OFFICIAL REPORT
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Constitution, Europe, External Affairs and Culture Committee

Thursday 16 December 2021

Session 6

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CONSTITUTION, EUROPE, EXTERNAL AFFAIRS AND CULTURE COMMITTEE
14th Meeting 2021, Session 6

CONVENER

*Clare Adamson (Motherwell and Wishaw) (SNP)

DEPUTY CONVENER

*Donald Cameron (Highlands and Islands) (Con)

COMMITTEE MEMBERS

*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)
*Sarah Boyack (Lothian) (Lab)
*Maurice Golden (North East Scotland) (Con)
*Jenni Minto (Argyll and Bute) (SNP)
*Mark Ruskell (Mid Scotland and Fife) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jonnie Hall (NFU Scotland)
Martin Johnson (Scottish Government)
Dr Alexandra Stein (Scottish Government)
John Webster (Scottish Government)

CLERK TO THE COMMITTEE

James Johnston

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Constitution, Europe, External Affairs and Culture Committee

Thursday 16 December 2021

[The Convener opened the meeting at 09:00]

United Kingdom Internal Market

The Convener (Clare Adamson): Good morning and a very warm welcome to the 14th meeting in 2021 of the Constitution, Europe, External Affairs and Culture Committee. This is our first virtual committee meeting in this session of Parliament.

We have two agenda items this morning. Item 1 is our inquiry into the United Kingdom internal market. Joining us is Jonnie Hall, director of policy at NFU Scotland. Good morning, Mr Hall, and thank you very much for your written submission to the committee.

We will move straight to questions. I will open with a question about the history and development of NFU Scotland's involvement in the internal market. In your submission, you emphasise how important it is to the NFUS to have the option of divergence to meet the needs of individual nations and to protect particular aspects of farming, but you also see the principles of mutual recognition and non-discrimination as a threat to that opportunity. So that we can understand the history, what involvement did the NFUS have in the development of policies before the United Kingdom Internal Market Bill was introduced, and at what point did you start to see the opportunity to diverge in particular areas becoming a problem?

Jonnie Hall (NFU Scotland): That is a very broad question. I will try to be brief and as concise as I can be. Our interest in the issue goes back the European Union referendum in 2016. Once we realised that we would be leaving the EU, we understood that that meant leaving the European single market and all the challenges that that would bring. This is maybe a discussion for another day, but leaving the EU meant leaving the overarching single market approach that we enjoyed within the EU, whereby all member states, including the devolved Administrations in the UK, enjoyed a certain amount of flexibility, although they still complied with the same regulatory and support frameworks.

I am talking about the common agricultural policy in particular—a policy that reached across the EU and allowed member states, including Scotland, of course, to adapt certain aspects in line with devolved circumstances. Behind the CAP there was a raft of environmental, animal health and welfare, food and other European legislation. To put it simply, all the players within Europe played to the same rules. At the very least, we all played the same game. We were not necessarily always on a level playing field, but we all played the same game with the same rules around some very important things.

We then fast forward to the summer of 2020, when Westminster recognised the challenges of devolved and diverging regulatory approaches and the potential impact that that might have on the UK internal market and its integrity. We share those concerns, because we want the UK internal market to operate as it has done recently and still does.

However, the consultation on the United Kingdom Internal Market Bill, and the act that followed pretty rapidly around this time last year, largely drove a coach and horses through the concept of and philosophy around devolved capacity in certain areas. We had always argued, as had others, and as had been the case under the relevant joint ministerial committee, that a lot of the issues did not require that sort of legislation if we could constitute effective common frameworks. The frameworks were discussed through the 2017 to 2019 period. We felt that the devolved Administrations, including the UK Government representing England, if you like, could agree things by consensus, rather than have what I might describe as a sledgehammer to crack the walnut of an internal market act.

While that sledgehammer has not necessarily materialised in reality for particular issues, there is still huge potential for the approach to cause problems for the internal market. The reason why I say that—the reason why the flag waves for me—is that we certainly have a UK Government that is starting to test the boundaries of diverging from the EU at the same time as we have the Scottish Government remaining pretty much aligned with the EU, especially on environmental regulation and so on. That is borne out by the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, which the Scottish Parliament passed quite recently, and the notion of keeping pace with Europe.

I am still trying to square the triangle, if that makes sense, of Westminster, Edinburgh and Brussels and where that leaves the likes of Scottish agriculture and food producers operating within a single market in the UK. Maybe I can go into that further at some point. That is very much a snapshot of our history in relation to the issue, and of its importance.

I hope that I made it very clear in our written submission that the UK internal market is very

important to the interests of Scottish agriculture and food production. It is less important to England, but the market for the devolved Administrations, which have smaller populations, is south of the border for so many things, and so the UK internal market matters. It matters not only that we maintain that level playing field but that we play to the same rules. The beginning of divergence in the rules could create a competitive advantage or disadvantage, depending on which way the divergence goes. We are starting to see some testing of those boundaries. That will create not only some political headaches, but practical and potentially market-distorting headaches for Scottish agriculture.

Sarah Boyack (Lothian) (Lab): Thank you, Mr Hall, for your written paper, which is very useful. I want to follow on from the comments that you have just made. In your written submission, you said that you see a major challenge in how things are developing, and that you think that common frameworks would be

"a more effective alternative to manage divergence, whilst respecting devolution, and so enable the UK Internal Market to operate without friction or distortion."

Can you say a bit about the collective discussions that you have had on the farming side across the four nations of the UK, and what discussions you have had with the different Governments to get your view across?

Jonnie Hall: With our colleagues at the National Farmers Union in England and Wales and our colleagues at the Ulster Farmers Union, we have been absolutely consistent and as one: we all agree that common frameworks would be a preferred approach in which things would be resolved through consensus, rather than there being imposition and the elements of the internal market act, particularly the mutual recognition and non-discrimination elements.

We have always argued that common frameworks, if constituted correctly, would allow for dispute resolution and for things to be resolved more constructively. Common frameworks appear to be the more pragmatic and effective approach to safeguarding the integrity of the UK internal market, which we all want.

That appeared to be very much the approach in the early days, in 2017-18. There was a lot of work going on behind the scenes with the Scottish Government and with Westminster and the other devolved Administrations to try to work up effective common frameworks, how they could be governed and how to ensure that dispute resolution could be done in a meaningful way. I have not been entirely sighted on the issue because that work was done by Governments and their officials, overseen by the JMC. However, we have not seen that work roll out into any practical evidence of the approach working in operation.

In 2020, and now in 2021, we have had the internal market act, which, as I said, almost drives a coach and horses through the principles of common frameworks and almost renders them redundant. Under the principles of non-discrimination and mutual recognition, it does not matter through what methods or means something is produced in one part of the UK, it has to be allowed access to other parts of the UK to be sold, used or whatever. The common framework principles are absolutely where we still want to be, but they seem to have been lost because of the internal market act. What does that mean for something that is produced in England and sold in Scotland, but which is produced to very different standards with different cost structures that might afford the English producer an advantage? Indeed, there might be some difference in relation to environmental issues or whatever. There is no comeback—there is no dispute resolution process. Because of the internal market act, such things would have to be absorbed and taken in. In that sense, the act does not allow devolved capacity to work effectively.

Sarah Boyack: Have you been able to have discussions with ministers to get that point across? The key point that comes across very strongly in your written evidence is that the approach will undermine agricultural support, the environment, animal welfare standards and food production. You say you that are nervous about dispute resolution. What is the reality without common frameworks and without ministers bringing people together and negotiating?

Jonnie Hall: The reality is that, because the legislation that is now in place covers the whole of the UK, there will be very little opportunity for dispute resolution. Along with other farming unions, we have raised the issue with the UK Government on several occasions. We have worked reasonably closely with the Scottish Government on trying to press the case for common frameworks across organic standards, environmental standards around pesticide use or issues around food labelling, food safety or animal health and welfare. A raft of issues that came under EU law have now been transposed back to come under UK and Scots law. That should allow for some flexibility in a devolved sense, but such flexibility is now almost secondary to the fact that the internal market act drives a coach and horses through that idea.

We continue to press the case. The Department for Environment, Food and Rural Affairs set up a grouping around agricultural support frameworks that is meant to bring together the devolved Administrations and key stakeholders such as

ourselves to look at how agriculture is supported in different parts of the UK to ensure that there is no significant divergence that affords a competitive advantage or disadvantage. Quite rightly, England, Wales, Scotland and Northern Ireland are doing different things because of the different circumstances and profiles of agriculture. We are all on the same pathway to recognising that agriculture is now about food, climate change, biodiversity and so on, but we need to do it in different ways because what will suit England, where the profile of agriculture is very different, will not suit Scotland and vice versa.

09:15

An agriculture framework exists, but the grouping seems to be nothing more than a talking shop. It has not met yet, despite our pressing for it to be up and running so that Governments and key stakeholders can feed into the process and so that everyone is aware of what is happening and can not only work towards what are, in many ways, the same end goals, but do that in different ways. That is the whole point of devolution.

Sarah Boyack: What comes across very strongly is that you need the common frameworks but, at a basic level, it is about getting meetings going on things such as the agriculture framework. Your evidence is very clear and helpful.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Good morning, Mr Hall, and welcome to the committee. You mentioned the issues that you have raised around the internal market act. Your written evidence says:

> "NFU Scotland remains significantly concerned that the UK IMA 2020 could potentially override all Common Frameworks relating to agricultural support, environmental and animal welfare standards".

On animal welfare standards and the production of meat, can you give any examples of how your concerns might be made manifest? What situations do you think might arise?

Jonnie Hall: I am not here today to say that something will absolutely happen as a consequence or that we will end up with widely differing animal health and welfare standards across the UK. However, there is a potential—we are already seeing it—for there to be different sets of regulations around certain things in the UK. An obvious example is that the UK Government, through DEFRA, has already consulted on animal transport regulations, and the Scottish Government has also consulted on animal transport regulations. Although it is likely that those sets of regulations will align pretty closely, there might be some differences of approach, depending on circumstance. We could end up with two sets of regulations governing the UK internal market. Animal transport does not respect the fact that there is a boundary between Scotland and England, and there is a need for livestock to be transported north and south of that border. If there is a UK approach to animal transport, will that adequately reflect some of the challenges and circumstances in the Scottish context? We have members in Orkney and Shetland, for example, who are extremely concerned about anything that might be imposed on them that might make practical or common sense in the south of England, but which might be extremely limiting in the context of journey times in the islands and Highlands of Scotland or other issues that need to be resolved. It all seems a bit exacting when we were already operating to a significantly high set of standards for animal transport under EU rules.

Without going into any great detail and saying that this or that will definitely happen, the fact is that the different devolved Administrations are now able to set different rules, and those rules could start to diverge. That is particularly the case if the UK Government wants to test the boundaries of divergence from Europe—after all, that was one of the rationales for leaving Europe in the first place. The Scottish Government has stated on a number of occasions, including through UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, that it wants to keep pace with Europe. Where does that leave the producers in relation to animal welfare and other regulatory requirements?

Dr Allan: You have asked my next question—where does that leave the agriculture industry? I use the example of meat. In the scenario where meat was produced to different welfare standards in England and the internal market act obliged that that meat to be made available on the market in Scotland, how would that affect farmers who were endeavouring to use a different standard in Scotland? What would the reaction of the market be, particularly supermarkets, to that situation in Scotland?

Jonnie Hall: There are two components. When we talk about animal welfare, what is right in terms of welfare is one thing, but adhering to welfare requirements has cost implications for business. First, animal welfare has to be at the most exacting and correct standards, but if we continued to operate at a high standard in Scotland and saw—this is hypothetical at the moment and it is not necessarily what will happen—a lower standard being set in the rest of the UK, or in England in particular, that lower standard would probably mean lower compliance costs, because compliance with higher standards brings additional costs. That would mean that a producer of beef in Berwickshire, for example, would have different cost structures from a producer in Northumberland. It would apply not just to meat or livestock production; it would apply

to lots of other things. We would start to see different regulatory frameworks demanding different management from producers in different parts of the UK, which would create different production costs. We would argue that the Scottish product would sell at a premium anyway because of the high standards that we have but, nevertheless, the margin of that high standard could easily be eroded if, in maintaining those standards, we had escalating costs or, if not escalating costs, higher costs than in other parts of the UK.

Dr Allan: You have also pointed to the fact that this model of legislating does not have any dispute resolution mechanism within it. Can you say a bit more about the consequences of that?

Jonnie Hall: That is why we prefer the common frameworks approach. If common frameworks were established and constituted in the right way and there were proper dispute resolution processes in place for when those sorts of tensions arose, there would be a process to go through to get to a resolution, rather than what we have now, which is the internal market act. As you said, because of the very nature of the provisions in that act, there is nothing to prevent something that is produced to a different standard or to a different set of regulations and therefore at a different cost being sold or used in Scotland to either the advantage or disadvantage of Scottish agriculture and indeed not necessarily to the knowledge of the Scottish consumer.

Maurice Golden (North East Scotland) (Con): To continue the theme of questioning, through the continuity act the Scottish Government's stated position is clearly that the default is to align with new EU laws as they are introduced. Given that that could cause divergence, how concerned are you about the impact of the continuity act on the level playing field across the UK?

Jonnie Hall: I am concerned indeed. As I said in my introductory remarks following the convener's initial question, how do we square the triangle when we have a Westminster Government that is clearly starting to test and probe its ability to diverge from what the EU is doing while still maintaining trade with Europe through the trade and co-operation agreement and, on the other side, we have a Scottish Government that is clearly committed to keeping pace with—that is the expression that the Government uses—regulation from Europe. That suggests to me straight away that we will start to see tension between the UK Government and the Scottish Government, and I think that we probably are seeing that. That gives me as much concern about the potential impacts of the internal market act, but almost in the reverse; it is the reciprocal of that in some ways.

I will give another potential example. I can foresee a situation in which Europe bans the use of a product called glyphosate, which is used in agriculture as a desiccant in the cereals sector but is also used in grassland to burn off grass to be reseeded. In that sense, it has some significant environmental benefits because it provides for minimum tillage when you are resowing grass and so on, but I will not go into the detail of that. Europe is clearly quite keen to move in that direction, as glyphosate is not such a big issue there because it does not have the climate that we have and it does not need to use things such as glyphosate to ripen crops in order to harvest them on time. If the EU goes in that direction and Scotland follows suit but England chooses not to, then, using the Northumberland and Berwickshire example again, the fact that grain could be produced in Northumberland using glyphosate for ripening off but that would not be allowed in Berwickshire would create a significant and obvious competitive disadvantage between people operating on either side of the Tweed, yet the internal market act would kick in and say that the grain that was produced in Northumberland would have to have access to Scottish markets. The Scottish whisky industry uses a significant amount of grain from Northumberland and other parts of England; it is not all Scottish stuff going into distilling in Scotland because we cannot grow enough of it. That grain would come in, but it would be produced at a different cost structure from the grain produced in Scotland, and that would disadvantage Scottish growers.

The triangle issue that I have mentioned a couple of times is yet to be tested and rolled out in practice, but I can see it being quite damaging when Scottish agriculture and the food and drinks sector get caught up in those tensions of divergence in three ways, as Scotland aligns itself to Europe, the UK tries to diverge from Europe and in comes the internal market act to quash any differences.

Maurice Golden: The glyphosate example is very useful, because it is perhaps the highest up on the risk register in terms of implications of the continuity act.

As a follow-up on common frameworks, I am keen to hear your thoughts on what the consequences would be if the Scottish Government did not sign up to the common framework.

Jonnie Hall: I am not 100 per cent sure what the consequence would be, given that we now have the internal market act. My understanding from conversations with Scottish Government officials is that they would want to see common frameworks work just as we would, because common frameworks essentially respect the

devolved capacity to make devolved decisions, but when devolved decisions across the UK can cause some sort of tension or potential trade distortion or a competitive advantage or disadvantage, that is when common frameworks processes for dispute resolution need to kick in. I do not see any resistance from the Scottish Government to utilising common frameworks more effectively. We would be in exactly the same place in that respect.

The work that was happening on common frameworks from 2017 to 2019 has almost been made redundant by the internal market act, which almost renders common frameworks useless.

09:30

Jenni Minto (Argyll and Bute) (SNP): Thank you, Mr Hall, for submitting your evidence. Turning to one point you made, which you have already touched on in answering Ms Boyack's question, I note that you state that

"agricultural support arrangements are currently, and must remain, devolved"

and you talk about the agriculture support framework across the UK that is yet to meet. I am interested in your thoughts on the Subsidy Control Bill that has passed through Westminster and is now in the House of Lords.

Jonnie Hall: That is a very valid point, because the internal market act and what will be the Subsidy Control Bill overlap and interrelate quite significantly when it comes to the agricultural support element.

If you will bear with me for a second, we had four different versions of the CAP operating in the UK but all still operating under European common agricultural policy. That was absolutely right. We took choices here in Scotland that were right for Scotland. For example, we have some elements of coupled support for our beef and hill sheep, we have the less favoured area support payment, which other parts of the UK do not have, and so on. We still operate those schemes, by and large, but we note that the English approach is to phase out direct support payments over the period from 2020 to 2027 and to introduce the environmental land management scheme, which is just kicking off now. There will be a phasing out of direct support payments and the introduction of an agri-environment scheme to achieve outcomes that DEFRA wants to achieve in England. That is fine.

If we took an ELMS-type approach in Scotland and we phased out direct support and things such as less favoured area support for our more disadvantaged areas, that would be almost the death knell for Scottish agriculture. In Scotland, we are rightly starting to look at conditional payments rather than area-based payments. I will not go into the detail of all this. We will change our agricultural policy, and that is absolutely necessary; we need to change, but we do not need to change in the way that DEFRA is doing it.

To get to the point of your question, my concern is that, with the Subsidy Control Bill coming into place as well as the internal market act, I am convinced that it will not be long before certain agricultural producers in England who are more aligned to the type of agriculture that we have in Scotland—people in Northumberland and Cumbria, down the Pennines and in the west country, where the agriculture is more livestock-based and a bit more like Scotland's—will see the support payment and the way in which Scottish Government is underpinning and deriving new outcomes from Scottish agriculture as being more advantageous than what they are being given from DEFRA. I am pretty sure that, before very long, there will be a kickback from farmers in England saying, "We cannot sustain these cuts in our support payments." Rather than just having that argument with DEFRA, they will say, "Scotland is still doing that. Scotland is still underpinning farmers and crofters to deliver certain things and they are doing it in a way that works with agricultural businesses." My concern about the Subsidy Control Bill is that it can be used as a tool to say that the Scottish Government has to stop giving this type of support to farmers and crofters in Scotland because it is not the same type of support that is being received in other parts of the UK and it is affording Scottish farmers an advantage. If that happened, that would all of a sudden take away from the Scottish Government the ability to apply devolved policy.

Sticking to the Subsidy Control Bill, I think there are already existing international safeguards in place to ensure that we do not overload payments to Scottish farmers in any way. We have something called the agreement on agriculture under the World Trade Organization. We will never have a big enough budget to overly support farmers and crofters in Scotland to the extent that they have an incredible advantage over producers in other parts of the UK.

You have highlighted an issue of concern. At what point does that become an issue that legislation will be very binary about? It will say that it is either right or wrong, whereas common frameworks would have allowed for some sort of adjudication and consensus to be built around what is required in different parts of the UK.

Jenni Minto: Thank you very much, Mr Hall, for that very detailed response. I would like to pick up on one of the points that you made with regard to Scottish public bodies looking to procure locally and why you think that the current structure of the internal market act may have an impact on that.

Jonnie Hall: Public procurement is a hangover from EU legislation in many ways, but in its programme for government, the Scottish Parliament wants to revisit the issue of a good food nation. I would not want to pre-empt what might be in the good food nation bill and what the outcomes might be, but you would think that some of it might be about local procurement and public bodies being able, if not quite obliged, to buy locally—for example, to buy Scottish produce to put into Scottish schools, the Scottish health service, Scottish prisons or whatever it might be so that we have that almost circular economy piece happening around food. There is a risk that, although in Scotland we might have that legislation on local procurement and the intention to buy local, the non-discrimination element of the internal market act might say that we cannot do that and that we simply have to allow product to be allowed to compete on price in the market for public procurement rather than being exclusive about it. We think that we need to put in place measures that not only allow but almost compel public bodies in Scotland to buy Scottish produce.

Mark Ruskell (Mid Scotland and Fife) (Green): It is good to see you again, Mr Hall. I want to drill down into a couple of issues. You mentioned animal transportation. If I were to be provocative, I would say that NFUS is arguing for weaker live animal transport regulations than those being proposed by DEFRA, notwithstanding the geographical challenges that you have outlined. How might you use the internal market act to allow—[*Inaudible*.]—or even challenge regulations that you see as undermining the needs and the interests of your members?

Jonnie Hall: I am slightly taken aback by the suggestion that we would seek lower legislative standards than those in the DEFRA proposals. I do not believe that that is the case at all. We want to be able to operate to the highest standards because, ultimately, our customers respect the standards to which we produce food here in Scotland.

On the issues that would separate or differentiate between the proposals from DEFRA and the proposals from the Scottish Government, as you touched on, one of the main objectives of the DEFRA proposals is around animal exports. However, we are not necessarily talking about animal exports but about animals travelling within the UK.

You also touched on the issue of our geography, especially from the islands. Our geography is such that we must have more scope for longer journey times, given the lack of processing capacity and other things in Scotland. Irrespective of whether you are talking about beef cattle, sheep, pigs or poultry, the animals must spend longer times in transit either to get to destinations to be store animals—that is, for further breeding or whatever it might be—or to be processed. Therefore, it is important that we do not get sucked into having legislation that might be suited to shorter journeys in the south-east of England, or indeed, suited to export issues from the south-east of England to the continent, given that those journey times are greater than those when moving animals within Scotland. That is where we need to be pretty careful about those things.

Mark Ruskell: Yes, but if your starting point is about high welfare standards for animals, does it matter on which stretch of water or roads the animals are being transported? This is about the length of journey time.

I understand the geographic case, and you have pointed to the need to increase supply chain development, mobile abattoirs and maybe local branding, including in the islands. There are other ways to crack the issue. I understand the argument that your members put forward. However, in this context, a challenge and different perspective is coming from NFUS. How might you use the internal market act and perhaps the common frameworks to challenge those rules, if that is something that you want to challenge?

Jonnie Hall: Again, the important point is that the issue is not just about journey times, but about the ways in which animals are transported, which is to do with headroom, temperature, spacing, stoppage times and all the rest of it. However, that is another issue. We are not seeking to erode any of those aspects but let us not measure everything in journey times.

More than anything else, we want to identify to DEFRA the need to have at least a uniform standard across the UK that not only is practical and effective but retains a very high animal health and welfare standard while animals are in transit. In that sense—this goes back to the comments that I have made a number of times—we need to be able to operate to a single set of regulations across the UK's internal market, otherwise we will start to see differences in standards, which would impose different costs.

I suspect that, if we ended up with limited capacity in terms of journey times on certain trips from, for example, Shetland, Orkney or Islay, let alone from other parts of mainland Scotland, that would pretty much be the death knell for livestock in those areas. The consequence of that would have a huge impact economically and socially in those areas.

Mark Ruskell: You described a triangle in which there is alignment with the EU, alignment with the UK and Scottish regulations, too. I am again being

provocative, but do you not have an advantage in that you can argue for alignment in some areas and for divergence in other areas? Does the triangle not enable you to pick and choose?

You make a particular argument about glyphosate. I do not want to get into the details of the pros and cons of that as an option. In a way, you are able to move around the different regulatory frameworks and position yourselves and your members. You can point to where there are high standards and where there is alignment, but you can also point out what aspects you do not agree with. Are there advantages to that, or are you still trying to get used to the landscape that you are in now, which is quite fluid, with the common frameworks not really working properly yet?

09:45

Jonnie Hall: The whole point—I have said this a few times—is that the internal market act drives a coach and horses through the ability to align in some ways and not to align in others. That then removes the ability to do things in a differentiated and devolved way. Although we might align ourselves with Europe on some things and align ourselves with the UK as a whole or parts of it on other things, as soon as the internal market act is in place, it renders all that irrelevant.

Let us say that Scotland aligns itself with Europe on glyphosate and the rest of the UK does not. The internal market act effectively says that Scotland's approach does not matter and Scottish distillers will be obliged to use grain that has been produced using glyphosate. That would put Scottish agricultural producers at a disadvantage.

Mark Ruskell: Finally, as a member organisation trade body, you have engaged with Europe a lot over the years. What does that engagement look like now? Are there lessons to learn from other regions across Europe? I am thinking in particular about the Nordic regions and how they align their markets effectively, given the complications. Norway is outside the EU and Sweden is in it, so there will be issues around trade in food, livestock and other products. Are there any examples from your international experience about how alignment of market regulation can work between countries that are sitting in very different constitutional arrangements, as we are, in post-Brexit UK?

Jonnie Hall: To touch on your first point, yes, we absolutely have a keen interest in what is happening in Europe and how we align ourselves with Europe. We still have an office in Brussels—the British agriculture bureau—which we share with the other farming unions in the UK. We have full-time staff there because we still need to engage with Europe on how regulation and policy develop in Europe and what the implications of that might be. Equally, we need to engage on the outcome of the trade and co-operation agreement, which gives us tariff and quota-free access to the European markets but in a way that is far from friction free. That engagement is about how we resolve some of the on-going issues around the TCA, and the movement of people, which is a matter for the Home Office.

There is a raft of things that are still very much in that Brexit hangover, if I can call it that, which needs to settle down. We still need to understand how trade flows will work effectively going forward. We have asymmetric trade with Europe at the moment. Anything can come into the UK from Europe pretty much friction free, without checks, but our products going to Europe must still to go through cumbersome checks and all sorts of things like that. We need to work through all those issues.

I think that it will be an interesting few years before the operating environment between the UK and Scottish agriculture and the rest of Europe settles down. We will see whether we settle into being a bit like Norway. However, we are not the same as Norway because it has a different alignment with Europe, while we have a bespoke agreement with Europe. There is a lot to play out in many ways.

Donald Cameron (Highlands and Islands) (Con): It is good to see you, Mr Hall. A lot of my points have been covered already by other questions. I have a general question about common frameworks. You have said a number of times that you view the internal market act as having driven a coach and horses through common frameworks. Do you think there is any future for common frameworks? It strikes me that they are still in their infancy—indeed, not many are operational—and there is still a possibility for them to work. The Scottish Parliament has scrutinised several of them already. Do you see that there is a future for them, notwithstanding your comments?

Jonnie Hall: Yes, I do. The farming unions across the UK and the devolved Administrations still have an awful lot of work to do collectively to say where we can recognise the degrees of flexibility that are required in different ways for different agriculture and food systems within the UK's internal market, where we can find common cause about common solutions that work effectively and where can we share information, as much as anything else.

I still see real value in having common frameworks. The policy discussion about the regulatory and support environments in which we should be operating is still very important, so that

we can all be mindful and respectful of what is happening in other parts of the UK.

I go back to the issue of agricultural support. It is vital that the Scottish Government is able to continue to support Scottish farmers and crofters in a way that is most appropriate for Scottish circumstances to deliver the outcomes that we want around food production, climate, biodiversity and so on. That will be very different from how other parts of the UK will approach that. Sharing information about that is also very important, so that there is mutual respect as to why such differences happen. Ultimately, if we get that right, any issues that might be thrown up by the operation of the internal market act might become relatively insignificant.

Donald Cameron: As we all acknowledge, we have not seen the practical effect of the internal market act yet, if at all. I want to concentrate on agricultural support. At this point, I refer to my entry in the members' register of interests and my interests in crofting and farming.

The Scottish Government's stated intention is, as you have said, to keep pace with EU law. The Scottish Government's policy on agricultural support is more aligned with the common agricultural policy and EU subsidy law, whereas other nations of the UK, for example Wales and Northern Ireland, have a different subsidy system. Can you foresee any issues arising from the internal market act in that regard and in relation to the other matters that we have spoken about already?

Jonnie Hall: Yes, I can see lots of potential issues. I emphasise that those are potential issues; I am not suggesting that they are particular risks at this time.

I see the Scottish Government very much taking a pragmatic approach in terms of leaving the common agricultural policy. We have a period of stability in which we have retained many elements of CAP but are now developing a future policy through an agriculture bill, which will come to the Scottish Parliament in 2023. That will implement the Scottish Government's proposal of about 50 per cent of support payments being conditional on meeting outcomes around biodiversity, the climate and so on. We are 100 per cent behind that. We would welcome that very different pace of and managed change. Other parts of the UK are doing their own thing as well.

You mentioned alignment with the EU. The EU is also going through a process of agricultural policy reform right now. The EU operates on a seven-year cycle and it is just completing another round of CAP reforms. If we were just to pick up and paste into Scotland the EU's current agricultural policy, that would be extremely detrimental to Scotland. That would stretch agricultural businesses to breaking point, in many senses, it would not be reflective of what we need in Scotland in terms of underpinning active farming and crofting to deliver the outcomes that we want, and it would not particularly suit Scottish circumstances, not least in the west coast of Scotland, where we have much more extensive agricultural systems on large holdings.

If that approach to keep pace with Europe was proposed, I would say to the Scottish Government, "Yes, we hear what you are saying about keeping alignment and keeping pace with Europe, but on that particular one, you need to be doing something that is far more bespoke to Scotland's needs and you need to be sticking to a track that you have already set out to achieve." If we simply duplicated the new CAP and imposed that on Scotland, I could see that being very detrimental to Scottish interests. I am not just talking Scottish agricultural interests; I am talking about Scotland's interests.

Donald Cameron: Thank you for that very full answer. My final question is about the Subsidy Control Bill, which Jenni Minto asked about. I understand that the bill is going through the UK Parliament at the moment. Are there any particular provisions that you are concerned about in terms of threatening the ability of any devolved nation to design its own support system? I am not fully conversant with the legislation.

Jonnie Hall: NFU Scotland, along with the other farming unions, argued very strongly in the first place that agricultural support should not be part of the Subsidy Control Bill because there are enough existing controls in terms of not overloading payments in one way or another through measures such as the WTO agreement on agriculture and so on.

However, a bit like the internal market act, the bill does have the potential to do that. We have an element of coupled support in Scotland for our beef and hill sheep producers, particularly the hill sheep producers on the poorest quality of land. If the Subsidy Control Bill allowed for coupled support to be removed, we would lose the option to retain that element of support in Scotland.

Therefore, a bit like with the internal market act, there is a potential to undermine Scotland's ability to do what is right for Scotland by creating a one-size-fits-all approach. My concern is about what you can support and what you cannot support.

We are the first to say that we must move away from area-based payments and that we need to move to payments that are based on delivering outcomes. However, at the same time, as you know from your constituency and your part of the world, if we simply remove direct support

overnight, it would be a case of the last one out turning off the lights. It remains vital to the social and economic fabric of many parts of Scotland that we continue to support farmers and crofters to a degree in the way that we do now but start to shift away from area-based payments towards delivering outcomes.

The Convener: I have another follow-up question on glyphosate. It was given as an example of where the keeping-pace powers would be of concern to you. However, the Welsh Government has committed to the keeping-pace powers and the Protocol on Ireland/Northern Ireland says that Northern Ireland will implement any measures coming from Europe. Is it not more likely that, currently, any divergence would be between England and the other three devolved nations, not between Scotland and the rest of the UK? I ask that in the context of the work that you mentioned that your office in Brussels does with your counterparts from other countries.

Jonnie Hall: I agree with that. England has by far and away the biggest agricultural base in the UK and the biggest market. Our market is England, by and large; it is certainly our biggest destination. I put some figures in my written submission about that. The UK's internal market is far more important to Scotland, Wales and Northern Ireland than it is to England, because the internal market is England, if that makes sense.

Although we could say that we should align ourselves with Europe, with Wales, Northern Ireland and Scotland doing similar things, what England does in terms of agricultural support and other regulatory changes is important. England is a major market, but it is also the biggest producer of agricultural commodities and products in the UK.

10:00

The Convener: Would England be unable to export to Europe if it uses glyphosate?

Jonnie Hall: Potentially. It all depends on where that fits into the trade and co-operation agreement, which, at the moment, is allowing continuous trade. If England and Europe were to diverge significantly, that might test the boundaries of the trade and co-operation agreement.

However, as the UK Government—on behalf of England, I guess—has been saying a lot, it is seeking export opportunities beyond Europe. In 2021, we have seen free trade agreements with Australia and New Zealand. In many ways, England continues to focus on developing markets beyond Europe, for all sorts of reasons other than agriculture, and it is quite happy to accept imports from other agricultural economies. The benefits of having trade agreements with Australia and New Zealand are not about farming or food; they are about financial services, tech, digital and all sorts of other things.

There are well-documented risk factors around some of the trade agreements. At this time, I do not think that the UK Government will be too concerned about the loss of markets in Europe or elsewhere for agricultural and food products.

The Convener: We seem to have all exhausted our thoughts on the issue. I again thank Mr Hall for his submission and his attendance.

10:02

Meeting suspended.

10:10

On resuming—

Scottish Government's International Work

The Convener: Item 2 is to take evidence in the committee's inquiry into the Scottish Government's international work. I am delighted to welcome from the Scottish Government Martin Johnson, EU director, Brussels office; Dr Alexandra Stein, head of Berlin office; and John Webster, head of London office. I thank you all for providing a submission prior to today's session, and I invite Mr Johnson to make a brief opening statement.

Martin Johnson (Scottish Government): Good morning, committee members, and thank you for the opportunity to give evidence and contribute to the inquiry. We very much welcome the chance to speak to the committee. I think that this is the first time that any of us has spoken to a Holyrood committee. We are very happy to do so.

The written note that we provided to the committee earlier in the week sets out some factual information about the Government's international network, our offices, the kind of work that we do, and our areas of focus. I hope that it was useful. We are very happy to build on it through this session.

I want to emphasise just three things at this point. The clerks have warned me to be brief; I will heed that.

First, those in the Scottish Government's overseas network of offices and colleagues at home who do international-facing work are a highly committed and talented group of officials who work incredibly hard to promote Scotland and Scottish interests, and they have shown real resilience in the challenges over the past couple of years. We are fortunate to have that team of people representing Scotland across the network.

Secondly, I emphasise that, although the UK's exit from the EU and the subsequent end of the Brexit transition period clearly create a new context and new challenges for the EU office and our European engagement more generally, the Scottish ministers are absolutely committed to internationalism and to Scotland continuing to work with friends and partners in Europe and beyond. The programme for government, which was published in September, reaffirmed that commitment, and the 26th United Nations climate change conference of the parties—COP26—in Glasgow last month gave us a further sense of momentum and purpose, particularly on climate issues, of course.

Finally, I mentioned our desire to support the committee's inquiry. I emphasise the real value that we see in that inquiry. Others who have given evidence have mentioned the importance of a greater focus on EU and international issues and links to Scotland. The committee's work, including this inquiry, can help with that. I know that the committee is also considering how it might focus on those issues in the future and what further work it might do on them. Again, we welcome that, and we would be happy to touch on those issues today.

The Convener: Thank you very much for those introductory remarks.

I will open the questioning; we will move to questions from other members of the committee shortly. I remind members that, if they have a particular order in which they want the witnesses to respond, they should say that when they ask their question.

Your written submission mentions that the international offices are

"grounded in Scotland's National Performance Framework".

I would like you to elaborate on that, and particularly on how that ties in with the Scottish Government's cultural priorities, which are another aspect of the committee's work.

10:15

Martin Johnson: In the submission, we drew attention to two outcomes in the NPF in particular:

"We have a globally competitive, entrepreneurial, inclusive and sustainable economy"

and

"We are open, connected and make a positive contribution internationally".

Obviously, those are quite high-level outcomes, but we translate them into more detail through things such as business planning work, the five objectives for the international network, and the specifics for each office.

We are currently thinking a lot about cultural linkage. Members will be aware that the programme for government contains a commitment on a cultural diplomacy strategy. Colleagues and I are involved in thinking about the content of that. Our range of cultural activities, whether in Brussels or elsewhere, celebrates national festivals and promotes Scottish music, literature and the arts. Those are things that have a real purpose, open conversations, make connections, and promote Scotland in the widest sense, but they also ultimately lead to strong diplomatic outcomes.

As members know, Scotland has a well-recognised international set of brands. That came through again at COP26 last month. I know that there are questions about how we present a modern, dynamic and innovative framing of that, but the inherent strength of Scotland's recognition abroad is really valuable and important. If we have a Burns supper or a St Andrew's event, or if we promote the Scots language or the Gaelic language—we do all those things as part of our programme—there is a real diplomatic purpose. They are about building relationships that can deliver in other spaces as well as under the culture lens. I think that the cultural diplomacy strategy will be in that kind of territory. How can we make that as strategic, focused and impactful as possible? We should be very proud of the inherent strength of what we have to offer and its recognition, and we must think about how we can get the most from that. It is really valuable to us.

Dr Alexandra Stein (Scottish Government): In respect of Berlin and Germany, I echo what Martin Johnson has just said. I will give a couple of examples of our approach in Germany.

There are two very clear approaches in our cultural diplomacy work in Germany. First, it is part of our soft diplomacy work. We use events such as St Andrew's nights and concerts to invite political and economic contacts whom we have made over the past while and to reaffirm and deepen relationships. For example, at our latest Burns supper, Scottish Development International had two tables for its invited guests. That has helped very much on the trade and investment side, and it links to a memorandum of understanding with Hamburg.

On culture for its own sake, we have taken the approach of reflecting the Scottish Government's year-of themes in our indigenous languages concert series, for example. Next year will be Scotland's year of stories, so we will reflect that. In our first year, we were fortunate to have the European championships between Glasgow and Berlin, and that was very much a focus of our cultural activities. We also used that to promote intercity partnerships and partnerships that last for a longer time.

At our last in-person Burns night, before Covid, we took the theme of Burns and nature to link into COP, which was due to be held in that year. We often try to take an angle or a theme for what we do.

Unfortunately, we have had to postpone our St Andrew's day event, but we will take it forward next year. We were going to use an invited band and invite the music trade in Germany to the concert. We are working with Showcase Scotland Expo on that. The idea is to work with it to help Scottish bands to make it into the German market and find agents. Therefore, agents were also going to be invited to that.

We use culture in a vast array of ways.

John Webster (Scottish Government): I will make three points about how we engage with and use culture internationally.

It is important to talk about the enabling quality of culture, the importance of up-front promotion of artists and our creative sector, almost viewing that as another part of our trade play, and culture's ability to start conversations. I will give a few examples from my time in Ireland and the three months in which I have been head of Scotland house in London.

Pre-pandemic, the Scottish Government office in Ireland, under my leadership, developed a project with a leading theatre group in inner-city Dublin that brought together school kids from inner-city Glasgow and school kids from inner-city Dublin to co-create lots of poetry about their problems and issues, and what it felt like to be a young person in place. Through that, conversations and links started at the secondary education level.

Another example is a framework that the office in Dublin is working on with the museum of literature Ireland, which brings together Scotland and Ireland to celebrate our literary heritage, in particular through the United Nations Educational, Scientific and Cultural Organization's city of literature programme. That will provide a platform for Scottish artists, writers and performers to travel to Dublin to put on works and lectures, to talk about their work, and to collaborate with artists, using the museum of literature Ireland as a platform.

The ability to start conversations must run through everything that we do. To go back to my first point about enabling quality, that opens doors. It tells a story about who we are and what kind of country Scotland is, and it engages a broad diversity of audience. Culture people do not talk just to culture people; business people like culture, too, and it brings different people into a room to start conversations.

The Convener: Thank you. We move to questions from committee members.

Sarah Boyack: I thank the witnesses for their evidence this morning. It has been really useful.

I would like to follow up on an issue that we have been discussing for the past few weeks in our inquiry. We have heard a lot of evidence in recent weeks about how to enable scrutiny of the keeping pace legislation, alongside how to retain links across the EU. In the evidence that we received in a very good session last week, there was quite a focus on intergovernmental and

interparliamentary contacts. A key issue that came out is that, in order to track what is happening, we need to keep an eye on European legislation, and about 1,000 pieces of legislation come out of Europe every year.

I will start with Mr Johnson. Can you reflect on what has changed in how you operate? How do you intend to communicate what is happening in Europe so that our businesses, civic community, parliamentarians and the Government can see what EU legislation is coming down the tracks in a way that would inform the discussion about where we want to keep pace, where we do not want to keep pace and what the implications are of that legislation. Can you assist us with that process of keeping pace around information, transparency and knowledge?

Martin Johnson: There was quite a lot in that question. I know that you have a separate process in which you receive the draft statement and report back, and that ministers are considering the detail of that and will come back in the new year.

I will start with what has changed. The reality is that we have left the EU and the transition period has now ended, so we are outside the system and we are not automatically plugged in as we were previously. Other witnesses have talked about how that has certain implications. We are not in certain rooms, we are not in processes and structures, and we do not have direct access to the information that we had before. Also, we are not able to influence the development of legislation in the way that a member state would. That is a significant change.

For me and the team here, that creates new challenges around how to build networks, how to get good information and how to plug into the places that we need to plug into. Can we still exert influence? It is very difficult, but we should continue to look for opportunities.

In summary, what has changed is that we are on the outside and we need to do things a bit differently, but we feel that we have ways of continuing to be effective.

Let me say a bit about how my team works with colleagues back in Edinburgh. The Brussels office's role on alignment is to feed back into the Scottish Government on two main things. The first is helping to ensure that there is a good sense of the strategic big picture. A lot of what my team does is about reporting on latest developments. A heads-of-state Council meeting is happening right now, and we had the fit for 55 follow-up package of announcements earlier this week, which had some interesting and relevant stuff for Scotland. The team here is providing information on that big picture through various channels.

Secondly, we are engaged in specific areas to support colleagues. For example, if they need to know more about the fit for 55 climate and environment package, we can help to set up a conversation or clarify information—we can help those channels run. There may be legislation coming down the track that we might want to have a conversation about. To pick one example, at the moment, the EU is thinking a lot about hate crime legislation, which is an area that the Scottish Parliament has looked at in recent times. We might be able to have a conversation about that and say, "This is our experience. This may be of use."

That is how the office here feeds into the overall system that is being built up to manage the process of taking forward ministers' commitments and ambitions on alignment.

You asked a good question about conveying what is happening to a wider group of stakeholders, including the private sector and other actors. We are still in the relatively early stages of working through that. Your committee has a role in that regard by stimulating discussion and exercising a challenge function. Some good work is going on, led by the team in the directorate of external affairs in Edinburgh, to take this work forward, but we need to develop it and think about how we do it.

On the committee's role, you mentioned the sheer volume of EU legislation—the total can be up in the thousands once all the different instruments are taken into account. We are not in a world in which we track every single item, many of which would not be relevant to Scotland. What is important for the committee is a strategic overview and the strategic questions: what the big-picture direction of travel is, together with questions such as the ones that you have asked about how information is conveyed more widely. Those are valid questions to ask, rather than tracking every single item, which would be difficult to do and not necessarily a good use of time and resource.

I hope that those observations were helpful.

Sarah Boyack: Yes, they were very helpful.

My question was about how you work out what is most significant, given that there might be business interests, for example. We think that some things that are important have not come through an initial tracking—that is one of the things that we are asking the cabinet secretary to look at. However, I was thinking about your role, as people who have contacts that you have developed over the years.

Dr Stein, you are in the Berlin office. How does it feel from your perspective? It was interesting to hear at last week's meeting the perspective on

some of this of a German MEP, David McAllister, who is chair of the European Parliament's Committee on Foreign Affairs. To what extent do we track stuff in different offices, and to what extent does information come through the Brussels office? What is your role and the role of officers like you across the EU?

10:30

Dr Stein: Things have changed because we are on the outside, and our interlocutors know that we are outside the EU. However, within that process, it has probably changed for us in Germany less than it has for the Brussels office, for example. When the UK or Scotland engages with Germany as an EU member state, everything goes through the Brussels office and the EU. Germany has always been very clear about its loyalties as an EU member state—that will always take priority in Germany over a bilateral relationship.

That said, however, we seek to engage on matters of substance and matters where we have common bilateral interests, whether those are around climate change, renewable energy or higher education. Those conversations have very much continued and we are still engaging. In some cases, we find slightly different ways through, but it is very much about finding the positive way forward. Although Brexit has now been concluded, the door is still very much open to us. We still find it very easy to have all the conversations and to start partnerships. There is certainly a willingness to engage and to find new ways of doing things.

Sarah Boyack: An issue that came up last week was the need for better relationships in the UK offices that are based in different parts of the EU. How can we make better use of existing links, given the very significant changes that have taken place? Perhaps Mr Webster or Mr Johnson is best placed to answer that.

John Webster: I am happy to go first, although I am sure that Martin Johnson will have a sense of that as well.

I concur with what both my colleagues have said. One significant change post-exit from the EU is that we have to pedal harder to make the links meaningful, but that does not mean that it is impossible. You must find other ways to do it. It is possible and, as Alexandra Stein said, the doors remain open.

In what I do in London, I of course engage every day with overseas embassies through the normal course of the diplomatic circuit. A priority for me is to engage with EU embassies and to maintain those links. One important aspect of an effective diplomatic or international network is that you co-ordinate both your inputs and your outputs, understanding what information you are looking for and is important. It is also important to make sure that your reporting goes to the right people across that network, so that we are all informed, can speak with one voice and are working to an overall strategy in terms of what we are looking for.

As for how we use existing links, I think that you are asking about how we interact with UK partners on the platforms that we share with the UK. I am sure that we will get into this later in the conversation, but my most relevant experience on that comes from some years working on the British embassy platform in Dublin as the head of the Scottish Government office there. Relationships on that platform were excellent. There was a real sense from the UK ambassador and his team of the complementarity of what we both do. There was also a sense that the Scottish Government being on the platform allowed a more complete and holistic picture of and story to be told about what Scotland offers in Ireland and the doors that that opens.

There is work to be done on how we share information about the discussions that we have with Governments in other countries. Some of that is sensitive. The UK Government will be reluctant to share sensitive diplomatic reporting and we must respect that, but personal relationships on the British embassy platforms and the quality of the relationships are the means through which we will improve our sense of that picture.

Sarah Boyack: Thanks. That is very useful.

Mr Johnson, how do you make that sharing of access to information effective in a way that would be useful for stakeholders in Scotland and in other parts of the UK?

Martin Johnson: I will build first on John Webster's point about the interaction with UK colleagues. I echo and will build a little on what he said.

In Brussels, we are unusual in that we have our own premises around the corner from the UK mission. We have strong links with UK mission colleagues and we work collaboratively in a number of areas.

I will give you some examples of recent topics. There was a lot of constructive dialogue around the preparation for and delivery of COP26 in Glasgow. On the Covid situation over the past 18 months, there have been quite a number of areas where we have worked together to promote Scottish interests, but in a way that added value. For instance, some of my team have been very involved with the digital Covid certificates and how they interact with QR codes in England and Scotland, which is complicated. I think back, too, to last year, when the Scottish National Investment Bank needed state aid clearance in order to be

established. That was another area where there was a lot of cohesive working. That complementarity in such areas is there.

It is important that we are able to act to promote Scottish ministerial interests, so there will be areas where we have our own dialogue and our own connections, and of course that is an important part of what we do. Generally, we are transparent about that and share information in a way that is helpful, but we always have Scottish interests and our ministers' interests in mind. There is a lot of opportunity to do things collaboratively and in ways that build and get extra value.

On how that relates to stakeholders back in Scotland, can you come back on that question?

Sarah Boyack: I was looking for a final thought on how you communicate with stakeholders in Scotland. You have mentioned that Covid has been a challenge, but on another level it has made everybody digitally connected. Can you see opportunities for that communication to be more effective?

Martin Johnson: I think so. It is one of the ironies of the pandemic. Running events is a big feature of what we do in Brussels, and we have been putting them online in the past 18 months. At times that allows you to bring people together—interesting groups of senior stakeholders—on different topics more easily than perhaps would otherwise be the case. We need to take some learning from that into the future. Some of the events may continue to be online because they enable us to bring together senior EU figures, people from Scotland and others beyond Europe into really interesting discussions.

We have a number of regular channels of communication from our office here. We do a regular note back to the Scottish Government each week. Our Scotland Europa colleagues in Brussels obviously provide regular briefings and information to their members. We run webcasts and other sessions to update people at particular set-piece moments, on things such as the fit for 55 package, the state of the union speech by the Commission or the Commission's work programme. We will use a mix of online and written briefings. We have probably ramped those things up a bit over the past 18 months, just because those are the channels that have been available. I think that they are effective, and there is quite a wide audience for some sessions.

Donald Cameron: I want to ask Dr Stein about interaction with the UK Government diplomatic effort in Germany. The other two witnesses have spoken about that, and I wanted to give you the opportunity to comment.

Dr Stein: I am more than happy to do that. There is a clear programme of sharing information. There is a rhythm of information-sharing meetings, whether they are part of the regular embassy calls or involve particular areas, such as public health, the climate or energy, where we think that Scotland has particular interests in the embassy.

We also collaborate on and contribute to certain events, such as the spring reception. The last one that could be held in person was before COP26. The Italian ambassador was invited and we made a presentation to him of the COP tartan. So far, the ambassador and I have jointly hosted our Burns suppers.

We have helped to provide speakers in other areas. For example, earlier this year the embassy organised an information workshop on the Under2 coalition and, given that Scotland had taken over the European co-chairmanship of the coalition, we felt that it was more than appropriate that we should be part of the panel. We were duly represented on that panel as partners, we made main presentations and then we followed up with individual states within Germany, which then expressed interest in joining the coalition.

Another area is the promotion of understanding of devolved issues. For example, people may just not be aware of our engagement in youth exchanges or language learning. Germany or the embassy may be engaging with the Department for Education, but the Scottish Government also has an interest because education policy is devolved. There is a lot of information sharing and seeking to contribute.

Donald Cameron: Thank you very much.

Dr Allan: This question is perhaps for John Webster, first. As everyone knows, there are different models of Scotland's representation around the world—from the SDI offices to co-location with UK embassies, as you have described. Scotland House is a distinctive model that operates from its own premises and on its own terms. Could you say a bit more about some of the things that are distinctive about Scotland House? In particular, I know that efforts were made pre-pandemic to bring businesses into the building and for it to have an open door.

John Webster: That is a great question. I have experience of working in a Scottish Government office on shared platforms with a British embassy and, now, in Scotland House London. Broadly, in terms of behaviour and methodology, we are talking about the same thing. The distinction that you have alighted on is perhaps the clearest one. The Scotland House London model is interesting; I would say that it is unique. I have never, in my 35-year career in diplomacy, seen an innovative model like it. In fact, just in the past couple of months, I have had visits from a couple of London-based embassies that are considering the model

as one that they might like to follow in their international network, and as they reshape their presence in London. I am due a visit from the Spanish ambassador early in the new year for exactly that purpose.

You talked about inviting businesses on to the platform. Scotland House London is split into two distinct functions on the same platform. It has an intergovernmental partnership, through which the Scottish Government works with contributory partners: Scottish Development International, Scottish Enterprise, Highlands and Islands Enterprise and VisitScotland. We hope to add to that partnership model with other agencies in Scotland in the new year.

10:45

We have a business hub that offers membership services not just to Scottish businesses. Scottish universities and innovation centres are also members of Scotland House London. They can subscribe through our membership model, and for their subscription they get a top-class serviced office with a networking space, a boardroom facility, an events space and the opportunity to interact with Government and agencies and to get support for what they are doing.

That also gives us the opportunity to run events with members that create a community of practice, which enables us to tell a more holistic story about who we are and what kind of country Scotland is today. It enables us to attract a more diverse set of audiences for which our doing this as the Government alone might not be so attractive.

Scotland House is an interesting model that is in its infancy. Scotland House London had perhaps only a year and a half of full operation before the pandemic struck, during which the model had to be mothballed for very good and important public health reasons. We reopened in September and ran until last week, when we had, again, to pause for public health reasons when cases of the omicron variant started to rise rapidly. I hope that we will reopen our full services again as early in the new year as we can.

The Scotland House model is an exciting model and one that offers huge potential for Scottish business and for the Scottish economy in one of its most important markets. It also has the very interesting potential to create new and interesting collaborations across the range of activity that we seek to pursue under the national performance framework.

Dr Allan: Thank you. I have a question for Dr Stein and Mr Johnson. You both talked about cultural diplomacy and soft power and, rightly, you have been careful not to draw too fine or too complete a distinction between art for art's sake, as it were, and culture with diplomacy in mind. I think that it is right not to draw that distinction too sharply.

Could you say a bit more about the work that is being done to promote Scottish culture overseas? You specifically mentioned literature. I am curious to know what the aims are and whether they are specifically cultural.

Dr Stein: I am happy to come in on that. I have given a couple of examples. We want to promote Scottish culture as Scottish culture. For example, whenever we hold a Burns supper or a St Andrew's night event, we will bring in a Scottish band for the music. In pre-Covid times we would host a ceilidh, for example, which is very much about inviting people in, showcasing Scottish culture and letting people experience and enjoy it. A comment from a journalist after our first St Andrew's night event was that it was the best event in the diplomatic calendar. We came brand new to Berlin and made an impact very quickly with that event and everything around it.

We also aim, as well as bringing a band in, to bring in the best of Scottish food and drink. There was a comment made earlier about the perception of Scottish food and drink. We aim to bring the best of Scottish whisky, gin, fish and other produce, which we showcase through use of excellent local chefs.

Another thing that we did was Scotland meets Brandenburg. We brought in the best of Scottish produce where we could, but for everything else we made sure that we sourced locally grown produce. In that way, we brought together Scotland with Brandenburg and the immediate area around Berlin. That was a deliberate policy.

On literature, for example, in 2019 we partnered with a literature festival in Rheinland-Pfalz, which is now our key cultural and higher-education partner in Germany. We took six Scottish poets over for a translation workshop for a week, with six German poets. Out of that came a book that has been published and showcased on national radio. We aim for a wide reach. Through that project, people can read poetry in the original Scots, Gaelic, English or German, all within the same volume. That is very much about trying to bring to German audiences something that they might not have come across before, thereby opening that door to Scotland. We are trying to do that throughout Germany. In Hamburg, we partnered with the British Council for poetry events last year, which had the same purpose of showcasing Scottish culture within Germany.

Dr Allan: Thank you. My final question is for Mr Johnson. You described how you must operate in the Brussels office in the post-Brexit landscape. Last week, as been mentioned, we spoke to David

McAllister about the European Parliament. For very understandable and sound reasons, he was keen to say that the relationship between the European Parliament and our Parliament would have to be informal rather than formal. I take it that you are still operating in both informal and formal spheres?

Martin Johnson: That is exactly right. You have heard evidence, I think, about the friends of Scotland group of MEPs, which we set up a couple of years ago, since EU exit. It is a very effective mechanism through which we can engage with a wide group of MEPs from all kinds of political backgrounds who have a general interest in Scotland. That allows us to create a dialogue and is a way for ministers to engage and for us to connect to development of the policy agenda, for example, which links back to alignment.

That group is public, as many of the friends of the Scottish Parliament groups are—the UK also has a group. Such groups allow informal discussion and dialogue to happen and allow us to home in on specific policy areas and to get access to friends of Scotland MEP members and other members with whom they can connect us. That is a key focus of the work in Brussels, as it relates to Parliament.

I know that David McAllister touched on wider issues about relationships between the European Parliament and the Scottish Parliament, and the need for formal links with national Parliaments. He also touched on the parliamentary partnership assembly, which is part of the trade and co-operation agreement architecture. The EU has now constituted its side's membership of that partnership; the UK side is still to be confirmed. There is a question to be asked about the Scottish Parliament's role in feeding into that structure. It is a significant formal structure that is of interest; it will be a formal mechanism that will be important in terms of TCA governance. I hope that there will be a good and appropriate Scottish voice in that structure on the UK side, if Scotland can build links into it.

The Convener: Thank you. We are at that time on a Thursday morning when I have to remind everyone we are pushing up against time limits. Please be succinct in questions and answers and answer only if you feel that you have something to add to what has been said. Unfortunately, that is because we have First Minister's question time on Thursday.

Maurice Golden: Thank you, convener. I will keep to one question in order to meet the time requirements.

I will start with Martin Johnson, but I put the question to the entire panel. How is success measured in your office? What metrics do you use and do you feel that they are appropriate?

Martin Johnson: I will say a bit, then colleagues can maybe add some detail. The starting point is that the international network has five outcomes. They are: reputation; businesses trading internationally more effectively; research and innovation capability being promoted and partnerships and funding secured; investment coming into Scotland; and, finally, Scotland's interests in the EU and beyond being protected and enhanced. Those outcomes are at quite a high level, but they are the starting point, not just for the Brussels office but for the other overseas offices.

The outcomes are converted into business plans in each office. In the past two or three years, the plans have increasingly been developed as joint SDI and Scottish Government projects or as Scotland Europa and Scottish Government projects, in the Brussels context. The plans generate more specific objectives and aims and, at the end of each reporting year, each office produces an evaluation report that is fed back centrally to colleagues, the director for external affairs and the international board that sits above all that.

On building on that specifically, what kinds of things are measurable? Clearly, economic and other forms of diplomacy are, by their nature, quite difficult to measure. Some of the things that they deliver are inherently medium term or longer term. Things like reputation and enhancement of reputation—which relate to what Alexandra Stein said about cultural events—are hard to measure, although we try to measure them. It is an evolving situation in which we are improving as we go through measuring the likes of volume of senior ministerial engagements, the number of events that we promote, participation in events directly and in terms of their audience, and how the social media footprint grows and the nature of it.

On the trading and economic front, are there specific investments or outcomes that we can point to? That kind of hard economic measurement is more in the SDI space, but I think that it is something that we should be alive to, as a network.

I would say that it is an evolving area. We have made some good steps forward in the past two or three years since I have been in post, but how we do it all is a legitimate area for Maurice Golden and colleagues to look at and, potentially, to contribute their thoughts to. It is a very difficult area. Colleagues will say a bit more on the detail; we are working hard on improving and developing; I think that we have made some good strides.

Maurice Golden: Thank you. That was very helpful. We will move to Germany next. I am keen to hear the thoughts of Dr Stein.

Dr Stein: I would echo what Martin Johnson said about the overall approach. The same approach goes for all of us and we do our business planning together. We also do our monitoring and evaluation together, so they come in a joint report. We also work very closely with SDI in-country on all that.

Because some things are difficult or challenging to measure in their own right, we often look for proxies. For example, hydrogen is a big topic for us in Germany at the moment, so we would be looking to count, for example, the number of events that we have spoken at, the number of ministerial speeches, the number of speeches that I have given in German and the number of partners that we have brought in from Scotland to showcase them to the wider audience.

There is also outreach from events. For example, we spoke last year to the 3,500 attendees at the German hydrogen national assembly. We also hosted a mission hydrogen workshop at which the energy minister spoke. There were 10,000 registrations for that assembly and we think that about 8,000 people attended. We try to measure such things and we look at media coverage of interviews that we have given, for example. We also look at social media—at how people are responding—and we examine follow-up after events, because often after a speech people ask for contacts, on which we follow up. That will often lead to business contacts, as well. Our measures are a combination of hard numbers and proxies. There is also the narrative of our trying to follow things through.

Maurice Golden: Thank you. Now, to London. I feel like I am in the Eurovision song contest. Mr Webster, I am keen to hear your thoughts.

John Webster: I hope that you are not going to say “Nul points”, Mr Golden.

I will speak from the Dublin perspective. My colleagues have said it all; I have an easy gig here.

I will make a couple of points to reinforce the integrated nature of the business planning model that we now use—certainly, in Ireland and in Scotland House London. We have a plan that includes the objectives of partners of Scotland House—a joint plan between the Scottish Government and SDI. That leads to a shared action plan for how we pursue objectives, and a shared evaluation report at the end of the year.

11:00

The second point that I will make is that we also use survey tools. As well as the quantitative element—how many people we bring into the office or meet with, and how many receptions—we would, for example, survey people who come to our events, ask them questions about the impression of Scotland that they left with, the quality of speakers and their overall experience. From that, we gain a sense of the impression that we made on our key target stakeholders and audiences.

We are doing a very similar thing in London. We are just about to launch a survey of members of Scotland House London, which will do two things. Retrospectively, it will ask them for their impressions of the quality of service that they received and the links and outputs that come from their joining with Scotland House. We also poll them on what they are looking for in the slightly changed reality that we are emerging into as we come out of the pandemic, so that we can properly assess need and tweak, or recalibrate, our offer to businesses.

My third point is that, looking back and thinking about this in the context of both the Foreign and Commonwealth Office and the Department for International Development, where I have extensive experience, the business planning process stands up to scrutiny. It is rigorous and it reads across favourably to those who operate embassies in the FCO’s and DFID’s overseas network.

There is always room for improvement. My colleagues have talked about the difficulty of developing quantitative measures for what are, in effect, long-term qualitative matters—for example, influence. However, I think that there are always ways in which we can improve, so I look forward to engaging with colleagues and making sure that we do that year on year. It is important.

Maurice Golden: Thank you.

Jenni Minto: This has been a most informative hour of conversation. I am interested in what John Webster was saying about the perception of Scotland and how that is being recorded. Will you expand on that a bit more? I am interested to hear about the Scottish Government’s plans for expanding the network of Scotland offices in Europe—in Copenhagen and Warsaw, for example—and any comments on the wider network of Scotland’s offices around the world.

John Webster: Those are very interesting questions. I am sure that there could be a separate parliamentary evidence session on the question of international perceptions and branding, and I know that Murray Pittock talked a bit about that in his evidence session with the committee.

In Ireland, we did it by using surveys in a sharply targeted way to ask people about their general impressions. Where we had thematically specific events, we asked what people had learned, and used that evidence to tweak the narrative in our end-of-year evaluation reports. We also carefully and closely looked at the press and media coverage of Scotland in the Irish media and used that as a loose proxy for impressions. It is an evolving science. There is a lot of work out there on international impressions, and Scotland probably has room to grow and improve on that. The network has a role to play in that.

On network expansion—I am sure that my colleagues will say more about this—there are plans in the year to come and in 2023 to open an office in Copenhagen and then one in Warsaw, although I am less sure about the timeline for Warsaw. The office in Copenhagen is a really exciting development, and it is a fantastic job for a diplomat. We have much to collaborate on with the Nordic group of countries. A couple of months ago, I hosted a dinner with a group of Nordic and Baltic ambassadors, and what struck me was not only the warmth of the conversation but the degree to which substance figured in it. For example, Norway was clear on how important to it co-operation on our coastal economies is, as well as the scope to grow that co-operation and collaboration, and, across the piece, the degree to which we can continue to exchange knowledge and technical expertise as we grow our renewables sectors.

It is about developing friendship and collaboration but also hard co-operation for mutual economic benefit. I will leave it at that and let my colleagues say a few words.

Jenni Minto: Similarly, I had a meeting with some young Scots designers who spoke about co-operation, collaboration and the idea that we are perhaps a southern Nordic state as opposed to a northern European state. I reflect positively on what you have just said—thank you. I think that Martin Johnson is going to come in on the expansion.

Martin Johnson: I will add a little bit to what John Webster said on expansion. The plan is to open the Copenhagen office next year. The background to that is that there is a sense that Copenhagen is a really good base not just for Denmark but for wider Nordic interests. Scotland has lots of connections and shared challenges with Nordic countries—the trading connections, volume of trade and potential in that area are really significant. We have an existing SDI presence there and, going back to cost efficiency, it is worth building on that. For all those reasons, as per the programme for government, Copenhagen is the next one that is coming.

There is a commitment to open an office in Warsaw before the end of the parliamentary session but, timewise, that is slightly further away. The rationale for that is about the education, trade, cultural and other links that Scotland has with Poland. There is also a regional dimension. It is an opportunity to engage with not just Poland but neighbouring countries. Poland is a significant player in the EU, with a population of almost 40 million people—I think that it is the fifth-largest member state. It is a significant connection to make and there are links to build, so there is logic to it.

On your other question about the wider network, I was reminding myself of the SDI network, which, as you will be aware, is bigger than the Scottish Government's. It has something like 32 offices, with six in the Americas, 10 in Asia and the Pacific, two in the middle east and a set in Europe, many of which have co-location with the Government offices. There is a global network.

Over the past year or two, there has been a lot of work for us as officials to build connections with the leaders of those offices. We have something called the international leaders forum where we meet up—albeit virtually, recently. We have been building those connections, talking with colleagues in places such as China, in a way that we have not used in years gone by. Some really interesting relationships and opportunities are developing.

There is clearly a strategic question for ministers on the future of the Scottish Government network and what they want its footprint to look like, and it was interesting to look at the different manifestos on that going back to election time. It is an interesting strategic question as we go forward. Interaction with the SDI network is at the heart of that because there is already a footprint there—putting the two things together and making them work effectively creates quite an impactful proposition. I hope that those few thoughts are helpful.

Jenni Minto: That is very helpful—thank you.

Mark Ruskell: It has been a really interesting session. I was struck by what Martin Johnson said about the fit for 55 energy and climate package, and Dr Stein talked about the work on hydrogen, as well. I would like to unpack that a little bit more because it is obviously a big strategic priority and I imagine that it will dominate the work of the Copenhagen office. What do you see as the main work strands to come out of that? Do you see Scotland as being currently aligned with the EU agenda or are there differences in approach? I would like to start with Martin Johnson on that question.

Martin Johnson: It is a timely question. At the beginning of the evidence session, I mentioned

that the bulk of the fit for 55 package of legislative proposals was published back in the summer and, just a couple of days ago—on Tuesday, I think—the European Commission put out a second package. I will provide some examples of why it is important. In the package this week, there was a lot on hydrogen—definitions of different types of hydrogen and proposals for rules around how networks for the transportation of hydrogen will operate in the EU—and additional proposals on things such as the energy performance of buildings. In the whole package, including the proposals that came out in the summer, there are areas such as renewable energy, energy efficiency, emissions trading and vehicle standards, which are all things that have resonance in and relevance to Scotland. The bulk of those are in devolved areas.

Going back to issues such as hydrogen—I am sure that Alexandra Stein will build on this—understanding what is happening in the regulatory space in the EU is significant for us. A big part of the strategy in the hydrogen action plan that was published last month is about generating enough renewable hydrogen so that Scotland can be an exporter. The EU—particularly the physically closest member states—is a significant neighbouring potential market. Ursula von der Leyen, the European Commission president, spoke specifically about the EU importing renewable hydrogen when she launched the global gateway strategy two weeks ago.

There is an economic driver and an environmental and sustainability driver, and there is the question of alignment. To return to that question, Scotland is very aligned across those areas, which is partly a function of having had the same legislation because, until recently, we were part of an EU member state and bound by EU rules. As we know, the ministerial ambition is to stay aligned. Single-use plastics and the policy and plans on that are a really good example of something that we are doing in Scotland that is very much aligned with EU plans.

Across the piece, it is a very interesting and significant package. Along with digital, it is the centrepiece of the Commission's work programme not just in terms of policy outcomes, high standards and high protections but on economic issues such as growing the hydrogen sector and potentially exporting. There is lots of stuff in there, but I will pause at that point.

Mark Ruskell: Time is getting on, but I have a further question, which is on the COP presidency. Earlier, Martin Johnson touched on the preparatory work that he was involved in for COP. We still have some time left in the COP presidency before it is handed over next year. I am interested in what that workstream looks like at the moment.

The Convener: I am looking for someone to self-nominate to come in on that question.

11:15

Martin Johnson: I will come in on that. It is a really good question. You are quite right: the UK presidency runs until the summer before being handed on ahead of COP27, which will be in Egypt. The main focus is on driving forward the momentum of COP—trying to drive up ambition and to ensure that, when nationally determined contribution plans are updated at COP27, the ambition level is lifted.

There is a role for Scotland in supporting that drive, but what also came through at COP were some distinct areas of Scottish interest and leadership such as the statement on women's leadership on climate issues, the question of loss and damage and the dialogue with the global south, as well as the promotion of Scotland's very progressive and extensive framework of legislation and ambitions.

There are two tracks: the support of the thrust of what the presidency is trying to achieve in the run-up to COP27; and, alongside that, the distinct and strongly value-adding platform of the things that I have mentioned, which Scotland has very successfully pushed around COP.

I hope that that is helpful and gives a sense of those two tracks.

Dr Stein: I am happy to offer some additional evidence on both questions. Our work on COP is an example of where much of our work and many of our priorities are interrelated. We will take forward that work through our engagement on hydrogen and biodiversity, for example, because those are core themes that will underline all our work, and, by taking it forward, we contribute to the COP programme. Indeed, we are already in the process of planning follow-up engagements around the various COP themes.

That takes me back to the question that was asked about hydrogen in Germany. That has been a key priority for us for about 18 months, and its roots lie in the German presidency. Germany published its hydrogen strategy back in the summer of 2020, which was followed by the EU a month later. Quite clearly, Germany was positioning in the EU and saying that it was going to lead and co-ordinate Europe's hydrogen agenda. Germany stated, for example, that it wanted to be the global leader in hydrogen technologies; at the same time, it has requirements for massive amounts—it needs to import industrial-scale amounts of green hydrogen.

Linking that back to our hydrogen strategy, which was published last December in the action plan, you will see that we are positioning Scotland as one of Germany's key import countries, using the fact that Scotland has 25 per cent of Europe's wind resources and building on the fact that Scotland has 10 to 15 years of learning-by-doing experience in the area of green hydrogen. Where Germany says that it wants to import 90TWh to 110TWh of green hydrogen a year and we might be able to export 94TWh of green hydrogen a year in the most ambitious scenario, we can say, "You are looking to South Africa, Australia and Chile, but Scotland is just over the water—we are a stable provider and we want to be part of the portfolio of import countries".

We are looking to get on to national platforms. We are engaging with key trade associations across Germany. We are speaking to organisations such as chambers of commerce in Germany. We are engaging with the media. We are building MOUs around the topic of hydrogen between the deep wind cluster in Scotland and the offshore wind cluster in Germany and with key states in Germany. We are looking to take that forward as a key priority. The Hamburg MOU, for example, that was signed just three or four weeks ago is about how we build import-export technologies together. It is partly about importing and exporting and partly about Germany and Scotland working together on their common interest to develop the hydrogen economy more quickly. It could create 300,000 jobs and be worth as much as £25 billion a year in Scotland by 2045, so it is a key opportunity that we must pursue. However, we will only realise that if we have a good export market, so we must bring everything together around that.

Mark Ruskell: Thank you. I would love to have another hour on that topic.

The Convener: I am sure that you would. We have a question from Donald Cameron—very quickly, please.

Donald Cameron: I have lots of questions but I will ask only one. As you look at our international office presence around the world, do you think that we are in the right places? I say that having listened to the justification for the new offices in Copenhagen and Warsaw. I do not want to refight old battles—Brexit has happened, we have left the EU and, notwithstanding all that, we seem to be opening more offices in the EU. Is that right? We are not in, for example, Australia, New Zealand, Africa or South America. It is a very general question as to whether you think that we are correctly positioned. I would like to start with John Webster.

John Webster: Are we correctly positioned? Drawing on my experience of working in the UK embassy network and on trade teams, and having recently worked in Ireland, I have yet to see much compelling evidence that suggests that countries do not trade most effectively and at the highest volume with others in their immediate neighbourhood. From a trade perspective—in or out of the EU—there is still a national interest in having the kind of presence in our near neighbourhood that can support that set of trading relationships.

When it comes to wider international locations and whether we should be in Australia and New Zealand, I am sure that there are compelling reasons for developing relationships—historical reasons, to begin with. I am sure that my ministers would love to do so if we had the capability and resources. However, based on my experience, when it comes to the deployment of limited resources, looking to a near neighbourhood makes a lot of sense from an economic and a trading perspective.

The Convener: Please give succinct answers, if possible.

Dr Stein: I can probably answer only for Germany, because that is where I am. Germany is the largest economy in Europe. It is Scotland's second-most important trading and inward investment nation. It is our top partner for higher education research collaboration and it is a priority country for visitors and tourism. On those grounds, Germany is definitely the right country to be in.

Martin Johnson: I will add a couple of thoughts. The answer to your question might be different depending on whether you are looking through a trade and economic development lens or a diplomatic and influencing lens.

Earlier, I mentioned the SDI network, which is extensive and global and goes beyond Europe. It comes back to being joined up and getting synergies. It is a legitimate question for ministers to reflect on, and it is a dynamic question because the situation will evolve over time. There is the global affairs framework, which is being developed for publication next year, and the trade vision that was published earlier this year. Ministers are actively reflecting on these areas and those publications shed light on them.

I echo some of what John Webster has said about economic connections. It is a dynamic situation, which, quite rightly, we will keep coming back to in the future.

The Convener: I thank our witnesses and my committee members. It is obvious that the session has opened a number of areas in which further discussion might be helpful, one of which—for me—is about understanding the scope and number of memorandums of understanding that are in place and have been mentioned, at country

and city level. We might write to you for some further information, and I will ask my committee members to reflect on the questions that we did not quite get to today. As Martin Johnson said, it is the first time that any committee has looked at these issues, and I am sure that it will not be the last. It has been a fantastic evidence session and I thank you all for your attendance.

This is the committee's final meeting in 2021. I thank our clerks, the Scottish Parliament information centre and other members of the Parliament's team who have supported the committee since we came back for this parliamentary session. I wish you all a very safe and happy festive period.

Meeting closed at 11:25.

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