



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

9 May 2024

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Steve Aiken MLA

Jonathan Buckley MLA

Joanne Bunting MLA

Emma Sheerin MLA

Mr Eóin Tennyson MLA

Present by Video:

None.

Apologies:

Declan Kearney MLA

In Attendance:

Marie Austin (Assembly Clerk)

Sinead Kelly (Senior Assistant Clerk)

Oliver Bellew (Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Marion Johnson (Assistant Clerk)

Shelley Garner (Clerical Officer)

Ms Suzanne Patton (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)

The meeting commenced at 10:01am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

Steve Aiken MLA, advised that he would declare an interest at Agenda Items 3 and 7.

3. 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 - Legal Advice

Steve Aiken MLA, declared an interest as a member/supporter of No Arc21, an organisation opposed to waste incineration and the importing of waste into Northern Ireland.

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:

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.

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 10.12 am.

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

4. A response from the Minister for Agriculture, Environment and Rural Affairs in relation to DSC Procedures

The Chairperson advised Members that both he and Deputy Chairperson met with the Minister for Agriculture, Environment and Rural Affairs, to discuss issues around the provision of assessments of impact to the Committee on EU regulations concerning reserved policy areas.

The Chairperson provided details of the discussion, noting that the Minister would speak with his officials and revert to the Committee.

Agreed: The Committee agreed to consider the matter further following receipt of a response from the Minister for Agriculture, Environment and Rural Affairs, and from the First Minister and deputy First Minister, in relation to the same matter.

Agreed: Members agreed to move to open session at 10:48 am.

The meeting commenced at 10.48 am in open session.

5. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 2 May 2024.

6. Matters Arising

None.

7. 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

Steve Aiken MLA, declared an interest as a member/supporter of No Arc21, an organisation opposed to waste incineration and the importing of waste into Northern Ireland.

The Committee considered 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.

The following officials joined the meeting at 10.50am:

Shane Dorris Director, Environmental Policy Division, DAERA

Steven Lecky Principal Scientific Officer, Hazardous Waste/Trans-frontier Shipments/Producer Responsibility/ NI Landfill Allowance Scheme & Data Management, DAERA

The officials gave evidence on Regulation (EU) 2024/1157.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 11.13am.

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, local councils and some waste shipment companies, 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.

Agreed: The Committee noted that the full impact of the replacement EU act, should it apply here, would not be known for some time, with significant discussions between officials and other regulators only commencing in June 2024, which is outside of the Committee's reporting period.

The Committee agreed to write to Steve Baker, Minister of State, Cabinet Office, asking him to reflect on the matter and communicate the Committee's concerns to the Joint Committee through the relevant Windsor Framework structures.

8. Regulation (EU) 2024/1143 of the European Parliament and of the Council, of 11 April 2024, on geographical indications for wine, spirit drinks and agricultural products as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012

The Committee considered Regulation (EU) 2024/1143 of the European Parliament and of the Council, of 11 April 2024, on geographical indications for wine, spirit drinks and agricultural products as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.

The following officials joined the meeting at 11.24am:

Alison Chambers Director, Sustainable Agri-Food Development, DAERA

Samantha Stewart Agri-Food Development Division, DAERA

The officials gave evidence on Regulation (EU) 2024/1143 as part of the Committee's inquiry.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 11.33am.

9. Correspondence

9.1 The Committee considered correspondence from the Minister for the Economy regarding the statutory obligations of his Department to support the work of the Committee.

Agreed: The Committee agreed to consider the matter further following receipt of a response from the Minister for Agriculture, Environment and Rural Affairs and the First Minister and deputy First Ministers, in relation to the same matter.

9.2 The Committee noted a copy of correspondence from the House of Lords European Affairs Sub-Committee on the Windsor Framework to the Cabinet Office, outlining the findings of its Inquiry into Veterinary Medicines and the Windsor Framework.

9.3 The Committee considered a copy of correspondence from the House of Lords European Affairs Sub-Committee on the Windsor Framework, to the Exchequer Secretary to the Treasury, and which was forwarded by the Committee for Finance, regarding an EU Regulation and Directive on the Carbon Border Adjustment Mechanism.

Agreed: The Committee agreed to write to the Cabinet Office for an update on the position.

9.4 The Committee considered correspondence from an MLA regarding Commission Implementing Regulation (EU) 2024/591 of 20 February 2024 amending

Implementing Regulation (EU) 2022/2389 concerning the establishment of frequency rates for identity checks and physical checks on consignments of plants, plant products and other objects entering the Union.

Agreed: The Committee agreed to write to the Cabinet Office, advising of the enquiry received and asking whether a notification should have been made in respect of the Implementing Regulation. Further, the Committee agreed to request information on how the Cabinet Office assesses which EU acts should be notified to the Committee, and details of any monitoring systems that are in place to ensure that significant changes to laws, within the scope of the Windsor Framework, are not made by the EU via implementing regulations.

10. Chairperson's Business

No business was raised.

11. Any Other Business

Steve Aiken MLA, informed Members that he is to give evidence, in his capacity as an Ulster Unionist Party MLA as opposed to a member of this Committee, to the House of Lords European Affairs Sub-Committee on the Windsor Framework, in June 2024.

Steve Aiken MLA, referred to the quarterly reports produced by the Northern Ireland Executive Brussels Office.

Agreed: The Committee agreed to contact the Brussels Office asking that all MLAs are added to the report distribution list.

12. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 16 May 2024 at 10:00 a.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 11:27am.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee