



Windsor Framework Democratic Scrutiny Committee

Inquiry into Regulation (EU) 2026/1744 of the European Parliament and of the Council of 8 July 2026 amending Regulations (EU) 2024/1689, (EU) 2018/1139 and (EU) 2023/1230 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI) - Article 3 only

Ordered by the **Windsor Framework Democratic Scrutiny Committee**

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Report: NIA 190/22-27 Windsor Framework Democratic Scrutiny Committee

Contents

Purpose and Membership	3
Purpose.....	3
Membership	5
Introduction	6
The Replacement EU Act.....	8
The Committee’s Decision on Whether to Hold an Inquiry	9
The Inquiry Process	10
The Committee’s Conclusions.....	12
Next Steps.....	13
Links to Appendices	14
Appendix A: Minutes of Proceedings	14
Appendix B: Memoranda and Other Papers	14
Appendix C: Minutes of Evidence	14
Appendix D: Consultation Responses.....	14

Purpose and Membership

Purpose

The Windsor Framework Democratic Scrutiny Committee is a standing committee of the Northern Ireland Assembly established under [Schedule 6B to the Northern Ireland Act 1998](#).

The purpose of the Committee is to assist with the observation and implementation of [Article 13\(3a\)](#) and [Article 13\(4\)](#) of the Windsor Framework.

The functions of the Committee include:

- (a) the examination and consideration of new EU acts and replacement EU acts;
- (b) the conduct of inquiries and publication of reports in relation to replacement EU acts;
- (c) engagement with businesses, civil society and others as appropriate in relation to replacement EU acts;
- (d) engagement with the UK Government in relation to replacement EU acts;
- (e) engagement with Ministers and Northern Ireland departments in relation to replacement EU acts;
- (f) the collation and publication of evidence collected as part of its other activities; and
- (g) dealing with other matters (including legislative proposals which may become new EU acts or replacement EU acts) which the Committee considers to be connected with its purpose or other functions.

A replacement EU act means an EU law which updates, by amending or replacing, any of the relevant¹ EU laws which already apply in Northern Ireland, as listed under Annex 2 of the Windsor Framework. Areas of EU law that apply in Northern Ireland include legislation on goods, animal and plant health rules,

¹ Relevant EU laws are those EU instruments referred to in the third subparagraph of Article 5(1) of the Windsor Framework, the first indent of heading 1 of Annex 2 to the Framework or headings 7 to 47 of Annex 2 to the Framework.

rules on agricultural production, VAT and excise on goods, and state aid rules. The EU's Customs Code also applies to goods entering Northern Ireland. There is a procedure by which members of the Assembly may seek to prevent the application of a replacement EU act (an emergency brake mechanism known as the Stormont Brake). [View further information on the Stormont Brake.](#)

A new EU act means a new EU law which falls within the scope of the Windsor Framework, but which neither amends nor replaces an EU act listed in the Annexes. The Northern Ireland Assembly has a role, by means of an “applicability motion”, in setting out its position on whether a new EU act should be added to the list of EU laws applicable in Northern Ireland. [View further information on applicability motions.](#)

Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

Ms Ciara Ferguson MLA (Chairperson)²

Mr David Brooks MLA (Deputy Chairperson)³

Dr Steve Aiken OBE MLA

Mr Cathal Boylan MLA^{4 5}

Mr Jonathan Buckley MLA⁶

Mr Pádraig Delargy MLA^{7 8}

Mr Peter Martin MLA^{9 10}

Ms Kate Nicholl MLA¹¹

Mr Eóin Tennyson MLA¹²

² Ms Ciara Ferguson replaced Mr Philip McGuigan MLA as Chairperson of the Committee on 04/02/2025. Mr Philip McGuigan MLA replaced Mr Declan Kearney MLA as Chairperson of the Committee on 09/02/2024.

³ Mr David Brooks MLA appointed Mr Phillip Brett MLA as a substitute member for the Committee meetings on 20/08/2026 and 27/08/2026.

⁴ Mr Cathal Boylan MLA replaced Ms Emma Sheerin MLA as a member of the Committee on 24/11/2025.

⁵ Mr Cathal Boylan MLA appointed Ms Sinéad Ennis MLA as a substitute member for the Committee meetings on 13/08/2026 and 20/08/2026.

⁶ Mr Jonathan Buckley MLA replaced Mr Stephen Dunne MLA as a member of the Committee on 16/09/2024. Mr Stephen Dunne MLA replaced Mr Jonathan Buckley MLA as a member of the Committee on 03/06/2024.

⁷ Mr Pádraig Delargy MLA replaced Mr Declan Kearney MLA as a member of the Committee on 02/03/2026.

⁸ Mr Pádraig Delargy MLA appointed Ms Emma Sheerin MLA as a substitute member for the Committee meeting on 20/08/2026.

⁹ Mr Peter Martin MLA replaced Ms Joanne Bunting MLA as a member of the Committee on 02/12/2024.

¹⁰ Mr Peter Martin MLA appointed Mr Paul Frew MLA as a substitute member for the Committee meeting on 13/08/2026.

¹¹ Ms Kate Nicholl MLA replaced Ms Connie Egan MLA as a member of the Committee on 09/09/2024. Ms Connie Egan MLA replaced Mr Patrick Brown MLA as a member of the Committee on 20/05/2024.

¹² Mr Eóin Tennyson MLA replaced Ms Sorchá Eastwood MLA as a member of the Committee on 22/04/2024.

Introduction

1. This report sets out the conclusions of an inquiry by the Windsor Framework Democratic Scrutiny Committee ('the Committee') into a published replacement EU act: [Regulation \(EU\) 2026/1744](#) of the European Parliament and of the Council of 8 July 2026 amending Regulations (EU) 2024/1689, (EU) 2018/1139 and (EU) 2023/1230 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI). Only Article 3 of the EU act is under consideration as a 'replacement EU act'.
2. Article 3 of the EU act amends [Regulation \(EU\) 2023/1230](#), which applies in Northern Ireland under the Windsor Framework¹³. The rest of the EU act does not fall within the scope of the Windsor Framework, and it is therefore not a replacement act in its entirety. **Hence, references made throughout this report to the 'replacement EU act', either directly or indirectly, should be read as relating only to Article 3 of Regulation (EU) 2026/1744.**
3. Article 3 of the EU act applies in Northern Ireland under Article 13(3) of the Windsor Framework but is subject to the mechanism set out in Article 13(3a) of the Windsor Framework. This mechanism provides for a replacement EU act, or relevant parts of a replacement EU act, not to apply in Northern Ireland if the United Kingdom Government ('UK Government') notifies the EU within two months of the act's publication in the EU Official Journal.
4. The UK Government may only make this notification if it is satisfied that the conditions in Article 13(3a) of the Windsor Framework have been met and that the procedures set out in its [Unilateral Declaration on the involvement of the institutions of the 1998 Agreement have been followed](#). These procedures provide, amongst other things, that 30 MLAs from at least two parties have notified the UK Government of their wish that the emergency brake mechanism should be applied. The 30 MLAs cannot include the Speaker or a Deputy Speaker.

¹³ Regulation (EU) 2023/1230 repealed and replaced Directive 2006/42/EC, which is listed at heading 14, indent 4, in Annex 2 of the Windsor Framework.

5. If the UK Government is satisfied that the necessary conditions have been met, it will notify the EU in the Joint Committee. The EU law will not apply in Northern Ireland in its new form two weeks later. The older version of the EU law will still apply. The relevant law would then be discussed in the EU-UK Joint Committee under the process for new EU laws - Article 13(4). The UK Government must not agree (apart from in exceptional circumstances or where the new EU act would not create a new regulatory border between Great Britain and Northern Ireland) to adopt the new law unless the Assembly has passed a motion with cross-community support, known as an applicability motion.
6. The EU act in question - Regulation (EU) 2026/1744 - was published in the EU Official Journal on 24 July 2026. The UK Government formally notified the Committee of the act's publication on 30 July 2026.
7. Under paragraph 8(1) of Schedule 6B to the Northern Ireland Act 1998, the Committee must decide no later than five working days after the day on which it was notified of the replacement EU act whether it wishes to hold an inquiry. In reaching a decision, paragraph 8(2) of Schedule 6B requires the Committee to have regard to 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
 - would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.
8. The Committee may also have regard to any other matters it considers appropriate.

The Replacement EU Act

9. As outlined in the Introduction Section, the replacement EU act¹⁴ amends [Regulation \(EU\) 2023/1230 on machinery and repealing Directive 2006/42/EC and Council Directive 73/361/EEC](#) (the Machinery Regulation), which applies in Northern Ireland under the Windsor Framework.
10. The replacement EU act will oblige the European Commission to adopt delegated acts to ensure that the Machinery Regulation incorporates health and safety requirements for high-risk Artificial Intelligence (AI) systems. This amendment is part of a 'sectoral approach' to AI-enabled machinery, aiming to avoid overlaps between the Machinery Regulation and [the Artificial Intelligence Act](#).

¹⁴ The replacement EU act also amends Regulation (EU) 2024/1689 (the Artificial Intelligence (AI) Act) and [Regulation \(EU\) 2018/1139 on common rules in the field of civil aviation](#). These amendments do not apply in Northern Ireland under Article 13(3) of the Windsor Framework and have therefore not been notified to the Committee.

The Committee's Decision on Whether to Hold an Inquiry

11. The Committee met on 6 August 2026 to decide whether or not to conduct an inquiry into Regulation (EU) 2026/1744.
12. To assist it in reaching a decision, the Committee considered legal advice on whether it appeared 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. The Committee noted that the legal advice indicated that the replacement act does not significantly differ from the content or scope of the EU instrument which it amends.
13. The Committee also considered whether it appeared likely that the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. It did this by: considering an assessment of impact provided by the Department for the Economy (DfE) and listening to oral evidence from a DfE official; and considering an Explanatory Memorandum from the UK Government (dated 3 August 2026).
14. The assessment of impact and the Explanatory Memorandum can be found at **Appendix B**. The minutes of the oral evidence session can be found at **Appendix C**.
15. Having had regard to whether it appears likely that Regulation (EU) 2026/1744:
 - significantly differs (in whole or in part) from the content or scope of the EU instrument which it amends; and
 - would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist,

the Committee decided to hold an inquiry into the replacement act. This [decision](#) was published on the Committee's webpage.

The Inquiry Process

16. In conducting an inquiry, paragraph 9(2) of Schedule 6B to the Northern Ireland Act 1998, requires the Committee to “seek substantive discussion and engagement” with the UK Government, the relevant Northern Ireland Minister or department, and, to the extent that the Committee considers appropriate, representatives of businesses and civil society affected by the replacement EU act, or who would be affected, if the act was to apply in Northern Ireland. The Committee may also consider any matters it deems appropriate.
17. The Committee had to conclude its inquiry and publish a report setting out its conclusions no later than 15 working days before the end of the two-month scrutiny period. The scrutiny period started when the replacement EU act was published in the EU Official Journal on 24 July 2026 and therefore ends on 24 September 2026.
18. The Committee considered matters relating to its inquiry, including making a decision on whether to conduct an inquiry, at four meetings. The Minutes of Proceedings can be found at **Appendix A**.
19. At its meeting on 6 August 2026, the Committee agreed to seek substantive discussion and engagement with the UK Government. It therefore wrote to the UK Government to seek its views on whether applying, or not applying, the replacement EU act would have an impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. In considering the matter of divergence, details of the position in England, Scotland and Wales were also requested. The UK Government’s response, dated 17 August 2026, can be found at **Appendix B**.
20. At this meeting, the Committee also agreed to seek substantive discussion and engagement with the relevant Northern Ireland department (DfE). Therefore, it requested that DfE officials attend the Committee meeting on 13 August 2026 to give oral evidence.
21. Further, the Committee agreed to seek substantive discussion and engagement with representatives of business and civil society. Key stakeholders were identified by the Assembly’s Research and Information Service, as being

affected, or who would be affected, if the replacement EU act was to apply in Northern Ireland. The list of stakeholders identified by RalSe is at **Appendix D**. The Committee opted to use Citizen Space as a platform to facilitate this engagement.

22. A Citizen Space survey asking for views on the impact of the replacement EU act was launched on 6 August 2026 and closed on 16 August 2026. The survey, which was publicised widely, was also open for response by any other representatives of business and civil society as well as members of the public.
23. Departmental officials attended the Committee meeting on 13 August 2026 to give oral evidence as requested. The minutes of the oral evidence session can be found at **Appendix C**. Following the evidence session, DfE provided information in response to a question on the type of machinery products and which NI businesses would be affected by the EU act. DfE's submission, dated 13 August 2026, can be found at **Appendix B**.
24. At its meeting on 20 August 2026, the Committee noted that no responses were received to its Citizen Space survey. A consultation response was received via email from the Information Commissioner's Office, dated 12 August 2026. The response can be found at **Appendix D**.
25. The Committee deliberated on all the evidence received at its meeting on 20 August 2026. The evidence received is not rehearsed in this section of the report; a complete picture of the written and oral evidence can be found in the Appendices.
26. At its meeting on 27 August 2026, the Committee agreed its Inquiry report and that it should be published.

The Committee's Conclusions

27. In reaching its conclusions, the Committee has carefully considered all the evidence provided to it. The Committee has focused in particular on the two conditions that must be satisfied if the Stormont Brake is to be pulled.
28. In relation to the legal question of whether the replacement EU act significantly differs (in whole or in part) from the content or scope of the EU instruments which it amends or replaces, the Committee noted the legal advice it commissioned on the act, and considered on 6 August 2026, which indicated that the replacement act is not significantly different in content or in scope from the EU instrument it amends.
29. **Having considered its commissioned legal advice, the Committee concluded that the replacement EU act does not significantly differ from the content or scope of the EU instrument which it amends.**
30. In relation to the question of whether the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist, the Committee considered the written and oral evidence from DfE, the evidence received from the UK Government, and the response to its consultation.
31. In considering this evidence, the Committee took the view that for an act to have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist, that significant impact must be negative.
32. **Having considered the evidence received from DfE and the UK Government, and the response to its consultation, the Committee concluded that the replacement EU act would not have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.**

Next Steps

33. Having reached its conclusions, the Committee's Inquiry report will be issued to all Members of the Legislative Assembly for further consideration.
34. The Committee's Inquiry report will also be issued to the Committee for the Economy.

Links to Appendices

Appendix A: Minutes of Proceedings

View Minutes of Proceedings from evidence sessions related to the report:

[Minutes of Proceedings – 6 August 2026](#)

[Minutes of Proceedings – 13 August 2026](#)

[Minutes of Proceedings – 20 August 2026](#)

[Minutes of Proceedings – 27 August 2026](#)

Appendix B: Memoranda and Other Papers

View Memoranda and Other Papers considered by the Committee:

[Assessment of impact from the Department for the Economy on the published EU act – 3 August 2026](#)

[UK Government Explanatory Memorandum on the published EU act – 3 August 2026](#)

[Response from the UK Government – 17 August 2026](#)

[Further information from the Department for the Economy – 13 August 2026](#)

Appendix C: Minutes of Evidence

View Minutes of Evidence of Committee meetings related to the report:

[Minutes of Evidence – 6 August 2026](#) (Department for the Economy)

[Minutes of Evidence – 13 August 2026](#) (Department for the Economy)

Appendix D: Consultation Responses

[RaISe – Potential Witness List on the published EU act – 30 July 2026](#)

View responses to the Committee's consultation:

[Consultation response from the Information Commissioner's Office – 12 August 2026](#)

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