



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

23 May 2024

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Jonathan Buckley MLA

Declan Kearney MLA

Emma Sheerin MLA

Eóin Tennyson MLA

Connie Egan MLA

Present by Video:

Joanne Bunting MLA

Apologies:

Steve Aiken 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)

Suzanne Patton (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)

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

The Chairperson welcomed Connie Egan MLA to her first Committee meeting.

1. Apologies

As above.

2. Declaration of Members' Interest

No interests were declared.

3. COM 2024/148 Proposal for a Council Regulation amending Annex 1 to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff - Legal Advice

Jonathan McMillen, Legal Advisor, Assembly Legal Services joined the meeting at 10.02am.

The Legal Advisor provided advice on COM 2024/148 Proposal for a Council Regulation amending Annex 1 to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

The Legal Advisor left the meeting at 10.07am.

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

4. 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 1151/2012s - Consideration of Draft Report

The Committee commenced its deliberations on the evidence received as part of its Inquiry into Regulation (EU) 2024/1143 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, and considered a draft report.

Agreed: The Committee agreed to adopt the report template.

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 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.

The Chairperson proposed 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 5; Noes 3; Abstain 0.

AYES

Mr Philip McGuigan

Mr Declan Kearney

Ms Emma Sheerin

Mr Eóin Tennyson

Ms Connie Egan

NOES

Mr David Brooks

Mr Jonathan Buckley

Ms Joanne Bunting

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 Members who voted 'No' were 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, due to the outstanding issue of additional labelling requirements for agri-food and spirit drink GI (Geographical Indications) products registered under EU GI schemes.

The Chairperson proposed that, in line with convention, any divisions in relation to Inquiry reports are recorded in the Minutes of Proceedings, which are appended to the report, and not in the body of the report.

The Committee divided: Ayes 5; Noes 3; Abstain 0.

AYES

NOES

Mr Philip McGuigan

Mr David Brooks

Mr Declan Kearney

Mr Jonathan Buckley

Ms Emma Sheerin

Ms Joanne Bunting

Mr Eóin Tennyson

Ms Connie Egan

The proposal was carried.

A final draft report reflecting the outcome of the Committee's deliberations and its conclusions will be considered at the meeting on 30 May 2024.

Agreed: After having reached agreement on its conclusions, the Committee agreed to write to the Cabinet Office to highlight the need to resolve the outstanding issue of additional labelling requirements for agri-food and spirit drink GI products registered under EU GI schemes.

Agreed: Members agreed to move to open session at 10:59am.

The meeting commenced at 10.59am in open session.

5. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 16 May 2024.

6. Matters Arising

The Committee noted a copy of correspondence, forwarded by the Committee for Finance, from the Exchequer Secretary to the Treasury, to the European Affairs Sub-Committee on the Windsor Framework regarding the EU Carbon Border Adjustment Mechanism. Further, the Committee noted that it had already written to the Cabinet Office in relation to the matter.

7. 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

The Chairperson informed Members that departmental officials were unable to provide any written or oral briefing in relation to Regulation (EU) 2024/1252, as it concerns a reserved matter and is of limited technical interest to departments in Northern Ireland.

The Committee noted that the UK Government Department for Business and Trade has agreed to provide an assessment of impact, and that the Clerk has been in contact with Cabinet Office to stress the need for an Explanatory Memorandum for the Regulation to be provided as soon as possible.

Further, the Committee noted that its Citizen Space consultation launched on 17 May 2024, and responses will be considered at 30 May 2024 meeting.

8. 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 – Consideration of Survey Responses

The Committee noted that 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, is a reserved policy matter which sits under the UK Government Department for Environment, Food and Rural Affairs (DEFRA).

The Committee noted that the Clerk has been in contact with Cabinet Office to stress the need for an updated Explanatory Memorandum for the Regulation to be provided as soon as possible.

The Committee considered two responses that had been received in respect of its consultation on Regulation (EU) 2024/1157 on shipments of waste. Both responses raised issues in relation to the potential impact on paper-recycling industries in Northern Ireland, and potential implications for trade in waste and recyclables between Northern Ireland and Britain. These issues were not reflected in the evidence provided by the Department for Agriculture, Environment and Rural Development.

Agreed: The Committee agreed to forward the survey responses to DEFRA, to ask for an urgent response in relation to the issues raised by respondents.

The Committee considered correspondence from Fermanagh and Omagh District Council requesting an extension to respond to the Citizen Space survey.

Agreed: The Committee agreed to respond to the Council advising that the Committee will deliberate on any evidence received at its meeting on 30 May 2024. Therefore, any response should be submitted no later than 29 May 2024, but that any response received after that date will be published on the Committee webpage for viewing.

9. COM 2024/148 Proposal for a Council Regulation amending Annex 1 to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

The Committee considered the proposed replacement EU act: COM/2024/148: Proposal for a Council Regulation amending Annex 1 to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

The Committee considered an assessment of impact prepared by the UK Government Department for Business and Trade and HM Revenue and Customs.

Agreed: The Committee agreed to monitor the progress of the proposed replacement act, pursuant to paragraph 7(1) of Schedule 6B to the Northern Ireland Act 1998.

Agreed: The Committee agreed to request that a revised assessment of impact be provided if any changes are made to the proposed EU act, in the course of its legislative passage, that would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.

10. Correspondence

10.1 The Committee noted correspondence from the Chair of the House of Lords Windsor Framework Sub-Committee to the Minister for Food, Farming and Fisheries in respect of Regulation (EU) 2023/2419, concerning the implications of the Regulation on the labelling of organic pet food.

10.2 The Committee noted correspondence from the Chair of the House of Lords Windsor Framework Sub-Committee and the Secretary of State to the Minister for AI and Intellectual Property in respect of Regulation (EU) 2023/2411, concerning the implications of the Regulation on the protection of geographical indications for craft and industrial products.

11. Chairperson's Business

The Committee considered a request from Hilary Benn MP, Shadow Secretary of State to meet with the Chairperson and the Deputy Chairperson to discuss the work of the DSC, including information flow and any issues that have arisen.

Agreed: The Committee agreed that it was content for the Chairperson and the Deputy Chairperson to meet with Hilary Benn, and provide a summary of discussions to Members following the meeting.

12. Any Other Business

No business was raised.

13. Date, Time and Place of Next Meeting

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

The meeting was adjourned at 11:08am.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee