



## Windsor Framework Democratic Scrutiny Committee

# OFFICIAL REPORT (Hansard)

COM/2025/503 and COM/2025/504: Proposal for a Directive and a  
Regulation as regards Digitalisation and Common Specifications:  
Department for the Economy;  
Health and Safety Executive for Northern Ireland

11 September 2025

# NORTHERN IRELAND ASSEMBLY

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### **Members present for all or part of the proceedings:**

Mrs Ciara Ferguson (Chairperson)  
Mr David Brooks (Deputy Chairperson)  
Dr Steve Aiken  
Mr Jonathan Buckley  
Mr Declan Kearney  
Mr Peter Martin  
Ms Emma Sheerin  
Mr Eóin Tennyson

### **Witnesses:**

Mr Damien Doherty	Department for the Economy
Mr Kevin Neeson	Health and Safety Executive Northern Ireland

**The Chairperson (Ms Ferguson):** I welcome Damien Doherty, chief inspector of trading standards with the Department for the Economy, and Kevin Neeson, deputy chief inspector of market compliance and operations division, from the Health and Safety Executive NI. We have apologies from Mark McGregor, trade and Windsor framework branch, Department for the Economy. Are the officials OK to proceed with their presentations?

**Mr Damien Doherty (Department for the Economy):** Good morning. Unfortunately, I am not joined today by Mark McGregor, head of trade and Windsor framework branch, who unfortunately cannot make it. Thank you for inviting us to provide information on the EU proposal being considered by the Committee. I will lead the evidence on behalf of the Department for the Economy and will provide members with a brief overview before opening for your questions.

For ease, I will refer to the proposal for a directive of the European Parliament and of the Council amending directives 2000/14/EC, 2011/65/EU, 2013/53/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council as regards digitalisation and common specifications as "the proposal". Normally, policy colleagues from the Department for the Economy would be sitting in my chair and leading our evidence today, but circumstances mean that they are unable to join us. I recognise that they have supported the background work that enables the briefing.

At the outset, I reiterate the comments in the explanatory memorandum on devolved competence, which states:

*"Product safety regulation is primarily reserved, though some aspects of conformity assessment and required documentation may relate to devolved policy areas."*

That means that the subject matter expertise for the areas under consideration mainly sits with the Office for Product Safety and Standards and/or other UK Departments. The Secretary of State for Business and Trade is responsible for the UK's overarching product safety and conformity assessment policy, as well as the coordination of the UK's market surveillance and enforcement policy. The Secretary of State for Transport is responsible for recreational craft, marine equipment and transportable pressure equipment. The Secretary of State for Environment, Food and Rural Affairs has responsibility for batteries, tests on chemicals, certain hazardous substances and pollutants and resource efficiency policy, inasmuch as it contributes to the minimisation of waste and protection of the natural environment. However, for most of the products within the scope of the proposal, Northern Ireland's interest is normally limited to enforcement responsibility across a number of Northern Ireland Departments and local authorities, rather than policy competence. That means that, for most product areas, we act as a conduit between the Committee and the UK Government policy leads. We greatly appreciate the support of colleagues in the Department for Business and Trade (DBT) and the Office for Product Safety and Standards in coordinating the diverse inputs required to inform members.

Moving to the substance of the proposal, I draw members' attention to the products within scope. The first proposal covers equipment for use outdoors, electrical and electronic equipment, recreational craft and personal watercraft, simple pressure vessels, electromagnetic compatibility, non-automatic weighing instruments, measuring instruments, lifts and safety components for lifts, equipment and protective systems intended for use in potentially explosive atmospheres, electrical equipment designed for use within certain voltage limits, radio equipment, pressure equipment and marine equipment. The proposal would simplify reporting requirements and reduce administrative burdens on businesses and market surveillance authorities by mandating the use of digital formats for declarations of conformity and similar documents, which must be accessible by internet address or machine-readable code; requiring that manufacturers indicate a digital contact on products placed on the market by specifying that instructions accompanying products may be provided in electronic form, with the exception of safety information, which continues to require a paper format, and amending reporting requirements to national authorities that require a paper or electronic format to an electronic format only; introducing an obligation for digital communication to national authorities; introducing a provision allowing common specifications as an alternative to harmonised standards where those are unavailable or insufficient; and, finally, obligating that information contained in declarations of conformity and instructions be available on a digital product passport, where a digital product passport is required by other EU legislation.

