



HOUSE OF LORDS

Northern Ireland Scrutiny Committee

Corrected oral evidence: Strengthening Northern Ireland's voice in the context of the Windsor Framework

Friday 13 June 2025

11.40 am

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Members present: Lord Carlile of Berriew (The Chair); Lord Dodds of Duncairn; Lord Empey; Baroness Goudie; Lord McInnes of Kilwinning; Baroness Ritchie of Downpatrick.

Evidence Session No. 6

Heard in Public

Questions 53 - 64

Witness

I: Eóin Tennyson MLA, Deputy Leader, Alliance Party.

Examination of witness

Eóin Tennyson.

Q53 The Chair: Good morning, and welcome to this public meeting of the Northern Ireland Scrutiny Committee. We are today holding the sixth evidence session of our new inquiry on strengthening Northern Ireland's voice in the context of the Windsor Framework. We are joined today by Mr Tennyson from the Alliance Party. We very much look forward to hearing your evidence. In a moment, I will ask you to introduce yourself to the committee. Today's committee is being broadcast. A verbatim transcript will be taken for subsequent publication and it will be sent to you to check for accuracy. I refer to the list of Members' interests as published on the committee's website. I ask you to introduce yourself briefly, even though we probably all know you.

Eóin Tennyson: Thank you for the opportunity to give evidence. I am an MLA for the Upper Bann constituency, representing the Alliance Party. I am the party's deputy leader and sit on the Democratic Scrutiny Committee here at the Assembly, as well as being the party's finance spokesperson.

The Chair: To what extent do you believe the voices of Northern Ireland politicians, officials and other stakeholders are currently being heard in the context of the Windsor Framework? If you want to make specific reference to the DSC, please feel free to do so.

Eóin Tennyson: I always caveat my responses about the extent to which Northern Ireland's voice is being heard by saying two things. First, it is inevitable that we will have a weaker voice outside of the European Union without MEPs to go to the European Parliament and represent Northern Ireland directly. Anything that tries to replace that will be substandard when compared.

The other caveat I offer is that trade is ultimately a matter for the UK Government and is not devolved to the Northern Ireland Assembly. It is important that we manage people's expectations. The Assembly can have only a quite a limited role; you cannot have it overruling what Westminster or indeed the European Commission are seeking to do.

With those caveats, I think Northern Ireland's voice has been heard better of late than was previously the case. Rather than that necessarily being an outworking of any of the particular mechanisms that were put in place under the Windsor Framework, it is more to do with changes in government. Northern Ireland's interests were secondary considerations, if even that, for previous Prime Ministers such as Boris Johnson and Liz Truss. That started to change under Rishi Sunak, and certainly under the current Government, so there is much more understanding of and concern for issues affecting Northern Ireland.

That is my opening gambit, but if you would like me to speak more about the intricacies of the scrutiny committee then I am happy to expand on that.

The Chair: We will probably come to that later.

Q54 **Lord Dodds of Duncairn:** Thank you, Eóin, for being here and taking time to speak to us. It is very much appreciated.

As you will be aware, there is a complex labyrinth of institutions, bodies and committees that have been set up to take care of the arrangements that we now have post Brexit for Northern Ireland. Many witnesses have said to us in previous sessions how difficult it is to navigate them and to understand their interrelationship and how they actually make a difference. Some people have suggested that there may be an advantage, in that there are then lots of things that Northern Ireland can have a voice in. What is your view about how effective all these structures and mechanisms are in giving Northern Ireland stakeholders a say, voice or role—the Assembly, business, civil society, communities and so forth?

Eóin Tennyson: Honestly, not very would be my assessment. There are a couple of reasons why I say that.

If we start with the Windsor Framework Democratic Scrutiny Committee. There was a perception that that committee would be doing line-by-line scrutiny of regulations that impact Northern Ireland, but, in the legislation that set up that committee, its remit is very limited in respect of inquiries into proposals that relate to Articles 3A and 4 of the Windsor Framework. The turnaround time after notification for the committee to decide whether it has an inquiry is very short, and the inquiry timeline is very compressed as well.

What has happened in the public commentary around that committee is that many of our local stakeholders are looking to the Windsor Framework Democratic Scrutiny Committee as the place that they should go to get information and share their views. That is probably more appropriately directed through other means, because the Windsor Framework committee comes right at the end of the process, after notification—after the legislation has already been shaped in Europe.

We need to move away from this focus on what I think is window dressing to an extent. The Windsor Framework Democratic Scrutiny Committee has its place, as does the Stormont brake, though I do not think it is a constructive way to deal with issues that arise in our relationship with the European Union. It would be much better for us to go upstream and encourage our representative bodies and our businesses to make their voice heard earlier in the process, by facilitating stronger engagement with the European Commission and even with the UK Government.

We have suggested a couple of practical ways that that might happen. For example, we have an executive office bureau in Brussels. I am not

aware that there has been any significant review of the resourcing and capability of that office to represent Northern Ireland's interests since the Windsor Framework arrangements came into place, and it is vital that that happens. There was previously a proposal for the European Commission to have an office in Belfast. In the heat of the politics of Brexit, I think that was dismissed, but I think people can now see the value of the Commission being able to come to Northern Ireland to engage with our stakeholders and understand the impact that EU law might have. Those are two practical things that I think would be more effective than the current structures that we have.

Lord Dodds of Duncairn: Those are ideas for change. At the moment, I would say that dozens of institutions and committees have been currently set up. What is your assessment of how the mechanisms work for Northern Ireland Executive input into decision-making upstream, for Assembly Members and the role of the UK-EU parliamentary body and such like? What is your assessment of all the existing current bodies that are in existence?

Eóin Tennyson: I am not a member of the Executive, so I would have limited insight into the level of engagement there. There are opportunities to have more Northern Ireland representation on some of the political bodies that sit underneath the EU-UK Joint Committee. That would be a sensible approach so that our voice was being more strongly heard.

There are examples of where engagement has worked really well. For example, on the mercury regulation, which caused huge concern around dentistry due to restrictions on dental amalgam in Northern Ireland, it was the Agriculture Minister and the Health Minister making representations via the UK Government and making the arguments about the specific impact on Northern Ireland that ultimately secured a derogation from the Commission. That is evidence of where the Executive is engaging through the UK Government, and that is often the most effective means to bring about change.

The interparliamentary forums are good for building relationships but I am not really sure it is where serious business is done. That could be said about a number of the other bodies and institutions that are in place.

The Chair: If there was earlier intervention upstream, as you have been suggested, what would you see the role of the DSC to be then?

Eóin Tennyson: We still have a role under the narrow remit that is set out in legislation already, whereby if the Executive are doing that engagement on behalf of the Northern Ireland Executive then we as an Assembly have a scrutiny function. If at the end of the process we still have a concern in the Assembly that we do not feel has been adequately addressed then the mechanisms are still there for us to do that.

The Chair: A reviewing function.

Eóin Tennyson: Exactly. But we have to be honest that the Assembly and the committee just do not have the capacity to do all of the scrutiny of all the EU law that previously our MEPs would have been doing on our behalf. It is important that we manage expectations.

I have heard some politicians argue that the role and remit of the committee should be expanded, but I do not share that view. Actually, I fear that both the committee and the Stormont brake could become a lightning rod for wider political issues within the Assembly—issues that are not actually devolved to us. I am cautious about expanding the remit of the committee in that respect. There are other ways that we could ensure that our voice is heard.

Q55 **Baroness Ritchie of Downpatrick:** Eóin, you are welcome. On 19 May the UK and EU launched the summit and said that they would work towards an SPS agreement and a linking of EU and UK emissions trade systems to do with the CBAM, and explore UK participation in the EU internal electricity market. On those announcements, what in your view will be the impact on us here in Northern Ireland, including the impact on consumers, wider industry and business, and the farming community?

Eóin Tennyson: The impact will be overwhelmingly positive. I can give an example of a business that I engage with for whom the deal will help directly. I know that it is anecdotal but it brings home the daily impact.

I am aware of a pet shop that is part of a franchise. Their franchisor's supplier is based in Great Britain so it has no alternative but to bring pet food into Northern Ireland via the red lane for sale in Northern Ireland. Other competitors have been able to source their pet food from other parts of Europe and the Republic without the same level of checks. That has placed the pet shop and franchise in an invidious position. A veterinary agreement should remove that level of bureaucracy and of check, and enable them to trade more freely. So, there will be really important practical advantages at a grass-roots level.

There are, however, areas where we could and should go further. We argued that veterinary medicine should be tied into any wider veterinary agreement. That is not the case to date, although there are positive noises that there is progress in that direction, which is absolutely critical.

I am also conscious that one of the biggest barriers that our businesses face is bureaucracy around customs. We know that there are rebate schemes where people can reclaim costs of differential tariffs and that sort of thing, but it is really cumbersome, particularly for smaller businesses. The most sensible thing for the UK Government to do would be to negotiate a bespoke customs union with the EU, which would eliminate that entire layer of bureaucracy. That is the next problem and frontier that our businesses will be lobbying us on—the fact that some of the regulatory issues around agrifoods have been addressed but customs is still a problem.

There is also an issue more broadly on wider dynamic alignment. The issue over which the Stormont brake was pulled was in respect of labelling for chemical products. Some of those wider regulations beyond agrifoods will still be points of contention, which is why I have always argued that the most sensible thing for the UK to do in Northern Ireland's interests is to have that closer alignment so that there is no divergence, whether east-west or north-south.

Baroness Ritchie of Downpatrick: How do you perceive such a bespoke customs union working?

Eóin Tennyson: As you know, my view is that I want to go back into the single market and customs union as it stands. That would be my preference. I appreciate that that is not a universal view among parties here in Northern Ireland. My next preference would be for something that looks very close to participation in the customs union as it currently stands. That might be called something different or dressed up slightly differently by the Government as they wish, but in pure, pragmatic and practical terms it makes complete economic sense for Northern Ireland, but also for the wider UK economy, for us to have that closer relationship.

The Chair: Do you and your party have any particular views on participation in the EU internal electricity market?

Eóin Tennyson: We believe that we should align on that issue. It is particularly important for Northern Ireland, where we have an all-island electricity market. For simplicity and for certainty, it is to be welcomed and is important, just as we believe that, for example, on CBAM and other mechanisms, it was important that the Government took that step to align.

Q56 **Lord Empey:** How would you assess the measures announced in the *Safeguarding the Union* Command Paper document, such as the working group with the Northern Ireland Executive, the UK's east-west council, InterTrade UK and the Independent Monitoring Panel?

Eóin Tennyson: It is difficult to give an assessment on some of them. The east-west council met for the first time this week, so it is too early days to give any fulsome assessment about the outworkings from that body.

On InterTrade UK, I will be honest, I have not seen a huge amount of output. My expectation—maybe it was a misnomer on my part—was that that body would be providing information to businesses that were having difficulties in terms of east-west trade. That does not seem to have been what has come out of that body and there is a gap there in terms of what government departments are providing to businesses. I have supported businesses in my constituency, for example, that have had very specific issues but cannot get through to a human being in government to have a conversation and get advice. I know that that is a problem.

On *Safeguarding the Union* more broadly, from a political perspective, I had huge difficulties with it. Some of the language in it was overtly political and the way in which that document was negotiated between the UK Government and one political party was fairly corrosive to relationships here at a quite sensitive time. So, I do not have much truck with it. However, if those bodies provide further opportunities for consultation and engagement between interested parties, I have no objection to that.

Lord Empey: Obviously, as you said, some of them have only just kicked off, but you said you had hoped that something like InterTrade UK would provide businesses with, for want of a better word, signposting. Should that not be a role for the UK Government themselves?

Eóin Tennyson: I agree. It seems to me the most sensible way forward for UK government departments to provide that support. That is why I said maybe it was a misnomer. My understanding was that InterTrade UK was envisaged to have some kind of supporting role. I am still unclear what the role of InterTrade is.

Lord Empey: I thought it was supposed to promote trade within the UK but, again, it was not clear.

Eóin Tennyson: That goes to the heart of the problem. There is a lack of clarity even on what InterTrade UK's role and remit is. Certainly, whenever I speak to representatives of business, they are not much clearer than I am about the role InterTrade UK plays, so that is an area where clarification is definitely required. I would agree with your assessment that it would be much better in terms of the advice for the UK Government to be the organisation providing that advice rather than some external body.

Q57 **The Chair:** Can you refine that a little? The UK Government is a big organisation. How would you want the UK Government to be able to provide the answers to the sorts of questions you have in mind?

Eóin Tennyson: Often, I am directed to Department of Business and Trade websites with a lot of quite opaque information that is hard to navigate. I find it difficult to navigate and to find answers for my constituents and I know that businesses are finding it cumbersome and difficult. There needs to be some investment in providing advisers who can speak to businesses on the ground in GB and in Northern Ireland to help with issues that they are having.

Often, in my experience, the party has had contact from GB-based businesses that sometimes perceive barriers that do not exist. I am not dismissing the fact that there are sometimes barriers that mean it is not possible for some businesses to trade into Northern Ireland, but because so much of the media focus has talked about a border in the Irish Sea, bureaucracy and red tape, some GB businesses just see that and think, "Well, it is not worth the hassle", and do not even explore trading with Northern Ireland.

There is definitely something from the UK Government's perspective that they need to do to support those businesses and to raise awareness about how they can go about trading with Northern Ireland. I know it is something that frustrates consumers here and did even pre-Brexit. I worked in a supermarket before the referendum and I remember people coming into me saying, "I'm furious that I can't get this product that's available across the water". It has always been an issue, albeit it has been compounded by the friction that has been created.

The Chair: I am sure you are a very good constituency Member. Supposing somebody is distressed and comes to see you in your constituency surgery and says, "My vet has told me that my dog or my cat needs medication X but I cannot get it in Northern Ireland". Do you know who to go to try to get that resolved? Or is there opacity about everything?

Eóin Tennyson: We would usually know that we need to speak to the Department of Agriculture, Environment and Rural Affairs to get a little bit of advice. The department will then be able to signpost on to the UK Government if that is the appropriate place. As politicians, if we do not immediately know the answer, we usually know who will be able to give us those answers. I have never been in a circumstance where I have had no idea where to turn. But the problem is that it should not take somebody to go to their MLA or MP to get that issue resolved. It should be accessible to the public. They should know where to turn if they need advice on those issues.

The Chair: That is a very good answer, if I may say so.

Q58 **Lord McInnes of Kilwinning:** Thank you for giving your time this morning to speak to us. I was glad to hear you mention GB suppliers' fears sometimes even to enter the process, because that was something we heard from witnesses yesterday in Newry. That ties in very much with work that should be carried out. As you know, Lord Murphy of Torfaen has been tasked by the Secretary of State with producing a report, which he will do within the next few weeks, I think. What are your expectations of that review? Have you had the opportunity to feed into it?

Eóin Tennyson: I have. I met Lord Murphy and we circulated a party policy paper on how we would like to see the relationship on the Windsor Framework evolve. I definitely find that engagement very constructive. I know that part of his terms of reference is exploring ways in which the Windsor Framework and the arrangements that we have can command cross-community support. That is a very high bar and a very difficult feat for any independent reviewer to meet, so I am cautious about that.

My honest hope and aspiration is that Lord Murphy will be able to suggest some practical change. One of the things I raised with him was the UK Government's engagement with the Windsor Framework committee as it stands. We felt that we did not have sufficient information around the chemical labelling regulation, on which the Stormont brake was subsequently pulled. We were literally sitting in committee that morning

when we received further information from the UK Government about their assessment of impact. I do not think that is a good way to do business on any committee and it does not enable the committee to take an informed view. That situation could have been avoided if the UK Government had engaged earlier and more robustly.

Part of the challenge that we have—I raised this with Lord Murphy—is that because we primarily take evidence from Northern Ireland departments, which are devolved, we often take evidence from them on issues in EU regulations that cut across reserved areas. The answer we often get from the department is: “The impact depends on the response of the UK Government. If the UK Government align, the impact is minimal; if the UK Government do not align, there could be a significant impact in Northern Ireland, but we can’t speak for the UK Government”.

A practical intervention that would help with that is if we were able to take evidence directly from UK government departments, which could then tell us their intentions as to whether they wanted to align on a particular standard. I know that is fairly unprecedented, but the nature of the committee itself is fairly unprecedented, in that it scrutinises largely reserved matters in the round anyway. There has been a reluctance from the UK Government to give evidence to the committee, but that places undue strain on local departments. Somebody sitting in DAERA, the Department of Finance, the Department for the Economy or wherever does not have policy lead or responsibility. They do not have expertise. They often get information from UK government departments to present that to the committee and are not able to answer questions as robustly as their colleagues might. That is a very practical thing that I hope the review will deal with.

Lord McInnes of Kilwinning: You have spoken a couple of times now about the importance of the UK Government taking responsibility for more. Would you like there to be, for example, a specific unit in the Cabinet Office that fed into the committee in a more formal way so that, even if it stopped short of getting evidence from UK departments, you could be confident that there was that flow of information?

Eóin Tennyson: To be honest, I do not have a fixed view about how the UK Government get us that information; I just want to be in a position where I am confident that the information we get is sufficient to take the decision. If that was the approach that they took and they decided to set up a dedicated unit within the Cabinet Office that would be a point of contact then that would certainly be useful and it is not something I would object to. Likewise, if they decided, on occasion, to come and give evidence then that would be useful as well. But it was the UK Government who legislated to bring the committee into existence, so my view is that they cannot now just wash their hands and absolve themselves of that. They knew that it was an unprecedented committee. They decided to proceed with it, albeit it was a previous Government, so the Government need to honour that and ensure it is properly furnished with the information that it needs.

The Chair: Are you confident that the UK Government actually have the information and know the information that you would like them to pass on to you, or is that a very grey area too?

Eóin Tennyson: It is hard to make an assessment of that. Speaking from my experience on the committee, there was a particular issue when the committee was first established because we were coming to the end of the European Parliament's term. A lot of legislation came through in quick succession that many of us had never engaged with in any great detail before. This iteration of the committee has been able to horizon scan to look at the proposals and what is coming down the track, so we are a lot more prepared than we otherwise would have been. I do not know whether that is also the case with the UK Government—that they were also responding in real time to a large number of proposals in quick succession.

The big question is often simply whether the UK Government intend to align. I understand that there are often political sensitivities to the UK Government saying that they will align to an EU regulation, an EU law, or a law that has been formulated in Brussels but, for our purposes, it is vital that we know the answer to those questions in order to understand the impact here in Northern Ireland.

The Chair: I think Lady Goudie might want to develop this point.

Q59 **Baroness Goudie:** It is nice to see you again; thank you for coming to see us. What is your assessment of the role and the function of the Northern Ireland Assembly's Windsor Framework Democratic Scrutiny Committee? You have said some things about the committee receiving the necessary support and information from the UK Government. Do you feel you get it in time? Do you get enough support? What is the whole back-up situation?

Eóin Tennyson: The committee itself is well staffed. There is a good team of clerks and secretariat support, so I have no complaints about the set-up here at the Assembly. It works pretty well whenever we get an EU regulation that deals with a largely devolved policy area, because the department can come along and say that it thinks it has a significant impact or that it does not. We get legal advice, which is a separate issue; I may come to that after. So, when it pertains to devolved issues, it works relatively well. As I said, there is an issue when it cuts across a reserved matter.

For the legal advice, though, there are two tests. There is the legal test, which is whether the regulation significantly differs from the regulation that it replaces. "Significantly differ" is not defined anywhere in law and the question has not been tested in the courts, so I sometimes wonder how much weight we can place on the legal advice that we receive in those instances. The second question is, obviously, about the impact. That is where the UK Government come in: where there is a reserved matter that we sometimes struggle to assess. Overall, the staffing is good, but there are certainly challenges on those reserved issues.

Q60 The Chair: Could I go back to something you said earlier about the Stormont brake? The Stormont brake came into existence as a result of a document that was produced, which was a compromising document—I am using “compromising” in its most literal sense: politically compromising, trying to achieve compromise. Some regard it as absolutely essential, some as potentially capable of bringing this building to a halt, and some as an unnecessary luxury that was produced for merely political reasons. There may be other interpretations. How would you and your party assess the effectiveness of the Stormont brake, in particular the applicability Motion procedure?

Eóin Tennyson: I do not think it is effective at all. There is a fundamental rule of Brexit physics that if Northern Ireland is going to have access to the single market, that means that we have to abide by EU regulations. There has been an attempt to window dress that or pretend that it is an avoidable circumstance. It is not. If we want to keep an open border on this island and to maintain our dual market access, we have to abide by EU law. The only way that we can depart from EU law is if we reach a mutually agreed position with the EU. The dental amalgam issue is a good example of that, and that worked very effectively, but this idea that the Assembly could vote unilaterally to demur from a piece of EU regulation simply does not hold water. To be honest, it would be better if we all dropped the pretence of pretending that it can. Ultimately, these are issues that have to be litigated between the UK Government and the EU via negotiation. This Assembly does not and cannot have a veto on that process.

The Chair: What about its potential existence as something palliative to resolve political difficulties of a very serious kind that might arise?

Eóin Tennyson: We would have had the opportunity anyway. If there was a particular EU regulation that Members of the Assembly were concerned about, there is absolutely nothing to prevent them bringing a Motion to the Assembly to express that view on behalf of Northern Ireland. If people would prefer to do that through a more formalised process in terms of the Stormont brake then I have no objection to that, but as I say, my fear is that we see the Stormont brake being misused. The UK Government were very clear on the chemical labelling issue that they did not believe that the threshold had been met for use of the Stormont brake, yet it was used anyway. If I am honest, I think that was more to do with the fact that that was immediately after the Windsor Framework consent vote in the Assembly rather than because of any concerns about that particular regulation. Given that it is such a contentious issue, I am concerned about its ability to be abused.

It is also important to say, from my perspective, speaking of the consent vote, that Alliance is a cross-community party, as you will know. We represent people who see themselves as nationalists, as unionists, and as not fitting into either of those boxes. Many of the mechanisms here at the Assembly discount Alliance votes. If a cross-community vote is called, Alliance votes are effectively not counted because it requires a majority of nationalists and a majority of unionists for a resolution to follow.

One of the things that I really welcome is that that consent mechanism and the consent vote counts votes in the Assembly equally. My vote counts just the same as a Sinn Féin MLA or DUP MLA. Given the political change that has happened in Northern Ireland, that is really important and one of the elements of those mechanisms that I absolutely welcome and support.

Q61 Lord Dodds of Duncairn: You said you are concerned about abuse of the Stormont brake. The fact that it has been used only once—some people might say there have been other grounds for using it—mitigates against the idea that there is a trigger-happy view in terms of applying it.

Secondly, you talked about the political motive behind the brake, but was there not a lot of evidence given from industry at the time about the effects of it? While it is important to keep the market open to the EU, there is also our market with the rest of the UK, which is much bigger, and they were expressing the view that this would harm that market. I am just pushing back slightly on the abuse idea. This is something that has been ever used only once anyway, and only then after lobbying from industry.

Eóin Tennyson: That is a useful question. The role of the Democratic Scrutiny Committee, in part, is to inform any decision around use of the Stormont brake. Why has the Stormont brake been used only once? Because the committee felt that it did not have sufficient information, and because of the lateness of communication from the UK Government. There was a period in the committee—it has improved—where, week in, week out, regardless of the evidence that we received, there would be a proposal to hold an inquiry. My view is that Members who were conducting themselves in that way were agitating to use the Stormont brake as much as they possibly could to frustrate the work of the Assembly.

Q62 Lord Dodds of Duncairn: But an inquiry is a different procedure from the Stormont brake.

Eóin Tennyson: Yes. To decide whether or not to hold an inquiry, we have to have regard for whether it significantly differs and whether we believe there is likely to be a significant negative impact that will persist. Then the inquiry findings will inform whether the threshold has been met for the Stormont brake. According to our procedures, if we are confident, based on the preliminary evidence, that neither of those tests has been met, we should not hold an inquiry. There was an attempt to misuse the committee to hold inquiries on every issue anyway, which I do not think was particularly fruitful or particularly productive, but that situation has improved considerably since the Stormont brake was actually pulled.

In relation to the specific grounds on which it was pulled and the concerns that were raised by industry at the time, that late correspondence we received from the UK Government then clarified that those concerns did not fall within the auspices of the regulations. So, while it is important that we listen to industry, it is also important that we

do not just accept without question the evidence that we receive from industry. That point could have been clarified without use of the Stormont brake at all.

The one example of a regulation that would have warranted the Stormont brake was mercury regulation, but when there are serious issues like that, the UK Government and the Executive locally have tended to act ahead of the Stormont brake ever being necessary. It should be an absolute last resort, and we should never even find ourselves in circumstances where we are contemplating its use.

Q63 **Baroness Ritchie of Downpatrick:** Part one of my question is this. Does Alliance perceive that the Stormont brake and the Motion mechanism is simply a sinecure to give people, or some parties, the idea that the British Government are helping when in actual fact they are not doing anything?

Eóin Tennyson: How do I answer this?

Baroness Ritchie of Downpatrick: It is not a trick, I assure you.

Eóin Tennyson: They are no more powerful mechanisms, in my view, than a non-binding Motion on the Floor of the Assembly. Because the reality is, irrespective of the view that the Assembly ultimately takes, it is for the UK Government to decide whether or not they share the assessment. So, I do not think that they are necessary mechanisms. It is right that Assembly Members have an opportunity to raise concerns if they have them on the Floor of the Assembly, but I do not believe that the applicability Motions or the Stormont brake are necessary in order to give Members that opportunity.

In that sense, yes, I would agree that they are mechanisms that have been slightly window dressed to give this sort of veil that there is real power here at the Assembly. The truth is and has always been—we said this even before we left the EU—we will never find ourselves in a situation where the Northern Ireland Assembly has a veto over UK Government or EU policy. That is just not realistic and is not going to happen.

Baroness Ritchie of Downpatrick: As a Member of the Assembly and a member of the Democratic Scrutiny Committee, do you think there is a role for a more direct Northern Ireland engagement, via the Assembly, with EU structures—for example, between the Northern Ireland Executive and the European Commission, or the Northern Ireland Assembly and the European Parliament? At the moment, I am a member of the UK-EU Parliamentary Assembly, and Assembly Members simply come on an observer basis. Do you think that should be upgraded to a decision-making role?

Eóin Tennyson: All those things would be valuable. One of the missing links—and you mentioned it—is that engagement directly between Northern Ireland and the European Commission. The European Commission is reluctant to directly engage with the Northern Ireland Executive. I understand why that is the case, because you have

sensitivities around other member states and other devolved and local Administrations, and it opens a can of worms for them in that respect. But the people who are best placed to articulate impact on Northern Ireland are people elected in Northern Ireland, so that is something, given our particular circumstances, that needs to be looked at and addressed.

I also think that there are really imaginative things, I mean the interparliamentary forum, yes, I would be open to MLAs having a more constructive role in that process.

I also think, given how unusual it is that you have part of the UK still with effective access to the single market, that we should be willing to be innovative and creative and look at whether we can have observer status for, if it is not MEPs, MPs from Northern Ireland, who could go and sit on committees in an observer capacity when they are discussing issues that impact Northern Ireland. Is that something creative that could help ensure that our priorities are heard at a much earlier stage in the process?

The Chair: I ask you, respectfully, to just take off your party hat for a moment. Your party is very pro the EU, is it not?

Eóin Tennyson: Yes, we are.

The Chair: You are very open about it. You are probably the most pro-EU party in British politics.

Eóin Tennyson: I take that as a compliment. Thank you.

The Chair: I thought you would. And just look—

Baroness Ritchie of Downpatrick: You have not heard my colleagues yet.

The Chair: Try to look at this for us, please, with your Assembly Member hat on and having an eye on what is deliverable and would not be seen as outrageous by a consensus, if there ever is such a thing in the Assembly, in terms of providing more engagement between Northern Ireland institutions and the EU institutions. What do you think is deliverable here?

Eóin Tennyson: I think I have mentioned the main deliverable one already, and that is looking at how Northern Ireland departments can have more input into those bodies that sit beneath the Joint Committee. I think that is the most practical thing, and probably the least controversial thing that could be done to ensure that Northern Ireland has a voice. And I do not see, to be honest, why there would be huge resistance on the EU side or on the UK side to that happening. We are a specific, unique case, and I think that means that we have to be creative in terms of the governance arrangements that are there for the Windsor Framework.

Q64 **Lord Empey:** Eóin, in your opening remarks—maybe I am

misinterpreting—I got the impression that you are not wildly enthused by the Democratic Scrutiny Committee, yet it is the only mechanism around that allows MLAs to scrutinise legislation that is coming round which will have a direct effect on Northern Ireland. But equally, there is virtually nothing that comes from Brussels at the moment—and our committee is well aware of this—that does not have some kind of reach back into the UK as a whole. And, as you say, the UK is the negotiator, and one rule the European Union has is that it deals with member states. After the Wallonian experience, and so on, it is very nervous about devolved Administrations. But the Democratic Scrutiny Committee is a standing committee; it is not even a statutory committee. Do you think that the fact that it does not have that status inhibits or in some way downgrades its capability?

Eóin Tennyson: No, I do not. Actually, it is something that I have been reflecting on recently. Initially in the committee's life, we would have met pretty much on a weekly basis. That created the expectation that the committee could do more than what was necessarily within its legislative remit. The benefit of the committee being a standing committee is that it gives it flexibility to meet as and when the committee sees fit, if it has particular concern about a particular regulation. I think that if we stick to our narrow focus in relation to Articles 3A and 4 of the Windsor Framework, if we continue to horizon-scan in the way that we have and if communication with the UK Government improves, we can actually perform that function reasonably well. But we also need to raise awareness, I think, with the business community that in terms of shaping policy, the Windsor Framework Democratic Scrutiny Committee is not the place where that is going to happen, and that needs to be directed elsewhere.

I also think we need to be clear that issues with implementation of EU regulations, particularly some existing regulations which predate the committee, are matters for the statutory committees in the Assembly, or indeed Westminster committees. So I think there is a job of work to do just to create awareness about where all of these puzzle pieces fit together. There are mechanisms to raise these issues; they are just not always at the Windsor Framework Democratic Scrutiny Committee, and it would not always necessarily be appropriate for that to be the case. I have had examples of members coming to the Windsor Framework Democratic Scrutiny Committee raising issues around product safety regulations, which were not amending or new EU regulations. That is really a matter for the Economy Committee and for the corresponding Westminster department. So it is important that we are clear about that and where those lines of responsibility are.

The Chair: As a constituency member, how much awareness do you think your constituents have of, say, the Stormont brake?

Eóin Tennyson: Very little, I think, to be honest. Honestly, I do not routinely have constituents come to me raising issues around Brexit or our relationship with the EU. Most of the contact that I have had of late is from businesses who have had issues accessing the internal market

scheme, where they have had very practical challenges. I would not say that the average constituent has this as a top priority. I think that is a fair reflection.

The Chair: Thank you very much for coming to talk to us today. It has been a pleasure to meet you again. I remind you that there will be a verbatim transcript which will be sent to you, and you can amend it if you wish—within reason. Thank you very much for your evidence. And so, my Lords, the public element of this meeting is now concluded.