



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

18 July 2024

Meeting Location: Room 21

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Declan Kearney MLA

Emma Sheerin MLA

Eóin Tennyson MLA

Present by Video:

Joanne Bunting MLA

Stephen Dunne MLA

Apologies:

Steve Aiken MLA

Connie Egan MLA

In Attendance:

Michael Potter (Assembly Clerk)

Jessica Jacques (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Suzanne Patton (Clerical Officer)

Shelley Garner (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)

The meeting commenced at 10.02am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

No interests were declared.

3. Regulation (EU) 2024/1860 of the European Parliament and of the Council of 13 June 2024 amending Regulations (EU) 2017/745 and (EU) 2017/746 as regards a gradual roll-out of Eudamed, the obligation to inform in case of interruption or discontinuation of supply, and transitional provisions for certain in vitro diagnostic medical devices – Legal advice

Avi McCabe, Legal Adviser, Assembly Legal Services, joined the meeting at 10.04am.

Members considered a notification from the Cabinet Office in relation to the following published replacement EU act:

Regulation (EU) 2024/1860 of the European Parliament and of the Council of 13 June 2024 amending Regulations (EU) 2017/745 and (EU) 2017/746 as regards a gradual roll-out of Eudamed, the obligation to inform in case of interruption or discontinuation of supply, and transitional provisions for certain in vitro diagnostic medical devices.

The Legal Adviser provided advice on whether it appears likely that the published replacement act differs significantly (in whole or in part) from the content or scope of the EU act it is amending/replacing.

A question and answer session followed.

The Legal Adviser left the meeting at 10.21am.

Agreed: The Committee agreed to continue its consideration of the replacement EU act in public session.

4. 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 – Legal advice

Jonathan McMillen, Legal Adviser, Head of Legal Services, joined the meeting at 10.22am.

Members considered a notification from the Cabinet Office in relation to the following published replacement EU act:

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.

The Legal Adviser provided advice on whether it appears likely that the published replacement act differs significantly (in whole or in part) from the content or scope of the EU act it is amending/replacing.

A question and answer session followed.

The Legal Adviser left the meeting at 10.28am.

Agreed: The Committee agreed to continue its consideration of the replacement EU act in public session.

Agreed: Members agreed to move to public session at 10.29am.

The meeting commenced at 10.29am in public session.

5. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 11 July 2024.

6. Matters Arising

There were no matters arising.

7. Regulation (EU) 2024/1860 of the European Parliament and of the Council of 13 June 2024 amending Regulations (EU) 2017/745 and (EU) 2017/746 as regards a gradual roll-out of Eudamed, the obligation to inform in case of interruption or discontinuation of supply, and transitional provisions for certain in vitro diagnostic medical devices – Departmental oral evidence

The Committee considered Regulation (EU) 2024/1860 of the European Parliament and of the Council of 13 June 2024 amending Regulations (EU) 2017/745 and (EU) 2017/746 as regards a gradual roll-out of Eudamed, the obligation to inform in case of interruption or discontinuation of supply, and transitional provisions for certain in vitro diagnostic medical devices.

The following officials joined the meeting at 10.30am:

Brenda McGilligan Head of EU Future Relations Branch, Department of Health

Kevin McVeigh Head of Life and Health Science Branch, Department for the Economy

The officials gave oral evidence on Regulation (EU) 2024/1860.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 10.39am.

Members noted that, in order to meet its statutory requirements, the Committee must decide whether or not to hold an inquiry into the published replacement EU act.

The Committee had regard to:

- (i) the legal advice on whether it appears likely that the replacement EU act significantly differs (in whole or in part) from the content or scope of the EU instrument which it replaces, and
- (ii) the departmental initial assessment on whether it appears likely that the replacement act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

The Deputy Chairperson proposed that the Committee hold an inquiry into Regulation (EU) 2024/1860 of the European Parliament and of the Council of 13 June 2024 amending Regulations (EU) 2017/745 and (EU) 2017/746 as regards a gradual roll-out of Eudamed, the obligation to inform in case of interruption or discontinuation of supply, and transitional provisions for certain in vitro diagnostic medical devices.

The Committee divided: Ayes 3; Noes 4; Abstain 0.

AYES

Mr David Brooks

Ms Joanne Bunting

Mr Stephen Dunne

NOES

Mr Philip McGuigan

Mr Declan Kearney

Ms Emma Sheerin

Mr Eóin Tennyson

The proposal was not carried.

Agreed: The Committee agreed not to hold an inquiry into the replacement EU act, pursuant to paragraph 8(1) of Schedule 6B to the Northern Ireland Act 1998.

The Committee noted that its decision will be published on the Committee webpage.

8. 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 – Departmental oral evidence

The Committee considered 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.

The following officials joined the meeting at 10.44am:

Michael O'Neill	Head of General Dental and Ophthalmic Services, Department of Health
Caroline Lappin	Chief Dental Officer, Department of Health
Caroline Barry	NEPD Head of Chemicals and Industrial Pollution Branch, Department for Agriculture, Environment and Rural Affairs
Helen Lewis	NIEA Head of Chemical Compliance, Department for Agriculture, Environment and Rural Affairs

The officials gave oral evidence on Regulation (EU) 2024/1849.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 11.14am.

Members noted that, in order to meet its statutory requirements, the Committee must decide whether or not to hold an inquiry into the published replacement EU act.

The Committee had regard to:

- (i) the legal advice on whether it appears likely that the replacement EU act significantly differs (in whole or in part) from the content or scope of the EU instrument which it replaces, and
- (ii) the departmental initial assessment on whether it appears likely that the replacement act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

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

The Committee noted that its decision will be published on the Committee webpage.

The Committee considered a draft inquiry timetable.

Agreed: The Committee agreed the inquiry timetable.

The Committee noted that, in line with agreed procedures, a Citizen Space survey would launch to seek views on the impact of the replacement EU act. The survey will be promoted widely and will be open to anyone to respond.

The Committee considered a short-focussed list of key representatives of businesses and civil society, identified by RaISe, who are affected by the EU act, or who would be affected if the act enters into force.

Agreed: The Committee agreed to write directly to the identified key representatives of businesses and civil society to seek their views on the impact of the replacement EU act.

Agreed: The Committee agreed to write to the UK Government to seek its views on the impact of the replacement EU act, and to ascertain the position in England, Scotland and Wales.

9. Correspondence

9.1 The Committee noted a status update from RaISe on a proposed EU act which it is monitoring: COM/2024/52 - amending Council Decision 2003/17/EC as regards the equivalence of field inspections carried out in the Republic of Moldova on fodder plant seed-producing crops and on the equivalence of fodder plant seed produced in the Republic of Moldova, and as regards the equivalence of field inspections carried out in Ukraine on beet seed-producing crops and oil plant seed-producing crops and on the equivalence of beet seed and oil plant seed produced in Ukraine.

9.2 The Committee considered a copy of correspondence from the British Dental Association Northern Ireland to Mike Nesbitt MLA, Minister of Health, regarding 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.

Agreed: The Committee agreed to respond to the British Dental Association informing of the decision to hold an inquiry into Regulation 2024/1849.

10. Chairperson's Business

No business was raised.

11. Any Other Business

No business was raised.

12. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 25th July 2024 at 10:00am in Room 30, Parliament Buildings.

The meeting was adjourned at 11.19am.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee