



Northern Ireland  
Assembly

# Windsor Framework Democratic Scrutiny Committee

## Minutes of Proceedings

**16 January 2025**

**Meeting Location:** Room 30

**Present:**

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Steve Aiken MLA

Jonathan Buckley MLA

Declan Kearney MLA

Kate Nicholl MLA

Eóin Tennyson MLA

**Present by Video:**

Emma Sheerin MLA

**Apologies:**

Peter Martin MLA

**In Attendance:**

Marie Austin (Clerk)

Chris Dickison (Senior Assistant Clerk)

Jessica Jacques (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Sinead Kelly (Assistant Clerk)

Suzanne Walsh (Clerical Supervisor)

Damien Brown (Clerical Officer)

**In Attendance by Video:**

Leigh Gibson (Senior Assistant Clerk)

Oliver Bellew (Clerical Supervisor)

Shelley Garner (Clerical Officer)

The meeting commenced at 10.03am in closed session.

**1. Apologies**

As above.

**2. Declaration of Members' Interest**

None.

**3. Regulation (EU) 2025/14 on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020 - Legal Advice**

Jonathan McMillen, Legal Adviser, Assembly Legal Services, joined the meeting at 10.04am.

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

Regulation (EU) 2025/14 on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020 (Article 51 only).

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.

**Agreed:** The Committee agreed to request that any future legal advice on hybrid acts routinely addresses the extent to which the published replacement act under consideration applies in Northern Ireland and how a subsequent decision not to add the published replacement act to the relevant Annex of the Windsor Framework might affect the application of that act in Northern Ireland.

**Agreed:** The Committee agreed to invite the legal advisor to a future Committee meeting to present legal advice and answer Members' questions on 'hybrid' EU acts.

The Legal Adviser left the meeting at 10.24am.

#### **4. COM (2022) 677 Proposal for a Regulation on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC – Legal Advice**

Caroline Byers, Legal Adviser, Assembly Legal Services, joined the meeting at 10.24am.

Members considered the following proposed EU act:

COM (2022) 677 Proposal for a Regulation on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.

The Chairperson reminded Members that, on 24 October 2024, the Committee considered legal advice and an initial assessment of impact on the draft text of the proposed EU act, and agreed to request an updated assessment of impact and updated legal advice once the text had been formally adopted.

Members noted that the final text of the proposed EU act was formally adopted on 16 December 2024.

The Legal Adviser provided advice on whether it appears likely that the proposed EU 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 proposed EU act in public session.

The Legal Adviser left the meeting at 10.48am.

**Agreed:** Members agreed to move to public session at 10.49am.

The meeting commenced at 10.49am in public session.

#### **5. Draft Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on 9 January 2025.

## **6. Matters Arising**

Members noted correspondence from the Chairperson to the Paymaster General and Minister for the Cabinet Office regarding the operation of the Committee.

## **7. Regulation (EU) 2025/14 on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020 – Departmental Oral Evidence**

The Committee considered Regulation (EU) 2025/14 on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020.

The Chairperson reminded Members that only Article 51 of the Regulation qualifies as replacement legislation and would therefore be the only Article under consideration.

The following official joined the meeting at 10.50am:

Adrian Borland	Head of Vehicle Policy Branch, Department for Infrastructure.
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The official gave oral evidence on Regulation (EU) 2025/14.

A question and answer session followed.

The evidence session was reported by Hansard.

Emma Sheerin MLA joined the meeting at 10.54am.

The official left the meeting at 11.00am.

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.

David Brooks MLA proposed that the Committee hold an inquiry into Article 51 of Regulation (EU) 2025/14.

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

Ayes	Noes
Mr David Brooks	Mr Philip McGuigan
Mr Steve Aiken	Mr Declan Kearney
Mr Jonathan Buckley	Ms Kate Nicholl
	Ms Emma Sheerin
	Mr Eóin Tennyson

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.

## 8. Chairperson's Business

**Agreed:** The Committee agreed to bring forward agenda item 12.

The Committee noted a written summary of the meeting held between the Chair, Deputy Chair, and the Minister and Permanent Secretary of the Department for the Economy on 7 January 2025.

The Chairperson left the meeting at 11.03am and the Deputy Chairperson assumed the Chair.

**9. Regulation (EU) 2024/3115 amending Regulation (EU) 2016/2031 and Regulation (EU) 2017/625 regarding plant health controls and reporting obligations - Departmental Oral Evidence**

The Committee considered Regulation (EU) 2024/3115 amending Regulation (EU) 2016/2031 and Regulation (EU) 2017/625 regarding plant health controls and reporting obligations.

The following officials joined the meeting at 11.04am:

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

Emma Sheerin MLA left the meeting at 11.06am.

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

A question and answer session followed.

During the question and answer session, officials agreed to provide statistical information on scale of business-to-consumer plant movements from Great Britain to Northern Ireland, and the number of plants categorised as high-risk, broken down by before and after the trading arrangements set out in the EU-UK Withdrawal Agreement and NI Protocol (and subsequently the Windsor Framework) entered into operation.

The evidence session was reported by Hansard.

The officials left the meeting at 11.14am.

The Committee noted that a Citizen Space survey had launched with a closing date of 19 January 2025, and that the survey responses, the draft report and the final report would be considered at the meeting on 23 January 2025.

**Agreed:** Members agreed that, where appropriate, departmental officials should be provided with a set of questions in advance of an evidence session, and be asked to provide written answers prior to the session, and verbal answers during the session.

**Agreed:** The Committee agreed to delegate responsibility for drafting the questions to the Committee Secretariat.

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

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

The Committee considered an Explanatory Memorandum on Regulation (EU) 2024/3110 which it received from the UK Government shortly before the meeting.

The following officials joined the meeting at 11.14am:

Stephen Bradshaw	Deputy Director of Procurement and Commercial, Department for Infrastructure
David Porter	Director of Engineering, Department for Infrastructure
John Burke	Deputy Director of Properties Division, Department of Finance
Shane Doris	Director of Environment Resources Policy, Department of Agriculture, Environment and Rural Affairs.

The officials gave oral evidence on Regulation (EU) 2024/3110.

Emma Sheerin MLA joined the meeting at 11.19am.

A question and answer session followed.

During the question and answer session, officials agreed to consider what information could be provided in relation to the European Commission's impact assessment of the proposed Regulation which estimated an increase of approximately 8% of the baseline costs for manufacturers, and what this would mean for the public sector.



The evidence session was reported by Hansard.

The officials left the meeting at 11.57am.

The Committee noted that a Citizen Space survey had launched with a closing date of 19 January 2025, and that the survey responses, the draft report and the final report would be considered at the meeting on 23 January 2025.

**Agreed:** Members agreed to write to the Northern Ireland Statistics and Research Agency, and relevant industry bodies identified by RalSe, to request information on the scale of construction trade between GB and Northern Ireland and ask whether they have carried out any analysis on the impact of the EU act.

**Agreed:** Members agreed to write to the Department for the Economy (DfE) to request information on the number of Northern Ireland businesses falling into the micro-enterprise category set out in Regulation (EU) 2024/3110, and for DfE's view on whether the simplified procedures for micro-enterprises would be effective in reducing any burden and costs of the Regulation on that sector.

#### **11. COM (2022) 677 Proposal for a Regulation on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC – Departmental Oral Evidence**

The Committee continued its consideration of the following proposed EU act: COM(2022) 677 Proposal for a Regulation on packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904 and repealing Directive 94/62/EC.

The following officials joined the meeting at 12.00pm:

Colin Breen	Assistant Director, Waste Policy, Department of Agriculture, Environment and Rural Affairs
Janet Sheridan	Head of Single Use Plastics Legislation, Department of Agriculture, Environment and Rural Affairs.

The officials gave oral evidence on COM (2022) 677.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 12.18pm

## **12. Correspondence**

There were no items of correspondence.

## **13. Any other business**

A Member referred to the letter issued by the Secretary of State to the Speaker in relation to the Independent Review of the Windsor Framework which will be conducted by Lord Murphy of Torfaen.

## **14. Date, time and place of next meeting**

The next meeting will be held on Thursday 23<sup>rd</sup> January 2025 at 10:00am in Parliament Buildings.

The meeting was adjourned at 12.19pm.

**Philip McGuigan, MLA**

**Chairperson, Windsor Framework Democratic Scrutiny Committee**