

Whilst customs are not a devolved matter, I recognise the interest the devolved administration in Northern Ireland has in these matters as part of their wider responsibilities for economic development. HMRC officials have engaged with Northern Ireland Civil Service (NICS) colleagues regularly including on points of detail in relation to implementation of the Windsor Framework. NICS representatives will also be present at the first Joint Consultative Working Group on Customs, due to take place before Christmas.

Regarding your specific query on whether the Regulation covers parcels sent via recorded delivery, all eligible consumer movements will be able to use the Windsor Framework arrangements, meaning they will not be subject to customs declarations or tariffs. Parcel sent business to business will also benefit from arrangements provided for by the regulation.

I hope you find this response helpful. I am happy to continue to engage and provide further information to the committee as these reforms progress.

7 December 2023

Letter from the Chair to Nigel Huddleston MP, Financial Secretary to the Treasury, HM Treasury

Thank you for your letter, dated 7 December 2023, providing answers to our questions on the above proposed Regulation applying to Northern Ireland under the Windsor Framework. The House of Lords Sub-Committee on The Windsor Framework considered this letter at its meeting on 13 December 2023.

We welcome your answers to our questions. We would be grateful for an update on preparations for implementation in due course. In the meantime, we retain an active interest in this document.

14 December 2023

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE SAFETY OF TOYS AND REPEALING DIRECTIVE 2009/48/EC - COM (2023) 462

Letter from the Chair to Kevin Hollinrake MP Minister for Enterprise, Markets and Small Business, Department for Business and Trade.

Thank you for your Explanatory Memorandum, dated 9 November 2023, on the above Regulations within scope of the Windsor Framework. The House of Lords Sub-Committee on the Windsor Framework considered this document at its meeting on 6 December.

We note the EU's proposed Regulation on the safety of toys, and we understand that the proposal may create some regulatory divergence between GB and Northern Ireland. While the EM notes that Northern Irish operators will be able to market products in the GB market under the UK Internal Market Act, it is the case that if this proposed Regulation is implemented, toy safety requirements in Northern Ireland will be more stringent than in the rest of the UK. This will affect the sale of toys manufactured in or sold from GB in Northern Ireland. What analysis has been undertaken on the impact of this proposed legislation on the manufacture of toys in GB, and their sale in NI?

The proposal will also create additional burdens for Northern Irish operators due to requirements for digital product passports. What is the Government's assessment of the impact of this for Northern Ireland?

The EM states that no consultation has been undertaken. Why not? Does the Government intend to undertake a consultation with key stakeholders, including economic operators in GB and NI? If so, on what timescale?

Finally, we note that the proposed requirements would not become applicable in Northern Ireland (and the EU) until early 2027. How will the Government ensure that the voice of Northern Ireland ministers, officials and stakeholders is heard, and the potential impact on Northern Ireland is considered, as this legislation progresses through the EU's legislative process?

We would be grateful for a response to these questions by 21 December. In the meantime, we retain an active interest in this matter.

7 December 2023

Letter to the Chair from Kevin Hollinrake MP, Minister for Enterprise, Markets and Small Business, Department for Business and Trade.

Thank you for your letter, dated 7 December 2023.

In your letter, you asked what analysis had been undertaken on the impact of the proposed legislation and enquired about timescales of any consultation with key stakeholders. I can reassure the Committee that in relation to the proposed amendments to the Toy Directive 2009/48/EC, we will be actively considering the issues you have highlighted and discussing them with affected stakeholders. However, the EU proposals are not finalised and so are subject to possible changes until its adoption. Changes are also not expected to take effect until early 2027 at the earliest. We will keep the Committee updated if future engagement or consultation raise significant issues.

Officials are of course able to engage with the EU on this proposed regulation via the Joint Consultative Working Group, established under the Windsor Framework. Officials will continue to monitor the EU proposal as it develops to ensure that any effects on Northern Ireland are identified, which may lead to discussions with the EU on these matters.

You have also asked about how the views of Northern Ireland stakeholders will be considered as the EU progresses through their legislative process. Officials have regular and ongoing contact with industry representatives and enforcement authorities where changes and updates to regulations are discussed, to gather views and to assess the impact of these (and other) changes on Northern Ireland businesses and consumers. Officials shared details of the proposed amendments to the Toy Directive 2009/48/EC with Devolved Administrations, including officials from the Northern Ireland Executive, during the preparation of the Explanatory Memorandum (EM) and will continue to monitor developments and engage as the proposals and resulting legislation progress.

In addition, as referenced in the original EM, the Government is still considering its response to our consultation on the future of the UK's Product Safety Regulatory framework. This was a wide-ranging consultation considering, among other things, how best to make the use of digital information to support businesses, consumers, and market surveillance authorities. Decisions made in this field will therefore affect decisions about future changes, if any, to the regulations affecting toys in light of the EU proposal.

Due to the scope and complexity of the EU proposal, and the interplay with future UK Product Safety Regulatory framework changes, any assessment will require time and need to be carefully considered. Officials will be assessing the impact of the proposed changes though I am not at present able to provide any further details at this early stage in the development of the EU's proposal. I will of course keep the Committee informed as this issue progresses.

16 January 2024

Letter from the Chair to Kevin Hollinrake MP Minister for Enterprise, Markets and Small Business, Department for Business and Trade.

Thank you for your letter, dated 16 January 2024, relating to the above EU proposal on toy safety. The House of Lords Sub-Committee on the Windsor Framework considered this letter at its meeting on 24 January.

While we welcome your commitment to keep the Committee updated on this matter, there are some matters from our original letter we would like to follow up.

We asked whether the Government had undertaken analysis on the impact of this proposal on two specific areas: GB manufacturers and sellers, and NI operators. Your letter notes that officials will be assessing the impact of the proposed changes but does not provide detail of the timescale of this, or any initial assessment that has taken place. When will this assessment take place?

We would also like to reiterate two questions in relation to these impacts: first, on the matter of the sale of toys manufactured in GB in Northern Ireland: What analysis has been undertaken on the impact of this proposed legislation on the manufacture of toys in GB, and their sale in NI? Second, on the matter of digital product passports: What is the Government's assessment of the impact of this for Northern Ireland?

Your letter also notes that the Government will be "actively considering the issues...highlighted and discussing them with affected stakeholder. On what timescale will this be taking place? Which stakeholders will you be consulting with?

We would be grateful for a response to these questions by 8 February. In the meantime, we retain an active interest in this matter.

25 January 2024

Letter to the Chair from Kevin Hollinrake MP Minister for Enterprise, Markets and Small Business, Department for Business and Trade.

Thank you for your letter, dated 25 January 2024 as part of the ongoing dialogue on the Explanatory Memorandum (EM) on the above EU proposal. I apologise for the delay in responding.

In your letter, you have reiterated your questions regarding what analysis has been undertaken on the impact of the proposed legislation as well as enquiring about timescales of any consultation with key stakeholders.

The proposals regarding the digital product passport are still at an early stage of consideration. I hope that you can understand that given the scope and complexity of these proposals we believe it is correct to take the time available to carefully consider all facets to ensure the assessment of the impacts is fully informed.

My officials are in regular dialogue with stakeholders in the sector. I can reassure you that this engagement will continue as we look to implement the changes and will include the full range of relevant stakeholders including businesses, consumer groups and trade associations such as the British Toy & Hobby Association. Officials will consult with a wide range of stakeholders across the UK, including those with an interest in Northern Ireland, to ensure that all relevant views are considered ahead of a final decision. As I previously stated I will of course update the committee as soon as I am able to provide more information.

4 March 2024

Letter from the Chair to Kevin Hollinrake MP Minister for Enterprise, Markets and Small Business, Department for Business and Trade.

Thank you for your letter, dated 4 March 2024 on the above proposed Regulation. The House of Lords Sub-Committee on The Windsor Framework considered this letter at its meeting on 20 March 2024.

We welcome your answers to our questions and your commitment to update the Committee when you have further information. In the meantime, we retain an active interest in this document.

21 March 2024

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE UNION CUSTOMS CODE AND THE EUROPEAN UNION CUSTOMS AUTHORITY, AND REPEALING REGULATION (EU) NO 952/2013 - COM (2023) 258 + COM (2023) 259 + COM (2023) 262

Letter from the Chair to Nigel Huddleston MP, Financial Secretary to the Treasury, HM Treasury

Thank you for the letter from your predecessor, dated 31 October 2023, providing an update on the above proposed Regulation applying to Northern Ireland under the Windsor Framework. The House of Lords Sub-Committee on The Windsor Framework considered these documents at its meeting on 15 November 2023.

We welcome the Government's commitment to write again as these reforms progress and would be grateful for such an update in due course. In the meantime, we retain an active interest in this document.

16 November 2023

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE PRODUCTION AND MARKETING OF PLANT REPRODUCTIVE MATERIAL IN THE UNION, AMENDING REGULATIONS (EU) 2016/2031, 2017/625 AND 2018/848 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AND REPEALING COUNCIL DIRECTIVES 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC AND 2008/90/EC (REGULATION ON PLANT REPRODUCTIVE MATERIAL) - COM (2023) 414 & COM (2023) 415

Letter to the Chair from Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs, Department for Environment, Food and Rural Affairs.

Thank you for your letter of 19 October 2023. I apologise for the delay in replying.

We will be more than happy to provide a further update and full analysis on these proposals when the EU publishes more detail in implementing and delegated acts. In the meantime, I will attempt to provide answers to the questions posed.

You specifically asked whether there are any areas that are not covered by common international standards followed by both the EU and UK, and the scope for potential divergence. For certification, this concerns fruit and vegetable plant propagating material (excluding seed). For these two