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General Scheme of the Regulation of Artificial Intelligence Bill 2026

OCO submission to the Joint Committee on Enterprise,
Tourism and Employment



ombudsman
do leanaí
for children

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Summary of Recommendations

1. *Visibility of Children in the General Scheme (GS)*

- a) The GS should ensure that all AI providers and deployers are required by law to make their systems safe for children and respect their rights by design.
- b) Head 9 (Functions of the Office) should include a provision requiring the AI Office to ensure deployment of AI in a manner that is compliant with fundamental rights and children's rights.
- c) Head 9 should include child protection and welfare as one of the core functions of the office. The GS and Head 9 should fully incorporate the four principles of the UNCRC which includes a child's right to have their best interest as a primary consideration (Article 3), their right to have their voice heard (Article 12), their right to non-discrimination (Article 2) and their right to life, survival and development (Article 6).
- d) Head 53 (procedure for dealing with AI Systems presenting a risk) should be amended so that the Bill defines vulnerable groups to include all children under 18.
- e) Provision should be made for Child Rights Impact Assessments (CRIAs) to be carried out prior to the deployment of all AI products under Head 9 and be a key component of the AI Regulatory Sandbox (Head 35). Head 54 (Procedure for dealing with AI systems classified by the provider as non-high risk in application of Annex III) should also include provision for CRIAs.
- f) The GS should include the statutory obligation of the AI Office to have regard to human rights and equality considerations in the performance of their functions in line with the Public Sector Equality and Human Rights Duty.
- g) Chapter 1 of Part 2 of the GS should be amended to require the involvement of people with children's rights expertise in the AI Office's delivery of its functions.
- h) Head 19 (Recommendations for appointment of members of the Board) should be amended to require the Public Appointments Service to ensure that membership of the Board of the AI Office include members with expertise in children's rights and includes representatives from diverse groups.

- i) Chapter 1 of Part 2 of the GS should be amended to require the AI Office to have mechanisms in place to ensure the meaningful participation of children and young people in the national approach to AI regulation.

2. High Risk AI and Children's Rights

- a) Prohibit deepfake and 'nudification' apps and technology in primary legislation closing regulatory gaps and creating a clear basis for Coimisiún na Meán (CnaM) and An Garda Síochána to work together on enforcement.
- b) Prohibit recommender systems based on profiling of children and require service providers to turn off recommender algorithms by default for all children in recognition of the harm caused by addictive design, profiling and manipulation.
- c) Review the failure to classify AI companions and chatbots as high-risk for children. At a minimum include provisions to require age verification for AI chatbots until a time that such technology is safely designed with children's rights in mind.
- d) Implement age assurance measures in a way that protects children's rights, including their right to privacy and the protection of their personal data.

3. Child-Friendly Complaints Handling Procedure for AI Related Harm

- a) The GS should include an explicit requirement to establish child-friendly procedures for handling and resolving complaints made by or on behalf of children who are users of AI technologies.

4. Powers of Article 77 Fundamental Rights Bodies

- a) Under Head 42 (Serious incidents) make a clear requirement on Market Surveillance Authorities (MSAs) to notify Article 77 bodies of serious incidents.
- b) Head 42(3) should be amended to establish an appropriate time limit on notifications to Article 77 bodies, taking into account the severity of the serious incident and the likely impact on children. Provision should also be made for the minimum content of such notifications, subject to confidentiality.

- c) Amend Head 44 (Request to organise testing of a high-risk AI system) so that a mandatory obligation is made to issue guidelines, and for those guidelines to be developed in consultation with Article 77 bodies.

5. *Resourcing of Article 77 Fundamental Rights Bodies*

- a) Include a provision to create a statutory requirement for the AI Office to deliver a programme of support for Article 77 bodies under Head 32 (Single point of contact).
- b) Extend the formal cooperation structures to include Article 77 bodies under Head 34 (Cooperation forum).
- c) Create a statutory requirement for the AI Office to establish formal mechanisms for cooperation between Article 77 bodies under Chapter 6.
- d) Extend the function of the AI Office to allow Article 77 bodies access to technical expertise (Head 9).
- e) The GS should make explicit provision for Article 77 bodies to be provided with additional resources to fulfil their new powers effectively.

Introduction

The Ombudsman for Children's Office (OCO) is an independent and statutory human rights body, which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act, as amended, the OCO has two core statutory functions:

- to promote the rights and welfare of children up to 18 years of age; and
- to examine and investigate complaints made by or for children about the administrative actions of public bodies, schools and voluntary hospitals that have, or may have, adversely affected a child.

The OCO welcomes the opportunity to provide our observations on the General Scheme of the Regulation of Artificial Intelligence Bill 2026. In recent years, the OCO has developed a body of work examining the impact of Artificial Intelligence (AI) on children and their rights. Children are likely to be the group most impacted by AI, with the potential to shape or influence their lives, how they access information and establish social relationships.

In October 2025, the OCO published two reports on AI. The first, [AI and Us](#), was developed by the OCO Youth Advisory Panel (YAP) and outlined the benefits and risks posed by AI to children and their rights. It also contained their recommendations for policy, laws and practice. This publication coincided with the YAP appearance before the Joint Oireachtas Committee on AI where their concerns and perspectives were brought to members of the Oireachtas and reflected in the [First interim Report of the Committee](#) published in December 2025.

The second report published by the OCO, [Policy Spotlight on AI: a Children's Rights Review](#), put forward a children's rights framework to policy makers based on international human rights standards, research on AI and its impacts, the views of experts and most importantly the voices of children and young people.

In November 2024, the OCO was designated as an Article 77 Fundamental Rights Body (Article 77 Body) under the EU AI Act.

The OCO notes that the Regulation of Artificial Intelligence Bill 2026 implements the EU AI Act and provides for the designation and empowerment of national competent authorities for the enforcement of the Act in Ireland.

While the EU AI Act sets out the minimum standards member states should have in place, it doesn't preclude Ireland from setting out additional safeguards for children's rights and fundamental rights more broadly. Indeed, the Joint Committee on AI in their interim report recommended that we should treat the EU AI Act as a minimum baseline for national AI regulation, not a maximum standard. Ireland must show leadership on a human rights approach to AI, and we believe this is crucial as so many tech companies are located here.

We note that the Committee is seeking views, evidence, and recommendations on any aspect of the General Scheme, including but not limited to:

- How AI should be regulated in Ireland
- The role of the new AI Office of Ireland
- Impacts on businesses, workers, consumers, and public services
- Safeguards for people's rights and protections
- Practical considerations or suggestions for improvement

Our submission is split into two interrelated sections. The first examines the GS from a children's rights perspective, providing our observations on how it can be strengthened to safeguard children and their rights. The second examines the role of Article 77 bodies, which includes the OCO, as set out in the GS.

A Children's Rights Approach to the Regulation of AI

Context

To date, AI regulation and policy adopted in Ireland focus generally on the development and use of AI across business, government and enterprise, with little, if any, focus on the impact

that AI has on children and their rights.¹ Adults, policy makers and regulators are playing catch up in this space, and it is time to ensure children’s rights are respected, protected and fulfilled within it.

Children are engaged and familiar with AI and how it is part of their everyday lives. They see the benefits of it but are also very concerned by the risks.² AI may hinder growth and learning, including risks of data breaches and misuse of sensitive data, exacerbation of existing inequalities in accessing technology and through biased machine learning, as well as an overreliance on technology leading to diminished interpersonal interactions, social and emotional skills.³

In our Policy Spotlight on AI report our main recommendation was that the Government and regulators must include a special focus on children and adopt a child rights approach when developing policies and laws on AI.⁴ A children’s rights approach means ensuring;

- AI legislation that is compliant with the UN Convention on the Rights of the Child (UNCRC) and that enables business enterprises to develop child-centred AI.
- Effective child-sensitive redress procedures for AI-related harms.
- Coordination of initiatives on children and AI across government.
- Child rights impact assessments of AI legislation, policy and the AI system development lifecycle.⁵ The OCO strongly support the adoption of a “[Child Rights by Design](#)” approach to online safety which will ensure children's rights, safety and

¹ Ombudsman for Children’s Office (2025) Policy Spotlight on AI: A Children’s Rights Review <https://www.oco.ie/library/oco-ai-policy-spotlight-report/>

² Ombudsman for Children’s Office Youth Advisory Panel (2025) AI and Us <https://www.oco.ie/library/oco-ai-and-us-young-peoples-views-and-understanding-of-artificial-intelligence/>

³ UNICEF (2024), How is artificial intelligence reshaping early childhood development?. N. Kurian (2023), AI’s empathy gap: The risks of conversational Artificial Intelligence for young children’s wellbeing and key ethical considerations for early childhood education and care, Contemporary Issues in Early Childhood.

⁴ Ombudsman for Children’s Office (2025) Policy Spotlight on AI: A Children’s Rights Review <https://www.oco.ie/library/oco-ai-policy-spotlight-report/>

⁵ The Department of Children, Equality and Disability are currently developing a CRIA pilot for Government Departments and are agreeing a methodology that can be adapted for digital technologies ad environments. It aims to help key decision-makers identify, research, analyse, and record the predicted impact of a proposed decision on children’s rights. UNICEF have created a D-CRIA Toolbox for business on conducting child rights impact assessments in relation to the digital environment. The complete Toolbox can be viewed at <https://www.unicef.org/childrightsandbusiness/workstreams/responsible-technology/D-CRI>

wellbeing are built into digital products and services from the outset, not as an afterthought.

- Data collection on the impact of AI on children.
- Training and capacity-building on children’s rights and a child rights-based approach to AI for government officials, parliamentarians, AI developers and companies.
- Independent monitoring of actions taken by public and private organisations in the sphere of AI with sufficient resources provided to nominated fundamental rights bodies to ensure the effective discharge of powers under Article 77 of the EU AI Act.

The UN Committee on the Rights of the Child general comment on children’s rights in the digital environment sets out detailed guidance that can apply to AI as with other technology.⁶ The UN Committee has recommended that States parties elaborate safeguards with a view to ensuring the rights of children in the use of AI.

While efforts to regulate AI through this new legislation is welcome, more robust regulation and stronger enforcement is needed to respond to the evolving AI landscape and risks that arise, and a much stronger focus on the rights and vulnerabilities of children is needed. As it is currently drafted there are significant gaps in this regard.

Visibility of children in the GS

It is concerning that children, children’s rights, and the actions required to ensure compliance with children’s rights standards, are absent in the GS, despite Ireland’s first AI Strategy acknowledging that children will be most impacted by AI.⁷ In fact, the GS does not include any reference to “child”, “children” or the “UN Convention on the Rights of the Child” (appearing only in the title of our Office).

Furthermore, in the functions of the AI Office, set out in the GS (Head 9), there is no explicit reference to the protection of fundamental rights or children. This is a significant gap

⁶ UN Committee on the Rights of the Child (2021) General comment No. 25 on children’s rights in relation to the digital environment <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation>

⁷ Department of Enterprise, Trade and Employment (2021) [AI – Here for Good: A National Artificial Intelligence Strategy for Ireland](#).

considering the proliferation of AI generated Child Sex Abuse Material (CSAM). Head 53 which details procedures for dealing with AI Systems presenting a risk, states that “special attention must be given to risks affecting vulnerable groups” but does not define who these vulnerable groups are. Head 18 refers to membership of the board of the AI Office but does not specify the type of expertise required, for example regarding child protection and children’s rights.

This is notable as Recital 28 of the EU regulation makes explicit reference to children, their rights and additional vulnerabilities; “children have specific rights as enshrined in Article 24 of the EU Charter and in the United Nations Convention on the Rights of the Child (further elaborated in the GC25 UNCRC as regards the digital environment), both of which require consideration of the children’s vulnerabilities and provision of such protection and care as necessary for their well-being”.⁸ However, this is not reflected anywhere in the GS.

The UN Committee on the Rights of the Child recommended in 2023 that Ireland introduce mandatory requirements for the business sector to undertake assessments and full public disclosure of the children’s rights impacts of their business activities.⁹ It also requires them to publish their plans to address such impacts. This clearly applies to the practices and products of technology and social media companies, and this obligation should be reflected in the GS.

The deployment of AI in the administration of public services, presents risks to children and the public if sufficient safeguards are not put in place. Machine learning draws on large volumes of data that may not be entirely representative of the people social and public services users, amplifying biases related to race, ethnicity, gender, sexual orientation, gender expression, and other vulnerable or protected characteristics, leading to unfair

⁸ European Parliament and Council, Regulation (EU) 2024/1689 on artificial intelligence [2024] OJ L 123/1 Recital 28a.

⁹ UN Committee on the Rights of the Child (2023) Concluding Observations for Ireland (para. 13(b) <https://www.gov.ie/en/department-of-children-disability-and-equality/publications/ireland-the-uncrc/>)

outcomes.¹⁰ At a minimum the GS and the functions of the AI Office should reference obligations under Public Sector Equality and Human Rights Duty.

Article 27 of the EU AI Act requires deployers who are bodies governed by public law — or private entities providing public services — to perform a fundamental rights impact assessment prior to deploying a high-risk AI system, encompassing a description of the processes in which the system will be used, the categories of natural persons and groups likely to be affected, and the specific risks of harm to them.¹¹ However, this is not reflected in the GS.

Recommendations

- a) The GS should ensure that all AI providers and deployers are required by law to make their systems safe for children and respect their rights by design.
- b) Head 9 (Functions of the Office) should include a provision requiring the AI Office to ensure deployment of AI in a manner that is compliant with fundamental rights and children’s rights.
- c) Head 9 should include child protection and welfare as one of the core functions of the office. The GS and Head 9 should fully incorporate the four principles of the UNCRC which includes a child’s right to have their best interest as a primary consideration (Article 3), their right to have their voice heard (Article 12), their right to non-discrimination (Article 2) and their right to life, survival and development (Article 6).
- d) Head 53 (procedure for dealing with AI Systems presenting a risk) should be amended so that the Bill defines vulnerable groups to include all children under 18.
- e) Provision should be made for Child Rights Impact Assessments (CRIAs) to be carried out prior to the deployment of all AI products under Head 9 and be a key

¹⁰ Lara -Montero, A. (2024) The transformation potential of AI on social services <https://www.gencat.cat/eapc/epum/N23/index.html#page=66>

¹¹ Article 27: Fundamental Rights Impact Assessment for High-Risk AI Systems <https://artificialintelligenceact.eu/article/27/>

component of the AI Regulatory Sandbox (Head 35). Head 54 (Procedure for dealing with AI systems classified by the provider as non-high-risk in application of Annex III) should also include provision for CRIAs.

- f) The GS should include the statutory obligation of the AI Office to have regard to human rights and equality considerations in the performance of their functions in line with the Public Sector Equality and Human Rights Duty.
- g) Chapter 1 of Part 2 of the GS should be amended to require the involvement of people with children's rights expertise in the AI Office's delivery of its functions.
- h) Head 19 (Recommendations for appointment of members of the Board) should be amended to require the Public Appointments Service to ensure that membership of the Board of the AI Office include members with expertise in children's rights and includes representatives from diverse groups.
- i) Chapter 1 of Part 2 of the GS should be amended to require the AI Office to have mechanisms in place to ensure the meaningful participation of children and young people in the national approach to AI regulation.

High risk AI and children's rights

As well as addressing the overall gaps in the regulatory framework in relation to children and their rights, the Bill should include provision for greater regulation and prohibition of certain types of AI that pose a particular risk to children namely recommender systems, chatbots and AI generated Child Sex Abuse Material (CSAM).

AI was not designed with children in mind, nor does it use a safety by design approach. In addition, the categorisation of high-risk AI under the EU AI act did not take a children's perspective. What might be considered low or moderate risk for adults, can pose a significant risk to children. There is an opportunity with the new legislation to make these requirements.

In earlier drafts of the EU AI Act, recommender systems were classified as 'High Risk', yet they were removed from the final list. This therefore removed any requirement in the

deployment of AI to set up a risk management system and to consider whether each system was likely to have an adverse effect children. Research highlights a range of risks from recommender systems, including overexposure to content, harmful content, commodification of childhood, addiction and propagation of stereotypes.¹² Young people have repeatedly highlighted their concerns about algorithms feeding them harmful content, calling for greater regulations.¹³ The OCO have long urged that, at a minimum, recommender systems should be turned off by default for children.

