



Northern Ireland  
Assembly

# Windsor Framework Democratic Scrutiny Committee

## Minutes of Proceedings

**12 December 2024**

**Meeting Location:** Room 30

**Present:**

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Declan Kearney MLA

Peter Martin MLA

Emma Sheerin MLA

Eóin Tennyson MLA

**Present by Video:**

Steve Aiken MLA

Jonathan Buckley MLA

Kate Nicholl MLA

**Apologies:**

None

**In Attendance:**

Marie Austin (Clerk)

Christopher Dickison (Senior Assistant Clerk)

Jessica Jacques (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Sinead Kelly (Assistant Clerk)

Oliver Bellew (Clerical Supervisor)

Shelley Garner (Clerical Officer)

**In Attendance by Video:**

Leigh Gibson (Senior Assistant Clerk)

Damien Brown (Clerical Officer)

The meeting commenced at 10.00am in closed session.

**1. Apologies**

As above.

**2. Declaration of Members' Interest**

None.

### **3. Directive (EU) 2024/2853 on liability for defective products and repealing Council Directive 85/374/EEC – Consideration of draft report**

The Committee noted that no responses had been received to its Citizen Space survey on Directive (EU) 2024/2853 on liability for defective products.

The Committee considered correspondence from the British Standards Institution concerning its request for views on Directive (EU) 2024/2853.

**Agreed:** The Committee agreed that the correspondence from the British Standards Institution should be published and included in the Inquiry report.

Declan Kearney MLA joined the meeting at 10:02am.

The Committee considered a response from the Consumer Council to its request for information on the likely cost implications posed by Directive EU 2024/2853 for businesses based in Great Britain that supply products to Northern Ireland, including likely impacts on the cost of liability insurance premiums and any other associated costs.

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

The Committee noted a response from RalSe to its request for research on the likely cost implications posed by Directive EU 2024/2853 for businesses based in Great Britain that supply products to Northern Ireland, including likely impacts on the cost of liability insurance premiums and any other associated costs.

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

The Committee commenced its deliberations on the evidence received as part of its Inquiry into Directive (EU) 2024/2853 on liability for defective products, 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 act significantly differs, in whole, from the old Directive.

**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 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 4; Noes 4; Abstain 0.

<b>Ayes</b>	<b>Noes</b>
Mr David Brooks	Mr Philip McGuigan
Mr Steve Aiken	Mr Declan Kearney
Mr Jonathan Buckley	Ms Emma Sheerin
Mr Peter Martin	Mr Eóin Tennyson

The votes in the division were equal. Therefore, the proposal was not carried.

Eóin Tennyson MLA 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.

Kate Nicholl MLA joined the meeting at 10:11am.

The Committee divided: Ayes 5; Noes 4; Abstain 0.

<b>Ayes</b>	<b>Noes</b>
Mr Philip McGuigan	Mr David Brooks
Mr Declan Kearney	Mr Steve Aiken
Ms Kate Nicholl	Mr Jonathan Buckley

Ms Emma Sheerin

Mr Peter Martin

Mr Eóin Tennyson

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 at the meeting on 19 December 2024.

#### **4. Regulation (EU) 2024/2865 amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures – Consideration of draft report**

The Committee considered two responses to its Citizen Space survey on Regulation (EU) 2024/2865 amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

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

The Committee considered a response from the UK Government on Regulation (EU) 2024/2865, which addressed an issue raised by Fuels Industry UK and included information requested by the Committee from the Health and Safety Executive and HM Revenue and Customs.

**Agreed:** The Committee agreed that the response from the UK Government 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) 2024/2865 amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

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 act significantly differs, in part, from the content of scope of the EU instrument 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 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 4; Noes 5; Abstain 0.

<b>Ayes</b>	<b>Noes</b>
Mr David Brooks	Mr Philip McGuigan
Mr Steve Aiken	Mr Declan Kearney
Mr Jonathan Buckley	Ms Kate Nicholl
Mr Peter Martin	Ms Emma Sheerin
	Mr Eóin Tennyson

The proposal was not carried.

Eóin Tennyson MLA proposed a conclusion that the Committee was unable to reach a view on whether the 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 5; Noes 1; Abstain 3.

<b>Ayes</b>	<b>Noes</b>	<b>Abstain</b>
Mr Philip McGuigan	Mr Steve Aiken	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.

**Agreed:** The Committee agreed that it 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 Chairperson advised Members that a final draft Inquiry report, reflecting the Committee's agreed conclusions, would be considered at the meeting on 19 December 2024.

**Agreed:** The Committee agreed to move to public session at 10.23am.

The meeting commenced at 10.23am in public session.

## 5. Draft minutes

**Agreed:** The Committee agreed the minutes of the meeting held on 5 December 2024.

## 6. Matters Arising

None.

## 7. Committee Work Planning - Update

The Committee considered an update on its forward work plan and the actions agreed on 12 September 2024.

The Committee noted correspondence from the Cabinet Office concerning Regulation (EU) 2023/1115 - the EU Deforestation Regulation – and the forthcoming replacement EU act that will delay implementation deadlines contained in the Regulation. Further, the Committee noted that it would be notified of the replacement EU act on 2 January 2025.

**Agreed:** The Committee agreed that a Citizen Space survey on COM(2022) 677 – a proposed EU Regulation on packaging and packaging waste - should not run during the Christmas period.

## **8. Correspondence**

**8.1** The Committee noted correspondence from the Minister for the Economy confirming his willingness to meet with the Chairperson and Deputy Chairperson to discuss officials' attendance at Committee meetings.

**8.2** The Committee considered an Explanatory Memorandum from the UK Government on Regulation (EU) 2024/2847 on horizontal cybersecurity requirements for products with digital elements.

**Agreed:** The Committee agreed to publish the Explanatory Memorandum on its webpage.

## **9. Chairperson's Business**

None.

## **10. Any other business**

None.

## **11. Date, Time and Place of Next Meeting**

The next meeting will be held on Thursday 19 December 2024 at 10:00am via MS Teams.

The meeting was adjourned at 10:30am.

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