



Windsor Framework Democratic Scrutiny Committee

OFFICIAL REPORT (Hansard)

Regulation (EU) 2024/2747; Regulation (EU)
2024/2748; and Directive (EU) 2024/2749

21 November 2024

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Philip McGuigan (Chairperson)
Mr David Brooks (Deputy Chairperson)
Dr Steve Aiken
Mr Jonathan Buckley
Ms Joanne Bunting
Mr Declan Kearney
Ms Kate Nicholl
Ms Emma Sheerin
Mr Eóin Tennyson

Witnesses:

Ms Karen Pearson The Executive Office

The Chairperson (Mr McGuigan): I welcome Karen Pearson, director of COVID strategy, Programme for Government (PFG) and civil contingencies in the Executive Office. I will hand over to you to brief us.

Ms Karen Pearson (The Executive Office): Thank you, Chair. The issues are very narrow for the Executive Office. Because of the civil contingencies element of my job, I am here to see whether I can provide you with some assistance. It is clear that COVID is the driving force for bringing the instruments forward. If there is anything that I can help you with on the broader civil contingencies environment, particularly on the devolved side in Northern Ireland or here, that is what I am here to do. We all lived through COVID, with difficulties in supply chains, the movement of people and all those things. I am here to give you any assistance that I can on that broader landscape.

The Chairperson (Mr McGuigan): OK. Is it your position that there is little or no information that you can give on the detail of the amendment to the Internal Market Emergency and Resilience Act (IMERA)?

Ms Pearson: I am afraid that that is correct, yes.

The Chairperson (Mr McGuigan): OK. On the broader scale, we have the memory of COVID, and there may be similar or other emergencies in future. On the basis of the experience that we have had with COVID, with supply chains etc. do you envisage the premise of the legislation as being positive?

Ms Pearson: What I can share is that, during and after COVID, we considerably developed our civil contingencies arrangements here. Declan, you lived through that. It is very different to the way that it was done in the past. We have a clear focus on civil contingencies, on risk assessment, on aligning risk with Government and departmental priorities and on collaboration. Supply chains is a good example, and there are many others. We are actively managing around 44 risks at a strategic level. Learning from COVID and continuous improvement is where we are at a strategic level.

We have a new civil contingencies framework called 'Building Resilience Together', which is in the public domain. We have an actively managed risk register — it is not published — and we have a learning and development strategy whereby we work with our civil contingencies colleagues to do more in that space. Supply chains is a good example. DFE has a very active group working in that area, and it is collaborative across Departments. There are other groups on things such as energy supply, telecoms and future pandemic planning. Anything that helps us to continuously improve is of interest to us.

The measures themselves, however, will not bite on my Department's remit in a regulatory way. That continuous improvement approach is exactly where we are. The COVID experience is a welcome one in that we have to take the learning from it and keep improving. That is where we are.

The Chairperson (Mr McGuigan): OK. Our Committee is specifically focused on —

Ms Pearson: I know, yes.

The Chairperson (Mr McGuigan): I understand that some of this may not even fall under the Executive Office's remit, but the explanatory memorandum (EM) provided to us by the British Government tells us that the IMERA omnibus package will be dependent on the substance of the implementing Acts. We will not know that until such times as the implementing Acts come along, God knows when. The British Government say:

"we expect that any measures introduced would be targeted and with the aim of easing the flow of goods. We do not expect these measures would introduce any significant additional regulatory burdens for business"

or traders here. Have you anything to say that suggests something different?

Ms Pearson: It is not within the remit of my Department to have a specific view on that. My issue is this: are we making situations safer for citizens in a future significant crisis?

The Chairperson (Mr McGuigan): OK. Thank you.

Mr Brooks: You said that it will not impact on your Department in a regulatory way and that it is about whether we are making things safer. It is fair to say that we will not know about a lot of this until such time as it is in operation. It could have an impact at some time; it could make things safer or less safe for citizens here at a particular time. We just do not know, because it is — literally — about handing powers to EU institutions to make decisions in a quicker, less checked way at a time of emergency. While I understand the logic for having those rules and I imagine similar rules apply in the UK, we cannot know the exact impact that they will have until such time as we are using them, as was the case with COVID.

