



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

15 August 2024

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Steve Aiken MLA

Emma Sheerin MLA

Eóin Tennyson MLA

Apologies:

Joanne Bunting MLA

Stephen Dunne MLA

Connie Egan MLA

Declan Kearney MLA

In Attendance:

Paul Gill (Clerk Assistant)
Sinead Kelly (Senior Assistant Clerk)
Oliver Bellew (Assistant Clerk)
Shelley Garner (Clerical Officer)
Suzanne Walsh (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)
Victoria Bourquin (Assistant Clerk)
Marion Johnson (Assistant Clerk)

The meeting commenced at 10.02 am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

No interests were declared.

3. Regulation (EU) 2024/1849 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions – Consideration of draft report

The Committee noted correspondence from the Department of Health and the British Dental Association in relation to its inquiry.

Agreed: The Committee agreed that the correspondence from the Department of Health and the British Dental Association should be published and included in the final report.

The Committee commenced its deliberations on the evidence received as part of its Inquiry into Regulation (EU) 2024/1849 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions, and considered a draft report.

The Committee focused, in particular, on the two conditions that must be satisfied if the Stormont Brake is to be pulled.

The Committee considered the legal question of whether the replacement EU act significantly differs (in whole or in part) from the content or scope of the EU instrument which it amends or replaces.

Eóin Tennyson MLA proposed that the Committee agree the conclusion as set out in paragraph 51 of the draft report which had been prepared.

The Deputy Chairperson proposed that the conclusion, at paragraph 51 of the draft report, be amended to reflect the concerns of some members that the Commission Notice is not legally binding, and that the derogation for Northern Ireland is dependent on the United Kingdom complying with the specific conditions set out in the Commission Notice. Steve Aiken MLA aligned himself with this proposal.

The Chairperson put the question on Eoin Tennyson's proposal.

Committee divided: Ayes 3; Noes 2; Abstain 0.

AYES

Mr Philip McGuigan

Ms Emma Sheerin

Mr Eóin Tennyson

NOES

Mr Steve Aiken

Mr David Brooks

The proposal was carried.

Agreed: In relation to the legal question of whether the replacement EU act significantly differs (in whole or in part) from the content or scope of the EU instrument which it amends or replaces, the Committee agreed that the replacement EU act significantly differed, in part, from the content or scope of the EU instrument which it amended. However, it noted that the European Commission has taken the view that as long as the United Kingdom in respect of Northern Ireland complies with the conditions specified in the Commission Notice, dental amalgam may be used in Northern Ireland for the purpose of dental treatment for patients residing in the United Kingdom, and dental amalgam can be imported from outside the Union for that purpose until 31 December 2034, or until the date agreed under the framework of the Minamata Convention on Mercury, whichever is earlier.

As this proposal was carried, the Chairperson did not put the question on the Deputy Chairperson's proposal.

Agreed: In relation to the question of whether the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist, the Committee agreed that for an act to have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist, that significant impact must be negative.

The Chairperson proposed a conclusion that the replacement EU act would not have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

The Committee divided: Ayes 3; Noes 2; Abstain 0.

AYES

Mr Philip McGuigan

Ms Emma Sheerin

Mr Eóin Tennyson

NOES

Mr Steve Aiken

Mr David Brooks

The proposal was carried.

Agreed: The Committee agreed that the replacement EU act would not have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

The Committee agreed that the minutes should record that the Members who voted 'No' had expressed concerns that the Commission Notice is not legally binding, and there was the potential for the derogation for Northern Ireland to be revoked by the European Commission if the United Kingdom does not comply with the conditions set out in the Commission Notice, in respect of Northern Ireland.

Agreed: Members agreed to move to public session at 10.37 am.

The meeting commenced at 10.37 am in public session.

4. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 1 August 2024.

5. Matters Arising

There were no matters arising.

6. Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC – Consideration of survey responses

The Committee considered four responses in respect of its consultation on Regulation (EU) 2024/1938 on standards of quality and safety for substances of human origin intended for human application.

The Committee noted two responses from the UK Government regarding its assessment of Regulation (EU) 2024/1938.

Agreed: The Committee agreed that the consultation responses and the responses from the UK Government should be published and included in its final report.

Agreed: The Committee agreed to consider its final draft report on Regulation (EU) 2024/1938 in closed session at the end of the meeting.

7. Correspondence

7.1. Members noted correspondence forwarded from John Stewart MLA, regarding difficulties in delivering products to Northern Ireland, due to new trade regulations and logistical challenges.

Agreed: The Committee agreed to forward the correspondence to the Executive Office, requesting that the relevant Minister respond to John Stewart directly.

Agreed: The Committee agreed to write to the UK Government for an update on the transition to the UK Internal Market Scheme and the establishment of Intertrade UK.

8. Chairperson's Business

There was no Chairperson's business.

9. Any Other Business

The Chairperson reminded members that the Department of Agriculture, Environment and Rural Affairs had been scheduled to brief the Committee on 5 September 2024 on Proposal COM (2023) 769 for a Regulation of the European Parliament and of the Council on the welfare of cats and dogs and their traceability. The Chairperson informed members that officials have requested that this session is re-scheduled for early October 2024.

Agreed: The Committee agreed to re-schedule the briefing for early October 2024.

Agreed: Members agreed to move to closed session at 10.45 am.

The meeting commenced at 10.45 am in closed session.

10. Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC - Consideration of draft report

The Committee commenced its deliberations on the evidence received as part of its Inquiry into Regulation (EU) 2024/1938 on standards of quality and safety for substances of human origin intended for human application, and considered a draft report.

The Committee focused in particular on the two conditions that must be satisfied if the Stormont Brake is to be pulled.

Eóin Tennyson MLA proposed that the Committee agree paragraph 29 as drafted that:

In reaching its conclusions, the Committee has carefully considered all the evidence provided to it. The Committee has focused in particular on the two conditions that must be satisfied if the Stormont Brake is to be pulled.

Steve Aiken MLA proposed that paragraph 29 be amended to highlight the level of uncertainty in the evidence provided, and that the Committee did not have sufficient time to carefully consider the issues raised. The Deputy Chairperson aligned himself with this proposal.

The Chairperson put the question on Eóin Tennyson's proposal.

The Committee divided: Ayes 3; Noes 2; Abstain 0.

AYES

Mr Philip McGuigan

Ms Emma Sheerin

NOES

Mr Steve Aiken

Mr David Brooks

Mr Eóin Tennyson

The proposal was carried.

Agreed: The Committee agreed that, in reaching its conclusions, the Committee has carefully considered all the evidence provided to it. The Committee has focused in particular on the two conditions that must be satisfied if the Stormont Brake is to be pulled.

As the proposal was carried, the Chairperson did not put the question on Steve Aiken's proposal.

Agreed: In relation to the legal question of whether the replacement EU act significantly differs (in whole or in part) from the content or scope of the EU instrument which it amends or replaces, the Committee agreed that the replacement EU act significantly differs, in part, from the content or scope of the EU instrument which it amends or replaces.

Agreed: In relation to the question of whether the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist, the Committee agreed that for an act to have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist, that significant impact must be negative.

Agreed: The Committee agreed that it was unable to reach a view on whether the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

Agreed: Members agreed that a final draft report reflecting the outcome of the Committee's deliberations and its conclusions would be considered in closed session later in today's meeting.

Agreed: Members agreed to move to suspend the meeting at 10.57 am.

The meeting was suspended at 10.57 am.

The meeting resumed in closed session at 11.14am.

10.1 Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC – Agreement of final report

The Committee considered the final draft report on its Inquiry into Regulation (EU) 2024/1938 on standards of quality and safety for substances of human origin intended for human application.

Purpose and Membership

The Committee considered the Purpose and Membership section of the report as drafted.

Agreed: The Committee agreed that it was content with the Purpose and Membership section of the report.

Introduction

The Committee considered the Introduction section of the report (paragraphs 1 to 8) as drafted.

Agreed: The Committee agreed that it was content with the Introduction section of the report.

Replacement EU Act

The Committee considered the Replacement EU Act section of the report (paragraphs 9 to 13) as drafted.

Agreed: The Committee agreed that it was content with the Replacement EU Act section of the report.

The Committee's Decision on Whether to Hold an Inquiry

The Committee considered The Committee's Decision on Whether to Hold an Inquiry section of the report (paragraphs 14 to 18) as drafted.

Agreed: The Committee agreed that it was content with The Committee's Decision on Whether to Hold an Inquiry section of the report.

The Inquiry Process

The Committee considered The Inquiry Process section of the report (paragraphs 19 to 28) as drafted.

Agreed: The Committee agreed that it was content with The Inquiry Process section of the report.

The Committee's Conclusions

The Committee considered The Committee's Conclusions section of the report (paragraphs 29 to 35) as drafted:

Agreed: The Committee agreed that it was content with The Committee's Conclusions section of the report.

Agreed: The Committee agreed the minutes should refer to the concerns raised by Steve Aiken MLA and the Deputy Chairperson in considering the Committee's Conclusions section of the draft report.

Next Steps

The Committee considered the Next Steps section of the report (paragraph 36) as drafted.

Agreed: The Committee agreed that it was content with the Next Steps section of the report.

Appendices

The Committee considered the Appendices section of the report.

Agreed: The Committee agreed that it was content that the Appendices be included in the report.

Agreed: The Committee agreed that any formatting or typographical errors would be corrected by the Secretariat team in advance of the publication of the final report.

Agreed: The Committee agreed that that the Report on its Inquiry into Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC, be the Fifth Report of the Windsor Framework Democratic Scrutiny Committee to the Assembly.

Agreed: The Committee agreed that it was content for the Report on its Inquiry into Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC, to be published and issued to all MLAs.

Agreed: The Committee agreed that it was content for the Report on its Inquiry into Regulation (EU) 2024/1938 of the European Parliament and of the Council of 13 June 2024 on standards of quality and safety for substances of human origin intended for human application and repealing Directives 2002/98/EC and 2004/23/EC, to be issued to those who provided evidence to the Committee.

11. Regulation (EU) 2024/1849 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions - Consideration of final report

The Committee considered the final draft report on its Inquiry into Regulation (EU) 2024/1849 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions.

Purpose and Membership

The Committee considered the Purpose and Membership section of the report as drafted.

Agreed: The Committee agreed that it was content with the Purpose and Membership section of the report.

Introduction

The Committee considered the Introduction section of the report (paragraphs 1 to 8) as drafted.

Agreed: The Committee agreed that it was content with the Introduction section of the report.

Replacement EU Act

The Committee considered the Replacement EU Act section of the report (paragraphs 9 to 11) as drafted.

Agreed: The Committee agreed that it was content with the Replacement EU Act section of the report.

The Committee's Examination of the Proposed Replacement EU Act

The Committee considered The Committee's Examination of the Proposed Replacement EU Act section of the report (paragraphs 12 to 25) as drafted.

Agreed: The Committee agreed that it was content with The Committee's Examination of the Proposed Replacement EU Act section of the report.

The Committee's Decision on Whether to Hold an Inquiry

The Committee considered The Committee's Decision on Whether to Hold an Inquiry section of the report (paragraphs 26 to 30) as drafted.

Agreed: The Committee agreed that it was content with The Committee's Decision on Whether to Hold an Inquiry section of the report.

The Inquiry Process

The Committee considered The Inquiry Process section of the report (paragraphs 31 to 47) as drafted.

Agreed: The Committee agreed that it was content with The Inquiry Process section of the report.

The Committee's Conclusions

The Committee considered The Committee's Conclusions section of the report (paragraphs 48 to 55) as drafted.

Agreed: The Committee agreed that it was content with The Committee's Conclusions section of the report.

Agreed: The Committee agreed the minutes should refer to the concerns raised by the Deputy Chairperson and Steve Aiken MLA in considering the Committee's Conclusions section of the draft report.

Next Steps

The Committee considered the Next Steps section of the report (paragraph 56) as drafted.

Agreed: The Committee agreed that it was content with the Next Steps section of the report.

Appendices

The Committee considered the Appendices section of the report.

Agreed: The Committee agreed that it was content that the Appendices be included in the report.

Agreed: The Committee agreed that any formatting or typographical errors would be corrected by the Secretariat team in advance of the publication of the final report.

Agreed: The Committee agreed that that the Report on its Inquiry into Regulation (EU) 2024/1849 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions, be the Fourth Report of the Windsor Framework Democratic Scrutiny Committee to the Assembly.

Agreed: The Committee agreed that it was content for the Report on its Inquiry into Regulation (EU) 2024/1849 of the European Parliament and of the Council

of 13 June 2024 amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions, to be published and issued to all MLAs.

Agreed: The Committee agreed that it was content for the Report on its Inquiry into Regulation (EU) 2024/1849 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions, to be issued to those who provided evidence to the Committee.

12. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 29th August 2024 at 10:00am in room 21, Parliament Buildings.

The meeting was adjourned at 11.25am.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee