



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

23 January 2025

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Jonathan Buckley MLA

Declan Kearney MLA

Peter Martin MLA

Emma Sheerin MLA

Present by Video:

Kate Nicholl MLA

Eóin Tennyson MLA

Apologies:

Steve Aiken MLA

In Attendance:

Marie Austin (Clerk)

Christopher Dickison (Senior Assistant Clerk)

Jessica Jacques (Senior Assistant Clerk)

Oliver Bellew (Clerical Supervisor)

Shelley Garner (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Sinead Kelly (Assistant Clerk)

Suzanne Walsh (Clerical Supervisor)

Damien Brown (Clerical Officer)

The meeting commenced at 10.03am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

None.

3. Regulation (EU) 2024/3115 regarding plant health controls and reporting obligations – Consideration of Draft Report

The Committee considered two responses to its Citizen Space survey on Regulation (EU) 2024/3115 on plant health controls and reporting obligations.

Agreed: The Committee agreed that the survey responses should be published and included in the Inquiry report.

Agreed: The Committee agreed that links to the Official Reports of the departmental oral evidence sessions on Regulation (EU) 2024/3115 should be included in the Inquiry report.

The Committee considered a response from the UK Government to its letter of 10 January 2025, requesting any information additional to that provided in its Explanatory Memorandum.

Agreed: The Committee agreed that the response should be published and included in the Inquiry report.

The Committee considered a response from the Department of Agriculture, Environment and Rural Affairs answering queries which were raised by Members during the departmental oral evidence session on 16 January 2025.

Agreed: The Committee agreed that the response should be published and included in the Inquiry report.

The Committee commenced its deliberations on the evidence received as part of its Inquiry into Regulation (EU) 2024/3115, 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 from the content or scope of the EU instruments which it amends.

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 Deputy Chairperson proposed a conclusion that the Committee 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.

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

Ayes

Mr David Brooks

Mr Jonathan Buckley

Mr Peter Martin

Noes

Mr Philip McGuigan

Mr Declan Kearney

Ms Kate Nicholl

Ms Emma Sheerin

Mr Eóin Tennyson

The proposal was not carried.

The Chairperson proposed a conclusion 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 Kate Nicholl

Ms Emma Sheerin

Mr Eóin Tennyson

Noes

Mr David Brooks

Mr Jonathan Buckley

Mr Peter Martin

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 Chairperson advised Members that a final draft Inquiry report, reflecting the Committee's agreed conclusions, would be considered later in the meeting.

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

The Committee considered four responses to its Citizen Space survey on Regulation (EU) 2024/3110 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011.

Agreed: The Committee agreed that the survey responses should be published and included in the Inquiry report.

The Committee considered responses received from the Northern Ireland Statistics and Research Agency, the Mineral Products Association Northern Ireland, the Construction Employers Federation, and the Federation of Small Businesses Northern Ireland, to its request for information on the scale of trade in construction products between Great Britain and Northern Ireland, and its request for their analysis of the impact of the replacement EU act.

The Committee considered a request from the Federation of Small Businesses Northern Ireland to meet with the Committee to discuss issues relating to its processes and other wider issues.

Agreed: The Committee agreed that the Chairperson and Deputy Chairperson should meet with the Federation of Small Businesses Northern Ireland to discuss the issues raised and possible solutions.

The Committee considered a response from the Department for the Economy to its request for information on the number of Northern Ireland businesses which would be considered micro-enterprises under the replacement EU act, and for its assessment of the simplified procedures for this category of business.

Agreed: The Committee agreed that all the responses received should be published and included in the Inquiry report.

Agreed: The Committee agreed that a link to the Official Report of the departmental oral evidence session on Regulation (EU) 2024/3110 should be included in the Inquiry report.

The Committee commenced its deliberations on the evidence received as part of its Inquiry into Regulation (EU) 2024/3110 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011.

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 and scope of the EU instrument which it 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 a conclusion 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.

Jonathan Buckley proposed a conclusion that 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 divided on the Chairperson's proposal: Ayes 5; Noes 3; Abstain 0.

Ayes

Noes

Mr Philip McGuigan

Mr David Brooks

Mr Declan Kearney

Mr Jonathan Buckley

Ms Kate Nicholl

Mr Peter Martin

Ms Emma Sheerin

Mr Eóin Tennyson

The proposal was carried. Therefore, the question was not put on Jonathan Buckley's proposal.

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 Chairperson advised Members that a final draft Inquiry report, reflecting the Committee's agreed conclusions, would be considered later in the meeting.

Agreed: Members agreed to move to public session at 10.29am.

The meeting commenced at 10.29am in public session.

5. Draft minutes

Agreed: The Committee agreed the minutes of the meeting held on 16 January 2025.

6. Matters Arising

None.

7. Proposed Committee visit to Brussels

The Senior Assistant Clerk provided an update on the proposed visit to Brussels, due to take place in March 2025.

Agreed: The Committee agreed that the visit to Brussels should be rescheduled to May 2025. Members noted that the Senior Assistant Clerk would contact them in due course to confirm availability.

8. Correspondence

8.1 The Committee noted a response from the First Minister and deputy First Minister regarding the attendance of departmental officials at meetings of the Committee when devolved and reserved matters are being considered.

8.2 The Committee noted a copy of correspondence from the Secretary of State to the Speaker regarding his Stormont Brake decision on Regulation (EU) 2024/2865.

A Member raised concerns about the timing and nature of a response from the Department of Agriculture, Environment and Rural Affairs, to the Committee's request for information on Regulation (EU) 2024/3115.

Agreed: The Committee agreed to write to the Department of Agriculture, Environment and Rural Affairs regarding the timing and nature of the response received.

9. Chairperson's Business

The Chairperson advised that a number of Members had indicated that they were no longer able to participate in the proposed visit to Westminster, scheduled for February 2025.

Agreed: The Committee agreed that the visit to Westminster should be rescheduled to a later date.

10. Any other business

None.

The meeting was suspended at 10.43am.

The meeting resumed at 11.06am in closed session with the following Members present:

Philip McGuigan – Chairperson

David Brooks – Deputy Chairperson

Declan Kearney

Peter Martin

Kate Nicholl (online)

Emma Sheerin

Eóin Tennyson (online)

11. Regulation (EU) 2024/3115 regarding plant health controls and reporting obligations – Agreement of Final Report

The Committee considered the final draft report on its Inquiry into Regulation (EU) 2024/3115 regarding plant health controls and reporting obligations.

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.

The Replacement EU Act

The Committee considered The Replacement EU Act section of the report (paragraphs 9 to 13) as drafted.

Agreed: The Committee agreed that it was content with The Replacement EU Act section of the report.

The Committee's Examination of the Proposed Replacement EU Act

The Committee considered The Committee's Examination of the Proposed Replacement EU Act section of the report (paragraphs 14 to 20) as drafted.

Agreed: The Committee agreed that it was content with The Committee's Examination of the Proposed 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 21 to 25) 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 26 to 36) 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 37 to 42) as drafted.

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 (paragraphs 43 and 44) 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 the Report on its Inquiry into Regulation (EU) 2024/3115 regarding plant health controls and reporting obligations be the Eighth 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) 2024/3115 regarding plant health controls and reporting obligations 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) 2024/3115 regarding plant health controls and reporting obligations to be issued to those who provided evidence to the Committee.

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

The Committee considered the final draft report on its Inquiry into Regulation (EU) 2024/3110 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011.

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.

The Replacement EU Act

The Committee considered The Replacement EU Act section of the report (paragraphs 9 and 10) 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 11 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 42) 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 43 to 48) as drafted.

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 (paragraphs 49 and 50) 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 the Report on its Inquiry into Regulation (EU) 2024/3110 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011 be the Ninth 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) 2024/3110 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011 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) 2024/3110 laying down harmonised rules for the marketing

of construction products and repealing Regulation (EU) No 305/2011 to be issued to those who provided evidence to the Committee.

Agreed: The Committee agreed that it was content for the Chairperson to agree the Minutes of Proceedings of this meeting for inclusion in Appendix A of both Inquiry reports considered.

13. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 30 January 2025 at 10:00am in Room 30.

The meeting was adjourned at 11:15am.

Philip McGuigan, MLA, Chairperson, Windsor Framework Democratic Scrutiny Committee