



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

21 November 2024

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Steve Aiken MLA

Declan Kearney MLA

Kate Nicholl MLA

Emma Sheerin MLA

Present by Video:

Jonathan Buckley MLA

Joanne Bunting MLA

Eóin Tennyson MLA

Apologies:

None

In Attendance:

Paul Gill (Clerk Assistant)

Chris Dickison (Senior Assistant Clerk)

Jessica Jacques (Senior Assistant Clerk)

Sinead Kelly (Assistant Clerk)

Oliver Bellew (Clerical Supervisor)

Shelley Garner (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Suzanne Walsh (Clerical Supervisor)

The meeting commenced at 10.01am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

No interests were declared.

3. Regulation (EU) 2024/2747 establishing a framework of measures related to an internal market emergency and to the resilience of the internal market and amending Council Regulation (EC) No 2679/98 (Internal Market Emergency and Resilience Act) – Legal Advice

Simon Kelly, Legal Adviser, Assembly Legal Services, joined the meeting at 10.02am.

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

Regulation (EU) 2024/2747 establishing a framework of measures related to an internal market emergency and to the resilience of the internal market and amending Council Regulation (EC) No 2679/98 (Internal Market Emergency and Resilience Act).

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.

Declan Kearney joined the meeting at 10.12am.

The Legal Adviser remained in the meeting for agenda item 4.

4. Regulation (EU) 2024/2748 amending Regulations (EU) No 305/2011, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/988 and (EU) 2023/1230 as regards emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency – Legal Advice

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

Regulation (EU) 2024/2748 amending Regulations (EU) No 305/2011, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/988 and (EU) 2023/1230 as regards emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency.

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 remained in the meeting for agenda item 5.

5. Directive (EU) 2024/2749 amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2014/29/EU, 2014/30/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU and 2014/68/EU as regards emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency – Legal Advice

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

Directive (EU) 2024/2749 amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2014/29/EU, 2014/30/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU and 2014/68/EU as regards emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency.

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 10.17am.

Agreed: The Committee agreed to continue its consideration of the published replacement EU acts - Regulation (EU) 2024/2747, Regulation (EU) 2024/2748, and Directive (EU) 2024/2749 - in public session.

Agreed: Members agreed to move to public session at 10.18am.

The meeting commenced at 10.18am in public session.

6. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 14 November 2024.

7. Matters Arising

None.

8. Regulation (EU) 2024/2747 establishing a framework of measures related to an internal market emergency and to the resilience of the internal market and amending Council Regulation (EC) No 2679/98 (Internal Market Emergency and Resilience Act) – Departmental Oral Evidence

Members noted that Regulation (EU) 2024/2747, Regulation (EU) 2024/2748, and Directive (EU) 2024/2749 make up the 'Internal Market Emergency and Resilience Act Omnibus', and that the oral evidence would cover the three published replacement EU acts, and decisions on each act would be made following the evidence session.

Members noted the UK Government Explanatory Memorandum on the published replacement acts, and the Department for the Economy assessment of impact on Regulation 2024/2748 and Directive 2024/2749.

The following official joined the meeting at 10.20am:

Karen Pearson Director, Covid Strategy, Programme for
Government and Civil Contingencies, The
Executive Office

The official gave oral evidence on Regulation (EU) 2024/2747, Regulation (EU) 2024/2748, and Directive (EU) 2024/2749.

The evidence session was reported by Hansard.

The official left the meeting at 10.40am.

Members noted that officials from the Department for the Economy declined to attend the meeting to give evidence. Officials stated that as the acts under

consideration deal with reserved matters, it was not possible to provide detailed analysis.

Members discussed departmental engagement with the Committee on reserved matters.

Agreed: The Committee agreed that the Chairperson and Deputy Chairperson should seek a meeting with the Minister and Permanent Secretary of the Department for the Economy to emphasise the importance of officials' attendance at Committee meetings to give evidence when requested to do so, including on reserved matters.

