



Northern Ireland  
Assembly

# Windsor Framework Democratic Scrutiny Committee

## Minutes of Proceedings

**24 October 2024**

**Meeting Location:** Room 30

**Present:**

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Joanne Bunting MLA

Declan Kearney MLA

Kate Nicholl MLA

Eóin Tennyson MLA

**Present by Video:**

Jonathan Buckley MLA

Emma Sheerin MLA

**Apologies:**

Steve Aiken MLA

**In Attendance:**

Marie Austin (Assembly Clerk)

Christopher Dickison (Senior Assistant Clerk)

Jessica Jacques (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Oliver Bellew (Clerical Supervisor)

Suzanne Walsh (Clerical Supervisor)

Damien Brown (Clerical Officer)

Shelley Garner (Clerical Officer)

**In Attendance by Video:** None.

The meeting commenced at 10.01am in closed session.

**1. Apologies**

As above.

**2. Declaration of Members' Interest**

No interests were declared.

### **3. COM (2022) 748 Proposal for a Regulation amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures - Legal Advice**

Avi McCabe, Legal Adviser, Assembly Legal Services, joined the meeting at 10.02am.

Members considered the following proposed replacement EU act:

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

Members noted that the proposed EU act has not been notified to the Committee, but following a work planning exercise on 12 September 2024, the Committee agreed to request legal advice and a departmental assessment of impact in relation to the act.

The Legal Adviser provided advice on whether it appears likely that the proposed 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.

The Legal Adviser left the meeting at 10.11am.

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

**Agreed:** Members agreed to move to public session at 10.11am.

The meeting commenced at 10.11am in public session.

### **4. Draft Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on 10 October 2024.

**Agreed:** The Committee agreed the minutes of the meeting held on 21 October 2024.

## 5. Matters Arising

The Committee considered a response from the Chair of the Committee on Procedures outlining the timeline and approach it has adopted regarding the provision of substitute Members for the Windsor Framework Democratic Scrutiny Committee.

It was noted that the Committee on Procedures had agreed not to include provision for proxy voting.

Members were informed that the legal advice commissioned on the provision of proxy voting is expected at the start of November. Further, Members were reminded that operating procedures for substitute members would be brought for consideration in due course.

## 6. COM (2022) 748 Proposal for a Regulation amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures – Departmental oral evidence

The Committee continued its consideration of the following proposed EU act:

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

The following officials joined the meeting at 10.14am:

Mark McGregor	Head of Legislation, Goods Regulation and Chemicals Branch within the GB and EU Trade Division, Department for the Economy
Gareth Lyons	Legislation, Goods Regulation and Chemicals, Department for the Economy
Jennifer Stewart	Head of Firearms and Explosives Branch, Department of Justice
Canice Ward	Head of Medicines Regulatory Group, Department of Health.

The officials gave oral evidence on COM (2022) 748.

Eóin Tennyson joined the meeting at 10:31am.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 10.50am.

Members noted that responses to the related Citizen Space survey would be considered on 21 November 2024.

**Agreed:** The Committee agreed to write to the UK Government (UKG) to request that an updated Explanatory Memorandum is shared with the Committee as soon as possible and to request details of:

- The steps UKG has taken to mitigate divergence in this area;
- UKG's engagement with the EU on the proposed act through the Windsor Framework structures;
- UKG's discussions through the Common Framework, and engagement with Northern Ireland departments and stakeholders;
- The views of the other devolved administrations; and,
- UKG's policy intentions in this area.

**Agreed:** The Committee agreed to write to HM Revenue and Customs to request information on the scale of trade between Great Britain and Northern Ireland in the chemicals sector.

**7. COM (2022) 677 Proposal for a Regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC**

The Committee considered the following proposed EU act:

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

Members noted that the proposed EU act has not been notified to the Committee, but following a work planning exercise on 12 September 2024, the Committee agreed to request legal advice and a departmental assessment of impact in relation to the act.

**Agreed:** The Committee agreed to take the following actions once the text of the proposed act has been formally adopted by the Council of the European Union and the European Parliament:

- Request an updated assessment of impact from the Department of Agriculture, Environment, and Rural Affairs (DAERA) on the provisions of the draft final text;
- Schedule an evidence session with DAERA officials on the provisions of the draft final text;
- Commission legal advice on the provisions of the draft final text and request that a legal adviser attends a closed session of the Committee;
- Write to UKG to request that an updated Explanatory Memorandum is shared with the Committee as soon as possible; and
- Seek the views of the stakeholders identified by RalSe via Citizen Space with a four-week deadline for response.

#### **8. COM (2023) 661 Proposal for a Regulation amending Regulation (EU) 2016/2031 on plant health reporting requirements.**

The Committee considered the following proposed EU act:

COM (2023) 661: Proposal for a Regulation amending Regulation (EU) 2016/2031 on plant health reporting requirements.

Members noted that the proposed EU act has not been notified to the Committee, but following a work planning exercise on 12 September 2024, the Committee agreed to request a departmental assessment of impact in relation to the act.

**Agreed:** The Committee agreed to write to UKG to request that an updated Explanatory Memorandum on the final text is shared with the Committee as soon as possible.

**Agreed:** The Committee agreed to inform Legal Services and RaISe of its interest in this proposed replacement EU act.

## **9. Committee Work Planning**

The Committee noted a progress report on the actions it agreed following its forward work planning exercise on 12 September 2024.

## **10. Correspondence**

**10.1** The Committee noted a response from the Paymaster General and Minister for the Cabinet Office on information sharing arrangements.

**10.2** The Committee noted a quarterly status update from RaISe on COM/2024/52: Proposal for a Regulation on field inspections and seed production in Moldova and Ukraine.

**10.3** The Committee considered an updated UKG Explanatory Memorandum for Regulation (EU) 2024/2516 on the digital labelling of EU fertilising products.

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

**10.4** The Committee considered a response from the Cabinet Office providing an update on the EU Deforestation Regulation.

**Agreed:** The Committee agreed to write to UKG to seek clarity on whether all, or only some parts of the regulation apply under Article 13(3) of the Windsor Framework, and if only some, which fall within the scope of Article 13(4), and to request a quarterly update on its position in relation to the Regulation.

**10.5** The Committee noted a response from the Cabinet Office providing an update in relation to the EU Carbon Border Adjustment Mechanism.

**10.6** The Committee noted correspondence from the Chairpersons' Liaison Group on post-legislative scrutiny and strengthening committee scrutiny.

## **11. Chairperson's Business**

The Chairperson informed Members that the House of Lords Liaison Committee had made a recommendation that a 'Northern Ireland Scrutiny Committee' be created. A report on the recommendation will be brought forward to the House of Lords for approval and Members will be kept informed of progress.

The Committee noted that the Committee visit to Westminster, provisionally scheduled for December 2024, will be rescheduled for early 2025 to allow for engagement with the new Committee.

## **12. Any Other Business**

None.

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

The next meeting will be held on Thursday 7 November 2024 at 11:00am in Parliament Buildings.

The meeting was adjourned at 11.01am.

**Philip McGuigan, MLA**

**Chairperson, Windsor Framework Democratic Scrutiny Committee**