

Jessica Jacques, Senior Assistant Clerk and
Sinéad Kelly, Assistant Assembly Clerk
Windsor Framework Democratic Scrutiny Committee
Room 371
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

17 January 2025

Dear Jessica and Sinéad

Your refs DSC 04/25 and DSC 46/25

Many thanks for your letters of 9 January and 16 January, respectively. I appreciate this reply may be somewhat lengthy, and probably not quite what you will have been expecting nor, perhaps, wanting but we have a high regard for the role of the Democratic Scrutiny Committee so I feel that a frank, clear and fulsome response is justified and necessary.

FSB is the largest business representative organisation in Northern Ireland, with business-owning members in almost every single type of enterprise that make up the entire private sector economy. Collectively, SMEs here employ more people than all large businesses and the entire public sector, *combined*; with that scale and reach comes significant responsibility for FSB to ensure members are properly represented in all aspects of the policy and legislative space that can affect their businesses.

For that reason, we welcome invitations to contribute to consultations, discussions and debates and we engage willingly and frequently. When we do so, we draw on evidence which we derive from a deep programme of engagement with our members and the wider SME sector including surveys, focus groups, commissioned academic research, polls, and more. It is a robust programme that means our contributions are well-founded and can be relied upon as evidence with integrity.

We are deeply sympathetic to the plight in which the Democratic Scrutiny Committee and its support secretariat find themselves where, at the tail end of a process into which there has been no input from Northern Ireland legislators, nor businesses, nor from the UK Government, huge amounts of regulation are being presented for what can only be the most cursory consideration.

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Your letter of 16 January neatly summarised the challenge, where you wrote *“Officials in attendance and the UK Government were unable to provide the Committee with information on the scale of trade in construction products between Great Britain and Northern Ireland.”* In light of this, the Committee consented to FSB being asked whether we could provide the information, and whether we had carried out an analysis of the impact of the Regulation 2024/3110.

To put it in context, that Regulation came to us in December 2024, it runs to around 135 pages, and it contains well over fifty thousand words – and it is but one of a cascade of such Regulations emanating from the EU which will apply to businesses in Northern Ireland as a result of the Windsor Framework et al.

FSB does not take positions on constitutional matters; our role is to seek ways of making whatever Regulations and laws that apply here fit for purpose. However, to do that requires a process that is also fit for purpose and the job facing the Democratic Scrutiny Committee would appear to illustrate that such a process does not exist in respect of the way EU legislation is being presented for application in Northern Ireland.

It is untenable to consider that a business organisation, no matter how well resourced by its members, would have the capacity to be able to identify incoming Regulations, review and assimilate them, summarise their implications inasmuch as they might affect business, get expert input from specific businesses in the relevant fields, develop and conduct surveys to garner the views of the wider business community, collate the findings, report them, then use that report to inform engagement with the DSC or others. The task would be gargantuan in any timescale but, to try to attempt it repeatedly within a small number of weeks or even days, is simply not possible.

The introduction of the Northern Ireland Protocol gave a valuable, if unwelcome, illustration of the massive range of unintended consequences that can arise from regulation and legislation that changes at short notice without adequate consultation and engagement. The term “grace period” became common parlance for ‘sticking plaster fixes’ that had to be applied to open wounds in order that life here might continue without excessive disruption. The passage of time may have taken the political and public spotlight off this issue to some extent but it remains unresolved.

In light of the foregoing, we are deeply concerned that businesses in Northern Ireland will be subjected to regulations without any effective consideration of the potential consequences, nor any effective means of redress. It seems to us that the structures are simply not in place to allow for adequate horizon-scanning, understanding, consideration, consultation and potential negotiation or mitigation before adoption.

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We appreciate the Democratic Scrutiny Committee has given us an opportunity to comment and, additionally, that they have extended a similar request to Manufacturing NI, however, neither we nor they feel that the process can operate in this way, so cannot undertake the task you have offered to us. Notwithstanding, we must be quite clear that lack of engagement and response in the way that had been sought cannot be considered as '*business having been consulted and not raising any concerns*' and allow a box to be ticked. That would be a wholly wrong inference.

I hope you will receive this response in the constructive and contributory manner it is intended; the whole issue is of such massive importance that we would propose focussing on trying to improve the process first, rather than trying to provide evidence on specific queries in a context that we know to be unfit for purpose.

Accordingly, in light of the invidious position in which the Democratic Scrutiny Committee finds itself, and despite the plethora of competing demands with which business and its representative bodies are otherwise occupied, we would welcome the opportunity to meet with the Committee to explore and discuss some options for how the entire process might be better undertaken to ensure that businesses in Northern Ireland are not disadvantaged, simply because of the shortcomings of a process that has been foisted upon all of us.

Finally, for sake of clarity, I confirm that I am content for this letter to be shared with the Committee Chair and other Committee members and, if required, be put more widely into the public domain.

Yours sincerely,

Roger

Roger Pollen
Head of FSB Northern Ireland



Jessica Jacques, Senior Assistant Clerk
Windsor Framework Democratic Scrutiny
Committee (DSC)

Ref: DSC 46/25
16 January 2025

Roger Pollen
Head of FSBNI

Issued via email to: roger.pollen@fsb.org.uk

Dear Roger,

Regulation (EU) 2024/3110 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011

The Windsor Framework Democratic Scrutiny Committee (DSC) is currently holding an inquiry into Regulation (EU) 2024/3110. We have written to you separately with details of its online consultation.

At its meeting today (16 January 2025), the DSC heard evidence from officials from the Department of Finance, Department for Infrastructure, and Department of Agriculture, Environment and Rural Affairs. It also considered an [updated Explanatory Memorandum](#) from the UK Government on the Regulation.

Officials in attendance and the UK Government were unable to provide the Committee with information on the scale of trade in construction products between Great Britain and Northern Ireland. Therefore, the DSC agreed that I should contact you to ask whether you can provide this information, and to ask whether you have carried out an analysis of the impact of the Regulation 2024/3110.

The Committee works to tight statutory deadlines and must agree its final report at its meeting on 23 January 2025. I would therefore request a response by 22 January 2025 (COB) to allow for this information to be considered by the DSC during its inquiry.

Yours sincerely,

**Jessica Jacques, Senior Assistant Clerk
Windsor Framework Democratic Scrutiny Committee**



Sinéad Kelly, Assistant Assembly Clerk
Windsor Framework Democratic Scrutiny
Committee (DSC)

Ref: DSC 04/25

9 January 2025

Roger Pollen
Head of FSBNI

Issued via email to: roger.pollen@fsb.org.uk, Sophie.Johnston@fsb.org.uk,
Hannah.Marshall@fsb.org.uk

Dear Roger,

Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011

The Windsor Framework Democratic Scrutiny Committee (DSC) was notified of the above published replacement EU act, under paragraph 6(1)(b) of [Schedule 6B of the Northern Ireland Act 1998](#).

At its meeting on 9 January 2025, the DSC agreed to carry out an inquiry into the replacement act. As part of its inquiry, the DSC is seeking your views on whether applying/not applying the act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

Should you wish to provide views, you can do so via Citizen Space at the following link: <https://consult.nia-yourassembly.org.uk/windsor-framework-democratic-scrutiny-committee/eu-regulation-2024-3110>

The DSC requests that you circulate the survey widely within your membership.

Please note that the survey will close on **19 January 2025**.

Yours sincerely

**Sinéad Kelly, Assistant Assembly Clerk
Windsor Framework Democratic Scrutiny Committee**