The digitalisation proposals represent a package of measures concerning the simplification of reporting requirements and regulatory procedures. The objective is to remove numerous paper-based obligations, transition to digital equivalents and contribute to the digitalisation of economic operators' obligations and business-to-authority reporting. That is to be achieved through the amendments to the directives mentioned earlier.

Another development in the proposal is the introduction of common specifications. Common specifications are a set of technical requirements detailing how products should comply with regulations issued by the European Commission, and they can be adopted when harmonised standards are delayed, unavailable or insufficient. Currently, businesses typically demonstrate product conformity through harmonised standards, which are developed by standardisation bodies and referenced in EU legislation.

It is worth explaining that "harmonised standard" is a European standard recognised by one of three European standards organisations: the European Committee for Standardization (CEN), the European Electrotechnical Committee for Standardization (CENELEC) or the European Telecommunications Standards Institute (ETSI). It is created following a request from the European Commission to one of those organisations. The manufacturers, other economic operators or conformity assessment bodies can use harmonised standards to demonstrate that products, services or processes comply with the relevant EU legislation. The manufacturers must follow the specifications or show that they have adopted solutions of a level of safety and performance that is at least equivalent. To allow market actors to adapt to new specifications, there is a transition period in which their use is voluntary.

Where such harmonised standards do not exist, economic operators often have to resort to complex and costly third-party conformity assessments. A manufacturer can place a product on the market only when it meets all the applicable requirements. The conformity assessment procedure is carried out before the product can be sold, and the European Commission's main objective is to help ensure that

unsafe or otherwise non-compliant products do not find their way to the EU market. The proposal therefore introduces common specifications as a legally binding fallback option, adopted directly by the Commission to fill gaps where harmonised standards are unavailable. The new common specifications aim to provide an alternative, uniform framework for demonstrating conformity across relevant product legislation and to reduce costs and delays associated with conformity assessments. The measure aims to streamline market access and reduce legal uncertainty, and it will particularly benefit manufacturers of innovative or niche products without existing harmonised standards.

An initial assessment of the impact analysis undertaken by the Department for Business and Trade has found that the proposed amendments will not have significant impacts for those selling goods into Northern Ireland, as the overarching aim of the amendments is to streamline the provision of information for regulatory compliance purposes. Rather, the proposed amendments may have a positive impact for those trading in goods by reducing administrative burdens, while providing a reasonable time frame to familiarise with new requirements. The EU's impact assessment notes that the changes are "limited and targeted" and do not have a significant impact on policy. However, DBT notes that the proposals for digitisation have the potential to introduce a difference in approach for products between Northern Ireland and Great Britain. It also acknowledges the potential for initial costs during the transition to the new regulations. DBT has stated that it recognises the value of streamlining and will look to engage further with industry and consumer organisations regarding similar measures for Great Britain in due course.

The evidence available therefore points to the potential for some initial costs relating to the introduction of the new requirements and for a difference in approach compared with Great Britain. That situation will persist until such times as similar measures are adopted in Great Britain, something that the UK Government have undertaken to consider. The DBT analysis does not indicate that any of the impacts are expected to be significant. Conversely, Northern Ireland companies that seek to trade with the EU would have to comply with the requirements being proposed. Not applying the proposed replacement act would cause a significant impact, namely a barrier to trade with the EU. That impact would persist for as long as the requirements applying in Northern Ireland continued to differ from those applied by the EU.

Thank you for your time today. We are happy to take questions.