Agreed: The Committee agreed to write to The Executive Office to reiterate its expectation that officials from all departments of the Northern Ireland Executive appear before the Committee and give evidence when requested to do so, including on reserved matters.

The Committee considered:

Regulation (EU) 2024/2747 establishing a framework of measures related to an internal market emergency and to the resilience of the internal market and amending Council Regulation (EC) No 2679/98 (Internal Market Emergency and Resilience Act).

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.

The deputy Chairperson proposed that the Committee hold an inquiry into Regulation (EU) 2024/2747 establishing a framework of measures related to an

internal market emergency and to the resilience of the internal market and amending Council Regulation (EC) No 2679/98 (Internal Market Emergency and Resilience Act).

The Committee divided: Ayes 4; 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 Joanne Bunting	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.

9. Regulation (EU) 2024/2748 amending Regulations (EU) No 305/2011, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/988 and (EU) 2023/1230 as regards emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency – Departmental Oral Evidence

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.

The deputy Chairperson proposed that the Committee hold an inquiry into Regulation (EU) 2024/2748 amending Regulations (EU) No 305/2011, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/988 and (EU) 2023/1230 as regards emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency.

The Committee divided: Ayes 4; 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 Joanne Bunting

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.

10. Directive (EU) 2024/2749 amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2014/29/EU, 2014/30/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU and 2014/68/EU as regards emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency – Departmental Oral Evidence

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.

The deputy Chairperson proposed that the Committee hold an inquiry into Directive (EU) 2024/2749 amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2014/29/EU, 2014/30/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU and 2014/68/EU as regards emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency.

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

Ayes

Mr David Brooks

Mr Steve Aiken

Mr Jonathan Buckley

Ms Joanne Bunting

Noes

Mr Philip McGuigan

Mr Declan Kearney

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.

11. COM(2023)769: Proposal for Regulation of the European Parliament and of the Council on the welfare of dogs and cats and their traceability – Consideration of survey responses

The Committee considered responses to its public consultation on a proposed new EU act on the welfare of dogs and cats and their traceability.

The Committee noted that some issues raised by stakeholders fall outside its remit.

Agreed: The Committee agreed to note the responses and to forward them to the Committee for Agriculture, Environment and Rural Affairs for consideration.

Agreed: The Committee agreed to publish the responses on its website.

Agreed: The Committee agreed to write to Belfast City Council, which expressed an interest in further engagement, to advise that further written submissions could be sent to the Committee by email.

12. COM(2022)748: Proposal for a Regulation amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures – Consideration of survey responses

The Committee considered a response received from Fuels Industry UK to its Citizen Space survey on COM(2022)748, a proposed EU Regulation on classification, labelling and packaging of substances and mixtures.

Agreed: The Committee agreed to publish the response on its website.

13. Committee Travel – Written report on study visit to Brussels

Members noted a report on the Committee's study visit to Brussels.

Members noted that in due course, the Committee would consider further engagement in Brussels and Westminster in 2025.

14. Correspondence

14.1 The Committee noted correspondence from the Chairperson of the Committee on Procedures advising that a debate on the draft Standing Order providing for substitute members of the Windsor Framework Democratic Scrutiny Committee had been scheduled for Tuesday 26 November.

Members noted that operating procedures for substitute members would be considered at the next scheduled Committee meeting.

14.2 The Committee noted a response from the Cabinet Office regarding Regulation (EU) 2023/1115, the EU Deforestation Regulation.

14.3 The Committee noted correspondence from the EU Affairs Manager on the Democratic Consent Mechanism.

14.4 The Committee noted correspondence from JTI UK regarding the UK Government's Tobacco and Vapes Bill and its interaction with the EU Tobacco Products Directive.

Agreed: The Committee agreed to forward the correspondence to the Committee for Health and the Committee for the Executive Office, and to advise the correspondent accordingly.

15. Chairperson's Business

None.

16. Any Other Business

None.

17. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 28 November 2024 at 10:00am in Parliament Buildings.

The meeting was adjourned at 11.00am.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee