



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

06 June 2024

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Stephen Dunne MLA

Steve Aiken MLA

Declan Kearney MLA

Emma Sheerin MLA

Eóin Tennyson MLA

Connie Egan MLA

Present by Video:

Joanne Bunting MLA

Apologies: None

In Attendance:

Marie Austin (Assembly Clerk)

Sinead Kelly (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Marion Johnson (Assistant Clerk)

Suzanne Patton (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)

Oliver Bellew (Assistant Clerk) (for items 7 to 14)

The meeting commenced at 10.00am in closed session.

1. Apologies

No apologies.

2. Declaration of Members' Interest

No interests were declared.

3. Directive (EU) 2024/1438 of the European Parliament and of the Council of 14 May 2024 amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption – Legal Advice

Simon Kelly, Legal Advisor, Assembly Legal Services joined the meeting at 10.02 am.

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

Directive (EU) 2024/1438 of the European Parliament and of the Council of 14 May 2024 amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption.

The Legal Advisor 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 Advisor left the meeting at 10.12am.

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

4. Regulation (EU) 2024/1157 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 – agreement of final report

The Committee considered the final draft report on its Inquiry into Regulation (EU) 2024/1157 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006.

The Committee considered correspondence and an updated Explanatory Memorandum received from the UK Government.

Agreed: The Committee agreed that the correspondence and updated Explanatory Memorandum be included as a footnote for paragraph 22 of the report and published on the Committee webpage.

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 12) 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 13 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:

29. 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.
30. 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 noted the legal advice it commissioned which indicated that the replacement EU act significantly differs, in part, from the content or scope of the EU instrument which it amends or replaces.
31. The Committee recognised that the replacement EU act contains significant new provisions, which go beyond what was contained in the original EU instruments, including a new power for the European Commission to carry out investigations into illegal waste shipments and interview those involved.

32. Having considered its commissioned legal advice, the Committee concluded that the replacement EU act significantly differs, in part, from the content or scope of the EU instrument which it amends or replaces.
33. 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 considered the written and oral evidence it received from DAERA officials, and the responses to its Citizen Space survey.
34. In considering this evidence, the Committee took the view 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.
35. Having considered the evidence received from the Department of Agriculture, Environment and Rural Affairs, and respondents to its Citizen Space survey, the Committee concluded 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.

Steve Aiken MLA stated that the Ulster Unionist Party (UUP) does not agree with the decision made by the Sinn Féin and Alliance Members of the Committee, and that despite the evidence to the contrary that this could have a significant impact on Northern Ireland, that those members are knowingly supporting a recommendation that runs contrary to the best interests of all of the people of Northern Ireland.

The Deputy Chairperson stated that the Democratic Unionist Party (DUP) wishes to align itself with the views of the UUP.

Eóin Tennyson MLA, stated that the Committee did not agree to support the Regulation, rather, it concluded that, based on the evidence received, it was unable to reach a view on whether the replacement EU would have a significant impact. Further, he stated that the Committee's role is to examine EU acts

through a very narrow focus, which is in line with the process established as a result of the deal done between the DUP and the UK Government, and did not involve other individual Members of this Committee.

The Chairperson proposed that The Committee's Conclusions section of the report be agreed as drafted:

The Committee divided: Ayes 5; Noes 4; Abstain 0.

AYES

Mr Philip McGuigan

Mr Declan Kearney

Ms Emma Sheerin

Mr Eóin Tennyson

Ms Connie Egan

NOES

Mr Steve Aiken

Mr David Brooks

Ms Joanne Bunting

Mr Stephen Dunne

The proposal was carried.

Agreed: The Committee agreed that it was content with The Committee's Conclusions section of the 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) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006, be the Second 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) 2024/1157, 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) 2024/1157, to be issued to those who provided evidence to the Committee.

Joanne Bunting MLA noted that the Committee is conscious of the potential impact of the Regulation on local councils, and that given the short timeframe for the Inquiry, they may not have been in a position to respond to the Citizen Space survey.

Agreed: The Committee agreed to circulate the Report on its Inquiry into Regulation (EU) 2024/1157 to all local councils, and to provide information on the functions of the Committee and the tight timeframes within which it operates. Further, the Committee agreed to advise local councils to regularly monitor the Committee's work via the 'latest news' section of its website.

5. Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020 – Consideration of draft report.

The Committee commenced its deliberations on the evidence received as part of its Inquiry into Regulation (EU) 2024/1252 of the European Parliament and of the

Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/102, 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.

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 does not significantly differ, in whole or 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 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.

A final draft report reflecting the outcome of the Committee's deliberations and its conclusions will be considered at the meeting on 13 June 2024.

The Committee noted that a late response from Recycle NI had been received to its Citizen Space survey on Regulation (EU) 2024/1252.

Agreed: The Committee agreed to include the late response as a footnote in the Inquiry Report and to publish it on the Committee webpage.

6. Committee Procedures

The Committee considered options for discharging its statutory functions in the event that it does not meet on 4 July 2024.

Agreed: The Committee agreed to write to Cabinet Office requesting that notifications be paused on 27 June 2024, recommencing on 4 July 2024.

Agreed: The Committee agreed not to meet on 4 July 2024.

Agreed: Members agreed to move to open session at 10.41am.

The meeting commenced at 10.41am in open session.

7. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 30 May 2024.

8. Matters Arising

There were no matters arising.

9. Directive (EU) 2024/1438 of the European Parliament and of the Council of 14 May 2024 amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption – Departmental oral evidence

The Committee considered Directive (EU) 2024/1438 of the European Parliament and of the Council of 14 May 2024 amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption.

The following officials joined the meeting at 10.41am:

Andy Cole	Director, Food Standards Agency
Firth Piracha	Head of EU Relations, Trade and Legislation, Food Standards Agency
Richard Annett	Food Standards Lead (Labelling and Compositional Standards), Food Standards Agency.

The officials gave oral evidence on Directive (EU) 2024/1438.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 11.05am.

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 Directive (EU) 2024/1438 of the European Parliament and of the Council of 14 May 2024 amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption.

The Committee divided: Ayes 4; Noes 5; Abstain 0.

AYES

Mr Steve Aiken

Mr David Brooks

Ms Joanne Bunting

Mr Stephen Dunne

NOES

Mr Philip McGuigan

Mr Declan Kearney

Ms Emma Sheerin

Mr Eóin Tennyson

Ms Connie Egan

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.

10. COM (2023)769: Proposal for a Regulation of the European Parliament and of the Council on the welfare of dogs and cats and their traceability

The Committee noted that, as part of its examination of: COM (2023) 769 - Proposal for a Regulation of the European Parliament and of the Council on the welfare of dogs and cats and their traceability, Assembly Research and Information Services has been asked to provide a list of representatives of businesses and civil society affected by the EU act, or who would be affected if the EU act enters into force.

Agreed: The Committee agreed to request a written departmental assessment of impact on the proposed new EU act, and to schedule a departmental oral evidence session for the Committee meeting on 27 June 2024.

11. Correspondence

There was no correspondence for consideration.

12. Chairperson's Business

No business was raised.

13. Any Other Business

No business was raised.

14. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 13 June 2024 at 10:00am in Room 30, Parliament Buildings.

The meeting was adjourned at 11.17am.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee