Agenda

The Air Quality (Scotland) Regulations 2000 (TE/00/5/1)

Executive covering note on the Air Quality (Scotland) Regulations 2000 (TE/00/5/2)

Regulatory and Environmental Impact Assessment (TE/00/5/3)

Committee covering note on the Air Quality (Scotland) Regulations 2000 (TE/00/5/4)

Discussion paper on possible next steps in the Committee’s inquiry into Concessionary Travel (TE/00/5/5)

Petition PE68 by the National Farmers’ Union of Scotland (TE/00/5/6)

Covering note on PE68 and supplementary papers (TE/00/5/7)

European Document 649 (TE/00/5/8)

European Document 697 (TE/00/5/9)

Covering note from the Scottish Executive on European Documents 649 and 697 (TE/00/5/10)

DETR note on European Documents 649 and 697 (TE/00/5/11)

Committee covering note on European Documents 649 and 697 (TE/00/5/12)

Invitation letter from GNER (TE/00/5/13)

The Integrated Transport Bill – The Executive’s Proposals (TE/00/4/1)
The Committee will meet at 9.30 am in the Hub, Castlehill, Edinburgh, to consider the following agenda items:

1. **Subordinate Legislation:** The Committee will consider the procedure for draft affirmative instruments.

   *not before 9.45 am*

2. **Subordinate Legislation:** The Committee will consider the following draft affirmative instrument—

   The Air Quality (Scotland) Regulation (2000), (SSI 2000/draft)

3. **Integrated Transport Bill – The Executive’s Proposals:** The Committee will take evidence from the Minister for Transport and Environment on the Executive’s proposals for the Integrated Transport Bill.

4. **Concessionary Travel Inquiry:** The Committee will consider a briefing paper on possible next steps in the Committee’s inquiry into concessionary travel.

5. **Petitions:** The Committee will consider PE 68 by the National Farmers’ Union of Scotland calling for the agriculture sector to be exempted from the proposed Climate Change Levy.

6. **European Documents:** The Committee will consider—


the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea.

7. **Invitations**: The Committee will consider an invitation from GNER.

8. **Telecommunications Developments Inquiry (in private)**: The Committee will consider a draft report into Telecommunications Developments.

9. **Future Work Programme (in private)**: The Committee will consider its future work programme.

The following papers are relevant for this meeting:

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

2000 No.

ENVIRONMENTAL PROTECTION

The Air Quality (Scotland) Regulations 2000

Made 2000

Coming into force in accordance with regulation 1(1)

The Scottish Ministers, in exercise of the powers conferred upon them by sections 87(1), (2)(b) and (h), (3) and (5) and 91(1) of the Environment Act 1995(a) and of all other powers enabling them in that behalf having, in accordance with section 87(7) of that Act, consulted the Scottish Environment Protection Agency, such bodies or persons appearing to them to be representative of the interests of local government and of industry as they consider appropriate, and such other bodies or persons as they consider appropriate, hereby make the following Regulations, a draft of which has been laid before and has been approved by the Scottish Parliament:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Air Quality (Scotland) Regulations 2000 and shall come into force on the seventh day after the day on which they are made.

(2) These Regulations shall extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

"the 1995 Act" means the Environment Act 1995;

"level" means the measured ambient concentration of a pollutant in the air, expressed as milligrams or micrograms per cubic metre.

(2) The provisions of the Schedule to these Regulations which follow the Table in that Schedule shall have effect for the purpose of the interpretation of that Schedule.

Relevant periods

3. The relevant period for the purposes of Part IV of the 1995 Act shall be, in relation to an air quality objective, the period beginning with the date on which these Regulations come into force and ending, in respect of the substance specified in column 1 of the Table in the Schedule to these Regulations and the objective relating to that substance specified in column 2 of that Table, on the date set out in the corresponding entry relative to that substance and that objective in column 3 of that Table.

(a) 1995 c.35. See the definitions of "prescribed", "regulations" and "relevant period" in section 91(1) of that Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
Air quality objectives

4.—(1) The air quality objective, in respect of a substance specified in column 1 of the Table in the Schedule to these Regulations shall be to restrict the level at which that substance is present in the air to the level set out in the corresponding entry relative to that substance in column 2 of that Table, by no later than the date set out in the corresponding entry relative to that substance and that objective in column 3 of that Table.

(2) The achievement or likely achievement of an air quality objective prescribed by paragraph (1) above shall be determined by reference to the quality of air at locations—
(a) which are situated outside of buildings or other natural or man-made structures; and
(b) where members of the public are regularly present.

Revocation

5. The Air Quality Regulations 1997(a) are revoked, in so far as they extend to Scotland.

St Andrew’s House, Edinburgh

2000

A member of the Scottish Executive

(a) S.I. 1997/3043.
SCHEDULE

AIR QUALITY OBJECTIVES TABLE

<table>
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<th>Substance</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
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<td></td>
<td>Substance</td>
<td>Air Quality Objectives</td>
<td>Prescribed Date</td>
</tr>
<tr>
<td>1 Benzene</td>
<td>16.25 micrograms per cubic metre or less, when expressed as running annual mean</td>
<td>31st December 2003</td>
<td></td>
</tr>
<tr>
<td>2 1,3-Butadiene</td>
<td>2.25 micrograms per cubic metre or less, when expressed as a running annual mean</td>
<td>31st December 2003</td>
<td></td>
</tr>
<tr>
<td>3 Carbon monoxide</td>
<td>11.6 milligrams per cubic metre or less, when expressed as a running 8 hour mean</td>
<td>31st December 2003</td>
<td></td>
</tr>
<tr>
<td>4 Lead</td>
<td>0.5 micrograms per cubic metre or less, when expressed as an annual mean</td>
<td>31st December 2004</td>
<td></td>
</tr>
<tr>
<td>5 Lead</td>
<td>0.25 micrograms per cubic metre or less, when expressed as an annual mean</td>
<td>31st December 2008</td>
<td></td>
</tr>
<tr>
<td>6 Nitrogen dioxide</td>
<td>200 micrograms per cubic metre, when expressed as an hourly mean, not to be exceeded more than 18 times a year</td>
<td>31st December 2005</td>
<td></td>
</tr>
<tr>
<td>7 Nitrogen dioxide</td>
<td>40 micrograms per cubic metre or less, when expressed as an annual mean</td>
<td>31st December 2005</td>
<td></td>
</tr>
<tr>
<td>8 PM&lt;sub&gt;10&lt;/sub&gt;</td>
<td>50 micrograms per cubic metre or less, when expressed as a 24 hour mean, not to be exceeded more than 35 times a year</td>
<td>31st December 2004</td>
<td></td>
</tr>
<tr>
<td>9 PM&lt;sub&gt;10&lt;/sub&gt;</td>
<td>40 micrograms per cubic metre or less, when expressed as an annual mean</td>
<td>31st December 2004</td>
<td></td>
</tr>
<tr>
<td>10 Sulphur dioxide</td>
<td>350 micrograms per cubic metre or less, when expressed as an hourly mean, not to be exceeded more than 24 times a year</td>
<td>31st December 2004</td>
<td></td>
</tr>
<tr>
<td>11 Sulphur dioxide</td>
<td>125 micrograms per cubic metre or less, when expressed as a 24 hour mean, not to be exceeded more than 3 times a year</td>
<td>31st December 2004</td>
<td></td>
</tr>
<tr>
<td>12 Sulphur dioxide</td>
<td>266 micrograms per cubic metre or less, when expressed as a 15 minute mean, not to be exceeded more than 35 times a year</td>
<td>31st December 2005</td>
<td></td>
</tr>
</tbody>
</table>

Interpretation

For the purposes of this Schedule:–

1. "PM<sub>10</sub>" means particulate matter which passes through a size-selective inlet with 50% efficient cut-off at 10 μm aerodynamic diameter.
2.—(1) A running annual mean is a mean which is calculated on an hourly basis, yielding one
running annual mean per hour and the running annual mean for a particular substance at a
particular location for a particular hour is the mean of the hourly levels for that substance at that
location for that hour and the preceding 8,759 hours.

(2) For the purpose of the calculation of a running annual mean, the hourly level for a
particular substance at a particular location is either—
(a) the level at which that substance is recorded as being present in the air at that location
during the hour on the basis of a continuous sample of air taken during that hour for at
least 30 minutes; or
(b) the mean of the levels recorded at that location on the basis of 2 or more samples of air
taken during the hour for an aggregate period of at least 30 minutes.

3. A running 8 hour mean is a mean which is calculated on an hourly basis, yielding one
running 8 hour mean per hour and the running 8 hour mean for a particular substance at a
particular location for a particular hour is the mean of the hourly means for that substance at that
location for that hour and the preceding 7 hours.

4.—(1) Subject to sub-paragraph (2) below, an annual mean is a mean which is calculated on a
yearly basis, yielding one annual mean per calendar year.

(2) The annual mean for a particular substance at a particular location for a particular
calendar year is—
(a) in the case of lead, the mean of the daily levels for that year;
(b) in the case of nitrogen dioxide, the mean of the hourly means for that year;
(c) in the case of PM₁₀, the mean of the 24 hour means for that year.

(3) For the purpose of the calculation of an annual mean for lead, the daily level for lead at a
particular location for a particular day is the level at which lead is recorded as being present in the
air at that location during the week in which the day occurs on the basis of a continuous sample of
air taken throughout that week (each day in that week therefore being attributed with the same
daily level).

(4) For the purpose of sub-paragraph (3) above, “week” means a complete week beginning on
a Monday, except that it also includes any period of less than seven days from the beginning of the
calendar year until the first Monday in that year or from the beginning of the last Monday in the
calendar year to the end of that year.

5. An hourly mean is a mean calculated every hour and the hourly mean for a particular
substance at a particular location for a particular hour is the mean of the levels recorded, at a
frequency of not less than once every 10 seconds, for that substance at that location during that
hour.

6. A 24 hour mean is a mean calculated every 24 hours and the 24 hour mean for a particular
substance at a particular location for a particular 24 hour period is the level at which that substance
is recorded as being present in the air at that location on the basis of a continuous sample of air
taken throughout the period.

7. A 15 minute mean is a mean calculated every 15 minutes and the 15 minute mean for a
particular substance at a particular location for a particular 15 minute period is the mean of the
levels recorded, at a frequency of not less than once every 10 seconds, for that substance at that
location during that 15 minute period.

8. The reference to a number of micrograms or milligrams per cubic metre of a substance is
a reference to the number of micrograms or milligrams per cubic metre of that substance when
measured with the volume standardised at a temperature of 293K and at a pressure of
101.3 kilopascals.
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part IV of the Environment Act 1995 requires local authorities in Scotland to conduct a review of the quality of air within their area. That review has to consider the air quality for the time being and the likely future air quality within the “relevant period” (a period to be prescribed by Regulations). Such reviews have to be accompanied by an assessment of whether any prescribed air quality standards or objectives are being achieved or are likely to be achieved within the relevant period.

These Regulations prescribe the relevant period for the purpose of that review (regulation 3) and sets the air quality objectives to be achieved by the end of that period (regulation 4 and the Schedule). The objectives are the same as those set out in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland (SE 2000/5, January 2000), published by the Scottish Executive in accordance with section 80 of the 1995 Act. Guidance entitled “Review and Assessment: Pollutant Specific Guidance LAQM TG4” has been issued in respect of the appropriate methodology to be used by local authorities in undertaking their air quality review and assessment. The Strategy and the Guidance are available from the Scottish Executive, Air Climate & Engineering Unit (Air Quality Team), Victoria Quay, Edinburgh, EH6 6QQ.

Where any of the prescribed objectives are not likely to be achieved within any part of the area of a local authority within the relevant period, the local authority concerned requires to designate that part of its area as an air quality management area (section 83(1) of the 1995 Act). An action plan covering the designated area will then have to be prepared setting out how the local authority intends to exercise its powers in relation to the designated area so as to achieve the prescribed objectives (section 84(2) of the 1995 Act).

These Regulations replace the provisions of the Air Quality Regulations 1997 in relation to Scotland, which are therefore revoked to that extent.
2000 No.

ENVIRONMENTAL PROTECTION

The Air Quality (Scotland) Regulations 2000
EXECUTIVE NOTE

TRANSPORT AND ENVIRONMENT COMMITTEE

AIR QUALITY (SCOTLAND) REGULATIONS 2000

1. Background

Part IV of the Environment Act 1995 (the Act) required the Secretary of State and now Scottish Ministers, to produce a national air quality strategy containing standards, objectives and policy measures to achieve the objectives. Fulfilling this obligation, the UK National Air Quality Strategy (the Strategy), published in 1997, contained air quality standards and objectives for eight pollutants of most concern to human health. The objectives defined the extent to which air quality should be improved by 2005. Seven of these objectives were given legal effect in the Air Quality Regulations 1997. It is not considered appropriate to set the objective for the eighth pollutant (ozone) in Regulations since, because of its transboundary nature, it would not be cost-effective to tackle elevated levels by local action.

The first review of the objectives in the Strategy was carried out in 1998. Widespread consultation on the proposals that emerged from the review was undertaken in January 1999. This led to the production of a draft revised Strategy in August 1999. Consultation on this document ended in October 1999. The revised version of the original Strategy (the Air Quality Strategy for England, Scotland, Wales and Northern Ireland) with amended objectives was published on 19 January 2000. The purpose of the review of the Strategy was to look at the prospects for delivering cleaner air more quickly. Five of the original eight objectives have been tightened in the revised Strategy and one was amended to allow general compliance. The existing objective for particles will be replaced with the Air Quality Daughter Directive (AQDD) annual and 24 hour limit values. These amendments are to be given legal effect by the Air Quality (Scotland) Regulations 2000.

2. Policy Objectives

The purpose of these regulations is to replace the Air Quality Regulations 1997 (SI 3043/97). This is necessary to give legal effect in Scotland to the new air quality objectives in the revised Air Quality Strategy for England, Scotland, Wales and Northern Ireland.

3. Means of meeting the objectives

The Regulations allow for the achievement of the revised air quality objectives through the system of Local Air Quality Management (LAQM) which provides a mechanism for local authorities to review and assess air quality against the air quality objectives and take any necessary action at local level, to complement action at national level.

Local authorities are required by section 82 of the Act to carry out periodic reviews of air quality in their area and to assess present and likely future quality against the air quality objectives prescribed in regulation. The Government recommended a phased approach involving three stages, the results of each determining whether a further stage is necessary. All authorities are obliged to undertake the first stage.
In areas identified in the first stage of review and assessment as having the potential to experience elevated levels of pollutants, an authority should undertake a second stage, including the estimation, modelling or measurement of levels of pollutants influenced by road transport, industrial or other significant sources. If it predicts that any of the air quality objectives will not be met within the prescribed timescale, the authority should then undertake the more detailed and accurate third stage for those pollutants using appropriate monitoring, modelling and emission inventories. Where, following review and assessment, an area is identified as unlikely to achieve the air quality objectives by the due date, an authority is required to designate an Air Quality Management Area (AQMA) and make an action plan for improvements in air quality in pursuit of the air quality objectives (s83 of the Act). In addition, the Scottish Environment Protection Agency (SEPA) must have regard to the objectives prescribed in regulation when authorising licensed processes under Integrated Pollution Control and Pollution Prevention Control procedures.

4. Consultation

Draft Air Quality (Scotland) Regulations 2000 were issued for an 8-week public consultation in November 1999. The consultation list was wide-ranging and included local authorities, Scottish Environment Protection Agency, industry, business, health and transport and planning interests. We received substantive comments on the Regulations and have taken regard of the responses received to this consultation.

5. Summary of Order

The Air Quality (Scotland) Regulations 2000 give legal effect to the five amendments to objectives in the Air Quality Strategy:
- bringing forward to 2003 the dates for achieving the objectives for benzene, 1,3-butadiene and carbon monoxide (CO);
- bringing forward to 2004 the date for achieving the existing objective for lead to comply with the AQDD limit value and introducing a new more stringent objective for 2008;
- tightening the hourly nitrogen dioxide objective to comply with the AQDD limit value by 2005;
- replacing the existing objectives for particles with the AQDD annual and 24 hour limit values; and
- introducing new objectives to comply with the AQDD hourly and 24 hour limit values for sulphur dioxide

In addition, following comments received during consultation on the review of the Strategy, we have sought to simplify the Regulations by using a consistent unit of measurement method for all pollutants – mass per unit volume (µg/m³ or mg/m³) – rather than differentiating between the gaseous and particulate pollutants.

6. Effects of Order

The aim of the Regulations is to bring into effect the amended objectives which aim to improve the level of protection for human health and the environment against the adverse effects of ambient air pollution compared to that provided by the original Strategy.
7. **Periodicity**

The Air Quality (Scotland) Regulations 2000 will replace the Air Quality Regulations 1997. They will remain in force until repealed or amended.

**JOYCE WHYTOCK**
SERAD:ACEU
Air Quality Team
1-H Victoria Quay
Edinburgh EH6 6QQ
0131 244 7813

17 January 2000
REGULATORY AND ENVIRONMENTAL IMPACT ASSESSMENT

1. TITLE

Air Quality (Scotland) Regulations 2000

2. PURPOSE AND INTENDED EFFECT OF THE MEASURE

(i) Identify the objective and issue

Objective

The purpose of these regulations is to replace the Air Quality Regulations 1997 (SI 3043/97). This is necessary to give legal effect to the new air quality objectives in the revised Air Quality Strategy for England, Scotland, Wales and Northern Ireland.

Issue

The purpose of this REIA is to consider the benefits and costs resulting from the amendments to the existing Regulations. The Air Quality Regulations 1997 gave effect to the system of Local Air Quality Management (LAQM) introduced by Part IV of the Environment Act 1995 (the Act). They give legal effect to seven of the eight pollutants for which national objectives have been set: ozone is not included since, because of its transboundary nature, it would not be cost-effective to tackle high levels by local action.

Local authorities are required by section 82 of the Act to carry out periodic reviews of air quality in their area and to assess present and likely future quality against the air quality objectives prescribed in regulation. The Government recommended a phased approach involving three stages, the results of each determining whether a further stage is necessary. All authorities are obliged to undertake the first stage.

In areas identified in the first stage of review and assessment as having the potential to experience elevated levels of pollutants, an authority should undertake a second stage, including the estimation, modelling or measurement of levels of pollutants influenced by road transport, industrial or other significant sources. If it predicts that any of the air quality objectives will not be met, the authority should then undertake the more detailed and accurate third stage for those pollutants using appropriate monitoring, modelling and emission inventories. Where, following review and assessment, an area is identified as unlikely to achieve the air quality objectives by the due date, an authority is required to designate an Air Quality Management Area (AQMA) and make an action plan for improvements in air quality in pursuit of the air quality objectives (s83 of the Act).

Part IV of the Act also required the Secretary of State and now Scottish Ministers in Scotland, to produce a national air quality strategy containing standards, objectives and measures to achieve the objectives. Fulfilling this obligation, the UK National Air Quality Strategy (the Strategy), published in 1997, contained air quality standards and objectives for eight air pollutants of most concern to human health. The objectives defined the extent to which air quality should be improved by 2005. Seven of these objectives were given legal effect in the Air Quality Regulations 1997.
The first review of the objectives in the Strategy was carried out in 1998, leading to a revised version of the original Strategy with amended objectives which was published on 19 January 2000. The purpose of this review was to look at the prospects for delivering cleaner air more quickly. One of the other considerations was the need to incorporate EU limit values, where they exist, into the Strategy’s air quality objectives, to ensure compliance with the (first) Air Quality Daughter Directive (the AQDD), Council Directive 1999/30/EC of 22 April 1999, which set limit values for sulphur dioxide, nitrogen dioxide, particulate matter and lead.

The benefits of improved air quality generally are considerable: principally in terms of the health benefits, but also in protection of ecosystems and vegetation, in reduced damage to buildings and materials and in improved quality of life. Improvements in ambient air quality also have indirect and additional benefits in terms of other environmental policies, such as those on acidification, noise and climate change.

As a general indication of the scale of the risk posed by air pollution, a study for the Department of Health in 1998 (COMEAP) has estimated that each year air pollution in the UK may bring forward the deaths of between twelve and twenty-four thousand people (although this is likely to have been by a few days or weeks rather than years) and is also responsible for many hospital admissions and instances of illness and discomfort.

It is difficult to quantify the numbers of premature deaths that will be prevented by these revised objectives, or to provide figures for the savings to be made by preventing these deaths and other related health effects, or by reducing the impact on the environment. Further work has been commissioned to establish monetary values for reductions in the risk of health effects associated with exposure to air pollution.

Those likely to benefit most from the changes are those vulnerable to air pollution. While local authorities are directly affected by the amended regulations, a variety of different sectors will also potentially be affected. These include industry and the transport sector.

(ii) Risk assessment

These regulations are necessary to give effect to the revised air quality objectives which overall provide improved protection to human health and the environment.

While the air quality generally experienced in Scotland is unlikely to cause any serious short-term effects to the majority of the population, those more vulnerable to air pollution, such as those with lung diseases or heart conditions, and particularly if they are elderly, are at greater risk. Daily changes in air pollution trigger increased admissions to hospital and contribute to the premature death of those who are seriously ill.

3. OPTIONS

As a result of the review of the Strategy, the changes to the air quality objectives in the amended regulations are as follows:

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1 Committee on the Medical Effects of Air Pollutants, *Quantification of the Effects of Air Pollution on Health in the United Kingdom*, 1998
- bringing forward to 2003 the dates for achieving the objectives for benzene, 1,3-butadiene and carbon monoxide (CO);

- bringing forward to 2004 the date for achieving the existing objective for lead to comply with the AQDD limit value and introducing a new more stringent objective for 2008;

- tightening the hourly nitrogen dioxide objective to comply with the AQDD limit value by 2005;

- replacing the existing objectives for particles with the AQDD annual and 24 hour limit values; and

- introducing new objectives to comply with the AQDD hourly and 24 hour limit values for sulphur dioxide.

The options for giving effect to these changes are constrained by the provisions in the Environment Act 1995. As already outlined, regulation is necessary for the operation of LAQM. Regulations are required to give effect to revised air quality objectives set out in the revised Air Quality Strategy.

This REIA does not cover any of those air quality objectives in the Air Quality Regulations 1997 which remain unchanged. Nor does it cover those changes to the Regulations for the purpose of securing compliance with EU limit values, as the regulatory impact of these has already been covered in EM 12718/97 produced on 28 May 1998 for the proposals in the AQDD. This REIA therefore focuses on the following:

- the amended objectives for benzene, 1,3-butadiene and carbon monoxide;

- the new objective for lead for 2008; and

- the amended nitrogen dioxide hourly objective by 2005.

4. BENEFITS

The aim of the revised Air Quality Strategy is to improve the level of protection for human health and the environment against the adverse effects of ambient air pollution compared to that provided by the original Strategy. These regulations allow for the achievement of the revised air quality objectives through the system of LAQM which provides a mechanism for reviewing and assessing air quality against the air quality objectives and taking any necessary action at the local level, to complement action at national level.

As explained above, only the benefits of the amended objectives for benzene, 1,3-butadiene and carbon monoxide, the new objective for lead for 2008 and the amended nitrogen dioxide hourly objective to be met by 2005 are considered since these have not already been covered in EM 12719/97.

There will be benefits arising from reductions in levels of these pollutants which are not a direct result of these changes, but will arise from other ongoing policy measures, such as improvements in fuel standards and vehicle emission standards resulting from the EC Auto
Oil Directives. It is not the intention to claim all benefits in reduced levels of these pollutants for these changes to the Regulations.

**Benzene, 1,3-butadiene and Carbon monoxide**

The information on which to base a quantitative assessment of the benefits of bringing forward these objectives is not currently available. In the cases of benzene and 1,3-butadiene, there is concern over the accuracy of using direct extrapolation from the health effects shown at occupational exposure levels to predict quantitatively the health effects at ambient concentrations. For CO, the dose response function literature is considered too weak for robust quantification. We can therefore only provide a qualitative assessment of the benefits for these pollutants.

In the cases of benzene and 1,3-butadiene, there is plenty of hard quantitative evidence of the carcinogenic effects of these pollutants from occupational exposure, but a lack of data relating to environmental exposure. Some organisations take the dose-response function derived from studies of effects at high levels of occupational exposure and then, assuming a linear dose-response, extrapolate from this to predict the effects of low levels of environmental exposure. However, this is considered to give a false sense of precision to quantification since the dose-response function may not be linear in reality and different extrapolative assumptions can lead to dramatically different results (varying by several orders of magnitude). Present policy is therefore that the current evidence should not be used for quantification of effects of environmental exposures. COMEAP are intending to investigate methods of assessing the size and the effect of environmental exposures as part of a future report on air pollution and cancer.

Benzene and 1,3-butadiene are both recognised genotoxic human carcinogens. Studies of industrial workers exposed to benzene have demonstrated an excess risk of leukaemia, and in particular several types of this disease known as the non-lymphocytic leukaemias, which increased in relation to their working lifetime exposure. Short-term exposures to high concentrations of 1,3-butadiene have been linked to irritation of the skin, nose, throat and eyes. But it is the health effects associated with long-term exposure which are of most concern long-term, the induction of cancers of the lymphoid system and blood-forming tissues, lymphomas and leukaemias. Since benzene and 1,3-butadiene are both genotoxic carcinogens, no absolutely safe exposure level can be defined. The aim of national policy is therefore to reduce concentrations of these pollutants to as low a level as reasonably practicable.

The effects of CO on the oxygen carrying capacity of haemoglobin and consequent effects on the heart are well known. However, effects on cardiovascular outcomes at the low levels of CO present in the environment are less well established. There is a lack of UK studies (only one recent study in London is available), and uncertainty regarding the effect of CO alone as compared with that of the urban pollution mixture. Additionally, fixed site monitors may reflect distribution of exposure in the population to CO less well than for other pollutants. Health experts therefore consider that the evidence cannot be used for quantification. However, evidence is accumulating rapidly and assessment might be possible soon.

The main threats to human health from exposure to carbon monoxide are the formation of carboxyhaemoglobin, which substantially reduces the capacity of the blood to carry oxygen and deliver it to the tissues, and blockage of important biochemical reactions in cells. People
who have an existing disease which affects the delivery of oxygen to the heart or brain (e.g. coronary artery disease (angina)) are likely to be at particular risk if these delivery systems are further impaired by carbon monoxide.

National modelling work suggests that national policy measures either already in place or still to come into effect should be sufficient to meet the revised objectives for these three pollutants. The primary reasons for the regulations in these cases is to set a clear objective for a national standard and to ensure that information about local concentrations continues to be collected. This information is necessary in order to provide a comprehensive picture of concentrations throughout the country, to ensure good air quality is maintained, to provide public information and to prepare for future European proposals for legislation. Information collected by authorities through LAQM will provide a clear picture at the local level about the extent to which national policy measures will achieve the objectives.

**Lead**

The regulations will introduce a new objective for a more stringent standard of $0.25 \mu g/m^3$ to be achieved by 2008, based on the air quality standard recommended by the Expert Panel on Air Quality Standards (EPAQS). The new objective for lead has been adopted since concentrations at this level would not have any detectable effects on the health of children.

Again, information on which to base a quantitative assessment of the benefits of this is not available. Possible areas of exceedence have not been estimated, so the size of the population that would benefit from the additional measures is unknown. In addition, studies of the effects of lead are expressed in terms of shifts in average population IQ, not numbers of children affected. Monitoring work is currently underway at industrial sites across the UK, including three in Scotland, the results of which are not presently available.

Lead is known to damage the developing nervous system and blood lead concentrations have been shown to be inversely related to IQ. There is also evidence to suggest that raised blood lead concentrations are related to increased blood pressure. Blood lead concentrations have been shown to be related to air lead concentrations. However, more work is still needed on the contribution made by, and dose-response relationships for, each of the impact pathways (i.e. inhalation, ingestion etc). The data are not considered sufficient to allow quantification of the effects of outdoor air lead concentrations on health in the UK at this stage.

The possible effect of lead on brain development in children, and hence their intellectual development, is however, the greatest cause for concern. Studies of populations of young children suggest that there may be a loss of up to about 2 IQ points for a rise in blood lead from 10 to 20 $\mu g/dl$. Experts have therefore estimated that a $1 \mu g/m^3$ increase in airborne concentration of lead which would give rise to an increase in blood level of about $5 \mu g/dl$, would therefore be associated with a fall of about 1 point in population IQ. The aim of the objective is to limit concentrations to levels at which any effect on intelligence would be so small as to be negligible.

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Nitrogen Dioxide

The existing hourly objective is to be replaced with a new objective of the EU limit value to be met by 2005, rather than 2010 as specified in the Directive. Since the existing annual objective, which is to be retained and which is the more demanding of the two, will, if met, ensure compliance with the new amended hourly objective there will be no additional benefits to those already calculated for the existing annual objective.

5. COMPLIANCE COST FOR BUSINESS

In general terms, those businesses most likely to be affected by the new regulations are the transport sector, vehicle manufacturers and fuel suppliers; electricity suppliers, refineries and other medium or large size industries using sulphur-containing fuel; and medium or large size industries using lead in their processes.

As already explained, only the costs of the amended objectives for benzene, 1,3-butadiene and carbon monoxide, the new objective for lead for 2008 and the amended nitrogen dioxide hourly objective to be met by 2005 are considered since these have not already been covered in EM 12719/97.

Benzene, 1,3-butadiene and carbon monoxide

It is estimated that measures already in place or to take effect (e.g. the improved vehicle emissions and fuel quality standards resulting from the EC Auto-Oil Directives) should be sufficient to meet the objectives for benzene, 1,3-butadiene and carbon monoxide. It is envisaged that there will be no need for any additional Scottish-level or local authority abatement action, and so no additional cost to business.

Lead

There is currently no convincing evidence of a threshold exposure to lead below which no effect on intelligence occurs. Since the aim should therefore be to set a standard at which any effect on intelligence is likely to be so small as to be negligible, the Scottish Executive proposes a new more stringent objective. The draft Regulations now contain two objectives for lead - 0.5µg/m³ to be achieved by 2004 derived from the Air Quality Daughter Directive limit value, and the more stringent EPAQS based objective of 0.25µg/m³ to be achieved by 2008. This new objective is expected to be achieved at virtually all locations as a result of the ban on the general use of leaded petrol from January 2000, agreed as part of the Auto-Oil Fuel Quality Directive. However, there may be some industrial plants which give rise to emissions which may lead to local exceedences of the objective.

The Scottish Executive is concerned that industry should not be put under undue pressure as we move towards the achievement of the air quality objectives where these are more demanding than the European Air Quality limit values laid down in European Directives. Where an air quality standard or objective, set out in Community legislation, can only be achieved by imposing on an industrial installation or sector more stringent emission limits than those required by Best Available Techniques (BAT), the more stringent emission limit values will have to be imposed. Where, however, the standard or objective concerned has been adopted by the UK as a matter of national policy and is more demanding than any Community requirement, Scottish Executive would generally not expect industry to be
pushed beyond BAT standards where this was not required to meet Community obligations. No additional costs to industry over those they would already be expected to incur through BAT are therefore expected as a result of these regulations.

**Nitrogen Dioxide**

Since compliance with the existing annual objective will ensure compliance with the new amended hourly objective, there will be no additional costs to industry.

**6. IMPACT ON SMALL BUSINESS**

The impact on small business is expected to be minimal. Small businesses do not in themselves generate much pollution, compared with road transport and industry, and are not therefore generally subject to a pollution regulation regime.

**7. ANY OTHER COSTS**

The principal costs of these regulations lie in the changes that local authorities are required to make to their review and assessment of air quality, given that the greatest contribution to achieving these objectives will be made by national policies and measures, which would occur regardless of the regulations. The need for local authorities to prepare action plans would not necessarily incur extra costs as authorities would draw on existing duties under environmental controls, transport etc in pursuit of the objectives. However, there may be a need for additional capital expenditure as a result of local authority Action Plans to improve the air quality in Air Quality Management Areas. The amount of AQMA capital expenditure will not become clear until local authorities complete their final stage review and assessments at the end of June. Preparation of AQMA Action Plans will be completed between September 2001 and March 2002.

It was recognised that local authorities would incur new duties under LAQM. The sum of £0.8m has been added to their annual Revenue Support Grant (RSG) Settlement each year since 1997/98. However, authorities are required to review and assess against each of the seven objectives at the first stage, with further review and assessment stages focusing only on those pollutants that may potentially exceed the air quality objectives. As many authorities will not be required to complete all three stages of review and assessment overall costs are expected to be lower.

It is unlikely that authorities will have to review and assess air quality against all of the revised objectives. National measures should be sufficient to meet those for benzene, 1,3-butadiene and carbon monoxide. For NO₂, it is the existing annual objective which is the more demanding of the two and which will be the focus for authorities. There is already evidence to suggest that the new lead objective will be achieved throughout most of the UK, although more information is required on possible local exceedences from industrial plants. Authorities in areas with industry may therefore have to review and assess against the new objective.

In terms of the additional costs to authorities resulting from these regulation, although the circumstances of each authority will vary, further review and assessments should not be an onerous task for authorities who can rely mainly and primarily on existing monitoring networks and emissions inventories. Any additional costs incurred will be covered by their
continuing funding of running costs through the RSG Settlement. Scottish Ministers therefore expect that the additional costs to authorities, while they may vary, will not be onerous and will be contained within their RSG Settlement.

8. RESULTS OF CONSULTATION

The proposals to amend the National Air Quality Strategy objectives were published on 13 January 1999 and comments invited by 9 April 1999. There were 29 responses in Scotland, from local authorities, business and industry, environmental organisations and individuals. A summary of responses received to the consultation on the proposals to amend the Strategy was published as an annex to the consultation document on the revised Air Quality Strategy, issued on 25 August 1999.

9. SUMMARY AND RECOMMENDATION

Implementation of these regulations is necessary to give statutory effect to the new air quality objectives in the revised Air Quality Strategy.

The revised objectives are justified in terms of their costs and benefits. For benzene, 1,3-butadiene and carbon monoxide, the revised objectives are likely to be met through existing national policies, and no additional costs should therefore be incurred. There are health benefits to be gained from the new tighter objective for lead to be achieved by 2008. This objective is likely to be achieved virtually everywhere in the UK by 2008 through national measures. Additional costs will not be imposed on industry beyond those that would be required through the application of BAT. There are additional benefits from the new hourly nitrogen dioxide objective but no additional costs are expected over those involved in achieving the existing annual objective.

10. ENFORCEMENT, SANCTIONS, MONITORING AND REVIEW

Local authorities are under a duty to submit to the Scottish Ministers any Action Plans drawn up under the provisions of the Act. The Air Quality Strategy will be subject to continual review, the next starting in the year 2000.

11. DECLARATION

I have read the Regulatory Impact Assessment and I am satisfied that the balance between costs and benefits is the right one in the circumstances.

Minister for Transport and the Environment

February 2000
In areas identified in the first stage of review and assessment as having the potential to experience elevated levels of pollutants, an authority should undertake a second stage, including the estimation, modelling or measurement of levels of pollutants influenced by road transport, industrial or other significant sources. If it predicts that any of the air quality objectives will not be met within the prescribed timescale, the authority should then undertake the more detailed and accurate third stage for those pollutants using appropriate monitoring, modelling and emission inventories. Where, following review and assessment, an area is identified as unlikely to achieve the air quality objectives by the due date, an authority is required to designate an Air Quality Management Area (AQMA) and make an action plan for improvements in air quality in pursuit of the air quality objectives (s83 of the Act). In addition, the Scottish Environment Protection Agency (SEPA) must have regard to the objectives prescribed in regulation when authorising licensed processes under Integrated Pollution Control and Pollution Prevention Control procedures.

4. Consultation

Draft Air Quality (Scotland) Regulations 2000 were issued for an 8-week public consultation in November 1999. The consultation list was wide-ranging and included local authorities, Scottish Environment Protection Agency, industry, business, health and transport and planning interests. We received substantive comments on the Regulations and have taken regard of the responses received to this consultation.

5. Summary of Order

The Air Quality (Scotland) Regulations 2000 give legal effect to the five amendments to objectives in the Air Quality Strategy:
- bringing forward to 2003 the dates for achieving the objectives for benzene, 1,3-butadiene and carbon monoxide (CO);
- bringing forward to 2004 the date for achieving the existing objective for lead to comply with the AQDD limit value and introducing a new more stringent objective for 2008;
- tightening the hourly nitrogen dioxide objective to comply with the AQDD limit value by 2005;
- replacing the existing objectives for particles with the AQDD annual and 24 hour limit values; and
- introducing new objectives to comply with the AQDD hourly and 24 hour limit values for sulphur dioxide

In addition, following comments received during consultation on the review of the Strategy, we have sought to simplify the Regulations by using a consistent unit of measurement method for all pollutants – mass per unit volume (mg/m³ or µg/m³) – rather than differentiating between the gaseous and particulate pollutants.

6. Effects of Order

The aim of the Regulations is to bring into effect the amended objectives which aim to improve the level of protection for human health and the environment against the adverse effects of ambient air pollution compared to that provided by the original Strategy.
7. Periodicity

The Air Quality (Scotland) Regulations 2000 will replace the Air Quality Regulations 1997. They will remain in force until repealed or amended.

JOYCE WHYTOCK
SERAD:ACEU
Air Quality Team
1-H Victoria Quay
Edinburgh EH6 6QQ
0131 244 7813

17 January 2000
TRANSPORT AND THE ENVIRONMENT COMMITTEE

Scottish Statutory Instrument 2000, draft I

The Air Quality (Scotland) Regulation (2000)

1. The Air Quality (Scotland) Regulations 2000 (SSI 2000/Draft) I was laid on 22nd February 2000 and has been assigned to the Transport and the Environment Committee for consideration (paper TE/00/5/1).

2. The regulations are accompanied by a Regulatory and Environmental Impact Assessment (paper TE/00/5/3). An Executive Explanatory Memorandum is also attached (paper TE/00/5/2).

3. The regulations are laid under an "affirmative procedure" which means that Parliament must approve the instrument before it may come into force. The sponsoring Minister, (Sarah Boyack, Minister for Transport and the Environment) has accordingly lodged a motion that the Transport and the Environment Committee recommend approval of the instrument to Parliament (S1M - 589).


5. The regulations replace the Air Quality Regulations 1997 (SI 3043/97). They are made under Part IV the Environment Act 1995 and require Local Authorities to conduct a review of the quality of air within their area. The regulations prescribe the relevant period for the review, set certain air quality objectives and prescribe the action to be taken when any of the objectives is not likely to be achieved.

6. The Subordinate Legislation Committee considered the regulations at their meeting on 29 February 2000. The 9th report of the Subordinate Legislation Committee (SL/00/9/R) confirms that there are no technical issues of drafting which the Committee wished to draw to the attention of Parliament.

**Actions required on 15 March 2000**

7. The Minister and supporting Officials will be attending the meeting of the Transport and the Environment Committee on 15th March to answer any questions members may have on the regulations. The Minister will then move the motion and the Committee will formally debate the motion.

8. Under Rule 10.6, the Committee is required to report to the Parliament with its recommendation on whether to approve the instrument.

Lynn Tullis
Clerk to the Transport and Environment Committee
March 2000
THE TRANSPORT AND THE ENVIRONMENT COMMITTEE

NEXT STEPS ON CONCESSIONARY TRAVEL

MEETING OF THE COMMITTEE ON 1 MARCH

At the meeting of the Transport and the Environment Committee on Wednesday 1 March, members took evidence from the Minister for Transport and the Environment and two of her officials (David Eaglesham and Bill McQueen) on the Executive’s intended plans on concessionary travel.

After taking evidence, Committee members discussed the impact of the Executive’s plans on the proposed Committee inquiry and concluded that they did not want to embark on an inquiry into concessionary travel that duplicated work being carried out by the Executive. It was therefore agreed to defer launching the Committee’s planned inquiry into concessionary travel.

However, Committee members expressed some reservations about particular aspects of the Executive’s proposals. Members were concerned, for example, that the Executive only planned to examine concessionary travel schemes for elderly people and disabled people.

The Committee was keen that the Executive took account of its views in finalising the terms of reference for its research into concessionary travel, and it was agreed to write to the Minister setting out these views. The Committee was also keen to monitor the progress of the Executive’s inquiry on an on-going basis, and it was agreed that the Committee should request that members received copies of any interim reports produced during the research process. The Committee also considered there was benefit in it taking evidence from a broader range of social groups that could be covered by concessionary travel schemes to inform its response to the Executive’s report on the inquiry.

LETTER TO THE MINISTER FOR TRANSPORT AND THE ENVIRONMENT

The Convener has written to the Minister for Transport and the Environment on behalf of the Committee, setting out the results of members’ discussions, and, in particular:

- requesting that the Executive’s research should consider a broader range of social groups, such as socially excluded groups, the unemployed, and ‘carers’ of other defined concessionary groups; and requesting that the terms of reference of the research are widened to include such groups.

- inquiring whether any interim reports produced during the Executive’s research process could be made available to the Committee.

A response is expected from the Minister shortly.
NEXT STEPS

Members agreed at the last meeting of the Committee to seek evidence from various social groups that could be covered by concessionary travel schemes. However, members may wish to defer a decision on the final arrangements for this evidence-taking until a response is received from the Executive on whether it is willing to take account of the Committee’s views in finalising its research plans.

If the Executive is unwilling or unable to modify the terms of reference of its proposed inquiry, the Committee may wish to make arrangements to seek evidence from groups with an interest in concessionary travel.

The Committee could decide to take evidence from either:

- A wide variety of social groups that could be covered by concessionary travel schemes, including those groups that the Executive proposes investigating in its research (elderly people and disabled people)
- Only those social groups that the Executive is not focusing on in its research, and with particular reference to certain groups specified by the Committee, such as the unemployed and ‘carers’ of other defined concessionary groups

Both these approaches have advantages. The first approach might allow members to comment more directly on the results of the Executive’s research when they are made available, since the Committee would have talked to groups representing elderly people and disabled people. The second approach, however, might be more focused, and members would be able to concentrate on the issue of social groups that will not be eligible for concessionary benefits under the Executive’s proposals. This has been identified by members as a major difference between the approaches of the Committee and the Executive to the question of concessionary travel.

Arrangements for Evidence-Taking

The Minister has indicated that the Executive’s study is due to be completed by July, and so any evidence-taking undertaken by the Committee would have to be completed by the Summer Recess. Members will be aware that the Committee has a significant programme of work scheduled between the Easter Recess and the Summer Recess (including consideration of the National Parks and Integrated Transport Bills). However, members indicated at the Committee meeting on 1 March that they were content to take written evidence on concessionary travel. Members may decide to write to particular organisations and individuals representing specific areas of interest, rather than issuing a general call for evidence.

Members might wish first to identify those concessionary groups the Committee wishes to take evidence from, before writing to various organisations representing these groups. A list of possible consultees on concessionary travel was circulated as an Annex to Committee paper TE/00/3/3, and the relevant sections of that list is attached at the end of this paper. Members may also wish to take a view on which of the organisations listed under each concessionary group the Committee wishes to contact.
The Committee was keen to consider how the ‘carers’ of individuals belonging to groups eligible for concessionary travel might themselves benefit from concessionary travel schemes. Information on the ‘carers’ of particular concessionary groups is likely to be most readily available from the organisations representing each of the concessionary groups, rather than from one single organisation representing ‘carers’. In order to get such information, the Committee would need to pose specific questions or seek comments on specific issues when writing to organisations.

Members might wish to defer the process of reporting on the evidence taken by the Committee, until after the Executive has reported on the results of its research. This would mean that the Committee could use the information it has gathered to respond to the results of the Executive’s research.

On-Going Monitoring of the Executive’s Research

The Minister has not yet indicated whether the Committee will have access to any interim reports produced during the Executive’s research process. If the Committee was able to examine such reports, members would have the opportunity to comment on the research as it progressed, and to be aware of the research findings as they emerge. Members could also flag up any concerns on an on-going basis. However, members may consider it appropriate to wait until the final report is produced before reaching any overall conclusions on the results of the Executive’s research.

Action Following Completion of the Executive’s Research

After publishing the findings of its research following its completion in July, it is likely that the Executive will announce further details on its plans on concessionary travel. It would be open to Committee members to decide how to respond to any such announcement.

Options

1. The Committee could defer a decision on the final arrangements for evidence-taking until a response has been received from the Executive on whether it is willing to take account of the Committee’s views in finalising its research plans.

2. Should the Executive fail to take the views of the Committee into account, the Committee may wish decide to take evidence from either:

   • A wide variety of social groups that could be covered by concessionary travel schemes, including those groups that the Executive proposes investigating in its research; or

   • Only those social groups that the Executive is not focusing on in its research, and with particular reference to certain groups specified by the Committee, such as the unemployed and ‘carers’ of other defined concessionary groups

3. The Committee should reach agreement on:

   • which concessionary groups it wishes to investigate;
• which specific organisations it wishes to take evidence from; and
• when should this evidence be taken

4. The Committee should also reach agreement on which specific issues or questions it wishes to take evidence on. Possible areas that the Committee might want to examine could include:

• the effectiveness of the current provision of concessionary travel schemes in meeting the needs of particular concessionary groups
• the specific problems or issues affecting particular concessionary groups in using various modes of transport
• what is the preferred form of an ‘ideal’ concessionary travel scheme
• what is the impact of the lack of a national concessionary travel scheme for particular concessionary groups
• the potential benefit that might arise from a national concessionary scheme
• the potential benefits for carers of particular concessionary groups, of the inclusion of carers in a concessionary fares scheme

Should the Committee wish to agree the approach to taking evidence on concessionary travel schemes, the Clerk will, in discussion with the Convener, produce a paper to be considered by Committee members, setting out the approach to and format of evidence-taking, and the specific issues and questions to be addressed.

Lynn Tullis
Clerk to the Transport and the Environment Committee
POSSIBLE LIST OF CONSULTEES ON CONCESSIONARY TRAVEL

Elderly People

Age Concern
Scottish Old Age Pensioners Association
Scottish Pensioners Forum
Scottish Association of Care Home Owners
Help the Aged

Disabled People

Alzheimer’s Scotland
Mental Welfare Commission for Scotland
Scottish Association for Mental Health
Capability Scotland
Deaf/Blind UK
Deaf Equality Action Forum
Disability Scotland
Epilepsy Association of Scotland
Mental Welfare Commission for Scotland
National Autistic Society
Royal Blind School
Scottish Society for Autism
Scottish Centre for Children with Motor Impairment
Autism Scotland
Association for all Speech Impaired Children (AFASIC)
Dyslexia Institute
Royal National Institute for the Blind
Royal National Institute for the Deaf
Scottish Association for the Deaf
NationalDeaf Children’s Society
Scottish Dyslexia Association
Scottish Dyslexia Trust
Scottish Dyslexia Forum

Youth

Youth Link Scotland
Children First
Children in Scotland

Groups Concerned With Poverty and Social Exclusion

Scottish Council for Independent People
Gingerbread (single parents)
Scottish Council for Single (homeless people)
Scottish Refugees Council
Scottish Low Pay Unit
Scottish Women’s Aid
The Poverty Alliance
Anti-Poverty Alliance
Scottish Council for Single Homeless
Scottish Council for Voluntary Organisations
Shelter
Petition to the Scottish Parliament
from the National Farmers' Union of Scotland

To the Scottish Parliament:

Petition calling for the agriculture sector to be exempted from the proposed Climate Change Levy

We, the undersigned, declare that the introduction of a Climate Change Levy would result in a distortion of trade, disadvantaging Scottish agriculture.

Scottish average farm incomes for 1998/99 have been forecast at just £416. To survive, farmers and growers have had to minimise costs, including those for energy. Scope for energy economies will have already been acted upon.

Scottish farmers and growers are forced by harsher climatic conditions to use more energy than farmers elsewhere in the United Kingdom. More energy is needed for space heating in the glasshouse and nursery sector, for heating of storage facilities and livestock accommodation and to fuel crop driers.

The imposition of an additional levy would not result in energy saving. It would instead disadvantage primary producers who cannot pass additional costs up the supply chain due to severe competition from imports.

The recycling of funds raised by the levy through reduction in employers' National Insurance contributions would also discriminate against agriculture. Much of the employment within the sector is self-employment so very little of the funds raised would be returned to farmers and growers.

The Petitioner therefore requests that the Scottish Parliament should not apply the proposed Climate Change Levy to the Scottish agricultural sector.

Charles Russell
Specialist Crops Committee Chairman
National Farmers' Union of Scotland
Rural Centre – West Mains
Inkliston,
Newbridge
Midlothian EH28 8LT

Contact: James Withers
(0131 472 4006)
james.withers@nfus.org.uk

Peter Loggie
(0131 472 4016)
peter.loggie@nfus.org.uk

11th January 2000
Briefing

Date 11 January 2000
File Ref ELU/9
To Scottish Parliament Public Petitions Committee
From Peter Loggie
Direct dial 0131 472 4016
E-mail address peter.loggie@nfus.org.uk

CLIMATE CHANGE LEVY

Summary

In summary, the Union’s views are as follows:

- The concept of the proposed climate change levy as an environmental measure is fundamentally flawed as far as agriculture is concerned.
- Were it to be introduced without further amendment, its effect would be discriminatory against agriculture.
- Rather than amend the proposal to deal with the balance of employment and energy usage within agriculture, it is recommended that agriculture be exempted.

Energy Use

Energy use within agriculture varies considerably as between seasons and between branches of agriculture. Identified significant energy uses, significant in terms of input costs, are:

- glasshouse and nursery sector – space heating
- dairy – milking and storage equipment
- arable – grain drying, when required
- pigs and poultry – heating and ventilation.

In addition, all agricultural activities require energy inputs, particularly in the winter period which can be longer in Scotland than in England and Wales.

Energy is one of several input costs, which have to be carefully managed. Depressed revenue across all sectors, occasioned by the strong pound in large part, has concentrated attention on cost reductions. Any scope for further energy economies will have been examined and acted upon. Therefore, the imposition of additional taxation would not serve any energy-saving objective.
Nor would this tax be capable of being passed on by primary producers up the supply chain. Severe competition from imports — actual or potential — has had substantial revenue effects. This demonstrates that the industry is a price taker. It would therefore be obliged to absorb these charges, thereby weakening its viability even further.

**Employment**

The proposal to re-apply funds raised by the levy through reduction in employers' National Insurance contributions would also discriminate against agriculture. Much of the sector's employment generating effects are in upstream and downstream industries. And employment within the sector involves self-employment to a large extent. Therefore, the limitation to employers' contributions would mean only a small inflow of funds to the industry.

This problem of a potentially highly taxed sector with little scope for refunds might be countered by recycling funds wholly within the sector. However, the administrative expense of allocating funds is liable to be considerable, given that employers' national insurance contributions could not be an equitable basis. It is therefore recommended that the industry be wholly exempted from the levy and from the distribution of proceeds.

**Economic Impact**

A further consideration is the effect of the proposed measure on competitiveness.

In agricultural produce markets, the measure would be sufficient to precipitate significant closures and contractions. Loss of output would be unavoidable — as demand is transferred to other sources of supply. This would have knock-on effects in suppliers to agriculture and in processing and distribution of output. The effect would be expected to be particularly severe in rural areas with limited opportunities for alternative economic activity.

The consequences would include more, rather than less, transport of food — thereby contributing to energy usage. Further depopulation of rural areas would have implications for social infrastructure and pressure of demand for services in the recipient areas of immigration. Those adjustments would also have effects on energy demand. These effects would be entirely contrary to the intentions of the tax.
COUNCIL OF
THE EUROPEAN UNION

Brussels, 13 December 1999 (14.12)
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<td>date of receipt: 1 December 1999</td>
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<td>to: Mr Javier SOLANA, Secretary-General/High Representative</td>
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<td>Subject: Amended proposal for a Decision of the European Parliament and of the Council setting up a Community framework for cooperation in the field of accidental marine pollution</td>
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Encl.: COM(1999) 641 final COD 98/0350
Amended proposal for a
EUROPEAN PARLIAMENT AND COUNCIL DECISION
SETTING UP A COMMUNITY FRAMEWORK FOR COOPERATION IN
THE FIELD OF ACCIDENTAL MARINE POLLUTION

(presented by the Commission)
EXPLANATORY MEMORANDUM

1. A number of activities have been developed since 1978 in the field of accidental marine pollution, based on a Council resolution (adopted on 26 June 1978) establishing a Community Action Programme.

These activities consist mainly of common training, exchange of experts, exercises, pilot projects, a task force with designated experts from the Member States and the setting-up of the Community Information System.

The objectives of Community co-operation in this field is to support and supplement Member States' efforts at national, regional and local levels in order to make them more effective and to create the best conditions for an efficient co-operation.

On 16 December 1998 the Commission submitted the proposal for a Council Decision setting up a Community framework for co-operation in the field of accidental marine pollution (COM(98)769–1998/0350/COD). This proposal has the objective of bringing together and consolidating the different actions carried out in this field during the last 20 years under a single solid legal basis, and to extend it to operational spills. It includes a continued Community action programme starting from 1 January 2000.

2. The Committee of the Regions has decided not to deliver an opinion.

3. The Economic and Social Committee adopted its opinion on 29 April 1999. It is broadly supportive of the Commission’s proposal.

4. On 16th September 1999, the European Parliament adopted a total of 29 amendments at its first reading.

The Commission accepted 12 amendments (2, 4, 14, 16, 19, 20, 21, 25, 26, 27, 28 and 29) in their entirety, 3 (5, 15 and 24) in part, and 5 (3, 6, 8, 9, 13) as well as part of 15, in principle (subject to redrafting). These amendments clarify and improve the text of the proposal. Many of them reinforce the importance of co-operation against operational spills (2, 3, 13, 24, 26, 27, and 29). Others introduce important concern such as the releases from dumped munitions (4, 5, 14, 16 and 24), or call for a stronger implication of the public (20 and 24) or other relevant bodies (19, 21 and 25).

Amendments 6, 8, 9 and 13 concern the need to take due account of international conventions for the protection of some specific regional seas. It is proposed to regroup them under one single recital covering all the relevant conventions and/or agreements.

The remaining 9 amendments (No 1, 7, 10, 11, 12, 17, 18, 22 and 23) cause difficulties for the following reasons:

Amendment 1 and partly amendments 5, 15 and 24 introduce a specific reference to pollution caused by radioactive substances. However,
radioactive substances are already implicitly covered in the proposal. Moreover, existing international conventions for the protection of the Mediterranean Sea, the Baltic Sea and the North Sea, to which the Community is contracting party, have all adopted the same approach, namely not to mention any specific substances. Finally, radioactive substances are explicitly included in the IMDG (International Maritime Dangerous Goods) Code recalled in amendment No 5. In the light of the above, the introduction of a specific mention to radioactive substances does not bring any added value.

Amendment No 7 introduces a reference to the Persistent Organic Pollutants protocol on hormone-mimicking substances signed in June 1998 by the UN. Such a reference is not relevant considering the scope of this protocol, which addresses chronic air pollution.

Amendments No 10, 11, 12, 17, 18 and the first part of amendment 22 seek to improve the cooperation with countries participating in the PHARE, TACIS and MEDA programmes. Such an extension would introduce too many difficulties in terms of management, given the quite different decision-making procedures applicable for the implementation of said initiatives (PHARE, TACIS and MEDA) on the one hand, and the proposed Community framework on the other. The objective of the action programme is to consolidate and improve the co-operation in the field of accidental marine pollution within the Union. These proposals would have a strong impact on the human resources needed for carrying out such actions. Besides, a certain degree of co-ordination with the countries concerned is already assured under the existing international conventions for the protection of the Mediterranean or the Baltic Sea.

The last part of amendment No 22 proposes that the committee set up under the proposed decision shall meet in public and publish agendas and other documentation related to it. Such a proposal causes difficulties, as it is not in line with the recent decision on comitology (Council Decision 99/468/EC).

Amendment No 23 prejudices the decision that should be taken on the basis of the evaluation report referred to in the same article (number 5) and impinges on the Commission’s right of initiative.
Amended proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DECISION

SETTING UP A COMMUNITY FRAMEWORK FOR COOPERATION IN
THE FIELD OF ACCIDENTAL MARINE POLLUTION

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN
UNION,

Having regard to the Treaty establishing the European Community, and in particular
Article 156 175 (1) thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Having regard to the opinion of the Economic and Social Committee,³

Having regard to the opinion of the Committee of the Regions,⁴

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

(1) Whereas the actions taken by the Community in this field since 1978 have
made it possible progressively to develop co-operation between the Member
States within a Community Action Programme; whereas the resolution and
decisions adopted since 1978⁵ constitute the basis for this co-operation;

(2) Whereas the Community Information System has served the purpose of
making available to the competent authorities in the Member States the data
required for the control and reduction of pollution caused by the spillage of
hydrocarbons and other harmful substances at sea in large quantities; whereas
the Information System will be simplified by the use of a modern automatic
data processing system; whereas the need for rapid and efficient
exchange of information requires an appropriate linguistic regime;

(3) Whereas the Community Task Force and other actions within the Community Action Programme have provided practical assistance to operational authorities during marine pollution emergencies and promoted co-operation and preparedness for efficient response to accidents;

(4) Whereas the Community programme of policy and action in relation to the environment and sustainable development presented by the Commission foresees that the Community’s activities will be stepped up in particular in the field of environmental emergencies which includes accidental marine pollution and operational spills;

(5) Whereas the proposal for a directive on port reception facilities for ship-generated waste and cargo residues will play, once it is adopted, a major role in the context of operational spills.

(6) Whereas the Community co-operation in the field of accidental marine pollution, by taking action against the risks, helps to achieve the objectives of the Treaty by promoting solidarity between Member States and contributing, pursuant to Article 174 of the Treaty, to preserving and protecting the environment, including human health;

(7) Whereas 'accidental marine pollution' should be defined to include, but not be limited to, all releases of harmful substances into the marine environment, whether civilian or military, either directly at or into the sea, or from the shoreline, or river estuaries, or through releases from materials previously dumped at sea;

(8) Whereas 'harmful substances' should be defined to include but not be limited to all materials covered by the IMDG (International Maritime Dangerous Goods) code, and releases from dumped munitions;

(9) Whereas particular attention should be devoted to the relevant conventions and/or agreements covering European seas;

(10) Whereas the establishment of a Community framework for co-operation providing support measures will help to develop co-operation in the field of accidental marine pollution even more efficiently; whereas such a framework for co-operation should be based to a large extent on experience gained since 1978 in this field;

(11) Whereas a Community framework for co-operation will also increase transparency as well as consolidate and strengthen the different actions in continued pursuit of the objectives of the Treaty;

(12) Whereas action to provide information and prepare those responsible for and involved in dealing with accidental marine pollution in the Member States is important and increases the degree of preparedness for accidents and also contributes to lessening the risks;

(13) Whereas it is also important to undertake Community action to improve techniques and methods of response and rehabilitation after emergencies;

(14) Whereas the provision of operational support in emergency situations to Member States and facilitating the dissemination of experience from such situations among Member States has proved to be of significant value;

(15) Whereas an advisory committee on accidental marine pollution will assist the Commission in managing the framework for co-operation; whereas the Commission may also refer other matters relating to accidental marine pollution to this committee;

(16) Whereas the provisions of this Decision take over, in particular, the action programme set up through the Council Resolution of 26 June 1978 and the Community Information System established through Council Decision of 6 March 1986; whereas that Council Decision should therefore be repealed from the date on which this Decision enters into force;

HAVE ADOPTED THIS DECISION:

Article 1

1. A Community framework for co-operation in the field of accidental marine pollution (hereinafter called "the framework for co-operation") is hereby established for the period 1 January 2000 to 31 December 2004.

2. The framework for co-operation is intended to support and supplement Member States' efforts at national, regional and local level for the protection of the marine environment, human health, and coastlines against the risks for accidental pollution at sea and operational spills, including releases from dumped munitions.

'Accidental marine pollution' should be defined to include, but not be limited to, all releases of harmful substances into the marine environment, whether civilian or military, either directly at or into the sea, or from the shoreline, or river estuaries, or through releases from materials previously dumped at sea.

3. The aim of the framework for co-operation is to improve capabilities of the Member States for response in case of incidents involving spills or imminent threats of spills of oil or other harmful substances at sea and also to contribute to the prevention of the risks. The framework for co-operation is further intended to create the conditions for and facilitate efficient mutual assistance and co-operation between Member States in this field.

The framework for co-operation should also facilitate co-operation between Member States to ensure that financial damage can be claimed in accordance with the polluter-pays-principle.
4. Within this framework for co-operation, a Community Information System with the purpose of exchanging data for the preparedness for and response to accidental marine pollution, including operational spills and munitions dump zones, is established. The system will consist of at least the components set out in Annex I.

Article 2

1. The Commission shall implement the actions under the framework for co-operation.

2. A three-year rolling plan to implement the actions under the framework for co-operation, to be reviewed annually, shall be adopted, in accordance with the procedure laid down in Article 4 and on the basis inter alia of the information supplied by Member States to the Commission. The Commission may, where necessary, arrange additional actions to those under the framework for co-operation. Such additional actions shall be assessed in the light of the priorities set and the financial resources available.

3. Actions under the framework for co-operation and financial arrangements for Community contribution are set out in Annex II.

Article 3

1. The rolling plan to implement the actions under the framework for co-operation shall contain the individual actions to be undertaken.

2. Individual actions shall be selected primarily on the basis of the following criteria:

(a) contribution to providing information and preparing those responsible for and involved in dealing with accidental marine pollution and operational spills, in the Member States, in order to increase the degree of preparedness and contribute to preventing the risks;

(b) contribution to improving techniques and methods of response and rehabilitation after emergencies, including exchange of information between port authorities;

(c) contribution to providing operational support, by mobilising experts mainly belonging to the Community Task Force, in emergency situations to Member States and to disseminating experience from such situations among Member States;

(c) contribution to providing better public information to help clarify risks and relaying accident information;

(c) contribution to strengthening the integration of risk and response with other local agencies including habitat protection bodies.
3. Each individual action shall be implemented in close co-operation with the competent authorities at national, regional and local levels in the Member States.

**Article 4**

1. For the implementation of the actions under the framework for co-operation, the Commission shall be assisted by an advisory committee composed of representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the individual actions to be undertaken. The committee shall deliver its opinion on the draft, within a time limit, which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee and shall inform the committee of the manner in which its opinion has been taken into account.

2. The Commission may also refer other matters relating to accidental marine pollution to the advisory committee.

**Article 5**

The Commission shall evaluate the implementation of the framework for co-operation at mid term and before its end, and report by 30 September 2002 and 31 March 2004 to the Council and the European Parliament.

**Article 6**

The Council Decision of 6 March 1986 establishing a Community Information System for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea, as last amended, shall be repealed on the entry into force of this Decision.

**Article 7**

This Decision shall apply with effect from 1 January 2000.
Article 8

This Decision is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President
ANNEX I

Components of the Community Information System

The Community Information System will use a modern automatic data processing system. On the Internet site, there will be general background information at Community level on a Community Home Page and, on National Home Pages, information related to the national intervention resources available.

Separately, a printed part of the system will be maintained in the form of a Community operational loose-leaf booklet with information on emergency management in each Member State.

1. Each Member State, within six months from the date the Decision enters into force, shall:

   a) appoint the authority or authorities responsible of the management of the national part of the system, and inform the Commission thereof,

   b) open a web site to be connected with the whole system through the Community general access page of the system.

2. The Commission will open a web site for the purpose of a general access page of the system and a Community page.

3. Each Member State shall fill, in its National Home Page and within six months from the date the Decision enters into force, at least, the following information:

   a) a concise view of national structures and of the links between national authorities in the field of accidental marine pollution and operational spills areas,

   b) the inventory of main means for emergency response and clean-up from public and private sectors. This inventory will contain data on:

      - number and qualification of the specialist staff,
      - mechanical resources for recovering hydrocarbons discharged at sea and preventing or combating sea or coastal pollution from oil spills and other harmful substances, as well as on the specialist staff that will utilise these resources,
      - chemical and biological resources for combating pollution at sea and cleaning up coasts, rehabilitation expertise, as well as on the specialist staff that utilise these resources,
      - ships and aircraft equipped for combating pollution,
      - mobile resources for temporary storage of recovered hydrocarbons and other harmful substances,
      - systems for lightening oil-tankers,
      - an emergency number for public use.
ba) list of munitions dump sites,

c) the location of stockpiles or equipment,

d) the conditions for offering assistance to other Member States.

4. Each Member State shall up-date its National Home Page, specified in paragraph 3, as soon as changes have occurred or at least each year in January.

5. Each Member State shall provide the Commission with its information on operational emergency management to be included in the Community operational loose-leaf booklet, including operational procedures for mobilisation and operational contact points with their references, within 6 months from the date the Decision enters into force.

6. Each Member State shall notify to the Commission at the earliest opportunity any change related to the information contained in the loose-leaf booklet.

7. The Commission shall make available to each Member States a copy of the loose-leaf booklet and shall provide any updating to the Member States.
# ANNEX II

## Financial arrangements for the Community contribution

<table>
<thead>
<tr>
<th>ACTION</th>
<th>FINANCING ARRANGEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Action in training and information</strong></td>
<td></td>
</tr>
<tr>
<td>1. <em>Courses and workshops</em> (<em>1)</em></td>
<td>Maximum Community financial contribution: 75% of the total cost of the action with a ceiling of ECU 75,000 per action.</td>
</tr>
<tr>
<td>Organisation of courses and workshops for the national, regional and local officials in Member States and others involved to ensure that the competent services respond rapidly and efficiently.</td>
<td></td>
</tr>
<tr>
<td>2. <em>Exchange of experts</em></td>
<td>Maximum Community financial contribution: 75% of the experts' travel and subsistence expenses and 100% of the costs of co-ordinating the system.</td>
</tr>
<tr>
<td>Organisation of the secondment of experts to another Member State in order to allow the experts to gain experience or appraise different techniques used or to study the approaches taken within other emergency services or other relevant bodies such as non-governmental organisations with specialist expertise in accidental marine pollution.</td>
<td></td>
</tr>
<tr>
<td>Organisation of exchanges of Member States' experts, specialists and technicians enabling them to present or follow short training courses or modules in another Member State.</td>
<td></td>
</tr>
<tr>
<td>3. <em>Exercises</em></td>
<td>Maximum Community financial contribution: 50% of the costs of participation of observers from other Member States and for organising associated workshops, preparing the exercise, producing a final report, etc.</td>
</tr>
<tr>
<td>The exercises are intended to compare methods, to stimulate co-operation between Member States and to back up progress in and to co-ordinate the national emergency services.</td>
<td></td>
</tr>
</tbody>
</table>
4. **Community Information System**

Development and maintenance of a modern computerised information system to help the national authorities dealing with accidental marine, and operational spills pollution by providing the information needed for emergency management.

B. **Action for improving techniques and methods of response and rehabilitation (pilot projects)**

Projects designed to increase the Member States’ capacity for response and rehabilitation. These projects are aimed mainly at improving means, techniques and procedures. Their scope shall interest all or several Member States, and could include projects for the implementation of new technologies related to accidental marine pollution, and operational spills. Projects involving two or more Member States will be encouraged.

C. **Support and Information actions**

1. **Environment impact**

Actions to support surveys of the environmental effects after an incident to evaluate the preventive and remedial measures taken and to largely disseminate their results and the experience acquired to the other Member States.

2. **Conferences and events**

Conferences and other marine pollution events open to a large audience, in particular when they involve several Member States.

| 100% financing of the Commission part of the system. |
| Maximum Community financial contribution 50% of the total cost of each project with a ceiling of 150.000 ECU. |
| Maximum Community financial contribution 50% of the total cost of each action. |
| Maximum Community financial contribution 30% of the total cost of the action with a ceiling of ECU 50.000. |
3. **Other support actions**
   
   Actions for defining the state of the art, for the development of principles and guidance for important aspects of the accidental marine pollution and operational spills and for the evaluations of the framework for cooperation.

4. **Information**
   
   Publications, exhibition material and other information to the public on the Community co-operation in the field of accidental marine pollution, and operational spills.

<table>
<thead>
<tr>
<th>D. <strong>Mobilization of expertise</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Action for mobilisation of experts belonging to the Community Task Force to intervene in the event of an emergency situation to reinforce the system set up by the authorities of a Member State or a third country facing the emergency and for provision of an expert on scene to coordinate observers from other Member States.</td>
</tr>
</tbody>
</table>

| 100% financing. | Community financial contribution: 100% of the cost for the experts’ missions. |

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(1) The only eligible actions are those interesting all Member States or a significant number of them.
COUNCIL OF
THE EUROPEAN UNION

Brussels, 20 December 1999 (21.12)
(OR. 1)

14242/99

LIMITE

ENV 462
MAR 114

OVER NOTE

To: Mr Carlo TROJAN, Secretary-General of the European Commission

Cc: Mr Javier SOLANA, Secretary-General/High Representative


This text is available in English, French and German only.
COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.11.1999

COMMISSION STAFF WORKING PAPER


(1997-98)
1. INTRODUCTION

The Council Decision (81/971 EEC) established a Community Information System for the control and reduction of pollution caused by hydrocarbons discharged at sea¹.

The establishment of the System resulted from a number of studies conducted by the Commission's departments, following the recommendation set out in Council Resolution 26/6/1978 setting up an action programme of the European Communities on the control and reduction of pollution caused by hydrocarbons discharged at sea.

This Council Decision was repealed in 1986 by Council Decision 86/85/EEC which expanded the scope of the Community Information System to include pollution caused by the spillage of hydrocarbons and other harmful substances at sea.

Council Decision 88/346/EEC then amended this second Council Decision by adding spillage occurring "in major inland waters" to the scope of the Community Information System.

Article 5 of Council Decision 86/85/EEC stipulates that "every two years the Commission shall draw up and forward to the Council and to the European Parliament a report on the operation of the information system and the use made of it by Member States".

The previous report, covering 1995-96 was submitted as a staff working paper bearing the reference SEC (1998) 635.

This report covers 1997-98.

2. IMPLEMENTING THE SYSTEM

The Community Information System is seen as one of the most relevant activities developed on the basis of Council Resolution 26/6/78 "setting up an action programme of the European Communities on the control and reduction of pollution caused by hydrocarbons discharged at sea".

A preliminary version of the Community Information System had been completed in October 1983 and the first operational version was distributed in June 1985.

¹ OJ L 355, 10.12.81, p. 52
At that time the System was limited to information relating to the spillage of hydrocarbons.

A version of the System containing a section providing information on the resources available in the Member States for intervention in accidents involving harmful substances other than oil was completed in 1987.

Owing to restyling, and in order to update the CIS, seven different versions have been distributed over the years.

3. BACKGROUND TO THE SYSTEM

3.1 Community level

It should be noted that since the Community Information System has been developed, several major accidents leading to pollution or the threat of pollution have occurred.

When the System was first introduced, the national capacity of the Member States to respond to accidental marine pollution was not as developed as it now is.

Against this backdrop the CIS has played a major part not only in developing and improving the Member States’ capabilities, national organisation and contingency planning but also in encouraging co-operation with other countries.

The Community Information System has proved to be very valuable to Member-State administrations when dealing with serious accidents such as the following:

- PATMOS (Messina 1985),
- CAPO EMMA (Bantry Bay 1986),
- KOWLOON BRIDGE (Shibbereen 1986),
- CASON (Spain 1987),
- KHAIRK V (concerning Spanish and Moroccan water 1989)
- The spills off Porto Santo Island (Madeira 1990) and in The Gulf (1991) where a lengthy assistance was provided by the T.T., or more recently,
- HAVEN (Italy 1991)
- The accident involving the tanker SEA EMPRESS (Wales 1996) where international co-operation played an important part in the successful action to combat the pollution caused by the spill.

In view of the experience gained from these major accidents and the needs and suggestions put forward by Member States the Commission’s departments have
continually revised and rationalised the System, making it an evolving tool that is available to the Member States.

It should also be recalled that, in 1987, after a Belgian memorandum on the environmental consequences of the "Herald of Free Enterprise" tragedy had been sent to the Council, the Commission announced that it would endeavour to set up a "Community Task Force to combat accidental pollution at sea".

This Community Task Force to combat accidental pollution at sea could be considered a natural extension of the Community Information System.

The Community Task Force (which consists mainly of administrative arrangements), is managed by the Commission in order to support authorities facing emergency situations by enabling experts and liaison officers to be seconded easily and quickly.

It consists of experts from the Member States who can be called on to provide practical assistance to the operational authorities in a marine-pollution emergency.

3.2 International level

The growing amount of attention devoted to the problem of pollution at sea in European Countries has fostered the development of several regional agreements which also cover co-operation where there is major accidental pollution at sea.

The most relevant of these agreements, to which 12 Member States out of the 13 coastal States are contracting parties are:

- The 1976 Convention for the protection of the Mediterranean Sea against pollution (Barcelona Convention).
- The 1983 Agreement on co-operation in dealing with pollution of the North Sea by oil and other harmful substances (Bonn Agreement).
- The Co-operation Agreement signed in 1990 for the protection of the coasts and waters of the North-East Atlantic against pollution (Lisbon Agreement).

The European Community is also a contracting party to the first three agreements, and a signatory of the fourth.

For their own purposes these agreements led to the writing of ad-hoc operational manuals containing all relevant information related to structures, strike teams and equipment in the contracting countries.

In the near future, the Community Information System will become the federative tool for a harmonised approach under these agreements.
4. THE USE OF THE SYSTEM

It is recognised that the Community Information System has played a major part in the Community Action Programme over the last 15 years.

However, owing to expanding national capabilities, the development of operational co-operation under regional agreements, the progress achieved in construction + navigation safety, together with that in training crews, the likelihood of accident has been reduced.

The frequency of using the System during emergency situations has consequently decreased.

The most relevant spillage accidents occurring in European territorial waters over the two years covered by this report, are:

<table>
<thead>
<tr>
<th>NAME</th>
<th>DATE</th>
<th>PLACE</th>
<th>ACCIDENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tanker KATJIA</td>
<td>07.08.1997</td>
<td>Le Havre (FR)</td>
<td>Collision during mooring operations - 90 cbm of oil spilled</td>
</tr>
<tr>
<td>Tanker ALLEGRA</td>
<td>01.10.1997</td>
<td>Channel</td>
<td>Collision - 700 T of palm oil spilled</td>
</tr>
<tr>
<td>M/F Cpt.TRANNIS</td>
<td>13.10.1997</td>
<td>Anglet (FR)</td>
<td>Running aground - 120 T of heavy Fuel spilled</td>
</tr>
<tr>
<td>Operational incident</td>
<td>04.11.1997</td>
<td>Cork (IRL)</td>
<td>30 T of oil spilled in refinery</td>
</tr>
<tr>
<td>MSC CARLA</td>
<td>24.11.1997</td>
<td>Azores</td>
<td>Wreck - dangerous cargo with Radiological equipment (Cs 137) lost at sea</td>
</tr>
<tr>
<td>M/F PALLAS</td>
<td>25.10.1998</td>
<td>Esbjerg</td>
<td>Running aground - 50 cbm of fuel oil spilled</td>
</tr>
</tbody>
</table>

These incidents have been considered by the national authorities of such an extent as not to need international co-operation. The System was therefore not used in the emergency situations concerned. Nonetheless it has still proved valuable to the Member States for training purposes and during exercises that are regularly carried out in order to keep the national teams ready for international co-operation.
5. THE FUTURE OF THE SYSTEM

Recently the opinion has been expressed in many circles that, while the Member States need to have the Community Information System as a fundamental tool for gathering information in the event of a major spill, it needs to be made available in a simpler and more easily accessed format if it is to remain the leading instrument for co-operation in the field of response to accidental marine pollution.

On this basis, recognising that the System is expected to be a living tool and taking into consideration the opinion expressed by the members of the Advisory Committee, the Commission’s departments initiated a pilot project with the authorities concerned in some Member States in late 1998.

This project is intended to test a new structure for the System and new instruments for exchanging data in order to improve the preparedness and responses to accidental marine pollution, including operational spills.

The two basic aims of this work are:

1- to lighten the administrative burden and to avoid delays in updating operations and checking information by the Member States;

2- to avoid overlapping with or duplicating information contained in the regional-agreement manuals.

This will be achieved by:

- using modern techniques for distributing the information "in real time" via Internet links (instead of a printed data book);

- changing to a multi-site network instead of a centralised database structure.


The aim of this Framework is to contribute to further improving the response capacity of the Member States in the event of incidents involving spills or imminent threats of spills of oil or other harmful substances at sea, by encompassing, in one single act, the Community Information System, the Community Task Force, the Action Programme and all the forms of action contained therein.

This framework for co-operation will also provide a solid legal basis and even set out the criteria and financing arrangements for the activities involved.

This proposal provides for the replacement of the current System by the abovementioned more modern tool.
EUROPEAN SCRUTINY ADVICE – SCOTTISH EXECUTIVE COVERING NOTE

Document title:

(1) Amended proposal for a European Parliament and Council Decision setting up a Community framework for co-operation in the field of accidental marine pollution.


Document number: (1) 14080/99, SP649
                  (2) 14242/99, SP697

Minister with responsibility: Deputy Minister for Rural Affairs, John Home Robertson

Lead Scottish Executive Department: Rural Affairs Department

Background/Policy

These two documents are linked. They are essentially about the framework which the European Commission has put in place, but plans to modify, to facilitate exchange of information on marine pollution incidents and how they should be handled.

The issues covered by the papers relate to matters reserved under Section E3 (Marine Transport) of Schedule 5 of the Scotland Act 1998. Lead Departmental responsibility rests with the Maritime and Coastguard Agency (MCA) of the Department of Environment, Transport and the Regions.

Under the terms of Section 293 of the Merchant Shipping Act 1995, as amended, DETR has drawn up a "National Contingency Plan for Marine Pollution for Shipping and Offshore Installations". The Scottish Executive and local authorities (represented by the Convention of Scottish Local Authorities and Shetland Islands Council) were fully involved in the formulation of the "Plan". As part of that process, coastal local authorities have developed their own individual plans.

In the event of an incident, the MCA would lead but the Scottish Executive Rural Affairs Department would co-ordinate the interests of the Scottish Executive. These include the marine environment, fisheries and the other living resources that it supports, food safety, including fish and shellfish hygiene, water industry, agriculture and natural heritage.

The Committee has asked about local input (Article 3 of Document 14080/99). We see that as part of the co-ordinated action set out in the National Plan.

Scottish Interest

AKA01393
EXPLANATORY MEMORANDUM ON EUROPEAN COMMUNITY DOCUMENT

Commission staff working paper: Report on the operation and use of the information system set up under Council Decision 86/85/EEC of 6 March 1986 establishing a Community information system for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea

Submitted by the Department of the Environment, Transport and the Regions
24 January, 2000

SUBJECT MATTER


2. The purpose of the information system is to support and supplement the activities of Member States by promoting the exchange of information. No Member State made use of the information system to assist its response to an incident in 1997 or 1998. However, Member States did make use of the system for training purposes and during exercises.

MINISTERIAL RESPONSIBILITY


SCRUTINY HISTORY

4. DETR submitted an explanatory memorandum on the Commission's previous report (EM 7558/98). The House of Commons European Scrutiny Committee considered it at its meeting on 13 May 1998. The committee recommended that the document was not of legal or political interest. The House of Lords Select Committee on the European Communities cleared it at their 955th meeting on 5 May 1996.

OTHER OBSERVATIONS

5. The Commission's report has no policy or cost implications.
6. In 1999, the Commission made a proposal for new framework on co-operation in the field of marine pollution to replace and update the framework established by the decision of 1986. In 1999, the Commission amended its proposal to take account of some amendments proposed by the European Parliament at first reading. DETR has provided explanatory memoranda on both these proposals.

7. The Council adopted a common position at the end of 1999 and forwarded it to the European Parliament for second reading. The Government is content with the common position.

Keith Hill
Minister for Shipping
Department of the Environment, Transport and the Regions
EXPLANATORY MEMORANDUM ON EUROPEAN COMMUNITY LEGISLATION: AMENDED PROPOSAL FOR A RECOMMENDATION ON THE EUROPEAN PARLIAMENT AND OF THE COUNCIL PROVIDING FOR MINIMUM CRITERIA FOR ENVIRONMENTAL INSPECTIONS IN THE MEMBER STATES

Submitted as a short unsigned EM by the Department of Environment, Transport and the Regions on 19th January 2000

SCRUTINY HISTORY

1. The original proposal was the subject of EM 5086/99, submitted by the Department of Environment, Transport and the Regions on 11 February 1999. EM 5086/99 was considered by the House of Commons European Scrutiny Committee on 17 March 1999. The Committee recommended that the EM was of political importance, but cleared it (reference 19775, 13th report session 1998-99). The House of Lords Select Committee on the European Communities referred the EM to sub Committee C at their 96th sitt on 16 February 1999, the sub Committee cleared it on 12 November 1999. A further SEM 5086/00 was submitted by the Department of Environment, Transport and the Regions on 29 November 1999. The SEM was intended to update Parliament on progress made in the discussions regarding the proposal, and in particular on the Commission's opinion on the European Parliament's First Reading Amendments. The House of Commons European Scrutiny Committee considered the SEM at their meeting on 1 December 1999 (second report session 1999-2000). The Committee recommended that the document was of political importance and cleared it. The House of Lords Select Committee on the European Communities cleared the SEM at their 1014th sitt on 7 December.

SUBJECT MATTER

2. The proposed Council Recommendation on minimum criteria for environmental inspections arises from a Commission Communication on Implementing Community Law of 2 November 1996 and Council's response to this Communication, the Council Resolution on the drafting, implementing and enforcement of Community environmental law of 7 October 1997. The objective of the Council Resolution was to bring about improvements in standards of implementation and enforcement of environmental law across the Community, in order to enhance environmental protection.

3. The purpose of this proposal is to establish guidelines for environmental inspections carried out in the member states by their national inspection agencies based on minimum criteria, and thus to help raise inspection standards across the Community by ensuring that Community environmental law is applied consistently.

4. The amended proposal covered in this EM details the Commission's position on the amendments proposed by the European Parliament at First Reading. The Commission's amended proposal is as set out in the SEM submitted prior to the December Environment Council. At the Council, agreement was reached on the text of a Recommendation providing for minimum criteria for environmental inspections in Member States with a view to adopting a common position at one of the forthcoming meetings.

TIMETABLE

5. The Environment Council will discuss a Common Position at a forthcoming Council meeting. Subsequently the proposal will return to the European Parliament for its Second Reading.
THE TRANSPORT AND THE ENVIRONMENT COMMITTEE

European documents 649 & 697

Introduction

The above European documents have been referred to the Transport and the Environment Committee, for consideration, by the European Committee. Copies of the documents are attached (as papers TE/00/5/8 and TE/00/5/9 together with an Explanatory Memoranda prepared by the Department of the Environment, Transport and Regions (DETR) (paper TE/00/5/11) and a supplementary note by the Scottish Executive Rural Affairs Department (Paper TE00/5/10).

The European Committee’s remit allows it to refer matters to other committees “where it considers it appropriate to do so” (Rule 6.8.2). Those other committees are not obliged to do anything in particular with matters so referred, other than consider them at a meeting. There is, in particular, no obligation to report on them.

Background

The documents relate to marine pollution matters:

649: An amended proposal for a decision of the European Parliament and of the Council setting up a Community framework for co-operation in the field of accidental marine pollution. This is designed to support and supplement Member States’ efforts at national, regional or local level for the protection of the marine environment, human health and coastlines against the risks from accidental pollution at sea. The measure is proposed to apply from 1st January 2000.


Request to the Scottish Executive

The European Committee requested that the Scottish Executive provide information on the following points:

649: Clarification of how the Scottish Executive plans to encourage Scottish regional and local organisations to respond to the offer by the European Commission to submit information to them, ad to clarify who has responsibilities for marine pollution matters.
The views of the Scottish Executive on the proposed new Community framework and clarify who has responsibilities for accidental marine pollution matters (especially within the devolved settlement).

A note from the Scottish Executive is attached as paper TE/00/5/10.

**Options**

The committee may wish to:
- take note of these documents
- consider the documents and explanatory notes of the DETR and Scottish Executive and consider whether there are outstanding points of clarification or requirement for further information
- consider whether any further action is appropriate

Lynn Tullis
Clerk to the Transport and the Environment Committee
March 2000
01 March 2000

Clerk to the Committee
Transport and Environment Committee
The Scottish Parliament
The Mound
Edinburgh
EH99 1SP

Dear Ms Tullis

Further to my letter of 7 January 2000 notifying you of GNER’s willingness to provide the Transport & Environment Committee with a briefing on our operations in Scotland, I am writing to you again in the context of our current franchise extension bid.

As you may be aware, GNER is required by the terms of our franchise to consult as widely possible and, in the spirit of that agreement, would like to take the earliest opportunity to make a presentation to the Committee on the details of our franchise proposals, particularly as the franchise process is well under way.

Whilst some Committee members may have attended one of 2020 vision Roadshows on 10 February, we would greatly welcome the opportunity to provide a formal presentation to the Committee as a whole.

I would therefore be very grateful if you could convey to the members, at an appropriate time, our interest in this regard, and also our willingness to submit evidence on any aspect of our operations at any time.

I look forward to hearing from you in due course.

In the meantime, if I can be of any assistance on any matter regarding GNER, please feel free to give me a call.

Yours sincerely

[Signature]

Andy Naylor
Press and External Relations Manager, Scotland