**The Chairperson (Ms Ferguson):** Thank you, Damien.

**The Senior Assistant Assembly Clerk:** I am conscious that Members agreed to take the evidence on both of the proposals together. Can the officials confirm whether they want to add anything in relation to the regulation?

**Mr Doherty:** Essentially, I was going to cover the same issue, I suppose, just to merge the two.

There is a directive and a regulation. The proposal for a regulation of the European Parliament and the Council amending regulations (EU) 765/2008, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/1230, (EU) 2023/1542, and (EU) 2024/1781 is the second proposal in the regulation. The products in scope are cableway installations, personal protective equipment and appliances burning gaseous fuels. Everything I have said about the directive applies equally to the regulation.

**The Chairperson (Ms Ferguson):** Thank you.

**Mr Buckley:** Thank you very much. There is a lot; there are a lot of areas. I constantly think of the huge issues that many in our manufacturing sector have in accessing products free-flowing from GB. I know direct examples of some of the particulars mentioned here, where businesses have faced increased costs in doing business in those fields with regard to customers etc and bureaucracy. On the face of things, I can understand how a digitalised process would streamline and help businesses overall. I understand that theory, but, in practice, if the same did not apply with GB, we would further entrench some of the difficulties that our businesses face in accessing some of those product lines in GB. That is my understanding on the face of things. Do you agree? I will go on to complement that in a moment.

**Mr Doherty:** I would say so. It puts additional burdens on to businesses. As I say, unfortunately, in terms of the number of products here in the directives and regulations, measuring instruments and non-automatic weighing instruments fall to Trading Standards. All the other products fall outwith. I can speak only for our own industry. I have had meetings with the UN Weighing Federation, which is the

trade body for weighing instruments in the UK. It has said, yes, this will create additional burdens for it. It supports digitalisation. It sees Northern Ireland as too big a market not to — it will not be pulling out of Northern Ireland. It will, I suppose, absorb the additional burdens and get on with it. Effectively, it has said that it will push for the UK Government to introduce similar provisions and measures in GB to ease that flow.

**Mr Buckley:** I see that you have mentioned that being used through the likes of the Product Regulation and Metrology Act 2025. Sometimes, what they say and what they do do not really match up. We have seen that continually at the Committee. Many businesses, particularly construction, have supply chains that are deeply rooted in that wider UK network of construction products, so, if we see a case where the UK does not follow, those supply chains will potentially face increased costs. My fear, as it is always when studying those things, is that, when we look at Northern Ireland as a subsection of their overall scale of business, it is easy for those in GB to turn their face away from Northern Ireland. I want to keep a watching brief on that.

You mentioned that some but not all UK products still require physical documentation. Do you want to fill that out for me on how that looks? For example, there is a bulk that are online and digital, and some that are not. How is that structured at the moment, without detail? I am just trying to get myself around the concept.

**Mr Kevin Neeson (Health and Safety Executive Northern Ireland):** Maybe I can input into that. This proposal applies to a number of directives and a number of types of products, so I can give you a flavour of some of the products that still require physical hard copies of documentation. Some fall under the low voltage directive. There are other products as well, and that would be for things like declaration of conformity. Obviously, this proposal, in terms of safety instructions, still requires physical copies for safety information.

**Mr Buckley:** OK. That is helpful. In a nutshell, if Northern Ireland adopts the digitalisation through this regulation and GB does not follow, companies that are still on the physical documentation will not be able to supply the Northern Ireland market with their product unless it is in compliance with the digitalisation: is that right?

**Mr Doherty:** That is correct. They will basically have to operate a dual regime. If the proposals are adopted in Northern Ireland for those requirements to provide the digital information, that is what will have to be provided. For any trade in Northern Ireland for GB, if there is still that paper-based requirement, they will have to operate on that.

On your first question, we need to go back to the Department for Business and Trade, because of the breadth of the products in scope here, to find out which are paper-based. For my weighing and measuring instruments, they are still paper-based, so there will be a departure as regards moving that to digital, so you could have economic operators trading into Northern Ireland who would be required to provide the information electronically and provide that on a paper-based copy in GB until such time. I suppose that we can come back to the Committee with further information about the products.

**Mr Buckley:** I appreciate the detail and the candid discussion, but, on the points that I have raised, unless I see a UK-wide approach being adopted, there is no way that I can support a regulation that would, essentially, put more pressure on supply chains from GB and potentially cut some product lines off from consumers in Northern Ireland.

Thank you. I will appreciate more information as it comes.

**Dr Aiken:** It is interesting that a lot of this is based on the fact that, at the moment, there is mutual recognition of standards between the United Kingdom and the EU, but we are now moving beyond that stage with the differing standards that are coming through. If standards diverged even further and if the UK's standards system and checking were no longer seen to be compliant with the EU, even if they had the regulatory framework, the different paperwork and all the rest of it, GB goods in those areas would be unable to come into Northern Ireland because they did not comply with EU standardisation.

**Mr Doherty:** I suppose that, if businesses want to trade into Northern Ireland, they will have to comply with EU rules, which will mean that they have to take measures to ensure that they meet all the essential requirements and standards for trading into Northern Ireland and subsequently the EU

market. If they choose not to do that, they will not meet the EU requirements of the proposals and will not be able to put their products into Northern Ireland.

**Dr Aiken:** For clarification, if they will be used only in Northern Ireland, which is part of the United Kingdom — I refer particularly to a lot of building and projects that have been built to International Organization for Standardization (ISO) standards that are set by the UK — they will have to be compliant with GB standardisation, measuring instruments, realisation and all the rest of it, because otherwise they will not meet the ISO standards and the other standards for manufacturing and building in Northern Ireland.

**Mr Doherty:** Again, construction products and building are outside my area of expertise. We can take that back and check with officials.

**Dr Aiken:** It is fundamental, because we build stuff in Northern Ireland to United Kingdom standards because we are part of the United Kingdom. To do that, all the tools and materials that we use have to be to the standards agreed by the UK bodies. However, if this divergence is occurring — we know that it is occurring — GB will not be able to supply those particular things to Northern Ireland, and we will not be able to build construction to the same standards as part of the UK.

**Mr Doherty:** It depends on what standards are adopted. Currently, most products are made to EU harmonised standards, normative documents or ISO standards.

**Dr Aiken:** That is what I am trying to get to.

**Mr Doherty:** ISO standards are international standards. In my profession, we use Organisation Internationale de Métrologie Légale (OIML) documents. Where there is no standard, there are those normative documents so that people can assess and ensure that their products conform to all the essential requirements. There is provision in place: essentially, the common specifications. It appears to be a parallel system to the EU harmonised standard. There is some discontent from industry, which has responded to the EU —.

**Dr Aiken:** To be honest, I have been approached about some of the specifics. I do not want to go into the specifics here, because I barely understand them — they are quite technical — but a real issue is beginning to develop. They cannot build construction projects here to the standards in the UK framework due to the rules and regulations that are now being set for the future. I do not really know, but there are real, significant issues. The technocrats are really worried about it.

**Mr Doherty:** Essentially, the possibility for divergence will create two regimes. Fundamentally, that can create issues for businesses. As I said, we will have to take away any specific questions about construction products or the building industry and get people who have the expertise and technical expertise to answer them. Unfortunately, neither Kevin nor I can do that.

**Dr Aiken:** Chair, I am not pre-empting where we will get to when we discuss this, but, if we decide to look further at this, maybe the Committee could look at this area. I am not pre-empting anything at this stage.

**The Chairperson (Ms Ferguson):** OK, Steve.

Are there any further questions from members? There are no further questions.

Thank you, Damien and Kevin, for your presentation. On behalf of the Committee, thank you very much.

**Mr Doherty:** Thank you.