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Marie Austin
Committee Clerk, Windsor Framework Democratic Scrutiny Committee
Room 382, Parliament Buildings
Stormont
Belfast, BT4 3XX

17 August 2026

Regulation (EU) 2026/1744 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)

Dear Marie,

Thank you for the letter from the Chair of the Democratic Scrutiny Committee to the Minister for EU Relations dated 6 August 2026, regarding Article 3 of Regulation (EU) 2026/1744. I am responding on behalf of the Minister.

Impact of the Regulation's Application in Northern Ireland

The Government's assessment of this Regulation has been set out in the Explanatory Memorandum from the Department for Business, Innovation, Science and Trade dated 3 August 2026, which I am attaching for completeness. This has been supplied by the Government in line with its scrutiny commitments.

The Regulation in question makes targeted changes to the Machinery Regulation as it applies under Annex 2 of the Windsor Framework, by simplifying the framework for AI-enabled machinery. Article 3 of the Omnibus directly amends the Machinery Regulation to better integrate requirements for AI-enabled machinery, with the Commission expected to use a delegated regulation to introduce requirements similar to those in the EU's AI Act by 2 August 2028 for a limited range of 'high-risk' products.

These requirements would only apply to machinery in which AI is used as a safety component (for example, not AI that merely tracks performance) and which is already required to undergo a third-party conformity assessment (including cases where the manufacturer can opt out if they follow the relevant harmonised standards).

As this Regulation largely concerns the alignment of machinery product regulation measures, the Government does not expect this Regulation to have a significant impact on the movement of machinery between GB and NI. Existing conformity assessment routes under the Machinery Regulation would be preserved, meaning that the presence of AI would not automatically require third-party (notified body) involvement where it is not otherwise needed.



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Businesses that supply machinery in Northern Ireland and the rest of the UK are predominantly EU-facing and will most likely come into compliance with EU requirements on AI as part of their standard business practices, to alleviate any challenges with trade flows.

In any case, going forward, the Government will take the steps necessary to protect the UK Internal Market, including considering AI requirements, to ensure any legislative updates are suitable for machinery being placed on the GB market, as well as compatible with requirements across the whole product safety framework.

Targeted stakeholder engagement showed that requirements set out in machinery and AI legislation are seen as futureproofing for an evolving and developing market, with the aim of keeping pace with technological advancements, as and when they become more widely used on the market.

Therefore, application of the Regulation would give greater certainty around the regulatory regime, and enable Northern Ireland's continued dual market access for machinery products, into both the EU and UK markets.

Impact if the Regulation does not apply in Northern Ireland

In a situation where the Regulation were not to apply under the Windsor Framework, there would be regulatory divergence for Northern Ireland businesses trading relevant machinery into the EU market. NI businesses would only be able to sell such products in the EU if they satisfy the relevant EU regulatory requirements.

Products in scope of the Machinery Regulation require CE marking before the product can be placed on the Northern Ireland market. When CE marking a product, manufacturers indicate that the product has met all relevant EU rules. If they did not comply with the relevant AI requirements, manufacturers would likely experience difficulties in obtaining the CE marking for machinery from third parties, even if these provisions did not strictly apply in Northern Ireland.

I trust this information will be of assistance to the Committee.

Yours sincerely,

PAUL FLYNN
DEPUTY DIRECTOR - WINDSOR FRAMEWORK TASKFORCE



Mrs Ciara Ferguson MLA, Chairperson
Windsor Framework Democratic Scrutiny
Committee

REF: DSC 87/26
Thursday 6 August 2026

Rt Hon Hamish Falconer MP
Minister of State (Minister for Intergovernmental Relations and
European Relations)

Issued via email to: [REDACTED]

CC: [REDACTED]

Hamish, a chara,

At its meeting on Thursday 6 August 2026, the Windsor Framework Democratic Scrutiny Committee (DSC) considered Article 3 of [Regulation \(EU\) 2026/1744 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 \(Digital Omnibus on AI\)](#).

This act was notified to the DSC on Thursday 30 July 2026.

The DSC decided to hold an inquiry into the replacement EU act, pursuant to paragraph 8(1) of Schedule 6B to the Northern Ireland Act 1998.

Under paragraph 9(2)(a), the DSC must seek substantive discussion and engagement with the British Government. Therefore, further to the information provided in the Explanatory Memorandum dated 3 August 2026, the Committee is requesting your assessment of:

- Whether it appears likely that the application of the replacement EU act would have a significant impact specific to everyday life of communities here in a way that is liable to persist; and
- Whether it appears likely that not applying the replacement EU act would have a significant impact specific to everyday life of communities here in a way that is liable to persist.

In considering the potential for divergence, the Committee also requests details of the position in England, Scotland and Wales.

I would appreciate a response **by Monday 17 August 2026 at 11.00am**.

Le meas,



Ciara Ferguson, MLA
Chairperson, Windsor Framework Democratic Scrutiny Committee

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