



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

25 July 2024

Meeting Location: Room 21

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Steve Aiken MLA

Declan Kearney MLA

Connie Egan MLA

Present by Video:

Joanne Bunting MLA

Apologies:

Stephen Dunne MLA

Emma Sheerin MLA

Eóin Tennyson MLA

In Attendance:

Marie Austin (Assembly Clerk)

Jessica Jacques (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Marion Johnson (Assistant Clerk)

Suzanne Patton (Clerical Officer)

Shelley Garner (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)

Oliver Bellew (Assistant Clerk)

The meeting commenced at 10.07am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

No interests were declared.

3. 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 – Legal advice

Simon Kelly, Legal Adviser, Assembly Legal Services, joined the meeting at 10.08am.

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

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.

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.

Simon Kelly 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) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) - 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) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act).

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.

Jonathan McMillen remained in the meeting for agenda item 5.

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

5. 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

The Legal Adviser provided advice on the implications of:

Commission Notice C/2024/4675 of 19 July – Application of Regulation (EU) 2024/1849 of the European Parliament and of the Council amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions to and in the United Kingdom in respect of Northern Ireland,

in relation to the 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.

A question and answer session followed.

Jonathan McMillen left the meeting at 10.43am.

Having had regard to the legal advice and the revised assessment of impact provided by the Department of Health, Members considered whether to re-take the Committee's decision of 18 July 2024, to conduct an inquiry into the act.

David Brooks MLA expressed a view that there is a reticence from some Members to conduct an inquiry, which is essentially a fact-finding exercise.

Declan Kearney MLA contested the view expressed, and referred to the criteria which the Committee must have regard to when making a decision on whether to conduct an inquiry under paragraph 8(2) of Schedule 6B to the Northern Ireland Act 1998.

Declan Kearney MLA proposed that, given the legal advice received, and the revised departmental assessment of impact which stated that there would now be no negative impact on communities, that the Committee re-take a decision on whether to hold an 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.

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

AYES

Mr Philip McGuigan

Ms Connie Egan

Mr Declan Kearney

NOES

Mr David Brooks

Mr Steve Aiken

Ms Joanne Bunting

The proposal was not carried.

Agreed: The Committee agreed not to re-take its decision of 18 July 2024, on whether to conduct an inquiry into the replacement EU act.

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 10.55am.

The meeting commenced at 10.55am in public session.

6. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 18 July 2024.

7. Matters Arising

There were no matters arising.

8. Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) – Departmental oral evidence

The Committee considered Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act).

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 UK Government Department for Transport's assessment and the Committee's 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 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 would be published on the Committee webpage.

9. 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 – Departmental oral evidence

The Committee considered 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.

The following officials joined the meeting at 10.59am:

Ryan Wilson Director of Secondary Care, Department of Health

Brenda McGilligan Head of EU Futures Relations Branch, Department of Health.

The officials gave oral evidence on Regulation (EU) 2024/1938.

Declan Kearney left the meeting at 11.00am.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 11.19am.

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 United Kingdom Government to seek its views on the impact of the replacement EU act, and to ascertain the position in England, Scotland and Wales.

10. 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, and Commission Notice C/2024/4675 of 19 July, regarding the application of this act in Northern Ireland.

The following officials joined the meeting at 11.23am:

Caroline Barry	NEPD Head of Chemicals and Industrial Pollution Branch, Department of Agriculture, Environment & Rural Affairs
Ashleigh Evans	NIEA Chemical Compliance Team, Department of Agriculture, Environment & Rural Affairs
Michael O'Neill	Head of General Dental and Ophthalmic Services, Department of Health
Caroline Lappin	Chief Dental Officer, Department of Health.

The officials gave evidence on Regulation (EU) 2024/1849 and on the European Commission Notice C/2024/4675.

A question and answer session followed.

During the evidence session, officials agreed to provide confirmation of the legal effect and status of the European Commission Notice C/2024/4675.

The evidence session was reported by Hansard.

The officials left the meeting at 11.41am.

The Committee noted that a Citizen Space survey had launched with a closing date of 28 July 2024, and that the responses would be considered at the next meeting. A draft report would be considered on 15 August 2024.

11. Correspondence

The Committee considered correspondence received from the World Alliance for Mercury-free Dentistry regarding the financial impact of phasing out dental amalgam.

Agreed: The Committee agreed to publish the correspondence on the Committee webpage as part of the evidence received in relation to the EU Act.

12. Chairperson's Business

The Chairperson proposed that Cabinet Office be asked to pause notifications to the Committee on 1 August 2024.

Agreed: The Committee agreed to write to Cabinet Office requesting that notifications be paused on 1 August 2024, recommencing on 8 August 2024.

Agreed: The Committee agreed not to meet on 8 August 2024.

13. Any Other Business

Agreed: The Committee agreed to write to the Committee on Procedures asking that it give priority to its consideration of arrangements for substitute Members and proxy voting, to help ensure that the Committee can exercise its statutory functions during recess periods.

Agreed: The Committee agreed to write to The Executive Office asking for consideration to be given to how departments can continue to support the Committee in carrying out its statutory function, including during periods when Ministers may be absent.

14. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 1 August 2024 at 10:00am in Parliament Buildings – room to be confirmed.

The meeting was adjourned at 11.44am.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee