



Northern Ireland  
Assembly

## Applicability motions

*Applicability motions apply when the EU adopts a **new** act, such as a Regulation or Directive, which it considers to be within the scope of the Windsor Framework. It is different to the Stormont Brake, which only applies to an **EU act which amends or replaces an act** which already applies in Northern Ireland under the Framework.*

Article 13(4) of the Windsor Framework sets out the process for new EU laws to be added to the Framework. The EU must inform the UK in the EU-UK Joint Committee if it considers a new EU law to be within the scope of the Framework. It can only be added to the list of EU laws which apply under the Framework if the UK agrees.

The Government introduced changes to how such new laws are added to the Framework. The Windsor Framework (Democratic Scrutiny) Regulations 2024 inserted a new Schedule 6B (EU Withdrawal: Windsor Framework democratic scrutiny) into the Northern Ireland Act 1998. Provisions in this schedule prohibit the Government from agreeing in the Joint Committee to add a new EU law to the Framework, unless the Assembly has indicated cross-community support by passing an 'applicability motion'. The First Minister and the deputy First Minister may table the motion, otherwise another Member of the Assembly may then do so.

However, the Government may agree to the law applying in Northern Ireland, even if no applicability motion has been passed, if:

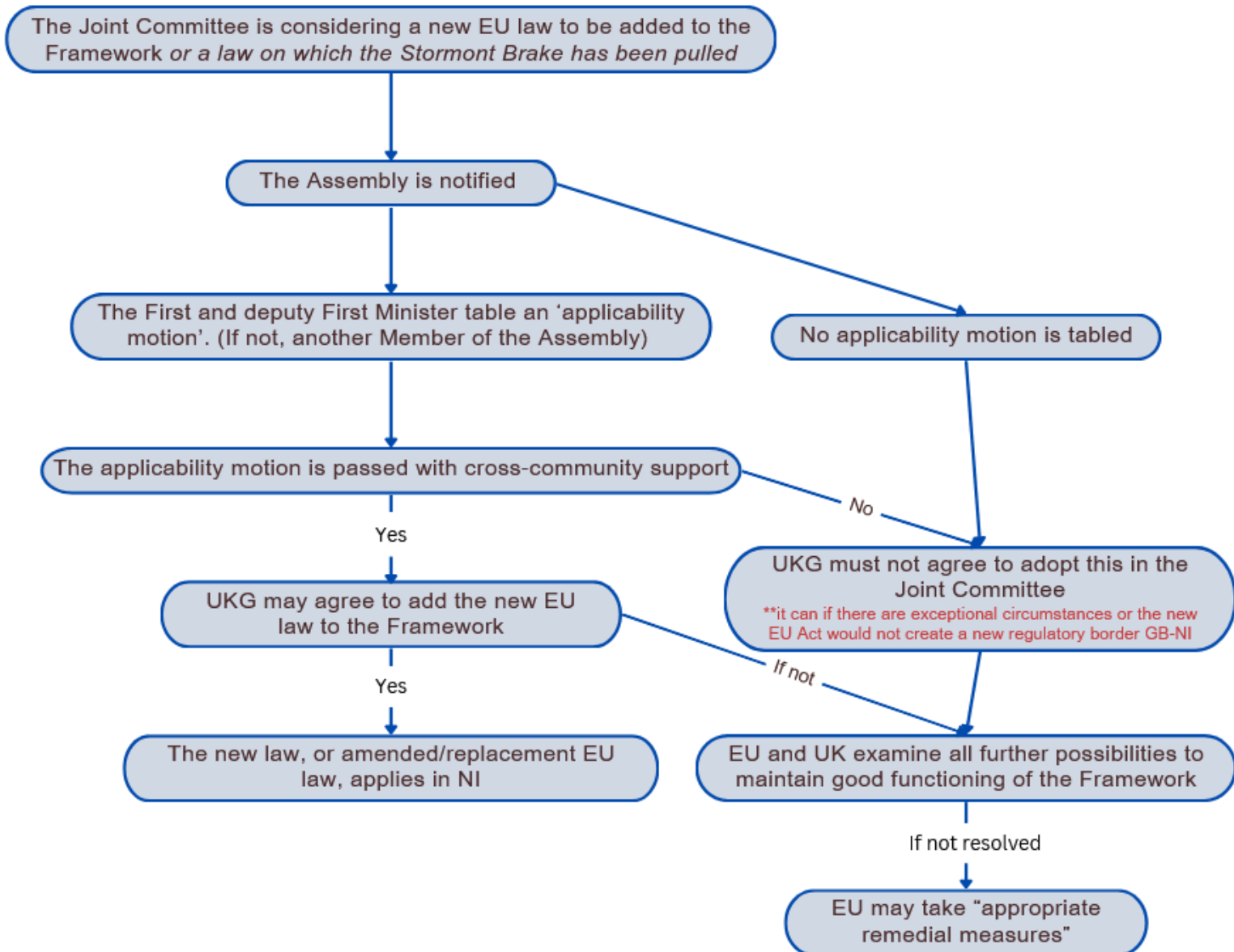
- there are “exceptional circumstances”, including if there is no NI Assembly or Executive; or
- the new EU law “would not create a new regulatory border between Great Britain and Northern Ireland.”

If the Government proposes to add a new EU law to the Windsor Framework in one of these cases, it must make a statement to Parliament explaining the reasons for its decision. The Government also has said it intends to notify the Assembly of such a decision.

If the EU and UK do not reach an agreement in the Joint Committee to add the new EU law to the Framework, they will “examine all further possibilities to maintain the good functioning of [the Windsor Framework] and take any decision necessary to this effect”. If no decision is made “within a reasonable time”, the EU may take “appropriate remedial measures”.

This process for new EU laws to apply in Northern Ireland is set out in the flowchart overleaf. This also applies to an amended or replacement EU law, on which the Stormont Brake has been pulled.

## Applicability motions: the process for new EU laws to apply in Northern Ireland



## References and further reading

- [Article 13\(4\) of the Protocol/Windsor Framework](#) (page 11) sets out the process for new EU acts to be added to the Framework.
- The [Windsor Framework \(Democratic Scrutiny\) Regulations 2024](#) (Schedule Part 4) establish the new procedure for the Assembly regarding these EU acts.
- A letter from the [Secretary of State for Northern Ireland to the Speaker](#) on the Democratic Scrutiny Regulations contains additional details about information on EU acts to be provided to the Assembly.