



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

14 November 2024

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Steve Aiken MLA

Declan Kearney MLA

Emma Sheerin MLA

Present by Video:

Jonathan Buckley MLA

Kate Nicholl MLA

Eóin Tennyson MLA

Apologies:

Joanne Bunting MLA

In Attendance:

Marie Austin (Assembly Clerk)

Jessica Jacques (Senior Assistant Clerk)

Leigh Gibson (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Oliver Bellew (Clerical Supervisor)

Suzanne Walsh (Clerical Supervisor)

In Attendance by Video:

Sinead Kelly (Assistant Clerk)

Shelley Garner (Clerical Officer)

The meeting commenced at 10.00am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

No interests were declared.

3. Directive (EU) 2024/2839 amending Directives 1999/2/EC, 2000/14/EC, 2011/24/EU and 2014/53/EU as regards certain reporting requirements in the fields of food and food ingredients, outdoor noise, patients' rights, and radio equipment – Legal Advice

Jonathan McMillen, Legal Adviser, Assembly Legal Services, joined the meeting at 10.01am.

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

Directive (EU) 2024/2839 amending Directives 1999/2/EC, 2000/14/EC, 2011/24/EU and 2014/53/EU as regards certain reporting requirements in the fields of food and food ingredients, outdoor noise, patients' rights, and radio equipment.

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.

Jonathan McMillen remained in the meeting for agenda item 4.

4. Regulation (EU) 2024/2838 amending Regulations (EU) No 1379/2013, (EU) No 167/2013 and (EU) No 168/2013 as regards certain reporting requirements – Legal Advice

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

Regulation (EU) 2024/2838 amending Regulations (EU) No 1379/2013, (EU) No 167/2013 and (EU) No 168/2013 as regards certain reporting requirements.

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.

The Legal Adviser left the meeting at 10.07am.

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

5. Proxy Voting – Legal Advice

Adam Leitch, Legal Adviser, Assembly Legal Services, joined the meeting at 10.07am.

The Legal Adviser provided advice on the legal considerations in relation to proxy voting in the Committee.

A question and answer session followed.

The Legal Adviser left the meeting at 10.19am.

Agreed: Members agreed to move to public session at 10.20am.

The meeting commenced at 10.20am in public session.

6. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 24 October 2024.

7. Matters Arising

None.

8. Directive (EU) 2024/2839 amending Directives 1999/2/EC, 2000/14/EC, 2011/24/EU and 2014/53/EU as regards certain reporting requirements in the fields of food and food ingredients, outdoor noise, patients' rights, and radio equipment – Departmental written evidence

The Committee considered Directive (EU) 2024/2839 amending Directives 1999/2/EC, 2000/14/EC, 2011/24/EU and 2014/53/EU as regards certain

reporting requirements in the fields of food and food ingredients, outdoor noise, patients' rights, and radio equipment.

The Committee considered departmental written evidence provided by the Food Standards Agency in relation to the amendments made to Directive 1992/2/EC.

It was noted that the Department for the Economy, Telecoms Branch, has no remit over radio equipment, and therefore officials could not comment on the act. Further, it was noted that the patients' rights element of the act does not apply in Northern Ireland under Annex 2 of the Windsor Framework.

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 FSA's written 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 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.

9. Committee Notifications – December 2024

The Committee agreed to bring forward agenda item 10.

The Committee considered possible options for pausing notifications from the Cabinet Office over the Christmas recess period.

Agreed: The Committee agreed that notifications be paused on 19 December 2024 and 26 December 2024.

Members noted that the Cabinet Office would be advised accordingly.

10. Regulation (EU) 2024/2838 amending Regulations (EU) No 1379/2013, (EU) No 167/2013 and (EU) No 168/2013 as regards certain reporting requirements

The Committee considered Regulation (EU) 2024/2838 amending Regulations (EU) No 1379/2013, (EU) No 167/2013 and (EU) No 168/2013 as regards certain reporting requirements.

The following officials joined the meeting at 10.29am:

Adrian Borland	Head of Vehicle Policy Branch, Department for Infrastructure
Paddy Cairns	Vehicle Policy Branch, Department for Infrastructure
Owen Lyttle	Director, Marine and Fisheries Division, Department of Agriculture, Environment and Rural Affairs.

The officials gave oral evidence on Regulation (EU) 2024/2838.

The evidence session was reported by Hansard.

The officials left the meeting at 10.38am.

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 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.

11. Correspondence

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

Agreed: The Committee agreed to request that TEO no longer includes information on those acts that have already been dealt with by the Committee and/or the Assembly.

11.2 The Committee noted a response from the Cabinet Office regarding delegated EU acts in relation to eco-design requirements for sustainable products.

11.3 The Committee noted a response from the Cabinet Office regarding a proposed EU Regulation on the welfare of cats and dogs.

Agreed: The Committee agreed to publish the response from the Cabinet Office, and to routinely publish similar correspondence relating to proposed and published EU acts which the Committee is considering.

11.4 The Committee noted a response from the Cabinet Office regarding a proposed EU Regulation on classification, labelling, and packaging of substances and mixtures.

11.5 The Committee noted a response from the Cabinet Office regarding a proposed EU Regulation on plant health controls and reporting obligations.

11.6 The Committee noted correspondence from the Clerk of the Public Accounts Committee regarding primacy over Northern Ireland Audit Office reports.

11.7 The Committee noted correspondence from the Northern Ireland Human Rights Commission regarding the launch of its Annual Human Rights Statement 2024.

12. Chairperson's Business

12.1 The Chairperson informed Members that the Committee's visit to Brussels last week was very successful. He thanked the secretariat team for organising the visit and informed Members that a paper providing a record of the meetings held will be circulated in due course.

12.2 The Chairperson informed Members that both he and the Deputy Chairperson will meet with Members of the Northern Ireland Affairs Committee during a planned visit to Belfast. Members noted that the meeting will take place in early December 2024.

13. Any Other Business

None.

14. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 21 November 2024 at 10:00am in Parliament Buildings.

The meeting was adjourned at 10.43am.

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