monitoring is to provide incontrovertible evidence about where vessels are and, with CCTV, what they are doing. That is in everybody’s interests, including those who claim, as Mr Finnie has done, that there are serious breaches, and the fishermen.

**John Finnie:** It is very worrying if you do not accept that there have been serious breaches. These are matters of fact—not my personal opinion.

**Fergus Ewing:** If I may continue, I shall complete the point that I was making and then address the further point that Mr Finnie has introduced. The question whether there has been a particular breach in an individual case is for the legal system, not for me. It is specifically not for ministers to opine about live cases: that is something that I think we all know we cannot do. I think that I am being invited by implication—as though by not giving an opinion I am saying that there is not a problem.

To get back to the substance of the matter, it is also in the interests of fishermen to be able to prove where they were, and to demonstrate, if they are the subject of allegations, the facts. If the facts demonstrate that the allegations are untrue, they will be able to prove that, so roll-out of the system is to everyone’s benefit. I hope that people recognise the professionalism of the work.

**The Convener:** I want to bring John Finnie back in, because I do not think he was impugning the work of the people on the ground.

**John Finnie:** Thank you. I am very happy, cabinet secretary, to confirm that I have the highest regard for the work that is done. However, surely to say that there is a need to enhance the level of accountability suggests that there is a deficiency in the existing arrangement. That is all that is being suggested.

**Fergus Ewing:** We must use the resources that we have. Scotland’s coastline is very long and its marine area is very extensive. With the best will in the world, the police force on land cannot be everywhere all the time; that is the case with any enforcement system. I do not know whether Mr Gibb would like to add matters of fact, rather than views and conjecture.

**Allan Gibb:** Thank you. I reiterate that there have clearly been breaches and that there is evidence of such. Nobody is denying that. On the point about deficiency, we move with the times in terms of monitoring, control and compliance. Technology moves forward.

In my experience as head of sea fisheries, the vast majority of interaction and inshore fishing is done in complete harmony between sectors, without conflict, loss of gear or risk to the environment. There are very few breaches, involving a very small number of vessels—static and mobile. We try to focus on them, using a risk-based approach. In our “Future of Fisheries Management in Scotland” discussion paper, we suggest that, as the ultimate sanction for that small number of individuals who are preventing us from managing responsibly and sustainably, we could suspend or remove their licences.

To balance that, I note that being present in an area is not illegal, although fishing there might be. A photograph of a vessel in an area does not constitute evidence of an offence. A couple of days ago I was looking at photographs of a vessel from which things were clearly being thrown over the side, under the landing obligation. When I looked, I saw that what was being thrown over was nephrops, which is allowed because of their high survivability, flatfish, which are exempted, and other things that are allowable. It was all legal: the picture implied one thing but, actually, everything was fine.

We need more evidence, and modernisation will give us more information about where every vessel is. I commend the scallop sector, which is worth £30 million a year, with 700 jobs reliant on it, because it is voluntarily going to be a first mover in putting cameras on boats to address that.

Finally, I assure the committee that in our large offshore area, which covers out to 200 nautical miles, we have vessel monitoring systems, electronic log books, satellite tracking, offshore patrol vessels and two long-distance aircraft with forward-looking infrared capability—which can operate at night, so that we can even see vessels' registration numbers and their wires going into the water—all of which allow us to respond and react efficiently and effectively there.

**The Convener:** Our next question is from Peter Chapman.

**Peter Chapman:** We all want to our fishing industry to be sustainable, but we know the huge problems that landing obligations and choke species can bring for fleets. Post-Brexit, the UK will be able to design its own monitoring system. How will the Government ensure sustainable management of fish stocks at that time? Have you any thoughts on a more suitable scheme that would allow us to fish sustainably but would not tie up our boats at the quayside?

**Fergus Ewing:** Regardless of the legal framework, fundamental principles apply, which are very clear. We have to pursue sustainable fishing and work towards maximum sustainable yields. In other words, we must catch amounts that do not result in long-term depletion of natural resource. We must also have regard to scientific evidence. That is controversial because, for obvious reasons, evidence often contains degrees of variance in estimates of stock. Furthermore, we must manage the marine environment in a way that protects and enhances it for future generations. John Finnie has, quite rightly, remarked on some of the desiderata, in that regard.

Finally, the "Future of fisheries management in Scotland: national discussion paper", which Mr Chapman was, I remember, gracious enough to welcome when it was discussed in the chamber, specifically envisages more devolved management, perhaps to regional groups. Where those work well—such as in the Northern isles—they work really well, so that is the direction of travel and the general approach that we would take.

**Peter Chapman:** It would be good if the committee could take evidence about other countries' approaches. I believe that Norway has a better system of monitoring fisheries and achieving sustainable yields, from which we might

learn something. Does the cabinet secretary, or Mr Gibb, have any comments on that?

**Fergus Ewing:** We are always happy to learn from other countries. Perhaps Mr Gibb could respond further, particularly on the Norwegian parallel.

**Allan Gibb:** In doing so, I note that the convener is indicating that I should hurry up.

**The Convener:** I would not tell anyone to hurry up, but I might encourage them to be brief. Let us say that I am doing so.

**Allan Gibb:** Thank you: that is noted. We work very closely with Norway, which is one of our closest fishing partners. I would say that its system is different, rather than better. It has a different way of monitoring and a different culture on landing obligations. People think that Norway has a no-discard policy. It does not—it has a policy of no discards of key stocks, which it manages differently.

The key difference—which involves practices that we are obliged to do and cannot avoid—is that Norway manages its stocks towards maximum sustainable yield and tries to come up with sensible solutions, whereas the EU forces us to manage towards a fixed target date. In mixed fisheries, that brings a whole lot of additional problems. We would like to develop a more practical reactive catching policy in fisheries management for the future.

**Richard Lyle (Uddingston and Bellshill) (SNP):** Good morning. My questions will be brief. What is the timeline for the Agriculture (Retained EU Law and Data) (Scotland) Bill? What powers does the Scottish Government plan to introduce with the bill, and what timeframe will such powers cover?