The recent proliferation of CSAM from the Grok application on X underlines the need for a prohibition of these apps. Our Youth Advisory Panel has highlighted concerns about so-called “nudification” apps for almost two years now. A preventative approach is needed so that the harm never occurs in the first place. In this regard, we welcome that the European Parliament has voted to ensure that tools which produce AI generated CSAM on all platforms are included as prohibited AI under the EU AI Act. At a national level, Ireland should set out in this primary legislation a dedicated provision that would close regulatory gaps, create a clear basis for Coimisiún na Meán (CnaM) and An Garda Síochána to work together on enforcement. There is no justification for this type of technology when the risk of child (and adult) abuse and exploitation is so high.

The EU AI Act classifies chatbots as primarily under a “limited risk” category but can be classified as “unacceptable risk” if they deploy “purposefully manipulative or deceptive techniques” when they are likely to cause “significant harm”.¹⁴ Currently, the EU AI Act provides for greater safeguards in the deployment of chatbots in education but chatbots still pose a significant threat to children’s mental health and well-being, requiring additional protections.¹⁵

¹² E. Gómez, V. Charisi and S. Chaudron (2021), [Evaluating recommender systems with and for children: Towards a multi-perspective framework](#).

¹³ Ombudsman for Children’s Office (2025), [Extremism, Discrimination and Gender Roles](#), p. 25 and Ombudsman for Children’s Office and OCO Youth Advisory Panel (2026) [Regulation of Online Platforms and Supports to Improve Online Safety and Participation](#), Submission to the Joint Committee on Arts, Media, Communications, Culture and Sport.

¹⁴ European Parliament and Council, Regulation (EU) 2024/1689 on artificial intelligence [2024] OJ L 123/1 Annex III Article 6

¹⁵ Kurian, N. (2024) “No, Alexa, no!’: designing child-safe AI and protecting children from the risks of the ‘empathy gap’ in large language models’, Learning, Media and Technology, <https://doi.org/10.1080/17439884.2024.2367052> p 5.

Recommendations

- a) Prohibit deepfake and ‘nudification’ apps and technology in primary legislation closing regulatory gaps and creating a clear basis for Coimisiún na Meán (CnaM) and An Garda Síochána to work together on enforcement.
- b) Prohibit recommender systems based on profiling of children and require service providers to turn off recommender algorithms by default for all children in recognition of the harm caused by addictive design, profiling and manipulation.
- c) Review the failure to classify AI companions and chatbots as high-risk for children. At a minimum include provisions to require age verification for AI chatbots until a time that such technology is safely designed with children’s rights in mind.
- d) Implement age assurance measures in a way that protects children’s rights, including their right to privacy and the protection of their personal data.

Child friendly complaints procedure for AI related harms

The UN Committee on the Rights of the Child highlights the need for complaint and reporting systems that are accessible, fair, child-friendly, safe, appropriate, and provide effective remedies and redress to someone who has been harmed.¹⁶ Head 48 (Complaints to relevant Market Surveillance Authorities) provides for a general complaints procedure to each of the MSAs but there is no specific child friendly complaints process detailed in the GS. Given that children are one of the groups most likely to experience AI related harms, it is imperative that provision is made for an effective redress mechanism for children. While the Online Safety and Media Regulation Act provides CnaM with powers to take individual complaints in relation to social media companies, it does not cover all AI companies or specific AI technologies (e.g. algorithms). The OCO may examine complaints whereby the deployment of AI in a public service led to an adverse impact on a child, but this remit is limited and does not cover all potential AI child related harms.

¹⁶ UN Committee on the Rights of the Child, General Comment No. 25 (2021) on children’s rights in relation to the digital environment (CRC/C/GC/25, 2 March 2021) para 44

Recommendation

- a) The GS should include an explicit requirement to establish child-friendly procedures for handling and resolving complaints made by or on behalf of children who are users of AI technologies.¹⁷

Strengthening and resourcing the role of Fundamental Rights Bodies

The OCO is one of nine bodies listed in the GS as Fundamental Rights Agencies (FRA) under Article 77(1) of the AI Act. Therefore, the OCO will receive additional powers to facilitate it in fulfilling its mandate in circumstances involving the use of AI systems. Article 77 bodies like the OCO, which supervise or enforce respect of obligations under European Union law protecting fundamental rights, have the power to request and access any documentation created or maintained under the AI Act. Where documentation is insufficient, however, the OCO may make a reasoned request to the relevant Market Surveillance Authorities (MSAs) to organise testing of the high-risk AI system through technical means, and the MSA is then required to organise the testing with the close involvement of the OCO, within a reasonable time.

Powers

Head 44 represents the most significant power designated to Article 77 bodies under the GS. It provides a formal escalation procedure in cases where an Article 77 body may be concerned with a high-risk AI system and documentary review alone is insufficient. The abovementioned powers are sequential in nature — the power to request testing is not available as a first step. We understand that Article 77 bodies must first seek and review documentation, and only where that documentation is inadequate can it escalate to a testing request.

¹⁷ In [A Guide to Child-Centred Complaints Handling](#), the OCO has set out seven core principles of good practice for dealing with complaints made by and on behalf of children in a child-centred manner.

Head 39 enables the Article 77 bodies to seek documentation proactively where it has concerns about the impact of a high-risk AI system on children's fundamental rights, without the prerequisite of a formal complaint or the opening of a preliminary examination. This represents a meaningful and qualitative enhancement of the OCO's information-gathering capacity.

However, in regard to serious incidents, it does not clearly set out that the Article 77 bodies must be notified, nor does it set out a timeline for such notification or the information requirements for the notification (Head 42 (3)).¹⁸ The power of the Minister to make guidelines or regulations on procedures under Head 44 is framed in discretionary terms ("may" rather than "shall"). Without clear procedural guidance, the operation of this power risks being inconsistent across different MSAs and sectors.

Recommendations

- a) Under Head 42 (Serious incidents) make a clear requirement on MSAs to notify Article 77 bodies of serious incidents.
- b) Head 42(3) should be amended to establish an appropriate time limit on notifications to Article 77 bodies, taking into account the severity of the serious incident and the likely impact on children. Provision should also be made for the minimum content of such notifications, subject to confidentiality.
- c) Amend Head 44 (Request to organise testing of a high-risk AI system) so that a mandatory obligation is made to issue guidelines, and for those guidelines to be developed in consultation with Article 77 bodies.

Resource implications

The documentation to which the Article 77 bodies may seek access under Head 39 is likely to be technically complex, including system architecture documentation, training data

¹⁸ Similar concerns are highlighted in the Irish Human Rights and Equality Submission <https://www.ihrec.ie/uploads/banners/HTML/uploads/banners/Observations-on-the-General-Scheme-of-the-Regulation-of-Artificial-Intelligence-Bill-2026.pdf>

descriptions, risk assessments, and conformity assessment records. Article 77 bodies will likely need to develop internal capacity to analyse and critically assess documentation of this nature, and to identify gaps or inadequacies that would justify escalation under Head 44. Meaningful exercise of the Head 39 power will require Article 77 bodies to develop or procure technical expertise in AI systems, including familiarity with concepts such as algorithmic decision-making, machine learning models, training data bias, and conformity assessment standards. Without this expertise, there is a risk of being unable to identify the significance of documentation it receives or to make well-founded requests for further information or testing under Head 44.

In terms of the resources implication the following has been identified by the OCO:

- legal capacity to draft written requests that cover the OCO's statutory rights under the 2002 Act;
- technical literacy and training under the Act to engage with MSAs during the testing and clarification phases;
- personnel to engage regularly with MSAs across the range of sectors in which AI systems affecting children may be deployed; and
- capacity and technical knowledge to develop internal procedures for identifying when the threshold for a Head 44 request has been reached and for managing the process.

However, the GS does not include provision for additional resources to carry out its functions, nor does it provide access for Article 77 bodies to the Cooperation Forum (Head 34), technical expertise of the AI Office (Head 9(1)(d)) or for it to deliver a programme of support for Article 77 bodies (Head 32).

Recommendations

- a) Include a provision to create a statutory requirement for the AI Office to deliver a programme of support for Article 77 bodies under Head 32 (Single point of contact).

- b) Extend the formal cooperation structures to include Article 77 bodies under Head 34 (Cooperation forum).
- c) Create a statutory requirement for the AI Office to establish formal mechanisms for cooperation between Article 77 bodies under Chapter 6.
- d) Extend the function of the AI Office to allow Article 77 bodies access to technical expertise (Head 9).
- e) The GS should make explicit provision for Article 77 bodies to be provided with additional resources to fulfil their new powers effectively.