



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

10 October 2024

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

Declan Kearney MLA

Kate Nicholl MLA

Eóin Tennyson MLA

Present by Video:

David Brooks MLA (Deputy Chairperson)

Steve Aiken MLA

Jonathan Buckley MLA

Joanne Bunting MLA

Emma Sheerin MLA

Apologies: None.

In Attendance:

Marie Austin (Assembly Clerk)

Christopher Dickison (Senior Assistant Clerk)

Jessica Jacques (Senior Assistant Clerk)

Victoria Bourquin (Assistant Clerk)

Sinead Kelly (Assistant Clerk)

Shelley Garner (Clerical Officer)

Damien Brown (Clerical Officer)

In Attendance by Video: None.

The meeting commenced at 10.00am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

No interests were declared.

3. Regulation (EU) 2024/2516 amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products - Legal Advice

Caroline Byers, 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) 2024/2516 of the European Parliament and of the Council of 18 September 2024 amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products.

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.

Kate Nicholl joined the meeting at 10.06am.

Jonathan Buckley joined the meeting at 10.10am.

The Legal Adviser left the meeting at 10.12am.

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

Agreed: Members agreed to move to public session at 10.13am.

The meeting commenced at 10.13am in public session.

4. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 3 October 2024.

5. Matters Arising

There were no matters arising.

6. Regulation (EU) 2024/2516 amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products – Departmental oral evidence

The Committee considered Regulation (EU) 2024/2516 of the European Parliament and of the Council of 18 September 2024 amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products.

The following officials joined the meeting at 10:14am:

Alan Lunn	Fertiliser Policy, Environmental Policy Branch, Department of Agriculture, Environment and Rural Affairs
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Brian Ervine	Head of Environmental Planning, Environmental Policy Branch, Department of Agriculture, Environment and Rural Affairs.
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The officials gave oral evidence on Regulation (EU) 2024/2516.

Joanne Bunting joined the meeting at 10.15am.

The evidence session was reported by Hansard.

Joanne Bunting left the meeting at 10.21am.

The officials left the meeting at 10.22 am.

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 replaces, and
- (ii) the departmental initial 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.

Jonathan Buckley proposed that the Committee hold an inquiry into Regulation (EU) 2024/2516 of the European Parliament and of the Council of 18 September 2024 amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products.

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

AYES

Mr Steve Aiken

Mr David Brooks

Mr Jonathan Buckley

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.

7. COM (2022) 461 – Single Market Emergency Instrument (Regulation)

8. COM (2022) 462 – Single Market Emergency Instrument (Directive)

The Chairperson proposed that agenda items 7 and 8 be considered together.

Agreed: The Committee agreed to consider agenda items 7 and 8 together.

The Chairperson reminded Members that departmental assessments of impacts had been requested for the proposed acts, both of which are pending publication in the EU Official Journal.

Members considered a limited departmental assessment of impact for COM (2022) 461 which had been provided by the Department of Agriculture,

Environment and Rural Affairs but which had been cleared by the UK Department for Environment, Food and Rural Affairs.

The Committee considered correspondence from the Executive Office confirming that both acts relate to reserved policy areas, and as such, Northern Ireland departments do not hold the information requested.

Agreed: The Committee agreed to write to the UK Government to request that Explanatory Memoranda for both acts be shared with the Committee as soon as possible.

9. Correspondence

There was no correspondence for consideration.

Joanne Bunting re-joined the meeting at 10.28am.

10. Chairperson's Business

10.1 The Chairperson informed Members that both he and the Deputy Chairperson met with the Chairperson and Deputy Chairperson of the Committee on Procedures on Monday 7 October 2024, to discuss the Committee's request for provision to be made in Standing Orders for substitute members and proxy voting for the Windsor Framework Democratic Scrutiny Committee during periods of recess.

Members noted that the Committee on Procedures intends to bring forward a motion to the Assembly to amend Standing Orders to provide for substitute members for the Committee. However, after having taken legal advice on the matter, it does not intend to progress provision for proxy voting at this time.

The Committee reconsidered its original request for provision to be made for substitute members during periods of recess only.

Agreed: The Committee agreed that provision for substitute members should not be restricted to periods of recess.

The Committee noted that operating proposals for substitute members will be considered at later date.

Agreed: The Committee agreed to request legal advice on the provision of proxy voting.

10.2 The Chairperson reminded Members that the Committee had requested legal advice and a departmental assessment of impact on COM(2022) 748 - a proposed EU regulation on classification, labelling and packaging of substances and mixtures, which had been identified by the Committee as a priority during its forward work planning exercise.

Agreed: The Committee agreed to schedule a briefing from Legal Services.

Agreed: The Committee agreed to schedule an oral evidence session with departmental officials.

Agreed: The Committee agreed to seek views on the proposed EU act from stakeholders via Citizen Space, with a four-week deadline for response. The survey will launch if and when the EU Environment Council adopts the act.

11. Any Other Business

None.

12. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 24 October 2024 at 10:00am in Room 30.

The meeting was adjourned at 10.39am.

Philip McGuigan, MLA

Chairperson, Windsor Framework Democratic Scrutiny Committee