

Mr Philip McGuigan MLA, Chairperson
Windsor Framework Democratic Scrutiny
Committee (DSC)

REF: DSC 257/24

29 November 2024

Rt Hon Nick Thomas-Symonds MP
Paymaster General and Minister for the Cabinet Office

Issued via email to: wftf-sg@cabinetoffice.gov.uk

Nick, a chara,

At its meeting on 28 November 2024, the Windsor Framework Democratic Scrutiny Committee (DSC) considered [Regulation \(EU\) 2024/2865 amending Regulation \(EC\) No 1272/2008 on classification, labelling and packaging of substances and mixtures](#). This act was notified to the DSC on 21 November 2024.

The DSC decided to hold an inquiry into the replacement EU act, pursuant to paragraph 8(1) of Schedule 6B to the Northern Ireland Act 1998.

Under paragraph 9(2)(a), the DSC must seek substantive discussion and engagement with the British Government. Therefore, the Committee is requesting your assessment of:

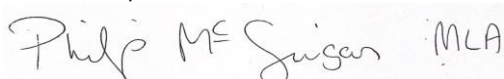
- Whether it appears likely that the application of the replacement EU act would have a significant impact specific to everyday life of communities here in a way that is liable to persist; and
- Whether it appears likely that not applying the replacement EU act would have a significant impact specific to everyday life of communities here in a way that is liable to persist.

In considering the potential for divergence, the Committee also requests details of the position in England, Scotland and Wales.

Further, I attach a response from Fuels UK to the Committee's consultation on the proposed Regulation. The Committee asks for your comments on the issues raised.

I would appreciate a response by **Monday 9 December 2024 at 11.00am**.

Le meas,



Philip McGuigan, MLA
Chairperson, Windsor Framework Democratic Scrutiny Committee

Response ANON-HP8H-26VH-X

Submitted to COM/2022/748 on the Proposed EU Regulation on classification, labelling and packaging of substances and mixtures

Submitted on 12/11/2024 19:57:24

Consent

The Windsor Framework Democratic Scrutiny Committee would like your permission to publish your consultation response. Please indicate your publishing preference.

Publish Response

Introduction

What is your organisation (if any)?

Organisation:
Fuels Industry UK Ltd.

Impact of EU Act

1 Does it appear likely that the proposed replacement EU act would have a significant negative impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

Yes

Tell us why:

Fuels Industry UK is currently assessing the impacts resulting from adoption of the amendment to the CLP Regulation (EC) No. 1272/2008 in Northern Ireland.

A possible consequence of the amendment and the reclassification of cumene (a substance found in some petroleum products) in the EU from Carc. Cat 2 (H351) to Carc. Cat 1B (H350) has been that sales of aviation gasoline and jet fuels containing over 0.1% cumene to consumers are prohibited when cumene is added to Annex XVII Appendix 2 of the REACH Regulation (EC) No. 1907/2006. If private pilots are considered as consumers in the meaning of REACH (i.e. not flying in a professional capacity), sale of such fuels to them could then be considered as supply to the general public and therefore unlawful according to Entry 28.

The situation regarding sale of packaged heating oil direct to consumers is also subject to confirmation, although Fuels Industry UK understand this is covered by the exemption provided in Annex XVII of the REACH Regulation for mineral oil products intended for use as fuel in mobile or fixed combustion plants.

2 Does it appear likely that NOT APPLYING the proposed replacement EU act would have a significant negative impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist??

Unsure

Tell us why:

If the amendment to the CLP Regulation (EC) No. 1272/2008 is not implemented in Northern Ireland, other benefits of the amendment identified in the recitals would not be realised.

3 Are there any other matters regarding the EU act that you wish to draw to the Committee's attention? Please note, any information provided should be of an evidential nature rather than a commentary.

Yes

Tell us why :

Fuels Industry UK is currently assessing the impacts resulting from adoption of the amendment to the CLP Regulation (EC) No. 1272/2008 in Northern Ireland in terms of changes in package labelling, arrangements for pump labelling at filling stations and provision of label elements for portable jerry cans etc. refilled at filling stations.