Ms Pearson: That is a fair comment. It can be looked at as matters progress. As we stand, on the basis of the information that we have, it is not a measure that will impact massively on TEO.

Mr Brooks: Because we are not in an emergency.

Ms Pearson: We are not in an emergency. Our approach to civil contingencies is structured around "Prepare, respond and recover". The "Prepare" stage is where we do the pre-thinking, so we do not have to wait —

Mr Brooks: Some of that would be about forecasting what the EU may or may not do around these things. That is the point that I am trying to establish. We cannot know what the EU would do with the powers until such times as we are in a situation where they have to be used. To be fair, I have no doubt that they are probably being done with the best of intentions — I am not trying to make them

sound sinister — but I am saying that it is an unchecked ability to legislate on standards and so on. "Legislate" is probably the wrong word: it is an ability to have relatively unchecked changes around standards and so on at a time of emergency, but we cannot know what they might change or what they may loosen to try to oil the wheels during that time.

Ms Pearson: Again, it is not for my Department, but my reading is that it is about setting out a framework, a structure and some sort of clarity for what might happen in a future emergency. You are right: the precise detail would have to wait. However, the "Prepare" stage, which we can all do, is important. That is where they are now: they are setting out to give clarity to businesses on what might happen.

Dr Aiken: Thanks very much, Karen. I declare an interest as I have worked on UK civil contingency and military contingency operations, so I understand this.

The definition and requirement are basically around the definition that the EU puts on the word "emergency", because civil contingencies will be triggered only for a very specific set of areas outlined by the UK Government in specific circumstances. This legislation moves the definition of "emergency" to the EU, which we do not have any say in.

One of the things that we do not have from any of the information is how the EU defines an emergency. It could be anything. If the EU declared an emergency, what has priority for your Department? Is it the UK civil contingency rules and regulations and those being triggered by processes that I will not go into in this open forum, or would you be bound by the EU declaring an emergency?

Ms Pearson: In a devolved space, what has priority for me is what is happening here. We have the 'Building Resilience Together' framework. With COVID, we had to go from a very large stand-up — you will understand the scale of that — to what we have now, which is a more defined, tiered response in our framework. We have about five levels. It also depends on the nature of the emergency. For instance, if it is an operational issue, has it been declared a major incident, or am I being asked to stand up the civil contingency arrangements? Our framework defines that in the devolved space. You then get to the UK for higher-level national issues. Beyond that, I am not able to comment. My priority is what happens here and seeing that we have the right framework to define our stand-up response.

Dr Aiken: For clarity, that means that, if an emergency is to be declared, it will either be declared via the UK civil contingency arrangements or, in certain circumstances — local flooding or something like that — from a Northern Ireland perspective. At present, there is no recognition of something external that says, "There is now an emergency situation" because we have only the devolved powers and the UK powers to deal with it.

Ms Pearson: I think that we are saying the same thing.

Dr Aiken: Yes. I just wanted clarity on that bit of it.

Ms Pearson: For instance, in a flood, I would expect two principles to apply. First, the lead Department would lead until it is exhausted or needs some additional support. Secondly, the principle of subsidiarity would apply. There is operational merit in an emergency being managed at the lowest possible level, because the people on the ground know what they are doing. In our new framework, the five-tiered response gives us the ability to say, "How far through that emergency journey have we gone? Is it a major emergency? Is it national? What do I need to do to stand up support?". I can do that. A different Department, the First Minister and deputy First Minister or the first responders can all ask for that. It is a community of voices about what we are dealing with that triggers a response. Is that OK?

Dr Aiken: Yes, that is fine.

The Chairperson (Mr McGuigan): Grand job. Karen, nobody has indicated that they have any other questions. Thank you very much.

Ms Pearson: Thank you.