**Fergus Ewing:** I announced the need for the bill back in January. I am pleased to say that it will be introduced soon. If I were to go further than that, convener, I think that I would be breaching parliamentary protocol. However, I can say that it will be introduced soon.

**Richard Lyle:** I understand that.

**The Convener:** I know that you want to ask about another area, Richard, but Colin Smyth wants to come in with a supplementary.

**Colin Smyth (South Scotland) (Lab):** My question ties into the issue of timescales for looking at longer-term rural policy. You said previously that the simplification task force would publish proposals in the autumn. We are into autumn now, so when is that likely to happen?

11:00

**The Convener:** Mike Rumbles might have a question in that area. Can we join the questions together?

**Mike Rumbles (North East Scotland) (LD):** The cabinet secretary knows that I am interested in the long-term future of agricultural support. Will he give us an update on the group that is working towards that? When is it likely to report to him, so that we can have an idea about whether we are making progress in the area? It is a fundamentally important question. I am trying to take the partisan politics out of it. The best solution is if we can get an agreement from consumers, producers and environmentalists. Can you give us an update?

**The Convener:** Cabinet secretary, you have a question about the short term and one about the long term. You can answer both at the same time.

**Fergus Ewing:** The answer to the one about the short term is, "Soon." The answer to the one about the long term is, "Later." [*Laughter.*]

**Mike Rumbles:** That is very brief.

**The Convener:** Too brief.

**Fergus Ewing:** I can expand, but I am in your hands, convener.

**The Convener:** Okay.

**Fergus Ewing:** To be serious, both groups are formed of qualified and experienced people. The simplification task force has had the benefit of highly specialised knowledge, expertise and familiarity with the operation of existing common agricultural policy administration systems and inspection regimes. There is a big desire to make the process easier for the user—the farmer or crofter. To answer Colin Smyth's question, we are quite close to the fruits of the task force's labours being made public.

On the longer term, I agree with Mike Rumbles that the group is doing important work. Work is being done on long-term policy thinking. That is a major potential change. Mike Rumbles and I hope that Brexit will not happen but, if it does, we need to be prepared for the long term. We need to take time to consider things carefully, and that is what the group has been doing. As members would expect, it has been meeting and taking views from others. It might be around next summer before we get a final report, but I hope to report back to Parliament soon with more specific information. In fact, I will do that as soon as I can after this meeting, in case I am not giving a full enough answer now.

**Mike Rumbles:** Neither of us wants to leave the European Union but, if we are leaving, it is important to be prepared for it. The group is considering the situation after 2024, which is

difficult in the current situation but, if we can get an agreement and take the politics out of it, that would be a big boost to the future of agricultural support in Scotland. Even if it is in written form, can the cabinet secretary give the committee a regular update on the group's progress?

**Fergus Ewing:** I will take that away. In May last year, we had the agriculture champions' report, "A Future Strategy for Scottish Agriculture". The approach that we took in June 2018 in "Stability and simplicity: proposals for a rural funding transition period" was well received. We have also had the report of the National Council of Rural Advisers. We have not done nothing. The reports have been valuable. They are a basis to work from, but more needs to be done, so I will take Mike Rumbles's comments away and reflect on them.

**Richard Lyle:** Before the UK Government went into election mode, did you discuss the future of the UK Agriculture Bill with the UK Government? Has progress been made on resolving issues of disagreement with the UK Government on certain provisions of the bill, as previously introduced?

**Fergus Ewing:** We have not had discussions about a future agriculture bill, as there has not been a lot of time to do that. It may be the same as the previous Agriculture Bill, which we objected to on two or three grounds of principle, because, in specific areas, it took powers away from the Scottish Parliament.

On the other hand, the bill would have paved the way for repatriation of a proportion of the red meat levy. That was to have happened by April next year, and I am very concerned that there are signs that we will not have that money, which is paid in respect of Scottish animals that are slaughtered down south. I mention this to highlight the fact that the UK has to stand by its promise and implement the return of that money by April, and the Agriculture and Horticulture Development Board should ensure that that happens.

**Richard Lyle:** Prior to election mode commencing, did the Scottish Government have any discussions with the UK Government about the future of the UK Fisheries Bill? How will the co-ordination of fisheries policy across the UK be achieved in the absence of primary legislation?

**Fergus Ewing:** We did not have discussions about that, although I have met with George Eustice since the introduction of the bill. The problem with the bill was that it would have given UK ministers powers to set quotas, and we repeatedly said that those were devolved powers. However, the UK Government was not willing to accept that its approach was predating on devolved powers.

I am not aware that officials have had any discussions with the UK Government. It might help members if Mr Gibb could succinctly describe the position.

**The Convener:** The officials are disagreeing about who should answer the question.

**Fergus Ewing:** Sorry. Should it be you, Mike?

**Mike Palmer:** It is more on my side of things, yes.

At an official level, we continue to be in close dialogue with UK Government colleagues on that issue. Clearly, with the dissolution of Parliament in Westminster, the current Fisheries Bill has fallen. We await the outcome of the election to see what kind of bill will be introduced by the next UK Administration.

As the cabinet secretary said, we had some constitutional issues regarding the split between devolved issues and reserved issues in the previous draft of the bill. The key point that I would make is that we do not require a fisheries bill in order for us to properly manage Scottish fisheries; we can simply do that. The issue does not present us with a problem with regard to our ability to successfully manage our fisheries.

**Emma Harper:** I have questions on a slightly different subject. I would like a wee update on the good food nation bill. I know that, although the UK Government's bills have fallen, we in Scotland are able to get on with the day job. The programme for government document says:

"We are working towards a Scotland where people benefit from and take pride and pleasure in the food we produce, buy, cook, serve and eat every day. We will lay before Parliament a Good Food Nation Bill to provide a statutory framework to support this ambition."

The bill cuts across the areas of agriculture and fisheries and many other portfolios. Can you tell us a bit about the Scottish Government's objectives with regard to the bill and whether there is a timeline for its introduction?

**Fergus Ewing:** Two questions, two answers. The objective is to provide a statutory framework to support our good food nation ambition and to deal with matters that Emma Harper has set out. With regard to the timeline, work is under way to draft the bill, and we plan to publish it as part of the legislative programme that is set out in the programme for government for this parliamentary year.

**Colin Smyth:** Will the bill include a statutory right to food?

**Fergus Ewing:** We are considering that issue along with many others in relation to other parts of Government that have direct responsibility for matters relating to human rights. I believe that

there is a task force that consider such matters, but it is not within my purview.

My colleagues and I are considering these issues, and I am sure that the issue that Mr Smyth raises is one that we will come back to.

**Angus MacDonald:** I would like to take this opportunity to get an update on the crofting bill. In a letter that you sent last month, you advised the committee that the bill was unlikely to be brought forward in the foreseeable future. Realistically, when do you expect crofting legislation to be pursued further?

**Fergus Ewing:** I discussed this issue with members of the crofting bill group. It is a matter of great disappointment that we are not able to continue as we intended to do before the Brexit process started. Quite simply, there is an issue with the amount of work that we are having to do in relation to Brexit. I mentioned the rural financial support bill that we might deal with shortly. All of us have to deal with screeds of regulations and statutory instruments relating to Brexit, as well as primary legislation. All of that has usurped the slot that we had planned to use for the crofting bill. There is a great amount of work that has to be done for a policy that, frankly, Scotland does not support and has never supported. We have to do our work and we have a responsibility to prepare for the worst. We cannot do everything. As you know, this committee can deal with only one bill at a time.

Leaving all that to one side, I very much hope that a future Administration that is in control of its legislative programme and is not buffeted by the UK's predilection for Brexit will bring forward a crofting bill as soon as practicable. I hope that there can be a common, cross-party agreement that it would be desirable to do that in the early parts of the next parliamentary session.

This issue is important to me, so I will make one last point. If there is any prospect at all that we can review the decision that has been made with regard to the crofting bill, I will certainly argue that case strongly with the Minister for Parliamentary Business and my Cabinet colleagues.

**Angus MacDonald:** Clearly, the situation is frustrating, not least for the crofters who are looking for reform. However, I understand the issues of capacity that must be dealt with thanks to Brexit.

When will the national development plan for crofting be published? Are there any plans to review the new entrants scheme?

**Fergus Ewing:** In the programme for government, we set out that the national development plan for crofting will be published in the coming year.

Discussions are on-going with regard to attracting new entrants to crofting and how we work towards that. I am proud that we have been able to support many young families with crofting grants for housing and that, as Mr MacDonald probably knows more than anyone else in this room, we have been able to support the crofting communities in myriad ways. It is important that we continue to provide that solid support. I think that the national development plan sets a strategy and puts things in a context that will be desirable.

**Jamie Greene:** I do not wish to create further work for your civil servants, but is it likely that we will get some formal paperwork giving us a detailed update on the Government's actions in response to the sump report? Although legislation might not be forthcoming soon, it would be helpful if the crofting communities knew what specific action you are taking to address their issues.

**Fergus Ewing:** That is a perfectly reasonable question, and I will consider it further. I understand that there is regular engagement with crofting stakeholders and that those matters are routinely discussed. As I say, I recently met the group and we covered some of the ground that Jamie Greene alludes to. I do not think that the Government's position is unknown to the key players in the crofting world. However, I will take the matter under advisement and provide a detailed reply to Mr Greene's question in due course.

**The Convener:** Just to clarify, when you previously spoke to the committee about this matter, you said that there were some issues in the sump report and some recommendations from crofting groups that did not require legislation and which could be addressed by other means. I think that that is specifically what we are talking about, in order to see some benefits. If I remember rightly, those issues involved things such as crofters being forced to advertise in local papers, which costs a fortune, rather than just doing it online.

It would be useful if you could provide us with verification on those matters, too.

**Fergus Ewing:** We will provide you with that information at the same time.

**Maureen Watt:** I have a question about another bill, which might have suffered the same fate as the crofting bill. In 2016, a bill was proposed concerning the future of inshore fisheries. What is going to happen with that bill? Will it be confined to inshore fisheries, or will wider fisheries management issues be included?

11:15

**Fergus Ewing:** Maureen Watt is right that preparatory work was carried out for an inshore fisheries bill; however, that was prior to the EU referendum. Since then, the uncertainty resultant from the Brexit policies that have been pursued has made taking it forward even more difficult. That said, as part of the discussion paper on the future of fisheries management—to which I alluded earlier—we indicated that we would consider future legislative requirements as we develop our policy proposals.

Detailed discussions took place, which were informed by useful practical insights from people who are involved in inshore fishing and the rest of the fishing community. I took part in discussions in the northern isles and in Peterhead, for example. Analysis of those discussions is taking place, and I look forward to seeing the fruits of that labour when officials bring forward a consultation paper next year. On the question of whether it should consider other matters that are related to inshore fisheries, I think that it should consider all relevant matters.

**Peter Chapman:** I am interested in the letter that we received from the cabinet secretary yesterday, in which he outlined that, after a meeting with the Scottish Crofting Federation, he suddenly found that he had an extra £10 million to spend on supporting crofting and crofters. Although I am sure that that is very welcome for crofting and crofters, I wonder where that money suddenly appeared from.

**Fergus Ewing:** As Peter Chapman indicated, last week in Parliament, I set out my proposals for the first £80 million instalment of convergence funding. The approach was twofold: it was to do as much as possible to uplift historically low payments and create convergence, and to ensure that those farmers who most need support receive most of the funding. That involved targeting the resource at farmers and crofters who are in less favoured areas as well as meeting my commitment to maintain the level of funding in the less favoured areas for 2019. The details are in the information that I provided to Parliament last week.

Following the promulgation of that information, we received strong representations, particularly from crofters and hill farmers. Over the intervening period, we listened carefully to those views and I came to the conclusion that the aims and principles that I laid out to Parliament would be better achieved and implemented if we were more generous to the crofting community in particular. After I had listened very carefully to the many representations that were made to me on Friday, Saturday, Sunday and Monday, I felt that it was correct to do the right thing as quickly as possible



and respond. It was right to recognise that we had not gone quite far enough to provide a fair outcome for crofters in particular.

As such, I took the opportunity to seek a meeting—which we had by videoconference yesterday afternoon—and to listen to the views of senior representatives of the SCF. During the meeting, we indicated our desire to extend an additional £10 million. Although we have not allocated precisely how that will be deployed, it will be deployed for the benefit of those who farm in our most fragile areas, which I felt was the right thing to do.

Mr Chapman's question was about where the £10 million came from. Let me be absolutely clear: of the convergence moneys, as is customary, we had intended to earmark £15 million to be transferred from pillar 1 to pillar 2. Instead of doing that, I decided that £10 million of that £15 million will be deployed to provide direct support for crofters and those who farm in fragile areas. I felt that that was the right thing to do.

Having succeeded in winning the convergence campaign—which I was very pleased about, and in which the unity of the stakeholders was a key component at an earlier stage—I am absolutely determined to do the right thing. However, I am aware that it is probably impossible to please absolutely everybody and that it is a matter of balance and judgment. Nonetheless, I hope that, through the action that I took yesterday—it had to be done before purdah, so obviously I had to do it very quickly—we have shown that we have listened. Very often, people out there who are scunnered by politics are scunnered basically because politicians do not listen. We have listened and we have responded, and I hope that others will agree that we have done the right thing.

**Peter Chapman:** You must agree that the decision was made and the sum of money appeared at breakneck speed. It is almost unbelievable. You met yesterday with the SCF and, literally within a few hours, you have found a solution, found £10 million and written a letter to the REC Committee. What is the reason for what seems to be undue haste?

**Fergus Ewing:** I respectfully disagree, but I must say that it is quite refreshing to be accused of acting quickly in government. As a point of information, only two individuals on this planet have ever accused me of acting too quickly. One is Mr Chapman today and the other was then a prominent north-east businessman who took exception to a wind farm off the coast of Aberdeen when a decision was taken to grant consent for it within seven days of our receiving the relevant information. That gentleman is now the President of the United States.

**Peter Chapman:** Quite simply, this looks to me like a plan rushed through to help your Westminster leader Ian Blackford retain his seat in five weeks' time. *[Interruption.]*

**The Convener:** Woah! I understand that we are in an election period. The Presiding Officer has made a very clear statement in the chamber that, when it comes to electioneering, he will know when people have overstepped the mark, and I believe that, in this situation, Mr Chapman has overstepped the mark. I say to all members of the committee that we have to hold the cabinet secretary to account on matters to do with Scotland's rural economy, and I do not want to have arguments over elections.

The cabinet secretary is entirely right that the protocol in the UK general election guidance was met—just—in relation to the use of public funds. Mr Chapman, it is probably best to give your views on the matter outside the committee and not inside it.

I will try to defuse the situation by asking the cabinet secretary a question. In your letter to the committee yesterday, you say that you met with the Scottish Crofting Federation. Have you met NFU Scotland since your announcement in the chamber last week? If so, what did it say?

**Fergus Ewing:** I have not met the NFUS since the announcement last week. However, I have had an informal discussion with the president of the NFUS. For the sake of completeness, I point out that I have also had informal discussions with senior figures in the Scottish Tenant Farmers Association and Scottish Land & Estates.

Mr Chapman is right that the process was done quickly. On occasion, it is right to do that; it behoves us to act quickly where there are serious concerns. However, to answer your point, convener, it was not possible to have meetings with everybody, but I took the opportunity to have discussions with those who have a clear interest.

Could I just make one final point—

**The Convener:** I want to draw you back to the question. You have not met with the NFUS, which appeared to be distinctly unhappy with the announcement that you made in the chamber. Was it a mistake not to have found time to meet the board of the NFUS before you made the announcement?

**Fergus Ewing:** I answered your question as posed, convener. *[Interruption.]*

**The Convener:** I am sorry to interrupt, cabinet secretary, but I must say something to the deputy convener. I am allowed to ask questions, Ms Watt, although I realise that you may have a strong point of view. I have explained to the committee that I am slightly deaf and that it is unhelpful to me to

have people talking off to the side. I find that really difficult.

Please continue, cabinet secretary.

**Fergus Ewing:** I tried to answer the question that you posed, which was whether I had met with the NFUS since last Thursday. The answer to that is no, but I had a lengthy meeting with the NFUS prior to taking the original decision. I met Mr McCornick, Mr Hall and two other officials and we had a discussion for about an hour.

At that meeting, the NFUS presented its proposals, which it had not presented to us before the meeting, and we said that we would study them. I have since done so and, as I said in Parliament last week, there are many areas of common ground. Having looked at the document that Mr Hall prepared, we agree that there are possible advantages and disadvantages to any method of distribution. We agree on the desirability of the package having a voluntary coupling element and on the desirability of assisting all farmers. It is important to say that all farmers and crofters in Scotland lost out, although it is arguable that, in many instances, crofters and hill farmers lost out in a more profound way.

I would defend myself against the charge that I have shown preference to one group of stakeholders over another by pointing out that I do not think that that is a charge that the stakeholders concerned would choose to make. I think that farming is served best when everyone works together, with the minimum politics. The fact that everyone—not just the SNP and the other parties that are represented here, but the farming and rural community as a whole—worked so well together in arguing for the convergence money to be returned proves that when all the stakeholders work together and do not fight among themselves, for whatever reason, that gets the best result.

I took steps to consult stakeholders, not just over the past few days but in the run-up to making the decision, which, by necessity, had to be made quickly, even before convergence, because we have to get the money out by the end of March this year. I think that they would agree that they have been consulted.

As part of my discussions, I have spoken with Mr McCornick and have agreed to meet his board on, I think, 4 December. I have also asked to meet the Scottish Tenant Farmers Association in the next few weeks, and that has been agreed. In addition, I have made abundantly clear my availability to meet other stakeholders.

I thought that a full answer was probably merited in this instance, convener.

**The Convener:** It is fair to say that I do not think that there was a political party in Scotland that did

not support the repatriation of the convergence money, and I think that it is win for everyone to have got that money back for Scotland.

Colin Smyth has a supplementary.

**Colin Smyth:** The announcement about the £10 million has been made, but there is no detail on how or when that funding will be allocated. When will we get that information?

**Fergus Ewing:** In my letter to the committee, which you will have seen, I said that the measures that we are considering include

“redistributing a further £10 million in 2019/20 to those farming and crofting Scotland’s most challenging land, and commencing work on a replacement for LFASS to be developed with the involvement of appropriate stakeholders.”

You asked when more details will be available. Rather than answer that directly, I must first study the rules of purdah and ascertain whether they permit me to amplify information about decisions that have already been taken. It would be prudent for me to check the rules before I answer that. I wish to be as transparent as possible, but I suspect that the answer to Mr Smyth’s question will be, “After 12 December.”

However, I can say that it was agreed by us and the SCF—and this was welcomed by the STFA and, I suspect, will be welcomed by the NFUS, with which we will have discussions about the deployment of the £10 million—that it would be better, at this stage, not to earmark the money. There are various ways in which the extra £10 million can be deployed, which I will not go through now, but I think that it was agreed that it is good that we did not specify how it will be used. However, there is no doubt about whom it will benefit—it will benefit those who farm on the most challenging land.

**Colin Smyth:** My next question is on the rural development programme. On 24 October, you outlined the revised budget for the Scottish rural development programme. The cumulative reduction was £57.1 million, which was offset by the £12 million for forestry grants and the new entrants scheme. That left a reduction in spend for the programme of £45.1 million, £17 million of which can be accounted for by the reduction in less favoured area support scheme funding. We are left with an overall reduction of £29.1 million. What will that mean for the various pillar 2 schemes? Where will that reduction fall?

11:30

**Fergus Ewing:** These are complex and detailed matters. In principle, the SRDP must be managed at a programme level. It covers seven years and there are 14 different grant schemes, so it is highly complex. Much of it is based on forecasts and it

has transpired that some of the schemes, such as LEADER, are spending much later in the programme than was anticipated, meaning that some forecast spend for earlier years has not happened. Some of the reduction in departmental expenditure limit simply reflects previous years' spend, along with the result of the UK Government's continued adherence to austerity and the fact that the most recent CAP deal left Scotland at the bottom of the CAP funding table.

We are updating the SRDP financial plan to align the budgets with forecasts, which are more accurate now that we are nearing the end of the programme. That is perhaps inevitable and desirable. It is important to note that the revised SRDP budget of £1.22 billion covers spend from 2015 to 2021, and we anticipate a further £150 million of spend beyond that period.

If there is further information that we can provide, I will be happy to write to the committee in due course. The overall picture is highly complicated because there are so many programmes and so many different projects, some of which are later in terms of implementation. Therefore, some of the spend falls outwith the intended period because of the implementation of pre-arranged spend.

**Colin Smyth:** The important thing is to remain aware of where that £29.1 million reduction in overall spend will fall. In your previous answer, you indicated that the £10 million of additional funding was being found from pillar 2 and transferred to pillar 1. I am keen to get detailed information on the implications of that.

**Fergus Ewing:** In a previous answer, I said that, had the convergence money been paid from 2015 onwards, a proportion of it would have gone automatically to pillar 2. That is the normal process. That is separate from the general answers that you are, I think, alluding to. Mr Kerr might be able to provide some further information on your question—and I know that he will be succinct, convener.

**The Convener:** Good.

**John Kerr:** It is a complex area, but I will be as brief as I can be. We are making a modification towards the end of a long programme of spend. Some of the forecast spend early in the programme was not made. Some of the schemes are very demand led and if there is an underspend in a given year, the domestic money meets the needs for that year. If the European element of that money is carried forward, we need additional domestic money in future years. That money was not previously budgeted for because the spend should have fallen in the earlier year. The cumulative result of that has led to our having to change the co-financing rate in order to ensure

that we draw down the maximum amount of euros that Scotland is entitled to spend in that way. We brought forward the modification in order to maximise that spend and not lose out on any of the European element of the funding.

**Colin Smyth:** I understand the process, I think. However, it seems clear that there will be less spending, based on the announcement that was made on 24 October, and I am keen to see the breakdown of those figures and what the final spend is projected to be.

**John Kerr:** We could provide the figures on how the spend works out across the programme for the committee's consideration, but the main thing is that we are drawing down the maximum amount of euros. In order to do that, given the domestic money that is available, we need to change the co-financing rate.

**The Convener:** Cabinet secretary, it sounds as though that might be best put on paper so that the committee can look at it later, in slow motion.

**Fergus Ewing:** Agreed.

**John Finnie:** On 28 April, the First Minister declared a climate emergency. Following the announcement that the agri-environment climate scheme will not open in 2020, what are the Scottish Government's plans for ensuring environmental funding for farmers and crofters in the short and long term?

**Fergus Ewing:** First, I clarify that, although there will not be an application round for new applicants, we shall extend the contracts that are currently in place. That will see an addition £6 million invested, on top of the £177 million that we have already committed through our agri-environment scheme. That extension will ensure that we continue to support the farmers, crofters and land managers who have been delivering positive environmental actions.

It is also increasingly recognised that mixed livestock farming that is carried out in accordance with good stewardship practice makes a positive contribution to sustaining permanent grassland. Therefore, although the spend in that regard is not directly intended to benefit the environment, that is what it does. I commend the work of Martin Kennedy, one of the vice-presidents of the NFUS, who has made that issue his own and persuaded colleagues in Scottish Natural Heritage, for example, that it is part of the solution. Farming that is carried out sustainably and well is part of the solution and not the problem.

We have had a lack of certainty from the UK Government about the future of funding pillar 2 payments. The commitment was that the same cash total in funds for farm support would apply until the end of the UK Parliament—it ended

yesterday—and the pillar 2 commitment was for contracts entered into before 31 December 2020.

We are in a hiatus at the moment with a dearth of clarity. That is not a great position to be in when environment schemes might fall outwith the definition of farm support. Almost all of them are in pillar 2, on which there is no future funding clarity. Whatever our party or political views, it is highly desirable that the uncertainty is ended as swiftly as possible.

**John Finnie:** I would like to give you the opportunity to comment on remarks that I understand that Chris Stark, the chief executive of the UK Committee on Climate Change, made to the Environment, Climate Change and Land Reform Committee yesterday. I do not know whether you are familiar with those remarks.

**Fergus Ewing:** I did not see that.

**John Finnie:** I understand that he said that plans to adapt agriculture were in place but were “half-baked”. He said that Scotland had not made enough progress in adapting to meet the challenges of global warming. He said:

“We must start to consider land as a natural asset and not just as a way of producing food. When we open that up, we get into the discussion about public money for public goods”.

He made these further brief comments:

“I do not yet see in Scotland the same commitment to developing a detailed policy on those issues, which causes me some concern. We think about climate change adaptation and mitigation, but when it comes to soil and the use of land in Scotland, I do not think that we could say that we see a fully developed policy prescription in the making. That is ... of high concern.”—[*Official Report, Environment, Climate Change and Land Reform Committee*, 5 November 2019; c 10.]

That is quite a damning indictment of the position of the Scottish Government.

**Fergus Ewing:** I have not seen those remarks. If those were the remarks that were made, I am disappointed. That does not really reflect the excellent work that farmers and crofters are doing for the environment.

**John Finnie:** It is more a judgment on Government than practitioners.

**Fergus Ewing:** The Government works in partnership with farmers and crofters all the time. It is a bit sad that there is not more recognition that lots of good things are happening—it is a gloomy view.

Let us look at the facts. In our programme for government, we announced that we would

“create a new Agricultural Transformation Programme for farming and food production focused on sustainability, simplicity, profitability, innovation, inclusion and productivity”

and with reduced emissions. We set out a course of action in the programme for government that I thought that commentators would welcome, but perhaps they are not aware of it.

We are also commissioning independent advice on options for changing land use patterns, developing a national nitrogen balance sheet and pilot schemes to reduce greenhouse gas emissions from agriculture and we will encourage more tree planting in Scotland—goodness me, we smashed the target in forestry by planting more than 11,500 hectares.

Mr Stark had a part to play in the document that set out that Scotland should achieve the targets five years earlier than the rest of the UK. I am bound to say that, during my time as Minister for Business, Energy and Tourism—Mr Stark worked for me then—I consented to more wind farms than anyone else in western Europe, as far as I know.

We have smashed the forestry target, we are dealing with peatland restoration and we are leading the way in opencast mine restoration, so I am not prepared to take any lessons about contributions to the environment. I have been doing it—not just talking about it—for most of my ministerial career.

**John Finnie:** I was quoting what I understand to be Chris Stark’s remarks, cabinet secretary, in order to give you an opportunity to respond to them.

How will the Scottish Government ensure that there is resilience in the marine environment so that the industry is sustainable in the longer term? You touched on that earlier, but perhaps you could reiterate some of those points with regard to the climate emergency that we are facing.

**Fergus Ewing:** That is a fair question. Plainly, the way to do that is by following the principles of pursuing a sustainable fisheries policy that does not involve overfishing; observes the scientific evidence; proceeds with due protection for marine habitats; and has in place an effective system of policing the whole gamut of issues. As Mr Finnie will appreciate, we set out all of that in our “Future of fisheries management” discussion paper, which was quite well received by fisheries and other interests. We are absolutely committed to managing our fisheries in a responsible and sustainable way.

In conclusion, it is remarkable how important that asset is to our customers, especially in the far east, where the marine environment in many of the seas is heavily polluted. Scotland’s reputation for a clean marine environment is an enormous economic advantage, as I have seen when I meet food and fish purchasers from places such as Singapore and Hong Kong. It is good for the

environment, but it is also an asset for our fishing sector, and for our shellfish sector in particular.

**Jamie Greene:** That is a beautiful segue into my line of questioning about the aquaculture industry. I preface my question by saying that there is a general consensus—at least, I hope that there is—around the Government’s objective to grow the industry, which we support. However, the cabinet secretary will be aware that it is about a year to the day since the committee published a report that said that, if the aquaculture industry—particularly the fish-farming industry—is to grow,

“the ‘status quo’ in terms of regulation and enforcement is not acceptable.”

The report went on to say that the committee

“is of the view that urgent and meaningful action needs to be taken”.

What urgent and meaningful action has been taken?

**Fergus Ewing:** First, I refer to the statement that I made back in June, in which I outlined our programme in respect of sea lice management. If it is in order, convener, it might be helpful—because the answer is long and technical—for Mike Palmer, who deals with the issues more directly day to day, to respond, rather than for me to rehash what I have said.

**The Convener:** Yes, that is fine.

**Mike Palmer:** As the cabinet secretary said in his response to the committee’s inquiry into salmon farming, we are taking forward improvements to the current regulatory regime in a number of ways. Our farmed fish health framework is very much the centrepiece of that. The cabinet secretary gave an update to the committee in July this year, detailing some of the things that we have done in that regard. We have reviewed our sea lice compliance policy and have committed to weekly statutory reporting of sea lice numbers. We have invested £3.5 million, through the Scottish Aquaculture Innovation Centre, in innovation and research to improve the issues that pertain to the biological challenges in Scottish aquaculture. We are reviewing the “Scotland’s aquaculture” website in order to improve transparency. Those are just some of the things that we are doing in and around our framework. We will give the committee a further formal update on that work in a few months’ time, because we have committed to update you annually on what the framework is delivering.

We also said, at the time of our response to the committee, that we were setting up a salmon interactions working group and that we would also set up a regulators’ technical group to inform that work.

With regard to addressing the particular issue of interactions between wild salmon and farmed salmon, which the committee identified in its report, there was—and there remains—a general consensus that improvement is needed in that area, and that there is a bit of a lacuna in respect of the spatial management of those impacts. The salmon interactions group has been—

**Jamie Greene:** That is a good point at which to interject a question. Those are voluntary discussions between the industry and other stakeholders. What role is the Government playing to ensure that any inaction or lack of progress is addressed?

11:45

**Mike Palmer:** We are at the heart of those discussions. Through Marine Scotland and, particularly in our science function, we are working with the Scottish Environment Protection Agency and Scottish Natural Heritage. We are working with the industry and with key non-governmental organisation interests in the wild fisheries sector. It is not a conversation that is happening just within industry or between industry and NGOs; Government agencies are also involved. As the planning agencies, local authorities are directly involved in those discussions.

We said previously to the committee that, as soon as we could, we would issue a public consultation on our plans for spatial management of those interactions. We have got to the point at which we are taking soundings from industry bodies, NGOs in the wild fisheries sector and our regulators, because, before we take them out publicly, we want to be sure that we have a set of proposals that is workable for everybody. We are at the stage where we are taking soundings with key interests around that. As a result of those soundings, we will finalise our proposals and take them out to public consultation.

**Jamie Greene:** A year has passed since we produced our report. Has anything changed? Lots of eyes, from various quarters, are watching us on that matter. Is there a direction of travel in which fewer but larger farms are being granted licences? We made a specific recommendation that farms that are in the wrong place should be helped to move. Have any farms moved? Have any been closed down? Have any sanctions increased? Can you give us an update on how things are better now than they were a year ago?

**Mike Palmer:** Yes, there is a trend towards moving farms, particularly for the bigger companies, out into higher energy sites. Mowi, the biggest company in Scotland, is now having its sites strategically redeployed from inner waters to higher energy sites.

There are also important technological developments within the sector, such as hatcheries that can develop salmon smolts to a larger size, so that they do not have to spend so long in the marine environment. That reduces all the risks around sea lice, the impact on wild fish and the impact on the natural marine environment. It means less time spent in marine net pens and more time spent in hatcheries. There has been a £50 million-plus hatchery development on the part of Scottish Sea Farms, which is now operating. There is also a large investment from Mowi in a similar hatchery. Those real-time developments have happened over the past year.

As I said, the Government has committed to the statutory reporting of sea lice. That is now in train and we are making preparations for that. We have already reviewed our sea lice compliance policy. We have tightened the numbers of average lice per fish that would warrant us going in to report and intervene. In the medium term, if there is no evidence to the contrary, we will tighten those further.

**Jamie Greene:** When will the weekly reporting of sea lice numbers become mandatory?

On a wider point, one of the criticisms of the Government's role is the diverse and often confusing landscape in which the industry is governed. Are there any positive shifts in how Marine Scotland, SEPA and SNH work together, with regard to regulatory governance of the industry? Taking into account the local authorities' work in the issuing of licences, including the training of the people who make those decisions, has there been a shift in direction with regard to the adoption of a better, more joined-up approach since last year?

**Fergus Ewing:** I will answer the general point, and then I will pass it to Mr Palmer to give the facts about the weekly reporting issue. Generally, the committee is right that the regulatory landscape is very complex. There is a feeling that it is too complex and there is—I say in response to Mr Greene's question—a willingness to consider alternatives to see whether we can improve it. However, the system that we have is the system that we have.

Mr Palmer gave a very full and good response about various components of the action that we and the industry have been taking. We have been taking very seriously the concerns from this committee and from elsewhere, and the primary focus over the past year has been to address specific criticisms, especially those about the management of fish health and interactions with wild salmon. Those concerns are being taken very seriously, and the fish health framework was designed to address them. Both Ms Cunningham and I have been driving that forward. Mr Palmer

will perhaps be able to answer the more technical question about the implementation of the tightening up of sea lice regulation.

**Mike Palmer:** We made a programme for government commitment that the statutory reporting of sea lice will happen in 2020; we are looking for that to be put in place in the second half of 2020. Clearly, we will first need to consult on it. Prior to the consultation, we are doing preparatory work on the information technology system that we will require to ensure that we have in place an effective reporting system. We expect the IT work not to be as onerous as IT projects can be, because we already have an existing IT system—the Aquadat system. We are scoping the options at the moment, but it looks like we may be able to use it as the basis of the platform on which we build our reporting system. As I said, we will then have the legislation in place before the end of 2020.

The work that I described on the management of interactions between wild and farmed fish is a good example of exactly the kind of joint working that—as I think we all accept—was not previously happening as it could have. There has been a massive change in the degree of joint working that we have between Marine Scotland, SEPA and the planning authorities; we are all working together and being very clear about our respective roles and responsibilities, while being very joined up about it. It is a complicated regulatory arrangement. However, it is what we have to work with, and we are trying to ensure that it is as joined up as it can be, which recent work shows.

**Angus MacDonald:** With the convener's indulgence, I will ask a couple of questions on wrasse harvesting in particular. I have been made aware—as I am sure have other members of the committee—of concerns on the west coast about the loss of local wrasse populations, with vessels moving on in ways that suggest that some stocks have dropped below economically viable levels. Other fisheries that supply wrasse to Scottish salmon farms have adopted local closures following data showing that the fishery was causing similar problems for wrasse populations. Has Marine Scotland considered moving to mandatory regulation, which seems to be working well, particularly on the south coast of England and around the Channel Islands?

**Fergus Ewing:** For the uninitiated, wrasse is used as a natural form of control of sea lice. These issues are very important, and they have been the subject of recent parliamentary scrutiny. I think that Mr Gibb is briefed and ready to give all the information about that.

**The Convener:** Briefly briefed, I hope.

**Allan Gibb:** Yes, it is one of the quirks that this falls into my domain of wild capture fishery. We worked very closely with the Scottish Salmon Producers Organisation in identifying that the wrasse fishery is increasing. Wrasse is a non-quota species, but that is not unusual—we have several non-quota species. In a co-management process with the SSPO, we introduced a suite of voluntary measures, which included some of the things that were referred to, such as closed seasons and minimum and maximum landing sizes in those areas. The purpose of that was to try and understand—as was alluded to—any changes in the catch per unit effort and the densities. The reason for that is that, because they are inshore, we cannot do the normal traditional surveys for wrasse. Instead, we would have to design or create a brand new survey method. This is the first stage of that.

Under instruction from the cabinet secretary, I have already commissioned an internal review of the effectiveness and functioning of those voluntary measures to check that they are delivering what they should be delivering. That review should happen quite quickly; I have asked for it to be done within weeks. I do not want to preempt the review, but I imagine that the natural evolution might be that, if we need some reinforcing of the measures, still working in partnership with the SSPO, they might move on to being a regulatory function, which would be delivered through a licence. Every vessel selling fish commercially needs to be licensed and we would look to use that delivery tool if it was required. We are very much in that space.

**Angus MacDonald:** I am certainly pleased to hear that the review is under way or on-going, but will it be based on detailed science on stocks and habitat and will it be open to all stakeholders? Also—this is perhaps another tall order—will it report before the fishery opens again in 2020?

**Allan Gibb:** It is difficult to deliver on the science point, because we do not yet have a fixed, detailed methodology to do surveys—nobody does. We have five species and, apart from a very small period when they are spawning, they are in among the rocks and so forth. We have to develop something, but that will be along the track. However, in terms of scientific advice, if we starting seeing changes in the catch per unit effort—the amount of wrasse that is caught for the same effort—we can start making some deductions about impacts on the stock and measures that we would have to take. That is why we are moving, in the review we are doing of the voluntary measures, to perhaps making those measures compulsory. That would deliver a precautionary but sensible response in managing a fishery that, quite rightly, is relatively new. We do

not know much about it, but we need to learn more.

**The Convener:** I have a question and, before I ask it, I want to make it clear, as I have always done when I talk about agriculture, that I have declared a wild fishery interest in my entry in the register of interests. I share the cabinet secretary's aim to increase the sustainable production of salmon in Scotland, where farms are good neighbours to the environment and to the people who live in those environments.

I will make a couple of comments. The first is to Mike Palmer—do not spend too long designing a computer system, as the Norwegians have one. The second point is that the presence of sea lice is not dictated by the size of the fish; what is important is the timings and locations they are in the pen, and when they potentially come in contact with wild fish, as I am sure you have been told.

I have a question for the cabinet secretary. I read in *The Press and Journal*, which I am sure you will have read as well, about the high levels of mortality this summer. That is concerning because it was not a particularly high summer. Do you think that the industry is on top of the mortality issues, or is there more work to be done?

**Fergus Ewing:** The industry, as Mr Palmer alluded to, has done a variety of things to tackle what is a very serious problem. Is more required? Yes, it is. We recognise that, but I am certain that the major players in the industry, all of whom I have met and discussed these matters with, are taking this very seriously and taking steps to tackle sea lice and amoebic gill disease. In some respects, some of the progress that has been made has not been fully understood. A company called Benchmark won the the top prize for innovation at Aqua Nor, which I attended, at Trondheim over the summer. That Scotland-based company has a product called CleanTreat, which takes away all the chemicals, the used water and the effluent. That is a tremendous advance and it is just one. Therefore, more needs to be done, but the industry, working very closely with the Government and Heather Jones at the Scottish Aquaculture Innovation Centre, is determined to tackle the concerns that have been expressed by this committee and others in the fairly recent past.

**The Convener:** To follow up on that very briefly, I commend Mowi for its openness on the mortality issues. Will the cabinet secretary let the committee, which has an obvious interest in agriculture, see all the quarter 3 mortality figures for the industry? I am led to believe, according to reports, that they are higher than they have ever been.

**Fergus Ewing:** I know that there has been a difficult period. Of course, information is made

available. We want to be as transparent as possible. The issue has already been covered, but let us make no bones about it—there are serious problems.

However, if the industry operates to the highest standards—I believe that, generally, that is what has happened in Scotland—it has a great future. If we have to feed twice as big a population in the world, we must, as no new farmland is going to be created any time soon, find a way of using the marine environment—which, as a source of protein and a source of food, has just about the lowest carbon footprint of any—to feed the planet.

**The Convener:** I will take that as a yes and that you will give us those figures, if you have them.

That brings us to the end of the session. I thank the cabinet secretary very much for his time and his officials Allan Gibb, John Kerr and Mike Palmer for the information that they have provided.

12:00

*Meeting suspended.*

12:01

*On resuming—*

## **Subordinate Legislation**

### **M8 Motorway (Junction 29A Off Slip Road) (40mph Speed Limit) Regulations 2019 (2019/312)**

### **Environmental Impact Assessment (Transport) (Scotland) Regulations 2019 (SSI 2019/322)**

**The Convener:** Item 3 is the consideration of two negative instruments, in relation to which no motions to annul or representations have been received. Does the committee agree that it does not wish to make any recommendations on the instruments?

**Members** *indicated agreement.*



## European Union (Withdrawal) Act 2018

### European Rail Network for Competitive Freight and Trans-European Transport Network (Amendment and Revocation) (EU Exit) Regulations 2019

12:02

**The Convener:** Item 4 relates to a consent notification that we have received in relation to a United Kingdom statutory instrument, which is being laid in the UK Parliament under the European Union (Withdrawal) Act 2018.

We deferred our consideration of the instrument from last week, as we needed more clarification on the procedure. We have received that and it is among the documents that were prepared for the committee.

**Mike Rumbles:** I do not think that the instrument is being laid in the UK Parliament, because it is not functioning at the moment.

On Thursday, as a member of the Culture, Tourism, Europe and External Affairs Committee, I had the opportunity to speak to the Cabinet Secretary for Government Business and Constitutional Relations. He was quite sympathetic to what I said, but he made the point, which was backed up by the civil servants who were with him, that the Scottish Government wants to proceed with all the regulations under the European Union (Withdrawal) Act 2018 as per normal. However, he agreed that a political dimension overlays the situation and that, as the UK Parliament is no longer sitting because of the election on 12 December, there might be a case for not putting so many regulations before Scottish Parliament committees, including this one in particular. He said that he would look at that.

On that basis, I am quite happy to agree that we give consent to the set of regulations that we are considering today.

**The Convener:** As you know, it is appropriate for the Scottish Government to liaise with UK Government ministers during dissolution. We have taken into account the Scottish Government's advice.

On that basis, bearing in mind Mike Rumbles's comments, does the committee agree to write to the Scottish Government to confirm that we are content for consent to be given for the UK statutory instrument that is referred to in the notification?

**Members indicated agreement.**

**The Convener:** That concludes today's committee business.

*Meeting closed at 12:04.*



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