



Northern Ireland  
Assembly

**Windsor Framework Democratic Scrutiny Committee**

Inquiry into Regulation (EU) 2026/405 of the European Parliament  
and of the Council of 11 February 2026 on detergents and  
surfactants, and repealing Regulation (EC) No 648/2004

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

to be published 26 March 2026.

Report: NIA 157/22-27 Windsor Framework Democratic Scrutiny Committee

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# 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](#) and [Standing Order 59A](#) of the Northern Ireland Assembly.

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 relevant<sup>1</sup> 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, rules on agricultural production, VAT and excise on goods, and state aid rules. The EU's Customs Code

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<sup>1</sup> 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.

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). Further information on the Stormont Brake can be found [here](#).

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. Further information on applicability motions can be found [here](#).

## 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)<sup>2</sup>

Mr David Brooks MLA (Deputy Chairperson)

Dr Steve Aiken OBE MLA

Mr Cathal Boylan MLA<sup>3</sup>

Mr Jonathan Buckley MLA<sup>4</sup>

Mr Pádraig Delargy MLA<sup>5</sup>

Mr Peter Martin MLA<sup>6</sup>

Ms Kate Nicholl MLA<sup>7</sup>

Mr Eóin Tennyson MLA<sup>8</sup>

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<sup>2</sup> Ms Ciara Ferguson MLA replaced Mr Philip McGuigan MLA, as both Chairperson and a member of the Committee on 04/02/2025. Mr Philip McGuigan MLA previously replaced Mr Declan Kearney MLA as Chairperson of the Committee on 09/02/2024.

<sup>3</sup> Mr Cathal Boylan MLA replaced Ms Emma Sheerin MLA as a member of the Committee on 24/11/2025.

<sup>4</sup> 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.

<sup>5</sup> Mr Pádraig Delargy MLA replaced Mr Declan Kearney MLA as a member of the Committee on 02/03/2026.

<sup>6</sup> Mr Peter Martin MLA replaced Ms Joanne Bunting MLA as a member of the Committee on 02/12/2024.

<sup>7</sup> 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.

<sup>8</sup> Mr Eóin Tennyson MLA replaced Ms Sorcha 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 \(EU\) 2026/405](#) of the European Parliament and of the Council of 11 February 2026 on detergents and surfactants, and repealing Regulation (EC) No 648/2004.
2. The Regulation is a replacement EU act because it repeals and replaces [Regulation \(EC\) No 648/2004](#) of the European Parliament and of the Council of 31 March 2004 on detergents, as listed in the Windsor Framework at Article 5(4), listed in Annex 2 under the fifth indent of heading 23 ('Chemicals and related').
3. The replacement 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 (and excluding the Speaker and Deputy Speakers) will need to notify the UK Government of their wish that the emergency brake mechanism should be applied.
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) to adopt the new law unless the Assembly has passed a motion with cross-community support, known as an applicability motion.

6. The replacement EU act in question - [Regulation \(EU\) 2026/405](#) - was published in the EU Official Journal on 2 March 2026. The UK Government formally notified the Committee of the act's publication on 5 March 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. [Regulation \(EU\) 2026/405](#) repeals and replaces the 2004 Detergents Regulation. In doing so, it aims to improve the EU single market for detergents, and better protect the environment and human health, by simplifying and modernising the legal framework for detergents.
  
10. In order to achieve these objectives, changes made by the replacement EU act include (but are not limited to):
  - Streamlining labelling and information requirements, and allowing the use of digital labelling;
  - Empowering the European Commission to set biodegradability criteria for substances in detergents (in particular in films covering capsules);
  - Requiring the European Commission to assess the feasibility of reducing the levels of phosphorus in detergents;
  - Prohibiting detergents and surfactants which have been tested on animals (aside from very exceptional cases);
  - Establishing rules for detergents with micro-organisms, and for the sale of refilled detergents;
  - Introducing a requirement for digital product passports, which should provide information on the compliance of detergents and end-user surfactants – this would be available to market surveillance authorities, customs authorities, economic operators, consumers and other end-users; and
  - Requiring non-EU manufacturers to appoint an authorised representative in the EU.
  
11. The replacement EU act includes a transition period of 42 months.

# The Committee's Examination of the Proposed Replacement EU Act

12. At its meeting on 20 February 2025, the Committee considered proposed new and replacement EU acts which had started their legislative passage before the Committee was established.
13. The proposed EU act [COM/2023/217](#), which was later to become the replacement act which is the subject of this report, was identified by the Committee as an act that was likely to be notified as a published act. In light of this, the Committee agreed to consider the proposed EU act.
14. The Committee considered matters relating to its examination of the proposed EU act, including its decision to consider the proposed act, at four meetings. The Minutes of Proceedings can be found at **Appendix A**.
15. Following its decision to consider the proposed EU act, the Committee agreed to request a departmental assessment of impact, to consider whether it appeared likely that it would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. The assessment of impact from the Department for Agriculture, Environment and Rural Affairs (DAERA) can be found at **Appendix B**.
16. At its meeting on 10 April 2025, the DSC considered the assessment of impact and agreed to schedule a departmental oral evidence session, and to request written and oral legal advice.
17. At its meeting on 1 May 2025, the Committee received legal advice on the proposed replacement EU act and noted that the legal advice indicated that the proposed regulation did not significantly differ (in whole or in part) from the content or scope of the EU instrument which it replaces.
18. At the same meeting, the Committee also heard oral evidence from DAERA officials. The Official Report ('Hansard') of the evidence session can be found at

**Appendix C.** A series of questions were sent to DAERA in advance of the evidence session - written responses to these questions can be found at **Appendix B.**

19. The Committee also considered the UK Government Explanatory Memorandum (EM) on the proposed EU act dated 13 June 2023, as well as relevant correspondence published by the House of Lords European Affairs Sub-Committee on the Windsor Framework. The EM and correspondence from the House of Lords European Affairs Sub-Committee on the Windsor Framework can be found at **Appendix B.**
20. The Committee agreed to seek the views of stakeholders identified by the Assembly's Research and Information Service (RaISe) as being affected, or who would be affected, if the proposed replacement EU act was to apply in Northern Ireland – a list of the stakeholders identified by RaISe can be found at **Appendix D.** The Committee agreed to add the Health and Safety Executive for Northern Ireland (HSENI)<sup>9</sup> to the list and to ask RaISe to monitor the progress of the proposed EU act through the EU legislative system.
21. At its meeting on 26 June 2025, the Committee considered two responses to its Citizen Space survey, from SC Johnson and the London Oil Refining Company, and an email response from HSENI dated 7 May 2025. These responses can be found at **Appendix D.**
22. At the same meeting, the Committee agreed to forward the survey responses to DAERA requesting that it comment on them in its assessment of impact on the published EU act.<sup>10</sup> Further, it asked DAERA to highlight any changes in the final text agreed between the Council of the European Union and the European Parliament, which might alter its initial assessment of the proposal.

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<sup>9</sup> The Committee opted to use Citizen Space as a platform to facilitate this engagement but accepted responses via other means. The Citizen Space 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. The survey opened on 1 May 2025 and closed on 29 May 2025.

<sup>10</sup> DAERA's assessment of impact on the published replacement EU act comments on these responses - see **Appendix B** - it is referenced in the Committee's Decision on Whether to Hold an Inquiry section of this report.

23. The Committee also agreed to forward the survey responses to the UK Government requesting that it considers the issues raised as part of its assessment of the published EU act.<sup>11</sup>

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<sup>11</sup> The UK Government EM on the published EU act can be found at **Appendix B**. It is referenced in the Committee's Decision on Whether to Hold an Inquiry section of this report.

# The Committee's Decision on Whether to Hold an Inquiry

24. The Committee met on 12 March 2026 to decide whether or not to conduct an inquiry into the published EU act: [Regulation \(EU\) 2026/405](#).
25. To assist it in reaching a decision, the Committee considered legal advice on whether it appeared likely that the published replacement EU act differed significantly (in whole or in part) from the content or scope of the old Regulation which it seeks to amend or replace. The Committee noted that the legal advice indicated that the published replacement act significantly differs, in whole, from the content or scope of the EU instrument which it replaces.<sup>12</sup>
26. The Committee also considered whether it appeared likely that the published 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: examining all the evidence gathered as part of its consideration of the proposed EU act; considering an updated assessment of impact on the published EU act provided by DAERA; considering an updated EM from the UK Government on the published EU act dated 2 March 2026; and hearing oral evidence from a DAERA official.
27. The evidence gathered as part of the Committee's consideration of the proposed EU act, the assessment of impact on the published EU act, and the updated EM on the published EU act, can be found at **Appendix B**, the Hansard of the oral evidence sessions can be found **Appendix C**, and the consultation responses on the proposed EU act can be found at **Appendix D**.
28. Having had regard to whether it appears likely that Regulation (EU) 2026/405:
  - significantly differs (in whole or in part) from the content or scope of the EU instrument which it replaces; and
  - would have a significant impact specific to everyday life of communities

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<sup>12</sup> The legal advice on the **proposed** replacement act, considered at the meeting on 1 May 2025, indicated that it did not significantly differ (in whole or in part) from the content or scope of the old Regulation.

in Northern Ireland in a way that is liable to persist,  
the Committee decided to hold an inquiry into that act. This [decision](#) was  
published on the Committee's webpage.

## The Inquiry Process

29. 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.
30. 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 2 March 2026 and therefore ends on 2 May 2026.
31. The Committee considered matters relating to its inquiry, including making a decision on whether to conduct an inquiry, at three meetings. The Minutes of Proceedings can be found at **Appendix A**.
32. At its meeting on 12 March 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 Committee also asked the UK Government whether it is committed to aligning with the replacement EU act within the relevant 42-month transition period, or whether there may be divergence for a period of time. The UK Government’s response, dated 26 March 2026, can be found at **Appendix B**. Following consideration of the response, the Committee agreed to write to the UK Government to express its desire that more definitive timelines are provided for this and other EU acts where there is the potential for divergence between Great Britain and Northern Ireland.

33. At the same meeting the Committee also agreed to seek substantive discussion and engagement with relevant Northern Ireland departments. Therefore, it requested that officials from DAERA attend the Committee meeting on 19 March 2026, to give oral evidence. The Committee also agreed to request that DAERA provide written answers to a series of questions on the replacement EU act, and that officials address these during the oral evidence session.
34. Further, the Committee agreed to seek substantive discussion and engagement with representatives of business and civil society. Key stakeholders were identified by RaISe, 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 RaISe is at **Appendix D**. The Committee opted to use Citizen Space as a platform to facilitate this engagement. The Committee also agreed to request, via DAERA, views from the Northern Ireland Chemicals Stakeholder Forum - a response from DAERA to this request, dated 19 March 2026, can be found at **Appendix B**.
35. A Citizen Space survey asking for views on the impact of the replacement EU act was launched on 12 March 2026 and closed on 22 March 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.
36. Responses to the survey were received from PIP Chemicals Limited, the Federation of Small Businesses, and the UK Cleaning Products Industry Association. An email response – dated 18 March 2026 – was received from HSENI. These responses can be found at **Appendix D**.
37. Departmental officials attended the Committee meeting on 19 March 2026, to give oral evidence as requested. The Hansard of the oral evidence can be found at **Appendix C**. The written answers addressed by DAERA officials during the oral evidence session can be found at **Appendix B**.
38. Following the evidence session, the Committee agreed to highlight to the UK

Government the difficulties it faces in assessing the potential impact of this and other replacement EU acts when limited information is available from HMRC on internal UK trade flows. A copy of the correspondence, dated 19 March 2026, can be found at **Appendix B**. Statistical information provided by DAERA, subsequent to the evidence session, can also be found at **Appendix B** (dated 24 March 2026).

39. The Committee deliberated on the evidence received at its meeting on 26 March 2026. The evidence received is not rehearsed in this report; a complete picture of the written and oral evidence can be found in the Appendices.
40. At its meeting on 26 March 2026, the Committee agreed its Inquiry report and that it should be published.

## The Committee's Conclusions

41. 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.
42. 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 instrument which it replaces, the Committee noted the legal advice it commissioned on the act, and considered on 12 March 2026, which indicated that the replacement EU act significantly differs, in whole, from the content and scope of the EU instrument which it replaces.
43. **Having considered its commissioned legal advice, the Committee concluded that the replacement EU act significantly differs, in whole, from the content or scope of the EU instrument which it replaces.**
44. 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 evidence received from the UK Government, DAERA, and the responses to its Citizen Space survey.
45. 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.
46. **Having considered the evidence received from the UK Government, DAERA, and the responses to its Citizen Space survey, 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**

47. Having reached its conclusions, the Committee's Inquiry report will be issued to all Members of the Legislative Assembly for further consideration.
48. The Committee's Inquiry Report will also be issued to the Committee for Agriculture, Environment and Rural Affairs.

# Links to Appendices

## Appendix A: Minutes of Proceedings

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

[Minutes of Proceedings – 20 February 2025](#)

[Minutes of Proceedings – 10 April 2025](#)

[Minutes of Proceedings – 1 May 2025](#)

[Minutes of Proceedings – 26 June 2025](#)

[Minutes of Proceedings – 12 March 2026](#)

[Minutes of Proceedings – 19 March 2026](#)

[Minutes of Proceedings – 26 March 2026](#)

## Appendix B: Memoranda and Other Papers

View Memoranda and Other Papers considered by the Committee:

### Consideration of the proposed EU act:

[Assessment of impact from the Department of Agriculture, Environment and Rural Affairs on the proposed EU act – 7 April 2025](#)

[Written answers from the Department of Agriculture, Environment and Rural Affairs on the proposed EU act – 30 April 2025](#)

[UK Government Explanatory Memorandum on the proposed EU act – 13 June 2023](#)

[Correspondence published by the House of Lords European Affairs Sub-Committee on the Windsor Framework](#)

### Consideration of the published EU act:

[Assessment of impact from the Department of Agriculture, Environment and Rural Affairs on the published EU act – 6 March 2026](#)

[UK Government Explanatory Memorandum on the published EU act – 2 March 2026](#)

[Response from the UK Government – 26 March 2026](#)

[Written answers from the Department of Agriculture, Environment and Rural Affairs on the published EU act – 19 March 2026](#)

[Response from the Department of Agriculture, Environment and Rural Affairs – 19 March 2026](#)

[Correspondence to the UK Government – 19 March 2026](#)

[Response from the Department of Agriculture, Environment and Rural Affairs – 24 March 2026](#)

## **Appendix C: Minutes of Evidence**

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

[Minutes of Evidence – 1 May 2025](#) (Department of Agriculture, Environment and Rural Affairs)

[Minutes of Evidence – 19 March 2026](#) (Department of Agriculture, Environment and Rural Affairs)

[Minutes of Evidence – 12 March 2026](#) (Department of Agriculture, Environment and Rural Affairs)

## **Appendix D: Consultation Responses**

[RaISe – Potential Witness List on the proposed EU act – 24 April 2025](#)

[RaISe – Potential Witness List on the published EU act – 9 March 2026](#)

**View responses to the Committee’s consultation on the proposed EU act:**

[Consultation Response from the London Oil Refining Company](#)

[Consultation Response from SC Johnson](#)

[Response from the Health and Safety Executive NI - 7 May 2025](#)

**View responses to the Committee’s consultation on the published EU act:**

[Consultation Response from PIP Chemicals Limited](#)

[Consultation Response from the Federation of Small Businesses](#)

[Consultation Response from the UK Cleaning Products Industry Association](#)

[Response from the Health and Safety Executive NI – 18 March 2026](#)

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