



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

Minutes of Proceedings

30 January 2025

Meeting Location: Room 30

Present:

Philip McGuigan MLA (Chairperson)

David Brooks MLA (Deputy Chairperson)

Peter Martin MLA

Kate Nicholl MLA

Eóin Tennyson MLA

Present by Video:

Jonathan Buckley MLA

Declan Kearney MLA

Emma Sheerin MLA

Apologies:

Steve Aiken MLA

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)

Suzanne Walsh (Clerical Supervisor)

Damien Brown (Clerical Officer)

In Attendance by Video:

Leigh Gibson (Senior Assistant Clerk)

Shelley Garner (Clerical Officer)

The meeting commenced at 10.00am in closed session.

1. Apologies

As above.

2. Declaration of Members' Interest

None.

3. Regulation (EU) 2025/40 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC – Legal Advice

Caroline Byers, 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:

Regulation (EU) 2025/40 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.

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.

A question and answer session followed.

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

The Legal Adviser left the meeting at 10.05am.

4. Hybrid EU Acts – Legal Advice

Jonathan McMillen, Head of Legal Services, Assembly Legal Services, joined the meeting at 10.05am.

The Legal Adviser provided advice on ‘hybrid’ EU acts, referring to the written legal advice considered at the Committee meeting on 16 January 2025.

A question and answer session followed.

Eóin Tennyson MLA joined the meeting at 10.19am.

The Legal Adviser left the meeting at 10.27am.

5. Regulation (EU) 2025/41 on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) – Legal Advice

Avi McCabe, Legal Adviser, Assembly Legal Services, joined the meeting at 10.28am.

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

Regulation (EU) 2025/41 on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol).

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.

The Legal Adviser left the meeting at 10.34am.

Agreed: Members agreed to move to public session at 10.35am.

The meeting commenced at 10.35am in public session.

6. Matters Arising

None.

7. Regulation (EU) 2025/40 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC – Departmental Oral Evidence

The Committee considered Regulation (EU) 2025/40 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.

The Committee considered a response from the Department of Agriculture, Environment and Rural Affairs and the Food Standards Agency to questions asked by the Committee, and an updated Explanatory Memorandum from the UK Government, on Regulation (EU) 2025/40.

The following officials joined the meeting at 10.37am:

Colin Breen	Assistant Director, Waste Policy, Department of Agriculture, Environment and Rural Affairs
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Sharon Gilmore	Head of Standards and Dietary Health, Food Standards Agency.
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The officials gave oral evidence on Regulation (EU) 2025/40.

During the evidence session, officials informed the Committee that they had not yet received a copy of the updated Explanatory Memorandum on the published EU act.

Agreed: Members agreed to provide the officials with copies of the Explanatory Memorandum, and to suspend the meeting to allow the time for the officials to consider.

The meeting was suspended at 10.44am.

The meeting resumed at 10.53am.

The officials continued to give oral evidence on Regulation (EU) 2025/40.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 11.22am.

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.

The Deputy Chairperson proposed that the Committee hold an inquiry into Regulation (EU) 2025/40 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.

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

Ayes

Noes

Mr David Brooks

Mr Philip McGuigan

Mr Jonathan Buckley

Mr Declan Kearney

Mr Philip Martin

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.

8. Regulation (EU) 2025/41 on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) – Departmental Oral Evidence

The Committee considered Regulation (EU) 2025/41 on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol).

The Committee considered a response from the Department of Justice to questions asked by the Committee on Regulation (EU) 2025/41.

The following officials joined the meeting at 10.28am:

Jennifer Stewart	Head of Firearms and Explosives Branch, Department of Justice
Claire Duncan	Deputy Head of Firearms and Explosives Branch, Department of Justice.

The officials gave oral evidence on Regulation (EU) 2025/41.

A question and answer session followed.

The evidence session was reported by Hansard.

The officials left the meeting at 10.47am.

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.

The Deputy Chairperson proposed that the Committee hold an inquiry into Regulation (EU) 2025/41 on import, export and transit measures for firearms, essential components and ammunition, implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol).

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

Ayes

Noes

Mr David Brooks

Mr Philip McGuigan

Mr Jonathan Buckley

Mr Declan Kearney

Mr Philip Martin

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.

9. Correspondence

9.1 The Committee noted a quarterly status update from RalSe on COM/2023/769: Proposal for a Regulation on the welfare of dogs and cats and their traceability.

- 9.2** 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. Chairperson's Business

- 10.1** The Committee noted a copy of the minutes of the meeting held on 23 January 2025, which it previously agreed would be approved by the Chairperson.
- 10.2** The Chairperson informed Members that the appointment of the House of Lords 'Northern Ireland Scrutiny Committee' was due to take place later that day.

The Chairperson advised Members that the incoming Chairperson of the Committee, Lord Carlile of Berriew, had requested an introductory meeting with both himself and the Deputy Chairperson.

Agreed: The Committee agreed that the Chairperson and Deputy Chairperson should meet with Lord Carlile of Berriew.

11. Any other business

None.

12. Date, time, and place of next meeting

The next meeting will be held on Thursday 13 February 2025 at 10:00am in Room 30.

The meeting was adjourned at 11.56am.

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