



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

9 January 2025

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Steve Aiken MLA

Jonathan Buckley MLA

Eóin Tennyson MLA

Present by Video:

Peter Martin MLA

Emma Sheerin MLA

Apologies:

Declan Kearney MLA

Kate Nicholl MLA

In Attendance:

Marie Austin (Clerk)

Chris Dickison (Senior Assistant Clerk)

Jessica Jacques (Senior Assistant Clerk)

Suzanne Walsh (Clerical Supervisor)

Shelley Garner (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)

Sinead Kelly (Assistant Clerk)

Damien Brown (Clerical Officer)

The meeting commenced at 10.02am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

None.

3. Matters Arising

None.

4. Regulation (EU) 2024/3110 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011 – Legal Advice

Simon Kelly, Legal Adviser, Assembly Legal Services, joined the meeting at 10.03am.

The Committee agreed to bring forward agenda item 5.

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

Regulation (EU) 2024/3110 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011.

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.

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

The Legal Adviser remained in the meeting for agenda items 5 and 6.

5. Regulation (EU) 2024/3115 amending Regulation (EU) 2016/2031 as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and establishment of procedures for granting them, temporary import requirements for high-risk plants, plant products and other objects, the establishment of procedures for the listing of high-risk plants, the content of phytosanitary certificates and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests and amending Regulation (EU) 2017/625 as regards certain notifications of non-compliance – Legal Advice

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

Regulation (EU) 2024/3115 amending Regulation (EU) 2016/2031 as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and establishment of procedures for granting them, temporary import requirements for high-risk plants, plant products and other objects, the establishment of procedures for the listing of high-risk plants, the content of phytosanitary certificates and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests and amending Regulation (EU) 2017/625 as regards certain notifications of non-compliance.

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.

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

6. Regulation (EU) 2024/3234 amending Regulation (EU) 2023/1115 as regards provisions relating to the date of application – Legal Advice

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

Regulation (EU) 2024/3234 amending Regulation (EU) 2023/1115 as regards provisions relating to the date of application.

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.

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

The Legal Adviser left the meeting at 10.28am.

Agreed: Members agreed to move to public session at 10.33am.

The meeting commenced at 10.33am in public session.

7. Regulation (EU) 2024/3115 amending Regulation (EU) 2016/2031 as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and establishment of procedures for granting them, temporary import requirements for high-risk plants, plant products and other objects, the establishment of procedures for the listing of high-risk plants, the content of phytosanitary certificates and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests and amending Regulation (EU) 2017/625 as regards certain notifications of non-compliance – Departmental Oral Evidence

The Committee considered Regulation (EU) 2024/3115 amending Regulation (EU) 2016/2031 as regards multiannual survey programmes, notifications concerning the presence of regulated non-quarantine pests, temporary derogations from import prohibitions and special import requirements and

establishment of procedures for granting them, temporary import requirements for high-risk plants, plant products and other objects, the establishment of procedures for the listing of high-risk plants, the content of phytosanitary certificates and the use of plant passports, and as regards certain reporting requirements for demarcated areas and surveys of pests and amending Regulation (EU) 2017/625 as regards certain notifications of non-compliance.

The Committee considered an Explanatory Memoranda on Regulation (EU) 2024/3115 which it received from the UK Government shortly before the meeting.

The following officials joined the meeting at 10.34am:

John Joe O'Boyle	Chief Executive, Forest Service, Department of Agriculture, Environment and Rural Affairs
Charmaine Beer	Head of Plant Health Division, Department of Agriculture, Environment and Rural Affairs

The officials gave oral evidence on Regulation (EU) 2024/3115.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials remained in the meeting for agenda item 8.

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 amends or replaces, and
- (ii) the departmental 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.

Jonathan Buckley MLA proposed that the Committee hold an inquiry into Regulation (EU) 2024/3115.

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

Ayes	Noes
Mr David Brooks	Mr Philip McGuigan
Mr Steve Aiken	Ms Emma Sheerin
Mr Jonathan Buckley	Mr Eóin Tennyson
Mr Peter Martin	

The proposal was carried.

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 ask whether it has any additional information, further to its updated Explanatory Memorandum, on the impact of the replacement EU act, and to ascertain the position in England, Scotland and Wales.

8. Regulation (EU) 2024/3234 as regards provisions relating to the date of application - Departmental Oral Evidence

The Committee agreed to bring forward agenda item 9.

The Committee considered Regulation (EU) 2024/3234 as regards provisions relating to the date of application.

The Committee considered an Explanatory Memoranda on Regulation (EU) 2024/3234 which it received from the UK Government during the meeting.

The additional official joined the meeting at 11.01am:

Catherine Fisher	Director, Windsor Framework Implementation Directorate, Department of Agriculture, Environment and Rural Affairs
John Joe O'Boyle	Chief Executive, Forest Service, Department of Agriculture, Environment and Rural Affairs
Charmaine Beer	Head of Plant Health Division, Department of Agriculture, Environment and Rural Affairs

The officials gave oral evidence on Regulation (EU) 2024/3234.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 11.17am.

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 amends or replaces, and

(ii) the departmental assessments 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 will be published on the Committee webpage.

Agreed: The Committee agreed to seek legal advice related to its consideration of hybrid EU acts.

9. Regulation (EU) 2024/3110 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011 – Departmental Written Evidence

The Committee considered Regulation (EU) 2024/3110 laying down harmonised rules for the marketing of construction products.

Members noted that the Department of Agriculture, Environment and Rural Affairs, the Department of Finance and the Department for Infrastructure had provided assessments of impact but that officials declined to attend the meeting to give oral evidence.

Members noted the further written clarifications received from the Department of Finance and Department for Infrastructure regarding their assessments of impact.

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 amends or replaces, and

(ii) the departmental 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, and to include the stakeholders who took part in the EU consultation on the proposal.

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.

Agreed: The Committee agreed to write to the UK Government on a range of issues in relation to Regulation (EU) 2024/3110.

10. COM/2024/577 Proposal for a Regulation amending Regulations (EU) No 1308/2013, (EU) 2021/2115 and (EU) 2021/2116 as regards the strengthening of the position of farmers in the food supply chain

The Committee considered the proposed replacement EU act: COM/2024/577 Proposal for a regulation as regards the strengthening of the position of farmers in the food supply chain.

Agreed: The Committee agreed to request legal advice and an initial departmental assessment of impact to help inform its decision on whether to monitor the proposed EU act.

Agreed: The Committee agreed to forward a copy of the proposed replacement EU act to the Committee for Agriculture, Environment and Rural Affairs for information.

11. Correspondence

11.1 The Committee noted an update from the Executive Office in relation to current proposed EU legislation relevant to Northern Ireland.

11.2 The Committee noted correspondence from the Northern Ireland Affairs Committee (NIAC) regarding its inquiry into the operation of the Windsor Framework, and noted that the operation of the Windsor Framework Democratic Scrutiny Committee would likely be discussed when meeting NIAC on the Committee's visit to London in February 2025.

11.3 The Committee noted a copy of correspondence from the Chair of the Northern Ireland Affairs Committee to the Secretary of State for Northern Ireland regarding the EU Artificial Intelligence Act.

11.4 The Committee noted a response from the Executive Office regarding the potential cumulative effects of Directive (EU) 2024/2853 on liability for defective products and other related EU acts.

11.5 The Committee noted a response from the interim Permanent Secretary of the Executive Office regarding Regulation (EU) 2023/988 on general product safety.

12. Chairperson's Business

12.1 The Committee noted a copy of the minutes of the meeting held on 19 December 2024, which it previously agreed would be approved by the Chairperson.

12.2 The Chairperson updated Members on the meeting held between him, the Deputy Chairperson, and the Minister and Permanent Secretary of the Department for the Economy on Tuesday 7 January 2025. The Committee noted that a written update would be provided in next week's meeting pack.

Agreed: The Committee agreed to write to the UK Government to highlight the need for better engagement with Northern Ireland departments on reserved matters, and to request that officials receive early notification of EU acts and timely oral and written briefing so assessments of impact can be provided to the Committee, regardless of whether a matter is devolved or reserved, but particularly if the matter is reserved, and regardless of whether an Explanatory Memorandum (EM) has been finalised. Further, the Committee agreed to request that more effort is made to provide EMs (or supplementary documents) in a timely matter to allow for proper consideration.

Agreed: The Committee agreed to write to the Secretary of State to ask whether the independent review that was commissioned following the vote on the Democratic Consent Motion will include the operation and governance of the Committee.

Agreed: The Committee agreed that the Clerk would liaise with the Cabinet Office to review the administrative operation of the Committee to date.

Agreed: The Committee agreed that the Clerk would explore with the Cabinet Office the possible options for gathering evidence from UK Government officials, when EU acts concern reserved policy areas.

13. Any Other Business

None.

14. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 16 January 2025 at 10:00am in Parliament Buildings.

The meeting was adjourned at 11.55.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee