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Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 12 December 2012

Session 4

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RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
29th Meeting 2012, Session 4

CONVENER

*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

DEPUTY CONVENER

*Graeme Dey (Angus South) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)
*Nigel Don (Angus North and Mearns) (SNP)
*Alex Fergusson (Galloway and West Dumfries) (Con)
*Jim Hume (South Scotland) (LD)
*Richard Lyle (Central Scotland) (SNP)
*Angus MacDonald (Falkirk East) (SNP)
*Margaret McDougall (West Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Dr John Armstrong (Scottish Government)
Dr Colin Bean (Scottish Natural Heritage)
George Burgess (Scottish Government)
Craig Campbell (Scottish Anglers National Association)
Simon McKelvey (Cromarty Firth Fishery Trust and Cromarty Firth Fishery Board)
George Pullar (Salmon Net Fishing Association of Scotland)
Callum Sinclair (Rivers & Fisheries Trusts of Scotland)
Wendy Thornton (Scottish Environment Protection Agency)
Paul Wheelhouse (Minister for Environment and Climate Change)
Ron Woods (Scottish Federation for Coarse Angling)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

Committee Room 5

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 12 December 2012

[The Convener *opened the meeting at 10:04*]

Subordinate Legislation

Pollution Prevention and Control (Scotland) Regulations 2012 [Draft]

The Convener (Rob Gibson): Good morning, everybody, and welcome to the 29th meeting in 2012 of the Rural Affairs, Climate Change and Environment Committee. I ask that members, witnesses and the public make sure that their mobile phones and BlackBerrys are not on, as they can affect the sound system.

Under agenda item 1, on subordinate legislation, members will take evidence from the Minister for Environment and Climate Change on the draft Pollution Prevention and Control (Scotland) Regulations 2012. The instrument has been laid under the affirmative procedure, which means that the Parliament must approve it before provisions may come into force. Following this evidence session, under agenda item 2, the committee will be invited to consider the motion to approve the instrument.

I apologise for being a couple of minutes late in starting, minister. I welcome you and your officials: George Burgess, deputy director of the environmental quality division; Andrew Crawley, legal adviser to the Scottish Government; and Wendy Thornton—I do not know her designation, but she is welcome. Do you wish to speak to the instrument, minister?

The Minister for Environment and Climate Change (Paul Wheelhouse): I do, if you are willing, convener. I can clarify that Wendy Thornton is a pollution control specialist at the Scottish Environment Protection Agency and is here to support me.

I welcome the opportunity to introduce the newly revised and consolidated regulations on pollution prevention and control for Scotland. The new regulations are a welcome consolidation of the previous Pollution Prevention and Control (Scotland) Regulations 2000, which were subject to 25 sets of amendments and were hard for everyone to work with. The new regulations also transpose the requirements of the industrial emissions directive—the IED—which must be done by 7 January.

The industrial emissions directive itself consolidates seven previous directives, including the directive on integrated pollution prevention and control of 2008.

The regulations cover a wide range of industrial activities, from large chemical plants down to dry-cleaning shops. The principle of integrated pollution prevention and control is now well established. SEPA issues one permit to cover the full range of activities that an industrial installation carries out and all environmental effects. For larger installations, of which there are 475, including landfill, food-processing and intensive pig and poultry sites, that means emissions into air, water or land. For smaller installations, of which there are 1,650, including petrol stations and dry-cleaners, only emissions into air are covered.

The main change that the IED makes to the regulatory regime is around best available techniques—BATs. Up until now, national regulators have decided what constitutes the best available techniques that should be used for certain industrial processes. Under the IED, the best available techniques will increasingly be determined on a European Union-wide basis. That is intended to create a more level playing field for industries that compete in a market that goes Europe-wide and beyond and to enable an easier read-across from one country to another regarding compliance.

Other changes under the IED include some industrial activities being brought within IPPC controls for the first time or on a stricter basis, such as wood preservation and some waste treatment activities, and clearer thresholds for food production activities—especially where animals and vegetables are processed on the same site. For the many businesses that already have PPC permits, the new regulations making changes under the IED will have little or no impact. Their permits will be updated automatically to reflect some relatively minor administrative changes. New installations that apply for permits from January onwards will need to apply under the new regulations. However, because those businesses are new, that will not represent a significant change or adjustment for them.

Existing installations whose activities are being brought within the scope of the PPC regulations for the first time will have until July 2015 to obtain permits from SEPA. As well as offering a process of staged applications for those new activities to make the task more manageable for SEPA and operators, SEPA will provide advice and guidance in support of the new regulations and on what they mean for individual operators.

Going forward, significant efforts will need to be made to influence how the EU establishes what

the best available techniques are for each industrial activity, including plants in our chemical sector. That will be a major focus for SEPA in working with regulated customers, whose expertise will be essential in influencing the setting of standards that make sense for businesses in Scotland.

The Convener: Thank you. I open the session to members to ask questions. I will kick off by referring to the list that you mentioned. Are such matters as waste energy and combined heat and power plants included in the regulations?

Paul Wheelhouse: Sites such as waste treatment plants are already covered by regulations, so the new regulations will not have a major impact on existing sites. However, any new sites will be bound by the new regulations. I ask George Burgess to explain the implications specifically for waste energy plants.

George Burgess (Scottish Government): The regulations cover both conventional combustion plants and waste incineration; however, because they are already covered by the 2000 regulations, there is no major change in that respect. The waste incineration directive is one of the set of European directives that were consolidated into the industrial emissions directive; in other words, the controls are essentially the same as existing controls that have been consolidated.

The Convener: You mentioned emissions into the air. Do any parts of these regulations relate to emissions into watercourses?

Paul Wheelhouse: An unintended consequence is that, although the primary purpose for which a site has been regulated might not have such an impact, there might be other knock-on impacts and, under the regulations, SEPA will have an additional enforcement power in the context of incidents and accidents and will be empowered to take enforcement action in the event of an incident that gives rise to serious pollution, even if no permit condition has been breached. In short, if the permit for a site related to, say, waste incineration but there was a pollution incident involving the water table that was not necessarily a direct consequence of the activity for which the permit was given, that could be picked up under the new enforcement power. George Burgess might be able to provide further clarification on the water issue.

George Burgess: As the minister has mentioned, with regard to larger-scale installations, which are termed "part A installations", the regulations refer to

"the direct or indirect release of a substance, a vibration, heat or noise from individual or diffuse sources in an installation into the air, water or land".

A direct release into water would be covered by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 under the Water Environment and Water Services (Scotland) Act 2003. However, the sort of releases that might find their way into watercourses from the plants that we are talking about will go first into the air or on to the land and then run off and, as a result, would be caught. Wendy Thornton might have something to add about the practicalities from SEPA's perspective.

Wendy Thornton (Scottish Environment Protection Agency): Under pollution prevention and control legislation, we are allowed to set limits or controls on emissions into the air, directly into water and on to the land. With that kind of integrated approach, we can determine the best trade-off with regard to controls.

The Convener: That was helpful.

Alex Fergusson (Galloway and West Dumfries) (Con): This is not a time when any sector in society will welcome extra financial burdens and I note that certain sectors have raised on-going concerns about the initiative's financial impacts and how they will settle with other factors that affect their long-term financial planning. How might those sectors be mollified—if that is possible?

Paul Wheelhouse: I refer the member to the new Europe-wide approach to BATs. Business might face additional costs, but the imperative on us is to ensure that sectors such as chemicals and, indeed, agriculture engage as fully as possible with our colleagues in Europe through SEPA and Scottish Government colleagues so that their interests are represented in the setting of BATs and that, where possible, we fully inform the adopted practice that will—if you like—become the level playing field for the whole of Europe. Such an approach will ensure that businesses across Europe bear the cost equally. Indeed, I hope that it will be in line with actions that specific sectors in Scotland from the chemical industry—in, for example, the refineries at Grangemouth—through to our farmers are already taking. As our interests are reflected in the standards that are set, it is perhaps for other countries to move up to our standard instead of our having to take on additional costs to meet new thresholds. We have an interest in playing an important role in the process.

Alex Fergusson: I am grateful for that explanation, but could we in any way be accused of gold-plating regulations and allowing our European partners to continue in a more competitive way than we are able to do in taking these regulations on fully?

Paul Wheelhouse: You might well be right that in the past we might have embraced the true spirit of the regulations while individual sites and other parts of Europe were not quite so enthusiastic. As I said in my opening statement, by setting a Europe-wide standard, the new approach will allow an easier read-across from our sites and industries to those of competitor nations. There might be a language issue in looking at permits in other languages, but assuming that that can be addressed, we will be able to understand to what extent competitors have, or have not, granted permits for sites. Obviously, that will allow us to suggest to our colleagues in Europe that enforcement action should perhaps be taken against sites that are not compliant with the new regulations. The new approach should create an easier mechanism for identifying where good practice has not been followed across Europe. Indeed, if our businesses play their part in complying with the new regulations, we will have an easier means of identifying across Europe those businesses that do not comply and can then bring them up to the right standard.

10:15

Claudia Beamish (South Scotland) (Lab): Good morning, minister. I see from the clerk's note that the consultation in September received 31 responses. Are you in a position to draw to the committee's attention any concerns, such as about large sites, which could have a considerable impact on pollution in Scotland?

Paul Wheelhouse: I can confirm that the consultation took place from 12 September to 24 October. In general, respondents were content with the proposed approach to transposing the IED and with the associated consolidation of the previous regulations. Nothing emerged that significantly changed the draft regulations, but concerns and more general points were made about how the changes would take effect in practice.

One of the principal issues raised was how to influence the setting of the best available techniques—which I mentioned in response to Alex Fergusson's question—or the standards that the EU will set. As I outlined to Mr Fergusson, SEPA intends to work with businesses, in particular those in industries such as the chemicals sector that feel themselves to be vulnerable to the changes, so that we can bring their expertise to bear at the EU level when setting the BATs.

Another concern was how the regulations will be implemented in practice here. As I said in my statement, SEPA will work with business to ensure that any new obligations are understood and are planned for. In some cases, businesses that will

come under the regime for the first time will have until 2015 to implement the regulations, so we will have a period to assist them with understanding the implications and to ensure a smooth implementation process.

Another concern was why SEPA wants operators of activities that are newly subject to the regime to make their applications within certain timeframes. SEPA wants to ensure that the administrative burden is as manageable as possible both for businesses and for SEPA. Obviously, the regulations will bring in new sites that SEPA will then have to look after, and that will have an implication.

Having made a number of references to SEPA, perhaps I can ask Wendy Thornton whether she has any comments about the practical implications from SEPA's point of view.

Wendy Thornton: One concern was the staged timetable, which is to help our workload. We chose the order of the groupings in the staged timetable so that we will have the majority of applications in early. That means that, if we have any problems with an application—which happens quite frequently—we will have more time to resolve it, so that we can ensure that people have the permit by 2015, as the directive requires.

For most existing plants, very little will change until the new BAT conclusions. As the minister has explained, we are trying to get more involved in the Commission's technical working groups to influence what goes in the BAT conclusions. We will then have four years to put the requirements into operators' permits, and over that period we will work closely with any operators affected. During next year, we are planning some industry engagement to help operators and to give them all the information that they need.

From a practical point of view, I think that we have addressed the concerns that were raised in the consultation.

Paul Wheelhouse: I might add that, in setting the BATs, we need to achieve something that is realistic. Rather than just agree a common baseline for everyone, we need to ensure that industry comments on what is realistic for industry, so that we take on board Mr Fergusson's point about costs. Industry should have an opportunity to engage and to influence the decision so that we ensure that issues of cost, practicality and what can realistically be achieved within a given timescale are taken on board by the Commission.

Jim Hume (South Scotland) (LD): Our clerk's note refers to the business and regulatory impact assessment that was done, but we do not have a copy of it in front of us. Given your economic background, minister, can you tell us whether it was a positive or a negative economic

assessment for Scotland as a whole, and to what degree it was such?

Paul Wheelhouse: I regret to inform the committee that I do not have the detail of the BRIA in front of me; shortly, I will ask George Burgess to comment on it. However, as I said, the consultation exercise revealed that some sectors, such as chemicals, had concerns about the potential rather than the actual costs for them, depending on what regulations were set. Generally though, there was a positive response to the consultation. I ask George Burgess to comment particularly on the BRIA.

George Burgess: The regulations will have little immediate direct effect, as has been said. That makes it impossible to identify what the longer-term effect will be, whether positive or negative. It will depend almost entirely on what emerges at the European level as part of the BAT process and on whether that will bring extra costs. We can ensure that the BRIA that was done is made available to the committee, but it does not set out in great detail the costs that businesses might face, because a lot of that will simply not emerge until further down the line when we all see the BAT conclusions at European level.

The Convener: We have been given a copy of the BRIA by the Subordinate Legislation Committee, so it is available for members here to read.

If members have no other questions for the minister, I have one that follows on from the BATs and so on. Clearly, regulations must be complied with. Are you satisfied, minister, that we have the people in place to ensure compliance? In fact, one wonders whether other countries will have the people in place to ensure compliance.

Paul Wheelhouse: I take your latter point on board. My knowledge of what regimes will be in place in other member states is not extensive. However, with the new industrial emissions directive and the BATs being pan-European, we will apply pressure where we can to ensure that other countries comply with the regulations. I think that that would be entirely fair. We will ask our businesses to take on board tighter regulations in many areas, although most businesses will not be directly affected, as George Burgess said. There is an expectation that we will put pressure on the Commission to ensure that the regulations are implemented across the whole of Europe.

On what is happening in Scotland, the consolidation exercise must happen anyway in the context of other measures that the Scottish Government is taking in respect of the remit and role of SEPA. As I think I have said to the committee before, we must ensure that SEPA's efforts are targeted through a risk-based approach

to its monitoring and enforcement actions. Its approach will therefore be to target the potentially larger polluters or those that have a history of non-compliance. I hope that that will ensure that, domestically, we focus on businesses that have failed to comply or that pose the greatest threat to the environment. That should take a little bit of pressure off the garage forecourts and the dry-cleaners of this world, because SEPA will use its resources and capabilities more to impact on the larger emitters or polluters. Where businesses comply, we can obviously take a slightly more relaxed approach. However, we will target our resources on businesses with a history of non-compliance and those that pose the greatest threat environmentally.

Therefore, I can assure the committee that SEPA is very much focused on ensuring that it tackles the sources of emission and pollution risks in Scotland. As for other nations, we will have to rely on the Commission to apply pressure on them to match our standards.

Richard Lyle (Central Scotland) (SNP): Good morning, minister. I note from the cover note on the regulations that you have

"consulted on proposals for an integrated framework of environmental regulation".

The note goes on to say that

"therefore ... the draft Regulations will be short-lived".

How short-lived will they be?

Paul Wheelhouse: The coming into force of the new regulations in January will mark the start of an implementation process that will last several years. During that time, SEPA will maintain close dialogue with sectors that are affected in the interest of ensuring that any changes are practical and as smooth as possible.

I ask George Burgess to comment on the draft regulations.

George Burgess: I think that the term "short-lived" was one that I drafted at an earlier stage.

We expect to bring to the Parliament in the spring a bill on better regulation, which will create the powers under which we can bring together the pollution prevention and control regime—which we are considering today—and other environmental regulation regimes, such as those on waste management, releases to water and radioactive substances.

That bill will obviously take some time to work its way through the Parliament, so it will be at least 2014 before the fully integrated set of regulations that we envisage is in place. Therefore, the draft regulations will be short-lived, but not quite mayfly-like.

Richard Lyle: So they will be in force for two years.

The Convener: As there are no further questions, we move on to item 2, which is consideration of motion S4M-05105, which asks the committee to recommend approval of the draft regulations.

Paul Wheelhouse: I thank the committee for considering the proposal.

I move,

That the Rural Affairs, Climate Change and Environment Committee recommends that the Pollution Prevention and Control (Scotland) Regulations 2012 [draft] be approved.

Motion agreed to.

The Convener: Thank you very much, minister.

We will suspend briefly while we change over panels of witnesses for the next item.

10:27

Meeting suspended.

10:28

On resuming—

Aquaculture and Fisheries (Scotland) Bill: Stage 1

The Convener: Agenda item 3 is our third evidence-taking session on the Aquaculture and Fisheries (Scotland) Bill. Today, we will hear from two panels of witnesses on different elements of part 2 of the bill. Panel 1 will concentrate on the state of wild salmon and sea trout stocks and conservation measures; the second panel will focus on the details of part 2.

I welcome our first panel of witnesses: Dr Colin Bean, science and policy adviser at Scottish Natural Heritage; Callum Sinclair, director of the Rivers & Fisheries Trusts of Scotland; and Dr John Armstrong, fisheries team and programme leader for Marine Scotland, the Scottish Government. I remind the witnesses that the broadcasting staff control the buttons for their microphones.

What are the current trends as regards the state of wild salmon and sea trout stocks in Scotland? Are there different trends in different areas and between different species? If so, what are the reasons for the differences?

10:30

Dr John Armstrong (Scottish Government): It may be worth giving a bit of background on how we measure trends with regard to salmon and sea trout. By their nature, fish are extremely difficult to count but we have some facilities in Scotland where we have fish counters that can detect individual fish moving across them. On the River North Esk, for example, a carefully validated counter monitors the number of adult salmon and sea trout coming up the river. We can therefore get quite an accurate picture from that site, which we call an index site. That feeds into work in the International Council for the Exploration of the Sea, where a number of index sites from around the North Atlantic are compiled to get a precise idea of changes in fish coming into the river.

Those data can be combined with data on catches in the coastal nets and the in-river nets and catches by anglers to build up a bigger picture of numbers so that we can come up with a model of the number of fish that leave and the number of fish that come back to rivers. Those are quite precise data, in that they are based on actual counts of fish. They are supplemented by one or two fish traps where we can have the fish in the hand. Committee members visited the Girnock trap with me, where we can have fish in the hand so that we have a good idea of what is going on.

At another level, we have rod catches and net catches. That is important information because it can enable us to look at trends. However, we have to be careful because a number of factors can affect catches beyond the number of fish that are there to be caught. If there are changes in water flow, for example, the fish might be more—or less—catchable. The number of fish that are caught also depends on the number of anglers who are trying to catch them.

A broad but fuzzy picture is given by the rod and net catches. That is what is reported annually. If we look at those catches, in Scotland in 2011 the total number of sea trout caught and retained and also released was 23,324 and the total number of salmon was 87,915. For salmon, that is the sixth highest rod catch in our records. Superficially, that might give the impression of quite a rosy picture. Indeed, in terms of the overall fishery in Scotland that is a good situation. However, one reason for such good rod catches is the dramatic decline in coastal net catches over the past couple of decades. That decline is because mortality of fish at sea has progressively increased so fewer fish are now returning to Scottish waters. However, because fewer fish are being caught in the coastal nets, the number of fish that are coming into the rivers and being caught are being maintained or are increasing slightly.

The overall, broad conservation picture is quite healthy but there is not much scope for further reductions in net fisheries, for example, should there be further increases in mortality at sea. The good news is that in recent years, the number of fish returning to the coast has at least maintained at a steady level, if not increased slightly. That is the broad picture.

Callum Sinclair (Rivers & Fisheries Trusts of Scotland): We would generally concur with John Armstrong's analysis of how we catch and how we measure the healthiness of the catch, and with the qualifications that he has given around those points.

Another issue of interest in terms of the bill is whether there are regional differences in catch. RAFTS has undertaken analysis, which is on our website. It is broadly concurrent with a parallel analysis that was undertaken by Marine Scotland science, which identified a difference between the east coast catch and the west coast catch and sought to relate that to the aquaculture industry. I know that that has been a part of the contention in the discussion. We entirely endorse the general health of the position as described by John Armstrong, but we would expect—and there are—local differences in a number of rivers and catchments associated with a number of pressures on the environment, not just that

particular pressure. We believe that there is a regional dichotomy.

Dr Colin Bean (Scottish Natural Heritage): It is important to remember that the Scottish salmon population is among the most diverse within the species range. That is particularly important from a fisheries perspective, because adult fish are returning to Scottish rivers throughout the year.

I agree totally with everything that John Armstrong said about the general trends, but there are a number of other stock components to that. We have fish that come back as grilse—after one winter at sea—of course, and multi-sea winter fish that will come back at other times of the year. If we look at the longer-term trend of spring fish, for example, we will see a longer decline of the spring stock component. That seems to have stabilised recently, but it is still an issue of some concern in respect of the overall salmon components.

Callum Sinclair was absolutely right, too. There is a slight increase in the number of salmon across the national picture. John Armstrong has rightly told the committee why that is the case. However, there can be differences at smaller geographical scales. There may be issues in some areas of Scotland that are masked by the national picture.

Alex Fergusson: Good morning, gentlemen. Dr Armstrong mentioned the 2011 sea trout catch. I read an article recently that stated bluntly that the sea trout catch on the east coast of Scotland in 2011 was the highest since records began and that the sea trout catch on the west coast of Scotland was the lowest since records began. Can you confirm whether that is the case? If it is, will you speculate on why that is?

Dr Armstrong: The matter is a little bit more complicated than that. There are regional differences in sea trout trends on the east coast. The Tweed, for example, had a really good year, but I think that the Moray Firth had its second-poorest catch on record. Therefore, there are factors that vary between regions which are affecting sea trout. On the west coast in general, catches remain at a low level if we consider the historical records, but they are quite healthy in the Hebrides.

Alex Fergusson: I want to tie that up. At the end of the article, there is speculation that the basic reason is that there is a preponderance of fish farms on the west coast, but they do not exist on the east coast. What you have just said blows a few holes in that particular argument.

Dr Armstrong: Many factors affect the survival of sea trout at sea, and trying to tease out different factors simply from catch statistics will always be very difficult, given the complexity of the situation. I return to what I mentioned earlier. Changes in

the fishing effort, for example, will affect catches. One can go so far with catch data, but only so far.

Alex Fergusson: Thank you. That is useful.

Nigel Don (Angus North and Mearns) (SNP): Good morning, gentlemen. I understand what Dr Armstrong has just said about there being many factors, and I would dearly love to understand those factors a bit more. I am concerned that, at the end of today's evidence session, as at the end of other evidence sessions, lots of people might have told us that there are lots of issues and factors, but nobody will have told us on the record which of those are the most important. I respectfully put my question to you gentlemen, as you know far more about fish than I will ever know about them.

Could you give me some views on how significant the issues of effort, available food at sea, the impact of lice or anything else that is detrimental might be? I know that the nature of science is such that it is difficult to be precise, but we—or, at least, I—would quite like to hear your opinions on that.

Dr Bean: It is important to know a little bit about the ecology of the animal. Essentially, sea trout are just brown trout that go to sea. They spend the marine phase of their life in estuarine and coastal areas; they are not particularly wide ranging.

As far as the wider context is concerned, Mr Fergusson spoke about the difference between the east coast and the west coast, but there are sea trout projects going on in other parts of the United Kingdom—for example, the Celtic sea trout project and the Moray Firth sea trout project. Those projects were set up because sea trout were in decline in parts of the UK other than the north-west of Scotland. It is true that the number of sea trout off the west of Scotland has declined, and people are looking for a cause-and-effect relationship between aquaculture and that decline. Aquaculture—through sea lice numbers—undoubtedly has an impact on sea trout.

However, there are other factors that we must consider. Climate change is one such factor. Changes in hydrological conditions could result in redd washout—the washout of the egg nests of sea trout. In addition, there is a lack of understanding of what makes a sea trout go to sea in the first place. A survey of trout in any stream on the west coast of Scotland will show that those populations are dominated by adults, because the females tend to go to sea. There is an energetics element to that, as well as a genetics element, which relates to quantitative threshold traits.

I will not bore you with all that gubbins. Suffice it to say that it is an extremely complex situation. I hope that I have added to your knowledge of sea

trout; I have probably not done so to the extent that you would like.

Callum Sinclair: Sometimes we get hung up on what fishery management is about. In general, fishery management is environmental management. Colin Bean's reflections on the options that a sea trout has in its life cycle are pertinent here. Where I am from—the Solway—the sea trout populations used to be rather healthier than they are at the moment. As Colin described, in general sea trout remain local to their natal rivers to a greater extent than salmon, which migrate to the Atlantic. That means that the area of search for problems to do with sea trout is often much more local. All the sea trout projects that Colin mentioned have targeted a range of improvement measures, which relate mostly to the physical environment in the river and the control of pollution, agricultural practice and so on in the catchments. The premise is that if we support and better manage the environment in which the fish live, they will do rather better.

There is a level of complexity there. All the environmental pressures that are reflected in the water framework directive and the river basin management plans are pertinent. Environmental prevention of pollution, water quality controls and habitat restoration are all part of the parcel. The salmon situation is similar, although salmon migrate a long distance away from their natal rivers. The significant issue with salmon is marine survival. Currently, smolt returns are circa 5 per cent. Historically, they were at four times that level. We have a very different perspective on the things that we can manage and alter. The focus of fishery managers will always be on the proportions on which we can have an influence, which tend to be catchment based.

Jim Hume: Mention has been made of data and how it is collected. Data is obtained from rod and net catches and from counters. Rod and net catch data relies on people going out to fish, which may vary according to all sorts of things, such as the weather—mind you, most fishermen seem to go out when it is really wet. I am aware that the south of Scotland has quite a few counters, but how well covered is Scotland with counters? In my view, they might provide more accurate data on salmon and trout numbers.

10:45

Dr Armstrong: There are few well-validated counters in Scotland, particularly in strategic locations. There is a big opportunity for fisheries management to increase that network. Once we have counters with absolute data, we can start to calibrate some of our other data sources, such as catch data. There is big potential for increasing the

numbers of counters to improve our understanding of fish stocks.

Jim Hume: Do you feel that we are not covered enough to get decent data from counters alone in Scotland?

Dr Armstrong: At present, we are probably not.

Jim Hume: To clarify that further, where there are counters and rod catching data, do those correlate well together?

Dr Armstrong: The data correlate, but there is a lot of unexplained variation, too. The local variation is often quite important. For example, there might not be a simple linear correlation between counts and rod catches. If a particular fishery is starting to perform very well, a lot more people will fish on it than would otherwise be the case, and the effort increases. Such effects are quite important with regard to using the rod catch data in a broader context by calibrating it more effectively.

The Convener: We move on to the state of the rivers, and favourable conditions and so on.

Graeme Dey (Angus South) (SNP): Good morning, gentlemen. We read that nine out of the 11 rivers that are designated as special areas of conservation in relation to salmon stocks are classified as unfavourable-recovering. It would be helpful if you could define that categorisation, explain what lies behind the stocks being in that condition and advise us of the presence of any salmon farms in those particular river systems.

Dr Bean: That is probably a question for me. There are actually 17 SACs for salmon, not 11. We go through a process called site condition monitoring, which requires us to report to Europe on the condition of sites. For Atlantic salmon, we look at a number of different indicators in those sites. One such indicator is the production of juveniles, while others relate to the number of returning adults and water quality and quantity.

We have gone through two cycles of site condition monitoring. The first cycle was carried out in 2003-04, and to some extent it was a scene setter because that type of activity had not taken place before. We were developing a methodology and using it as a baseline for reporting. We were using a very short time series of data, because we were looking at the condition of the site from the day on which it was classified to the date of the first cycle, which was not very long. That meant that there was a degree of latitude in the assessment. Only two sites were found to be in a favourable condition. Others were classified as unfavourable-recovering, which means that the sites are not getting any worse, and that things such as improvements in access to fish through

the removal of barriers and in water quality and so on are progressing.

The second cycle is much more robust. The report from that has just come in, and it includes data for a longer time period. When we looked at adult numbers in the first cycle, the study encompassed one of the wettest years and one of the driest years on record. For the reasons that John Armstrong just outlined, the data on fishing effort, which is the data that is used for adults, was relatively unsafe. This time, we are using a longer data set, so the data is much more reliable. As part of that, there is every indication that a good number of those sites will be moved into favourable condition.

I think that Mr Dey was referring to an article that appeared in the press recently about the performance of SACs. In fact, most of the SACs that were mentioned in that article are doing very well, and only two may fall into the unfavourable category. We are peer reviewing and quality assuring that particular report and data, so we will have a clearer picture in the near future, but the SACs are doing okay. That goes back to the first question that John Armstrong was asked about the overall performance of salmon in Scotland and the increase since 1952 when the records were first collected. Of course, there are concerns about the performance of some of the stock components at some sites. I will stop short of saying that the picture is rosy, but it is not bad.

Graeme Dey: One presumes that you will learn lessons from that fresh and more substantive data and that best practice will be implemented on the two sites that are lagging behind.

Dr Bean: Absolutely. We want best practice at all sites, regardless of whether they are in favourable or unfavourable condition. There are always improvements to be made. We are moving down that road with colleagues and other agencies. For example, through SEPA's habitat restoration programmes, the removal of in-stream barriers and the opening up of areas that have not been accessible to spawning for many years mean that such areas are becoming more accessible. Improvements in water quality are being made through the water framework directive, too.

We are getting there and we are looking for better performances from those who manage the resource. It is not only Government agencies that are responsible; district salmon fishery boards have a duty to maintain and manage salmon stocks.

Callum Sinclair: I pretty much agree with Dr Bean. A key point is the more inclusive engagement in what fisheries management is all about and whose responsibility that is. Sometimes in the past that has been a rather polarised issue,

with salmon being seen as the sole responsibility of the district salmon fishery board. With things such as the water framework directive, there is a broader recognition of the range of mechanisms by which the environmental management—and therefore the effects on fisheries—can be improved. Dr Bean mentioned the removal of barriers to fish passage in which fisheries trusts and district salmon fishery boards are engaged in partnership with SEPA. That achieves objectives not only for the water framework directive, but for fisheries.

The other issue associated with the press article to which I think that Mr Dey was referring is how the fishery boards are discharging their duties to conserve fish in sensitive situations. The voluntary take-up of catch and release over a generation in Scotland has been quite fantastic to watch. The total figure for catch in the round of all fish in Scotland is 73 per cent. The voluntary figure for catch and release of all spring fish, which people are particularly concerned about, is 91 per cent. In the SACs, a total of 6,116 spring fish were caught last year, of which 5,554 were returned and 562 were killed. That equates to less than 300 fish of the spring-run take-in for each SAC. There are clearly opportunities to improve practice and to apply and require catch and release more widely. We must recognise the extent to which that has been taken up voluntarily, but clearly that may not be sufficient on all occasions and we need to move beyond that.

The Convener: Quite a number of the 17 areas are in my constituency. Will you remind the committee how many of those are on the east, north and west coasts?

Dr Bean: When we selected SACs in the late 1990s, the first three rivers were selected to maximise the largest populations in the Scottish suite. That encompassed the Tweed, the Tay and the Spey, which accounted for about 31 per cent of the total.

Four out of the next 15 in size were then selected, which included those that had an additional qualifying interest such as brook lamprey, river lamprey, sea lamprey, otters and freshwater pearl mussels. Those included the South Esk, the Dee, the Oykel and the Teith, which contributed a further 7 per cent of the total salmon numbers.

At the next stage, we looked at the naturalness of salmon—those sites that had a good representation of all life history types and the habitats that contributed to them. That added a number of small to medium-sized rivers, some of which are in the west, on the north coast and in Lewis and Harris—the Langavat system or Grimersta system, as it was known then. In the west mainland, they included the Little Gruinard

and the Endrick Water; in the south, they included the Bladnoch; and on the north coast, they included the Thurso, the Berriedale-Langwell system, the Borgie and the Naver. That contributed a further 3.5 per cent of the Scottish total. That adds up to 17 sites.

People focus on the east coast sites because they tend to be the largest rivers. The big four are there: the Spey, the Tay, the Tweed and, er—

The Convener: The Dee.

Dr Bean: The Dee—thank you. There are a few on the west coast, however, including in the Western Isles and Wester Ross, as well as in the central belt, such as the Endrick, and further south in the Solway, such as the Bladnoch.

The Convener: I am interested in why Helmsdale and the Strath of Kildonan are not among them.

Dr Bean: The list predates me—but I am still a young lad. Not every site could be selected as an SAC; there had to be some rationale, and the criteria for selecting SACs are clearly set out in annex 3 of the habitats directive. Using the criteria of population size and density, conservation of habitat, isolation and range, and the global assessment, those were the sites that were selected. They were not selected simply by SNH at the time; there was a wider consultation. There are plenty of rivers that are equally as good as some of the SACs in that suite, but they are not included.

The Convener: Thank you. That leads us to questions on the conservation of wild salmon and sea trout.

Margaret McDougall (West Scotland) (Lab): Good morning, gentlemen. We touched on conservation a little when Mr Sinclair mentioned the voluntary methods that are being used. Is all that could be done being done to manage the impact of rod-and-line fisheries? For example, why not make catch and release mandatory in all rivers or set longer close seasons for rod-and-line fishing, especially in the spring? What evidence is available of how many salmon survive being caught and released?

Callum Sinclair: I do not know where to start. No one would ever say that we are doing all that we could on all occasions. I agree with the premise of the question. We could always do more.

The question is whether the exploitation of the resource by angling is part of the problem or potentially part of the solution. We should think about angling in all sorts of different ways. First, there is an economic benefit through the sustainable and iconic use of Scotland's resources. Catch and release is one of the main

conservation tools of choice in angling, and it is very effective. I am sure that John Armstrong or Colin Bean would be able to give robust statistics on its effectiveness in terms of whether the fish survive. There are many instances of fish surviving very well and being caught on multiple occasions, so I am not sure that there is evidence that the act of catching the fish causes an impact.

The fishery board on the Dee rather infamously set an almost total catch and release policy and has a robust system that is in rude health. The angling lets are as strong as they have ever been. I am sure that Colin Bean would not mind my saying that the Dee is one of the SACs that are coming out with a favourable status.

If all the fish that are caught do not survive, the fishery will not be sustainable, because the impact will quickly become apparent. Since 2000, the catch and release rate on the Dee has been 93 per cent across all aspects of the fishery. I am not convinced that the act of catching and releasing a fish causes an impact in itself—I am sure that colleagues could confirm that.

11:00

Another question is whether, if things are so bad, further restrictions should be placed on how we exploit the resource. If things are so bad, we should—absolutely—consider such mechanisms. However, we must consider the continuum of measures before thinking about closing a fishery, because closing a fishery equals loss of economic value and removing the whole ethos by which income is generated and recycled into managing the resource.

When evidence shows that the stock is under particular stress or is in decline, mandatory catch and release could be entirely justifiable. That would be eminently preferable to draconian closures of rivers or fisheries.

Dr Armstrong: In relation to salmon, we are referring to spring fish, whose stocks have been weaker and the number of catches of which has been lower than it has been historically. They have bucked the trend.

I will paint a slightly broader picture. One reason why fewer fish have returned to Scotland is changes in the marine climate. There are changes on the high seas—for example, fish probably have to go to different places to feed. We are not entirely sure whether the spring fish that are not returning are returning later in the year. It is entirely plausible that migration routes have changed as the food supply has changed.

We need to get under the bonnet, if you like, and find out where the spring fish in a catchment come from and what the state of the spawning

stock in an area is. Does the area have sufficient spawners to lay enough eggs and maximise the next generation that comes out? That process is called establishing the conservation limits—the numbers of fish that are needed to saturate the habitat fully. In areas that have weak stocks, we would strongly recommend getting in and having a good look at what is going on, which gives one the information that enables coherent management.

Margaret McDougall: I do not know whether you answered fully the question whether there are any figures on the number of fish that survive after being released. I take it that there are no figures.

Dr Bean: Such a question was asked in the mid-1990s, when catch and release applied to about 1 per cent of fish that were caught. As Callum Sinclair said, we have moved up to rates of 91 per cent for spring fish and about 73 per cent overall.

It has been recognised that handling fish has or could have an impact on them. A code of practice, which has been widely promulgated throughout the angling sector, concerns issues such as how to handle fish, the use of knotless nets and not bringing fish out of the water. It is recognised that fish can be mishandled and we must acknowledge that some anglers mishandle fish—everyone likes a picture and all that sort of stuff. There is no doubt that some mortalities will be associated with catch and release.

I fully support what John Armstrong and Callum Sinclair said. Large multi-sea winter fish that occur in rivers at other times of the year—the big trophy fish, if you like—and not just spring fish are the animals that are probably most likely to be handled and potentially mishandled. Callum Sinclair is absolutely correct—we might well want to look at mandatory catch and release in areas where stocks are particularly weak. That would obviously have to be informed by greater scientific understanding of what is happening to stocks and whether what is affecting multi-sea winter fish is happening in the river or at sea.

Margaret McDougall: Would it be fair to say that you would support a longer close season for rod-and-line fishing? Would you support 100 per cent catch and release being made mandatory?

Dr Bean: I think that we have to look at close seasons because, for example, climate change may mean that fish are on spawning areas at later times of the year than they would have been previously. Some salmon seasons start very early in the year, in January, when fish are still in the redds, so there may well be a case for amending the start and end of seasons. There is a good biological reason for doing that in some circumstances.

Callum Sinclair: Perhaps I might clarify for Ms McDougall that we do not support a general change in the close season across the board, but if evidence identifies that a change is required and justified, clearly we should always have that option available if we are serious about conservation and better management.

The take-up of catch and release on a voluntary basis—across all salmon caught in Scotland, 73 per cent were voluntarily returned across all stock components in spring, summer and autumn, and 91 per cent of the most sensitive spring fish were returned—indicates that making catch and release mandatory would be of only marginal benefit. If evidence identifies that mandatory catch and release is required, the DSFBs already have the power to seek approval from ministers for an order to require catch and release in certain parts of the season. Clearly, if that is not happening, there might be a benefit from giving ministers or others the power to require it.

Margaret McDougall: Is it possible that catch and release gives an inflated perception of abundance, with fish being caught multiple times? How could multiple catching of the same fish by rod and line be recorded? Would any legislative change be needed to introduce such a practice?

Dr Armstrong: My understanding is that rod catch statistics are widely used as a best indicator of what might be happening in fisheries. The problem is that fish that are captured and released might be captured again, which could inflate the rod catch. We are aware of that, and an adjustment can be made with some assumptions. It is important to understand that only a small percentage of those fish that come into a river are actually captured. Typically, throughout the year perhaps 10 per cent of salmon coming into a river might be captured by rods. For spring fish, the proportion is a bit higher and might be up at 20 per cent. If a fish is captured and released, it still has a one in 10 chance of being captured again, so the level of inflation is actually rather low. We have made adjustments to our trend figures to account for that inflation, but they do not make a difference to the general trends that we report.

Margaret McDougall: So we already have that adjustment in the figures.

Dr Armstrong: We can do that.

Margaret McDougall: You can do that, or you already do that?

Dr Armstrong: We do not routinely make an adjustment in the reported rod catch figures, but such adjustments are made in the information that we look at with ICES that feeds into the North Atlantic Salmon Conservation Organization.

The Convener: Does the panel support the Royal Society of Edinburgh's suggestion that there should be mandatory reporting of rod-and-line fishing effort for salmon and sea trout? You may give yes or no answers, if you like.

Dr Bean: Yes.

Callum Sinclair: Yes, if someone could come up with an effective way of assessing rod catch effort. The Marine Scotland science statements that I have read seem to confirm that no satisfactory practical means has been devised to obtain meaningful information. If someone could come up with a way in which we could have meaningful and useful information, I would say yes.

Dr Armstrong: I can hardly give a yes or no answer after Callum Sinclair's comment. It depends, I am afraid, on what sort of effort is being measured and how useful the information would be. If we spent a lot of money collecting data on effort that do not really help, we might be better putting in some counters or getting alternative information.

Jim Hume: The bill proposes new powers for ministers to be able to change annual close times. Seemingly, ministers have not been able to do that in the past. Do the witnesses have any examples of rivers that would have benefited from ministers having the power to change annual close times in the past?

Dr Bean: The only experience that we have of that is when district salmon fishery boards have requested it themselves, rather than the Government or ministers suggesting it. We know that some rivers, such as the Tay and the Dee, have looked to amend the start and close times of their seasons simply for the biological reasons that I explained earlier. I do not know whether anyone else has an answer.

The Convener: You do not have to answer.

Callum Sinclair: I do not think that we have any specific rivers in mind, which I think was Mr Hume's question. If there is an evidence base for such an intervention, it would need to be very strong because of the potential consequences for the management system and how it is sustained.

Dr Armstrong: Looking forward, I think that it would be sensible to be cautious. Spring stocks have been in serious decline and we need to be able to take action if there is clear evidence that it is necessary.

Jim Hume: At present, it would be for the fishery boards to decide whether to change annual close times at the local level. Is that the existing mechanism?

Dr Bean: The existing mechanism is that boards can apply to change annual close times, but Scottish ministers cannot impose a change. John Armstrong's point is sensible and correct in that we do not have a crystal ball and there might well be situations in future in which ministers might want to be able to do that purely for conservation reasons.

The Convener: Alex Fergusson wants to ask about the release of salmon for restocking.

Alex Fergusson: I think that I am right to say that the power over the release of salmon for restocking largely lies with district salmon fishery boards but Scottish ministers have the right to issue the necessary regulations when there is no district salmon fishery board. The bill proposes to change that and give ministers the right to introduce regulations to authorise the release of salmon for restocking. What is wrong with the present system, if you think that it needs to be changed?

Dr Bean: That is probably a question for me because we look after the SACs. District salmon fishery boards are the regulator, if you like, for their own stocking activities. That does not preclude them from applying to Scottish ministers to collect brood stock out of season. Obviously, the brood stock is needed to supply the hatcheries for restocking.

As Alex Fergusson has rightly pointed out, the current situation is that Marine Scotland has the licensing responsibility for all fish other than salmon in Scotland, but it also has the licensing responsibility for salmon in areas in which there is no district salmon fishery board. The district salmon fishery board is the competent authority under the habitats directive in an SAC, for example, and I will talk about SACs because that is where my locus is.

Essentially, SACs self-regulate, which is fine. We have district salmon fishery boards that are largely managed by people who are proprietors, but they might not be fishery managers in their own right. There is an increasingly strong link between district salmon fishery boards and fishery trusts so, in many areas, there is ready access to good-quality scientific advice.

The issue is that district salmon fishery boards have to comply with the habitats directive in the same way as everyone else. For SNH, the real issue is that many district salmon fishery boards carry out this type of activity without any recourse to the habitats directive.

11:15

From work that has been carried out in many places but particularly in western Ireland, we know

a lot about the impacts of long-term stocking activities on individual and population fitness—or what you might call the genetic impacts. This area of science has expanded significantly over the years and the question now is whether the dependency on stocking that seems to pervade some district salmon fishery boards is scientifically justifiable. A lot of money is spent on stocking—indeed, some of these hatchery operations can run to well over £100,000 per year—but, aside from the value for money element, we need to consider the ecological or biological impact of such activity.

To give members an indication of the number of fish that are stocked out, I should say that, in information that it provided to NASCO as recently as 2010, the Association of Salmon Fishery Boards listed the number of hatcheries that operated in district salmon fishery boards and the number of boards that carried out this activity. According to that information, 25 district salmon fishery boards claim to have carried out stocking operations; at that time—that is, in 2010—those boards planned to put out 12,758,000 salmon and 127,000 sea trout from 42 hatchery units. However, 25 per cent of those fish came from a single district salmon fishery board on an SAC and information about whether that board had gone through the habitats directive appraisal—the three tests that would usually be applied to any activity that might impact on an SAC—is largely missing, which is a concern. Moreover, some boards do not apply to Marine Scotland for a licence to collect fish out of season. District salmon fishery boards have to improve their game with regard not only to best practice in science but to compliance with relevant legislation.

Alex Fergusson: Thank you very much for that explanation. Coming from the south-west, I am aware of a situation in which the district salmon fishery board, as per your point, works very closely with the Galloway Fisheries Trust but conflict has arisen with an angling association which, with the blessing of the district salmon fishery board, is carrying out its own restocking programme. I think that what I am asking is whether you can restock too much—can you put too many fish back into a river?

Dr Bean: Absolutely. I would hate to give members the impression that SNH is anti-stocking—it certainly is not. I think that we would all agree that stocking is a legitimate fisheries management tool that can be used in certain circumstances. If someone wanted to stock fish above a man-made barrier where natural spawning could not occur, such a move would be justifiable if fish had been lost through, for example, a pollution or other natural event. As I have said, we support stocking as a management tool, but district salmon fishery boards and others

quite often look at stocking as the first tool in the box when they should really be trying to address the environmental issues that have led to the reduction in recruitment to stocks by, for example, removing a fish barrier or through some other habitat management prescription.

Alex Fergusson: I am sorry to interrupt but, from what you have said, I imagine that the link between the district salmon fishery board and the trust, where it exists, is quite important.

Dr Bean: It is extremely important.

Callum Sinclair: As the representative of the 25 fishery trusts—and as someone who, as they say, lives in the parish—I know well the example that Mr Fergusson has highlighted. As Colin Bean has pointed out, stocking is very much seen as a first stop when it should be further down the line of fishery management prescriptions. I often describe it as selling hope to optimists. People who want to have more fish think that putting more fish in the river will give them that but they miss various basic start points. The fish that they use to stock the river came from it in the first place; they are not new fish.

The earlier question was about whether the current system works. We are rather less interested in whether the current mechanism works than in how the mechanism should work. There must be a better system for regulating and advising fish stocking operations. Advice must be sought and taken, whether from Marine Scotland scientists—who are well equipped to regulate on the matter—or the district salmon fishery boards. If someone seeks to go against that advice, which is what is happening in the example that Mr Fergusson quotes, they must justify that approach to the boards.

I would like the decision-making process to be more transparent, particularly in cases in which district salmon fishery boards are self-regulating. First, there should be a requirement to seek advice. There should be a management objective for the activity that would stand up to some scrutiny. There should also be an associated monitoring assessment programme and an exit strategy because, as Colin Bean mentioned, stocking is sometimes legitimate for a period to help recovery after an accident or incident. However, that should not mean that it is a recurring intervention.

In the consultation response and in this meeting, we have stated that we would strongly favour some sort of public register of regulatory decisions on stocking so that such decisions on fish movements made by the DSFBs or Marine Scotland are apparent to us all, so that we can see the justification for the action if it is approved and, I guess, so that we can challenge it if we wish.

Some of our members have concerns that, when advice is sought, it is not always followed. That is certainly the case in the example in the south-west.

Alex Fergusson: I did not mean to highlight an example in my own parish alone. I take it that it is not unique and that such problems exist more widely in Scotland.

Callum Sinclair: They may well do. However, the key issue is how we better inform stocking activity if it is to take place and how we better regulate its extent. There is certainly room for improvement in regulatory practice, in where and how advice is given to those who make regulatory decisions and in how visible those decisions are.

When the system works well, it can work very well. One of the major hatching operations that have been undertaken by a fishery board in the past was on the River Spey—that may be the example that Colin Bean hinted at earlier. The fishery board there received informative genetic advice, which allowed it to make significant reductions in the hatchery programme, and it is still considering that evidence further.

It is not reasonable to say that no advice has been sought or acted on, because it has been. However, there is a need to level the pitch a bit and ensure that advice is taken and acted on across the board.

Alex Fergusson: Is there any difference between the process or practice in releases that are authorised by the Scottish Government—which would be the case with all releases in future if the bill is enacted—and releases that are authorised by district salmon fishery boards?

Dr Bean: We are assured that any release that Marine Scotland authorises will be done on the basis of the best scientific advice. That is fine.

If a district salmon fishery board has access to a fishery trust biologist, it has advice. The Association of Salmon Fishery Boards gives some guidance and has an excellent code of practice. Of course, not all district salmon fishery boards may follow that advice.

Our knowledge of salmon populations has increased substantially over the past few years. In fact, a project that RAFTS has run in association with Marine Scotland called focusing Atlantic salmon management on populations, or FASMOP, has highlighted the fact that salmon populations are genetically discrete—there are many of them. In the past, we would have said that salmon from the Tay are different from salmon from the Tweed, which are different from salmon from the Dee. That was accepted and that understanding has been around for a long time. However, we now realise that there are a number of populations

within individual rivers. The question is how those populations are managed. It is not simply a case of catching brood stock in an area that is easily accessible for someone to go and net them and then stocking those fish elsewhere, because that may have an impact on the smaller populations.

The question is whether the scientific expertise exists within the district salmon fishery boards to carry out stocking activity effectively and in accordance with what we would regard as best scientific practice.

Nigel Don: I want to carry on the questioning about the different populations and their DNA. Earlier, we spoke about spring salmon and later salmon. Is there a genetic difference that explains when they come back or is there some other factor?

Dr Bean: We believe that there is a genetic difference. There are different life history types, of course. There are fish that go to sea for a year and come back and there are fish that spend more than one year at sea and come back. They may also come back at different times of the year. There is a belief that the multi-sea winter fish, which are known as spring fish, tend to spawn higher up in the catchments and are spatially separated from other stock components. That is a very simplistic way of putting it. Our gaining of understanding of the genetics is an on-going science.

I am sure that John Armstrong has more to add, because he has done a lot more work on spring salmon than I have. There is certainly a genetic element, which must be brought into focus.

Dr Armstrong: Some experiments have been conducted at the fisheries laboratory on the River Tay; fish have been stripped from upper and lower tributaries and the offspring have been reared in a middle tributary. When those fish grow up, they retain characteristics that are associated with where they came from. Those that came originally from the upper tributaries leave earlier as smolts than those from the lower tributaries. Similarly, they come back at different times. In effect, the fish in the upper tributaries are programmed to leave earlier so that they will arrive at the sea at about the same time, which is quite remarkable. If everything is mixed up in a hatchery, all that beautiful evolution goes back to square 1.

The Convener: We have two or three more important questions to ask you, and we face something of a time limit. The next question—question 9—concerns mixed-stock fisheries and the impacts thereon of netting. Does Alex Fergusson wish to take that question?

Alex Fergusson: I beg your pardon, convener. I am sure that I do—if I can find it.

This is a question on mixed-stock fisheries. How many such fisheries are there? Is that easy to answer?

Dr Armstrong: It depends on how a mixed-stock fishery is defined. The nearer a fishery is to a river, the less mixed-stock it is likely to be, but it is possible to have mixed-stock fisheries even within a river. For example, we know that some fish that go into the River Conon stay there during the summer and then leave it in the autumn to go and spawn in the Alness and other rivers. In a sense, those fish will be exploited by the rod fishery in the River Conon. I am sure that there are lots of other rivers that are similar but, in general, the further a fishery is from a river, the more mixed-stock it is likely to be.

Alex Fergusson: I like to think that I know a little about river fishing, but I know nothing about netting. To avoid netting having an impact on mixed fisheries, is it possible to move the netting operation closer to the mouth of a river to make it more specific, or is that not how things work?

Dr Armstrong: I would be surprised if we have enough data to answer that with any confidence. As fish look for their home river, it seems that they explore various other rivers on the way back, so there is probably a bit of a highway going up and down the coast, with lots of fish from different rivers moving along it.

Alex Fergusson: So, there is not a simple answer to the question.

Dr Armstrong: I do not think that there is.

Alex Fergusson: That would have been a lot to hope for.

Callum Sinclair: I imagine that there are as many mixed-stock fisheries as you wish to count. It depends on the level to which you want to define the exploitation. There are mixed-stock fisheries within rivers. Colin Bean mentioned the populations in some of the major systems, such as the Tweed and Ettrick Water, which is famous for its spring fish. Ronald Campbell would argue that that major catchment in the Tweed sustains the whole spring fishery of the system.

The key issue is that we are inching towards having technology that will allow us to begin to quantify the extent of mixed-stock fisheries and how they work. One of the proposals relates to the ability to take genetic samples from fisheries.

We certainly welcome that. Some of the on-going genetics work that is being undertaken by the Rivers and Fisheries Trusts of Scotland and scientific colleagues elsewhere is allowing us increasingly to identify where a fish is going to when it is sampled—at least to the river scale. That is beginning to give us the chance to look at mixed-stock fisheries and see from which rivers

fish are being exploited. Some of the net stations are undoubtedly exploiting fish from multiple catchments and we are now moving closer to being able to quantify that. Once we have done that, we will be able to determine whether those rivers will be able to sustain that harvest.

11:30

The key thing is not that mixed-stock fisheries are somehow in the naughty corner, per se, but that we are now able to quantify their extent and whether rivers of origin of the fish can sustain their exploitation, which is the key question.

Graeme Dey: Should district salmon fishery boards have a pre-emptive right to buy netting rights?

Colin Bean: I do not know the answer to that.

The Convener: Does nobody else have a comment?

Witnesses indicated disagreement.

The Convener: Right. Next question.

Graeme Dey: I would welcome the panel's view on the suggestion that net fisheries should be managed through days at sea under the auspices of inshore fisheries groups rather than by district salmon fishery boards. I am particularly interested in exploring the practical implications of such a move. For example, could the action of nets be appropriately monitored under such a set-up?

John Armstrong: It is not an area that I have given a lot of thought to, to be honest. I suppose that you can see how coastal nets almost fit on the edge of two different systems—there is certainly that aspect. The nets and rods are exploiting the same species, which must have a consequence for management systems, but in rather different terrains. I cannot give a better answer than that.

Callum Sinclair: The key point for us is that the nets are exploiting the same resource, so we need to find a way collectively to manage that resource. We would be concerned if different exploiters of a resource were to be dealt with in different places. We understand, and I am sure that the committee will be familiar with, some of the tensions in the dynamic between netting and angling operations or their proprietors. That tension in itself is unfortunate. A solution to the tension must be found that does not split management of the resource. In essence, they are catching the same fish so it would be unfortunate if we had two separate cycles of consideration of how we manage the system. My preference would be to retain the management in the same place.

Graeme Dey: How could those tensions be resolved?

Callum Sinclair: That is a rather more difficult question. I am not sure what the answer is. At the end of the day, a lot of it is down to personalities and people. Given that people sometimes adopt positions that become entrenched and immovable, we have to find a way to bring evidence to the table on the issues that we have talked about regarding mixed-stock fisheries. The key to factually driven and informed management decisions is evidence on the extent to which exploitation is happening and on where the fish are coming from and going back to.

We cannot get away from the fact that being concerned about the health of the resource and totality within a catchment means that at some point, we have to think about the level of exploitation of that resource. We discussed the effect of catch and release, which must be a much more effective conservation measure than catch and not release. We have to get to the nub of the issue: if stocks in any system are under threat, we need to think about overall exploitation. There are two sectors that use and exploit that resource, so we need to begin to quantify what those systems can take as a sustainable harvest.

Graeme Dey: In order to resolve those tensions, should there be a mediation mechanism? Is there among the netmen a sense that they pay dues to the fishery board to fund it—in their view—to harass them? I appreciate that there are difficulties, but if we retain the current arrangement, how will we resolve such disputes?

Callum Sinclair: I am not sure. In the consultation, we supported the idea of a mediation process, which might resolve such disputes. Clearly, the tensions are such that each side would believe that it has a justified position, so we need to find a way to crack that. Just saying "Well, carry on as you are, gentlemen" cannot be the answer. We certainly supported the proposition that there should be some sort of resolution process, but I think that the proposal has not been taken forward.

Dr Bean: If there is an impasse between personalities, there may be a need for conflict resolution and mediation, but that has to be informed by the science. That comes back to John Armstrong's point, which I think Callum Sinclair agrees with, about the need for a better understanding of what stocks are being exploited. The more important point here is probably the science, which should really drive the mediation.

The Convener: The next question, on the effects of climate change, follows directly on from that.

Claudia Beamish: Good morning to you all. On one of our committee trips, we saw a major programme of planting to provide shade to control

water temperature. Dr Bean stressed earlier that none of us has a crystal ball, but can any of the panel comment on the possible effects of climate change on salmon and freshwater fisheries? How might the law need to change in response to climate change? Do you have any specific ideas about how the bill could be climate proofed? Possible changes in salmon spawning patterns have already been highlighted.

Dr Bean: It is quite clear that climate change is a reality. In the worst-case climate change scenario of a rise of 3°C, we would need to look at how we manage fish across the board—not just Atlantic salmon. We have a number of species in Scotland that are essentially Arctic species—such as Arctic char and powan, which is an iconic species—that are more at home in the Arctic or in Europe's northern climes. We need to consider not just the impact on salmon but on species of high conservation value across the board.

Unfortunately, we do not work on conservation in aspic; things will change, and we have to prepare for that. For species such as powan, we may need to provide for the establishment of refuge sites that are less likely to be impacted by changes in temperature. For salmon, we have to work from knowledge of the animal's capacity to adapt to climate change. For example, what impact will a step change in temperature have on things such as the amount of water that is available for salmon to complete their lifecycle? With increased rain discharge at periods of the year when eggs are in gravel and can be washed out, can the fish actually get to those sites in the first place? Will the water temperature rise to a level that has a negative impact on juvenile fish? How can we mitigate that? Planting trees to increase the amount of shade in order to modify or control temperature is a good example of what might be done, but salmon are extensively distributed throughout Scotland and that type of prescription might not be available throughout the range.

You are absolutely correct that we need to prepare for climate change, but we should also remember that these animals have gone through quite a number of changes in temperature over the past 10,000 years since they first arrived in the UK. They are very adaptable—probably more adaptable than we might think—and probably more adaptable than some other species. However, we have to adapt further.

I am not entirely sure what we can do to improve the bill and proof it for climate change—that is a more difficult question. However, allocating powers to the Scottish ministers—for example, to vary close times for seasons—might well be what we will require in the future in order to

protect certain life history types or genetic types of animals.

Dr Armstrong: The current situation of higher mortality at sea is probably one of the early signs of climate change. The ability to take appropriate conservation measures where necessary is precisely what is required to combat the effects of climate change. We have touched on maintaining the genetic composition of stocks. It is important that we enable animals to evolve at a pace that allows them to keep up. Therefore, it is important that we look at stocking practices to ensure that we do not mess up the potential for that. Some of the proposals are precisely to deal with that sort of issue.

Callum Sinclair: I concur that it is difficult to provide specific legislation on what to do about climate change, because it requires Wizard of Oz or Harry Potter-esque foresight to see what is going to happen next. The key point is that, as the committee perhaps saw when you visited the Dee, some practical protective measures are rather less sophisticated than might be imagined—for example, planting some trees.

We might be able to detect change coming in lots of ways, whether that is changing run times of fish or different survival rates. Some of the bottom lines are associated with temperature fluctuations and how we smooth them out. However, protective measures can be straightforward. As long as we are not spooked by the complexity of the climate change issue and we allow ourselves to come back to what the measures might be, we have a chance of being able to introduce such measures.

The scheme on the Dee is a good example of that. To me, it is notable that delivery of the scheme will be taken forward as a LIFE+ project, which is headed up by SNH and RAFTS and is related to freshwater pearl mussel and not salmon. There are connections between the species. As long as we keep sight of what the practical measures might be, we will have a chance to respond to the challenges that will undoubtedly come.

The Convener: Is it the case that some salmon fishery boards have in the past cut down trees near river banks?

Dr Bean: That is possibly the case, although I could not point to any specific instances. Certainly under the old forestry practice, trees would have been planted right up to the water's edge. There can, of course, be too much shade. The sort of planting that Ms Beamish talked about is deciduous woodland, which produces dappled shade. Another product of that type of woodland is that leaf litter goes into the stream, is broken down and eventually ends up as food for fish. There is a

difference between commercial forestry and planting for habitat enhancement.

The Convener: I was really alluding to another aspect, but I think that Callum Sinclair is going to come on to that.

Callum Sinclair: I do not know whether I am. I might, if I get lucky.

Clearly, DSFBs have on occasion removed trees, but so have people in agriculture and land development. Many people have undertaken such activities in the past. There is no such thing as a good or a bad tree, but too many trees can shade out systems and reduce their primary productivity to the detriment of the fish. There are examples in previous commercial forestry where that sort of practice shaded out systems and had other unforeseen consequences, such as the acidification in Dumfries and Galloway. As we better understand the environment, we can respond better. The point is that we are able to respond and we know what we need to do. Trees have been cut down for a long time, and not just by DSFBs, but they can also be planted by lots of people.

11:45

The Convener: I will not press you on that.

The final questions will be from Dick Lyle.

Richard Lyle: Good morning, gentlemen. The public like animals—we are a nation of dog lovers and cat lovers. We are also a nation of seal lovers. Will you comment on the reports that more than 240 seals have been shot outside fish farms? Fish farmers dislike seals—I am sure that they regard seals as being like the fox outside the coop. What effects do seal scarers have on seals, whales, dolphins and other animals?

Dr Armstrong: There has been concern that inappropriate seal scarers can damage the hearing of cetaceans and even of seals. If a seal is made deaf, that does not solve the problem; it just no longer hears the seal scarer. Seal scarers emit a loud noise.

Recently, the Scottish Government funded the University of St Andrews to develop a new kind of seal scarer that would be effective but not damaging. I do not know where that research has got to, but it was certainly being done.

Richard Lyle: Should the use of such apparatus and devices be regulated?

Dr Bean: Such devices should certainly be regulated if they impact on seal welfare in terms of deafness and so on. There is a case for ensuring that the tools that are used to deter seals are fit for purpose—that they ensure that seals go nowhere

near fish farms but do not create a seal-welfare issue.

Seals are a part of our natural heritage as well, but we recognise that they are a problem in areas with fish farms and that their behaviour can be an issue in salmon rivers. Seals eat salmon, although there is no doubt that they eat lots of other things as well. That conflict must be managed. We are aware of the development of seal scarers and we are keeping a close eye on that.

Dr Armstrong: It is worth adding that, in the past decade, a lot of research—again funded by the Scottish Government—has looked at the relationship between wild fisheries and seals. That has been done more on the east coast than in aquaculture. The research has established that a very small proportion of the overall seal population tends to use rivers. The major conflict between seals and fisheries seems to relate to those individuals.

Research has developed the policy for trying to manage seals much more effectively than in the past. Scarers are being adopted as part of a bigger strategy of reducing shooting, to help seal populations and to create the maximum benefit for fisheries.

Richard Lyle: Should the Scottish ministers have the power to issue licences for killing seals?

Dr Armstrong: Ministers have that power.

Richard Lyle: Should that continue?

Dr Armstrong: That is for ministers to decide.

The Convener: For clarity, what is the total population of the two types of seal that we have in Scotland?

Dr Bean: I am sorry; I do not have that information in front of me, but I could provide it.

The Convener: You could find it for us.

Dr Bean: Yes—absolutely.

The Convener: That information would be useful to our deliberations.

Thank you very much, panel. The session has been wide ranging and useful. It was interesting to have the expert contribution of the witnesses.

11:49

Meeting suspended.

11:55

On resuming—

The Convener: I welcome our second panel on the Aquaculture and Fisheries (Scotland) Bill, who are Simon McKelvey, director, Cromarty Firth

Fishery Trust and Cromarty Firth Fishery Board; George Pullar, vice-chair, Salmon Net Fishing Association of Scotland; Ron Woods, policy officer, Scottish Federation for Coarse Angling; and Craig Campbell, chair, migratory fish committee, Scottish Anglers National Association.

I will kick off with a question about the need for discussion on part 2 of the bill. Some stakeholders have suggested that there has not been enough consultation, although the bill team mentioned that further work on freshwater fisheries is planned for after the legislative process. What are the panel's views on that, given that we know that the salmon strategy task force set out in the late 1990s to think about future structures?

Simon McKelvey (Cromarty Firth Fishery Trust and Cromarty Firth Fishery Board): It would be useful to review some of the output from that freshwater strategy working group and perhaps reconvene some of that working party, because that information could be informative.

The Convener: What in particular would be informative?

Simon McKelvey: One issue that was discussed was structures for fisheries management. At the time, we all agreed that, if we were to design such a structure for Scotland, we would not start where we were, but we have what we have. There was a move towards a unitary body that could cope with all freshwater species and not just salmon. In some areas, where a district salmon fishery board and a fishery trust work closely together, we are getting closer to that. Examples of where that works well include the Dee and the Tweed. There are examples of how fishery management in Scotland is evolving to be much more fit for purpose than it used to be, and it would be good to encourage that process.

George Pullar (Salmon Net Fishing Association of Scotland): Our view—we represent netmen—is that management is broken and that things must change to bring the management into the 21st century.

Things have changed greatly in the past two or three decades. At one time, there was a balanced representation between upper and lower proprietors or, in other words, netmen and anglers, or angling proprietors. That has all gone, because the netting industry is so small now. It is time for change. We must find a way forward, so that we can all get a good night's sleep and not have a continuous battle about fisheries management.

The Convener: I will explore that further.

12:00

Ron Woods (Scottish Federation for Coarse Angling): I share the view that there is a need to review the structures. I was involved in various working groups subsequent to the salmon strategy task force review, none of which came up with an ideal solution, although all of them kicked about the issues and came up with proposals. There would be considerable benefit in doing further work.

From a coarse angling point of view, it would be unfortunate to assume that the simple solution is for boards to assume responsibility for all other species, because there are inherent conflicts of interest. They are not quite the same as those that George Pullar mentioned between the netting and rod proprietors but, nevertheless, they exist and could not be reconciled with a simple takeover. Nonetheless, there is potential for some sort of unified management structure, however it might be composed. Much work has been done, but it is unfortunate that the freshwater fisheries forum, which was working on the issues, has not met for a considerable time.

The Convener: What is the SANA view?

Craig Campbell (Scottish Anglers National Association): I concur with Mr Woods that it seems extraordinary that it is many years since the steering group of the freshwater fisheries forum met. It seems reasonable to take the issues forward through that medium in the first instance. One aspect of the fact that things are being put off to further work that I find disheartening relates to the specific proposals on dispute resolution and mediation.

I served on the working group on mixed-stock fisheries. We are pleased that, as a result of that work, there is much in the bill giving power to ministers to put in train a process that will allow the analysis of stocks of fish, which will determine where the pinchpoints are on threats to fragile stocks. However, the bill takes away the process of doing something about the issue. A range of things can be done about it, but they all involve people's livelihoods and must be done with great care. Moreover, unlike the situation south of the border, the net fisheries are property entities, so human rights come into the matter.

We need a process to find a fair way of sharing the burden of costs that will arise in tackling the mixed-stock fisheries when we have identified the pinchpoints and the necessary fishery management measures. We do not agree with what the Scottish Government said about that in its response to the results of the earlier consultation. That is an essential part of the process and we are sorry that it is not in the bill.

Graeme Dey: My question is directed mainly at Mr Pullar, although I invite the other witnesses to contribute. What would be the advantages of managing net fisheries through a days at sea approach under the inshore fisheries groups? In practical terms, how would that happen? How could the work of the netsmen be monitored efficiently and appropriately?

George Pullar: Compliance officers already have authority to monitor us, as do the bailiffs in the fisheries district. Therefore, I do not think that compliance would be an issue under a days at sea approach. The operational aspect of days at sea is an important issue for us. We should be able to work round the weather and we should not have to go to sea just because the calendar says that we should.

I take the helm of our boats most of the time. There is an issue. On a Friday or Monday morning, when it comes to putting in leaders or taking them out, the question is whether we go or not. We cannot afford to lose fishing time, so we have the pressure of getting our nets operational again on a Monday, and we have the same situation on a Friday. If the law said that we were not allowed to remove any fish on a Saturday or Sunday and we could not get to sea on a Friday, even if the weather settled down on Saturday or Sunday, we could not take the fish that were caught on the Friday and the salmon would escape from the nets. Therefore, we would lose every way with the proposal.

The problem is that, with climate change, which the committee discussed earlier, the weather patterns have changed a lot in the past few years. We are getting constant low pressure coming over the country, which is giving us all this rain. The job is now difficult because of the constraints of the legislation and the environmental factors. In the past three or four years, we have had a major problem at Montrose with jellyfish. The problem has never been so bad as it is nowadays. The jellyfish clog up the nets—I have lots of photographic evidence of that.

Things have changed. The operational side of a salmon netting station must move forward; we cannot keep it back in 1868, when it all started. Things should change with the times as the circumstances change. For example, the run timings have changed. Most people here will know that grilse are arriving back at the coast later and later. If they arrive back after our season, that is like a farmer being expected to harvest his crop when the crop is not ready. We must work on the basis of environmental factors and nature, and get away from the calendar.

I do not know whether I have answered all your questions.

Graeme Dey: Does anybody else want to contribute?

Simon McKelvey: I agree that there can be problems with checking leaders and bringing in fish over the close time. However, the close time exists for a good purpose and has an important biological role. As the previous panel discussed, the separate populations of fish return back to river systems around the country—and even within river systems—at different times of the year. Having a close time allows some escapement throughout the season. If the close time were done away with, there could be heavy exploitation of some rare stocks that might not withstand that exploitation.

An alternative would be to have the equivalent amount of close time after the weekend. So, if the nets could not be checked over the weekend, they could be closed for Monday and Tuesday to allow that escapement time under the circumstances. At present, if the netsmen in our region do not get out, they phone up and let me know. That works well. In our region, that does not happen often, and certainly not every weekend, although we might be a bit more sheltered than areas further up the coast.

George Pullar: There is an in-built inefficiency in the salmon nets that are still on the go. The drift nets were closed down in Scotland in the 1960s, and I believe that the English are going the same way. It is a completely different type of fishery with an in-built inefficiency. The Government scientists did some research—in the 1970s, I think—that showed that the salmon avoid the nets with no problem whatever. There are now very few salmon nets in Scotland, so the conservation benefits are not the same as they used to be.

Also, as I say, the weather has changed. We call it a keep-in when we cannot get the leaders out. Our nets do not fish when the sea is rough. Are we expected to lose two days of fishing when it is rough on a Saturday and Sunday, as Simon McKelvey suggests, for two days of quiet weather when we can catch fish? Fishing with the salmon nets is not as straightforward as some people think. If, as the ASFB would like, we lost two days during the week, who is to say that we could get the leaders back in again? We could take them out on a Monday, Tuesday or Wednesday and not be able to get them back in on the Thursday. We would be in the same position again of not knowing whether we would be able to go to sea. That is the position that I want to get away from. In this day and age, we should not have to work on the basis of the calendar. There is a safety aspect, too. We have crews' lives to think about. When I go to sea, I want to be sure that it is for the right reasons and not for economic reasons.

The Convener: Claudia Beamish will explore that matter a little more.

Claudia Beamish: I want to pursue a bit further the close time for fishing. As a complete layperson who has made only two fact-finding visits, I would like you to explain for the committee whether, rather than have a situation in which there are issues about getting the opportunity to take the nets out, there would be sense in having a section within each season—although I know that your season for spring fishing is closed, anyway—that you fished for a certain number of days, which it would be up to you to report. Or would that not be viable?

George Pullar: I do not think that that would be viable. We could stop in the third week of July—or any time—but who is to say that the weather would be bad or good then? We cannot predict what the weather will do. The forecasts are good, but they can be wrong, and sometimes completely wrong. We should just work on the basis of the environmental situation.

Going back to weekly close times, I point out that angling weekly close times have never changed: it is still 24 hours on a Sunday. In 1951, netting close times changed from closure at 6 o'clock on a Saturday to midday on a Saturday. In 1988, the Government of the day changed the times again, against scientific evidence. Without a doubt, that was done only to apply pressure on businesses to fold, as a result of rod angling interests.

A lot of politics is involved in salmon netting, as I am sure you are aware. The weekly close time should never have been moved from Saturday dinner time as it was in 1988. That was done only to the netting fraternity—angling has never taken any pain regarding time periods to fish. The proprietors—even if they are doing catch and release—are still allowed to enjoy their title and earn their living during that period, but the netsmen were stopped from making their living. That was one reason why many netsmen threw in the towel, because they lost 15 to 20 per cent of their livelihoods. For many businesses, that is the difference between a profit and a loss.

The Convener: We will take that on board as evidence. We must move on to the subject of governance and I will bring in Angus MacDonald.

Angus MacDonald (Falkirk East) (SNP): Thank you, convener.

The committee has received varying evidence on the proposed new good governance requirements for boards to act in a way that is consistent with public bodies and in an open, fair and transparent way. The Association of Salmon Fishery Boards stated:

“it is important and legitimate that some aspects of meetings can be held in private”.

DSFBs also raised concerns regarding costs associated with holding meetings in public, such as the cost of large venues. Given the concerns about increased costs and implementing the new transparency requirements, what solutions would the witnesses propose to ensure that meetings can occur in public and that all interested parties are aware of them?

Simon McKelvey: I fully welcome the proposal for district fishery board meetings to be conducted with much more of a public element. In our region, we have tried to do that to a large extent. All the minutes—of not only the board meetings but the management committee meetings—are published online and are available to anyone.

One way around the problem would be to advertise that a board meeting is due to take place and invite members of the public to lodge whatever business they would like to bring up and to attend at least a section of the meeting. Within most board meetings, there are probably some things that need to be discussed in private, which is the same for any organisation.

We would certainly welcome a more public-facing way of running board meetings. In our region, we certainly try to be open—SEPA, SNH and other bodies are invited to every one of our meetings—and we have no problem with opening up to more public inspection.

George Pullar: Boards should be more accountable, open and transparent. In my experience, boards are run like cabals. A group on the board runs the show and other board members do not even know what is happening.

I can give you an example. The fishery board that I work with is involved in an on-going legal action—a judicial review. I am a board member and I did not know anything about it. We are representing lower proprietors and I did not know that our fishery board is going to go head to head with the Government and will incur at least £30,000 of legal expenses. As a board member, I should surely have known that. Other proprietors in our district are certainly annoyed about that situation, because the board has been jeopardising their money to go down that road. That is an unacceptable situation: boards have to be more open and transparent.

There are vested interests on boards and there are people who have financial interests. I welcome the part of the bill that deals with information on financial interests being published. For example, the clerk to the fishery board that we are involved with is the salesman for another netting company's fish. That company is only 3 miles away from our

fishery and yet the board has been trying to stop us from fishing through various different means.

Boards must be accountable for what they are doing. They have to be seen to be doing what they are doing without vested interests. The chairman of the fishery board that we are dealing with is also chairman of the Salmon and Trout Association, which has a clear policy of lobbying Government to end netting. How can a chairman who represents our issues and proprietor issues in our area be involved with an angling lobby group that wants to close down our fishery? How can he be the chairman of both groups? It just does not work.

12:15

Angus MacDonald: Does anyone else have a view?

Craig Campbell: I would like to make it quite clear that George Pullar's experience is of a policy that is inimical to netting to the point of wanting it removed altogether. That is not the policy of the Scottish Anglers National Association. You can draw a clear blue line between us and the Salmon and Trout Association.

On how boards perform in practice, my two years of experience as an angler representative came about through being a nominee of the Crown Estate. I do not recognise the kind of behaviour that George Pullar is reporting from his experience.

The Convener: There are many rivers and many experiences. Does Ron Woods want to say something?

Ron Woods: There is something that I would like to say if you will indulge me, convener, but I am not sure that it bears directly on the question.

As coarse anglers, we have no direct interest in running the boards as they are at the moment. As an individual, one might say that transparency in any body that is exercising such a function has to be a good thing. However, we do have a concern about the powers and remit of boards in statute.

Our concern might be addressed through future management structures, but it ought to be raised just now. The statutory remit of boards is to

"do such acts, execute such works and incur such expenses as may appear to them expedient"

with the aim of protecting and improving the migratory fisheries or increasing the salmon population. That is, doubtless, a sensible objective for a district salmon fishery board, but there is no counterbalance in the board's role. Nothing obliges a board to have any regard to the impact of its activity on other species of fish or on other angling activities in the area. When introducing management measures of any kind, boards should

have a statutory obligation to consider and consult those who have an interest in the other species in the district.

Angus MacDonald: I just want to pick up on Mr Pullar's comments about vested interests. We received a submission from Beaulieu DSFB, which believes that it would be impractical to prevent members of the board who have financial interests in a matter from participating in decisions since

"As proprietors, members by definition have a potential pecuniary interest in the decisions of the Board."

However, the Royal Society of Edinburgh supports the proposal in the bill and believes that it should go further. How can more information be made available about DSFB members' interests while ensuring that their own financial concerns do not influence DSFB decisions?

George Pullar: It is very important for people to know about DSFB members' financial interests if they are affecting the management of the board. Everyone has a vested interest to some degree because everyone wants to catch the same fish. There are also financial interests. As I said, our chairman wears two hats. It is important that people know that such members have an interest, which does not necessarily have to be financial.

It is a difficult question because, as I said, everyone has a financial interest in the fish, but we need to decide where the line is drawn. It is unacceptable to be in the position that we are in when the clerk of the fishery board is the salesman for another netting company's fish. Those people are the ones who have to make decisions. However, it is difficult to know where to draw the line.

Simon McKelvey: I should note that the ASFB's code of good governance contains a section on this issue that makes it clear that any board member with a financial interest in a decision should make it known.

Angus MacDonald: Picking up on a point that you made, Mr Pullar, I recall that when we visited Usan Salmon Fisheries you said that you would prefer management of the fishery to be transferred from the DSFB to a Scottish Government inshore fisheries group. Can you say a bit more about that?

George Pullar: Yes. This comes back to my earlier comment that the people who are currently managing the asset are those who are trying to put us out of business. For example, we found out yesterday that we have been fortunate in being awarded protected geographical indication status for Scottish wild salmon, which is a great accreditation for the industry. However, the ASFB and fishery boards all objected to the move. They are supposed to be representing us, and we give

them revenue every year for that representation. We in Montrose are paying £5,350 per annum to people who are lobbying to put us out of business.

If we were moved over to inshore fisheries the Government would, as ever, look at us impartially and not as a vested interest, and it could liaise with the fishery boards if it so chose. After all, as was said earlier, we are all catching the same stock.

In any case, it is unacceptable that we are being managed basically by amateurs who know nothing about the job we are doing. Comparing angling and netting is like comparing apples and pears; we are completely different. As coastal netmen, we feel that we are part of the food industry and therefore should be managed by the Scottish Government like any other food fishery, be it cod, haddock or whatever else. Of course, a difficulty will arise with the net-and-cobble fisheries that are found in estuaries. Unfortunately, however, the demarcation line has to be drawn somewhere and I feel that it should be drawn at estuary limits.

Fishery boards themselves have said that they cannot manage us because of the mixed-stock nature of our catches. No one will deny that it is a mixed-stock fishery, and therefore the place for us is the inshore fisheries.

Angus MacDonald: The ASFB has also expressed concern about the provisions for dealing with complaints. Are those provisions proportionate and would a statutory arbitration process help in that respect?

George Pullar: There has to be somewhere for netmen to go to complain. As far as I can see, fishery boards are answerable to no one apart from the proprietors who voted them in in the first place. Given that no one governs them at the moment, it is important that the bill contains something to ensure that they are answerable.

Simon McKelvey: An awful lot of these problems seem to relate directly to the problems that George Pullar faces in his own area, and I just do not think that the same is the case at a national level. I am not sure that we will get good legislation by dealing with an issue that has arisen in one area instead of dealing with the situation in the whole country.

The Convener: Jim Hume has some questions on governance.

Jim Hume: Thank you, convener. I will ask my questions in a slightly different order.

The Convener: Why not? Bamboozle us.

Jim Hume: I just think that it will allow my line of questioning to flow more naturally from Angus MacDonald's questions.

With regard to the district salmon fishery boards, I think that George Pullar has made very clear his response to the question whether netmen's interests have been taken enough into account in management decisions. I want to spread out consideration of the issue to include, say, coarse angling interests, other interests with regard to freshwater species, and the wider environment. Does the panel think that the district salmon fishery boards are taking all the other interests into account across Scotland?

Simon McKelvey: I will say how we do that in our region.

We have a district salmon fishery board and a fishery trust that work together to manage all fish species. To do that, we used funding that was supplied by the Scottish Government to draw up a fishery management plan for the region, which covers all fish species—it is not just a salmon plan. It sets out a five-year prioritised programme of works. A draft was sent to all the local bodies, local anglers, SNH, SEPA and Marine Scotland for consultation. We got some useful feedback, which was incorporated into the final version of the plan.

That is the programme that our board and trust work to in delivering fishery management for all species. As a model, it works very well. The fishery management plan is up on the website for public inspection, so anyone can look at it. Monthly progress reports are provided that say how we are delivering against the plan's aims and objectives. As a model for the management of all freshwater species, I think that that is a sensible way forward.

Craig Campbell: It is already common practice for anglers to be co-opted on to district salmon fishery boards. I have had no complaints about that process.

Ron Woods: I would have to differ on this. I recognise that the fishery management planning initiative that Simon McKelvey described is a positive step. However, I may be incorrect, but I do not recall the Scottish Federation for Coarse Angling, as the national governing body, or any of our individual member clubs having been consulted on fishery management plans in any of their areas. I may not be fully informed on that.

The Tweed body has been held up as an example of a long-standing body with responsibility for all species. I am not criticising it, but I draw to the committee's attention the fact that there have been population crashes in a couple of the coarse fish species in the Tweed. To the best of my knowledge, there has been no investigation of that and no remedial work has been contemplated.

It must also be said that a great proportion of the coarse fish in Scotland live in still waters rather

than running water and that salmon fishery boards tend not to take any interest in still waters, except when they are part of the spawning run of a river.

As I said earlier, I think that there is scope for boards to have a duty to consider the impact of their activities on other species and for a greater degree of representation and dialogue with angling interests.

The Convener: Could you check whether the SFCA has been consulted?

Ron Woods: I will.

The Convener: You could let us know in writing.

Ron Woods: Yes.

Jim Hume: I want to explore the SFCA's views on the existing legislation. Are there any changes to the law that you would like to see implemented in the bill?

Ron Woods: I have to say that I do not think that the bill does anything for coarse fishing or coarse fish. We raised a number of issues in our response to the consultation, none of which has been taken up in the bill, as yet. It is possible that they will be taken up in the next round of consideration of freshwater fishing management issues, although in our view there is actually a need for legislative change.

I will briefly run through the issues that we raised. Currently, proprietors are not subject to any restriction or regulation with regard to the netting or trapping of coarse fish. Despite it being a criminal offence to be in unauthorised possession of salmon or trout, there is no corresponding offence in relation to coarse fish.

I cannot speak for other angling interests, but one issue that we have encountered affects them. People who manage water bodies, such as reservoirs, where the water level can be varied by human intervention are under no obligation to notify, consult or have regard to those who have an interest in the fish populations in them. We have a small number of examples of cases in which reservoirs have been virtually drained, resulting in fairly high mortality. There is no recourse to compensation and no obligation on Scottish Water or whoever operates the reservoir to control such activities.

We have put forward proposals in which we have said that such matters ought to be dealt with in legislation. To the best of my knowledge, the bill does not address them. With the greatest respect, the bill is something of a disappointment from our point of view.

12:30

Jim Hume: I would be interested to hear the panel's views on how district salmon fishery boards should be funded. There has been a suggestion that they should be funded from retained catch, which might not please everyone.

Simon McKelvey: We might have to consider the funding of fishery management in the round, rather than just boards. There is more to fishery management than just what the boards do when they exercise their statutory powers.

The three principles of fishery management are: to protect the returning stock; to allow access to the natural range of the returning stock within the catchment; and to manage the habitat.

The fishery protection element of that is, typically, carried out by the boards in fresh water areas and in the coastal zone. Increasingly, however, more and more of the work that fishery boards and trusts, working together, carry out involves the management of the habitat. In our region, around two thirds of the board's staff time is spent managing habitat and removing non-native species. In one river system in our area, rhododendron is being removed from an entire catchment by the fishery board bailiffs, with funding from SEPA.

A lot of what the boards are now doing is carried out alongside the fishery trusts and, increasingly, SEPA, and it involves work to deliver water framework directive aims and much wider conservation aims. To manage a fishery effectively, the whole habitat has to be managed, not just a single species.

It is not just salmon that benefit from good fishery management; it is the entire environment. That is increasingly the case across Scotland. I think that the committee went to see some work on the Dee. That is typical of other work that is going on around the country.

George Pullar: From a netsman's point of view, I think that the funding that we give to the fishery board should be given to the Scottish Government, which could allocate it where it thought it would produce the most benefit.

Craig Campbell: In our submission, we have said that we are satisfied with the current method of funding district salmon fishery boards. We did that in the context of some rather odd replies to the Government's consultation and the perceived unintended effect of part 5 of the bill of creating rod licensing. Since then, you have had a letter from Mr Cowan, which has been published, and we are satisfied that this is not a hazard.

The Convener: Dick Lyle has a question about carcass tagging.

Richard Lyle: Several witnesses have supported the introduction of a carcass tagging scheme but stated that the details of the scheme should be included in the bill rather than introduced through secondary legislation. Those groups also want the scheme to involve numbered and recorded tags.

I note that it is illegal to sell rod-caught fish but it is not illegal to purchase rod-caught fish. Do you agree that there should be more detail on the tagging scheme included in the bill, rather than in secondary legislation, and should there be a requirement to tag rod-caught and net-caught fish? What is your view on barcode tagging?

Simon McKelvey: I fully support a carcass tagging scheme, which needs to be backed up by numbered and recorded tags. I agree that it should be for nets and for rods. To that end, within the Cromarty Firth region, we introduced a rod and line carcass tagging scheme last year. Initially, there was quite a bit of opposition from local angling clubs but, after one year of the trial, we have overall support from the angling clubs. One club has seen a doubling in the number of fish that are returned by the end of the season.

The scheme has allowed there to be some variation in conservation policies between various angling users in the region, but it is underpinned by the total number of fish that can be killed by one angler. There is a clear benefit for rod and line fishing. There is also a clear benefit for the netting industry, because a scheme gives the stock traceability, which gives the fish added value. Any fish that is caught can be traced back to a fishery so, when it is sold, its status, quality and provenance can be guaranteed.

A tagging scheme would bring us into line with the rest of the UK—such schemes are now in place in England and Wales—and with Ireland. A cross-border problem is that untagged fish that may be of dubious origin are being sold in England and Wales as Scottish fish.

Richard Lyle: I see that George Pullar has some tags. I hope that he is not trying to tag me.

George Pullar: I promise that it is not electronic tagging. *[Laughter.]*

Richard Lyle: Many people have tried to stop me in the past, but I do not think that you are up to that.

Will you explain the tags that you have just given me?

George Pullar: I have given you the carcass tags that we use—we are in the third year of operating a pilot project in conjunction with the Scottish Government. We are absolutely delighted with the tags because they provide traceability, although that does not go right to the end user

because, as soon as a fish's head is cut off, that is the end of the traceability.

The tags have appeared in Sweden. A lady phoned my brother to say that a tag had washed up on a beach in Ireland—the tag had been on a fish whose head had been disposed of, and it was found by a gentleman and his grandson. After one of our tags was found on a beach in Ireland, a project was done on Usan Salmon Fisheries in a school there. The tags provide good traceability.

The great thing about the tags is that they have an address and they promote Scotland's product—the saltire is on the tags. As far as we are concerned, that is all that is required. Given that the English, Irish and Welsh have schemes, if a salmon turns up at market without a tag on it, the onus of proof should be on people to show that that is not unlawful. I have described all that is required for carcass tagging, which we are delighted to use.

Richard Lyle: That is excellent. I am glad that you brought along the tags. What about the possibility of putting a barcode on tags? Do you know what I am talking about?

George Pullar: Yes—as in Tesco.

Richard Lyle: Yes—as in Asda, Tesco or whatever. I am sure that the information that is on the tag could wash off.

George Pullar: No—it does not. I think that the tags came from a company in Malaysia. They are security tags—they are basically unbreakable. Anything can be cut, and I suppose that the Chinese could copy anything if they wanted to, but the tags are the most secure that we could find. We put a lot of thought into getting them. They look relatively simple, but they are certainly effective.

Richard Lyle: The tags are certainly impressive.

Graeme Dey: Do you have a problem with numbered tagging or are you comfortable with it?

George Pullar: I am not comfortable with numbered tagging. It is unnecessary and it would be more work for netsmen. We have limited time to do anything during the season—we are running about and we are very busy. Numbered tags would be unnecessary.

As I said, tags provide traceability right back to the station. We have a heritable right in Scotland, which is different from the English and Irish fisheries, which are all Government owned. People in England and Ireland fish over a fair enough area, whereas the areas in which we operate are specific.

Any legislation that is brought in must not be too burdensome for us. There are only so many hours

in the day, and we have to do the job of operating netting stations and of changing and repairing nets. What we can do is limited. The existing tag has all that is required.

Graeme Dey: In what way would numbered tagging be burdensome? What would it add to your work?

George Pullar: If records and logbooks had to be kept, that would take more time. We are dealing with salmon—it is a fish. I know of no other fish, apart from perhaps the odd sea bass, that has to be tagged. Going down the road of numbered tags would be over the top and unnecessary, because traceability back to where we are fishing is already available.

Records of each number would have to be kept. Members will see when they come out on the boat in the summer that, when we are on the boat, we take the fish out of the net, bleed them and tag them straight away. Sometimes, we do not know where the fish will go until they are on the vehicle—they could change direction and go to another buyer. The fish are all mixed up. A numbered tagging system would be impossible for us to operate. I know that the English operate a system with logbooks, but that would be totally unnecessary for us.

Craig Campbell: As an angler, I have experience of tagging because I have been a holder of a permit from Stirling Council. Tagging has been done, it works and none of us has found any great problem with it.

As regards numbered tags, if we do not number the tags, how will we confirm the catch data? If we do not number the tags, how will we prevent illegal sales of English-caught fish through Scottish markets?

My final comment is that the Scottish livestock industry deals with an awful lot more tags than netmen ever would and it has not had any great problem.

The Convener: Let us move on—

George Pullar: Convener, may I just say one thing very briefly? Our catch details are verified, so there is no question about underdeclaring, as some people might try to make out.

The Convener: We must move on to the issues of fish sampling, close times and conservation measures, on which there is quite a bit of evidence and which we have already partly discussed.

Will the new powers to allow Scottish ministers to sample fish and carry out investigations into salmon and freshwater fisheries pose any problems for you?

Simon McKelvey: No.

George Pullar: No, but we feel that it is important to have evidence.

The Convener: Should those powers apply to all fisheries, including net fishing and hatcheries?

Simon McKelvey: Yes.

George Pullar: Yes, I would say so.

Ron Woods: We have no interest in net fishing or hatcheries, so I have no locus to answer that.

The Convener: Okay. Are the new powers for ministers over conservation measures, close times and the monitoring requirements for district salmon fishery boards necessary and proportionate?

Craig Campbell: I believe that they are. One quirk in the administration of salmon and sea trout fisheries in Scotland is that we have some missing links, because we have rivers without district salmon fishery boards. It is essential that the powers exist so that, in loco parentis, the Government can act like a district salmon fishery board. As was mentioned in the earlier evidence session today, ministers can currently act on the variation of close times only at the request of a district salmon fishery board. If there is no body that can make such a request, there is a problem.

Simon McKelvey: I suggest that the powers should be used following consultation with the district salmon fishery board, because that local knowledge is very important when decisions are being arrived at.

The Convener: Alex Fergusson has a further question on the issue.

Alex Fergusson: This question also came up in the earlier evidence session, but I am interested to know your views too. Should district salmon fishery boards have a pre-emptive right to buy salmon netting rights? I probably have a fair idea of what some of your answers will be.

George Pullar: I would say absolutely not. Giving people a pre-emptive right would take us back to the dark ages. It might be fair enough in the case of crofting communities—perhaps I should not go down that road—but not with salmon netting.

Alex Fergusson: That is a wise withdrawal, if I may say so.

Simon McKelvey: I think that in some circumstances such a right would be justified. We are aware of netting stations that are used only as a front to launder fish. In some areas of Scotland, netting stations where, to the best of everyone's knowledge, there is no boat or anything else are putting in returns.

Margaret McDougall: Sorry, can you just repeat what you said there? I did not understand.

Simon McKelvey: We have been given information that fish are going on to the market from some small netting stations that, to the best of everyone's knowledge, have not been used for a number of years. I am sure that we could provide more information on that.

The Convener: Surely tagging would take care of that.

Simon McKelvey: Yes, a carcass tagging scheme would deal with that, too.

12:45

The Convener: I did not ask this question earlier, but I should ask it now. Can we assure the success of special areas of conservation under the habitats directive if there are no powers for the Government to intervene by itself, rather than just at the behest of or in consultation with salmon fishery boards?

Simon McKelvey: It really depends on the ways in which SACs might fail, as a number of remedial actions might need to be taken. Close times are one issue that might need to be looked at. The bigger management issues are probably outside the legislation's scope.

The Convener: That is helpful.

Graeme Dey was going to ask another question.

Alex Fergusson: I think I was due to ask that question, but I am happy that we have covered it already.

The Convener: If you are happy with that, we will move on.

Nigel Don: The witnesses probably heard the previous panel's comments on the management of fish stock introductions to rivers. The same question applies: should that be in the hands of ministers or is the current system okay?

Simon McKelvey: I agree that the whole system could be improved and that there needs to be more consultation between Government and fishery trusts. Sound evidence and biological information need to be involved in any stocking or introduction programme.

The Convener: Angus MacDonald has a question about charging.

Angus MacDonald: It is more a point of clarification. SANA had some concerns regarding rod licensing in relation to section 50, which is on charging. Have those concerns been allayed? The Cabinet Secretary for Rural Affairs and the Environment announced last night that

"there is no national rod licensing system in Scotland that a charge could be introduced for in the first place—and we have no current plans to introduce such a regime."

Is SANA content with that?

Craig Campbell: Our concern did not arise from the initial consultation. When we read the initial consultation, we did not think that rod licensing was a possibility, but some of the other people who read it made that interpretation and liked it. We felt obliged to counter it, and the reassurances that we have had—particularly in the letter that you have received—have completely reassured us.

The Convener: If anyone has any final points to make, they must be very brief.

George Pullar: I want to make just one very brief point about salmon fishery board governance. Until the beginning of 2011, it was part of the ASFB's constitution to invite a member of the Salmon Net Fishing Association to be on its council. Since then, it has changed its constitution and removed that invitation. It invites the Atlantic Salmon Trust and the Salmon and Trout Association, so quite clearly it is nothing more than an angling lobby group now, as opposed to a group that represents all interests. I say "quite clearly" because it has removed the invitation to us from its constitution.

The Convener: I missed out Ron Woods when he wanted to say something at one point.

Ron Woods: I cannot recall that. Sorry.

The Convener: Good. I am glad.

Ron Woods: However, I want to say that we do not share SANA's outright aversion to rod licensing. That is not to say that we favour rod licensing, but we believe that more money needs to be invested in fisheries management for freshwater species. We believe that it is not unreasonable that some of that money should be raised from anglers, although—I would say this, of course—we believe that some more public money would be useful. We think that how that money is raised should be a completely open question and that rod licensing should not be removed from the options at the outset. It is not necessarily the case that we favour it or would wish it to happen, but we do not share the deep-rooted aversion that SANA expresses.

The Convener: Thank you very much.

I think that SANA wishes to reply.

Craig Campbell: No, I do not. I wish to raise an entirely different matter.

The question whether there had been any research on mortality rates following catch and release came up in the session with the previous

panel. I will send the committee a note, if I may, because I know of some such research.

The Convener: That would be very helpful indeed.

The panel has been most interesting. You have provided us with lots more questions to ask people in future, including the ministers. You have strong views, which you have expressed clearly. We welcome that in our consideration of the bill. We want the process that we undertake to be transparent and open, just as we want the whole fisheries process to be transparent and open in the future. Thank you very much.

European Union Reporter (Update)

12:51

The Convener: As we are pressed for time, we move straight on to agenda item 4, which is an update from our EU reporter. At the start of December, Jim Hume visited Brussels in his role as the committee's EU reporter. I now ask him to report back to the committee.

Jim Hume: Thank you very much. I start by thanking Ross Fairbairn, who accompanied me as clerk.

Last Monday, all committee EU reporters visited Brussels as part of an induction programme that was run by the European Commission in association with the European and External Relations Committee. In the European Parliament buildings, we received a general overview from Commission officials on the history of the EU, the EU budget, the financial and economic crisis in Europe and the size of the EU economy in comparison with the main economies in the rest of the world, which was all quite useful.

In addition, on issues that are of specific relevance to this committee, I met Pierre Bascou, who is the head of the European Commission's agri department, George Lyon MEP and the chair of the European Parliament's Committee on Agriculture and Rural Development, Paolo de Castro. Our focus was on common agricultural policy reform.

To give the committee an overview of the EU, there are two or three points that I think that it would be useful to make. Of the whole budget, 11 per cent is set aside for rural development, 31 per cent is spent on agriculture and 45 per cent is allocated to sustainable growth, competitiveness and cohesion. It is probably also useful for this committee—and other committees—to note that the future agenda of the Commission and the European Parliament seems to fall under three broad headlines: smart, sustainable and inclusive. The "smart" headline covers things such as innovation, education and digital issues—those are of interest. Under "sustainable" are issues such as climate change, energy and mobility. Under "inclusive" are employment and skills, and addressing poverty across the European region.

As I said, we met Pierre Bascou, who is the head of the EC agri directorate general; his proper title is chef d'unité. Interestingly, he was adamant that the CAP reforms would be implemented by 1 January 2014—that was the first time that I had heard that said. He did not foresee much resistance to them. He thought that the technical

decision-making process was nearly at an end—he was very clear on that. He believed that although the budget has not yet been agreed, the percentages would not change too much, and that member states' share of the budget, whatever it turns out to be, would be similar to, if not the same as, current levels. He did not foresee the CAP moving to a flat rate in the near future; he thought that that would be more of a possibility for 2020. He thought that limited convergence by member states would be proposed. He believes that the transition will take seven years.

Pierre Bascou also reiterated that it was for the Scottish and UK Governments to agree on who attends European meetings about the CAP, the common fisheries policy and so on. He thought that payments for Scotland might change and that, under a proposal for limited command of agricultural payments, soil quality would be an issue. He thought that coupled payments would be possible for Scotland, but only to a certain percentage of the CAP. The James Hutton Institute's land classification might therefore be used.

I noted that a negative list would be planned for land if we went to a hectare payment. A negative list would include things such as golf courses and airports, and would ensure that they could not make claims under the common agricultural policy. Proof that land would be used for farming would be needed—the EU is willing to stop slipper or sofa farmers claiming funds.

Pierre Bascou thought that there was the possibility of a small decrease in the overall agricultural budget from 2 to 4 to 5 per cent overall—that will be decided by member states soon and is obviously an unknown. He was keen to focus on new entrants—young farmers who are under 40—under pillar 1. I pressed the point that we were interested in new entrants but not necessarily in an age limit.

Pierre Bascou also said that greening would be part of the new CAP—there does not seem to be much movement from what we knew already. He reiterated that he would be more than happy for the committee to contact him directly at any stage. I have with me his direct contact details, which I can pass on to the clerks. The door is open.

After that meeting, I met George Lyon MEP. Members will know that he wrote the Lyon report, which was the initial discussion document for the European Parliament. His view is that the CAP will go through if the budget is passed in February. He did not agree with the date of 1 January 2014 that Mr Bascou suggested.

George Lyon reckoned that there was not the battle between contributing and non-contributing EU countries over CAP reforms that we on this

side of the Channel thought existed. He thought that the parts of the reforms that might affect Scotland most were greening and convergence.

George Lyon said that the majority of member states—but not the major, larger member states—are in favour of capping the CAP. That could create a precedent for reducing the CAP continually. As Scotland has larger farms, that could have a negative impact. Like Pierre Bascou, George Lyon believes that the CAP transition will take seven years.

The Irish presidency will run from January to June 2013. It is believed that sewing up the CAP and ensuring that it is delivered will be very much on the Irish agenda. Lithuania will take over the presidency from July to December.

The three-crop rule has been a bit of an issue in Scotland. That seems to have been addressed—I should have said that Pierre Bascou mentioned it, too. That should not be an issue; local practices that have been on the go for many years should be able to continue.

13:00

I had about 25 minutes with Paolo de Castro, who is the chair of the European Parliament's Committee on Agriculture and Rural Development. In direct conflict with the agri head, Bascou, Mr de Castro firmly believes that the CAP reforms will not come into place until at least 1 January 2015, which is a whole year later. He takes that view because the multi-annual financial framework has not been agreed; he thinks that it will probably not be agreed until March. Talks would follow that and there would be secondary delegation, so he does not foresee the reforms being in place and running on 1 January 2014.

Mr de Castro expressed frustration that CAP reform has been pushed by the Commission and not the Parliament. That is how the system over there works—the Parliament deals only with legislation that comes from the Commission. His strong wish was for the new CAP to address food security, and he believes that it will. Of interest to the committee is the fact that he thinks that a mid-term review will take place, possibly in 2017. His keen wish, which I believe that others share, is for the CAP to focus more on food security at that mid-term review, which could be more revolutionary—if I can use that word—than the reform of the CAP, as was perhaps the case back in 2004, when we had quite a revolutionary mid-term review.

I have more copious notes, but I realise that we are struggling for time. I would be happy to give more information at any stage in the future. I thank Ross Fairbairn in his absence—oh no, he is hiding

over there; I apologise to him—for doing sterling work.

The Convener: Members might have questions for you but, given the time, should we make space for those questions at another point, unless they are pressing? We would love to explore some of the points in a bit more depth.

I thank Jim Hume for going to Brussels on our behalf. His report has provided us with quite a lot of information.

Jim Hume: The visit was useful.

The Convener: That is good.

Our final item will be taken in private. On 19 December, the committee will take evidence in round-table format on parts 4 and 5 of the Aquaculture and Fisheries (Scotland) Bill, which relate to shellfish and sea fisheries. That session should be shorter than today's evidence sessions but, following that, as part of our duties we will meet the UK Committee on Climate Change and its new chair, Lord Deben.

13:03

Meeting continued in private until 13:07.

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