



2023/2201

16.10.2023

COUNCIL DECISION (EU) 2023/2201

of 28 September 2023

establishing the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the declaration to be made pursuant to Article 23(4), point (a), of Decision No 1/2023 of the Joint Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾ ('the Withdrawal Agreement') was concluded by the Union by Council Decision (EU) 2020/135 ⁽²⁾ and entered into force on 1 February 2020.
- (2) Pursuant to Article 23(4) of Decision No 1/2023 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework ⁽³⁾ ('Decision No 1/2023'), certain provisions of that Decision are to apply as from 30 September 2023, provided that the declarations referred to in Article 23(4), points (a) and (b), thereof have been made within the Joint Committee.
- (3) In accordance with Article 182 of the Withdrawal Agreement, the Windsor Framework ⁽⁴⁾ forms an integral part of that Agreement.
- (4) The Union is expected to make a declaration within the Joint Committee pursuant to Article 23(4), point (a), of Decision No 1/2023. That declaration is to be made to the effect that the Union is satisfied: (i) with the implementation by the United Kingdom of Article 5 of Joint Committee Decision No 6/2020 ⁽⁵⁾ through the provision of access to information contained in United Kingdom networks, information systems and databases and United Kingdom national modules of Union systems referred to in Annex 1 to that Joint Committee Decision; and (ii) that all existing XI EORI registrations are correctly issued; and (iii) that the United Kingdom has issued new guidance for parcels in line with the arrangements set out in Decision No 1/2023; and (iv) that the United Kingdom has issued its unilateral declaration on export procedures for goods exiting Northern Ireland to other parts of the United Kingdom.
- (5) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committee,

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

⁽²⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

⁽³⁾ OJ L 102, 17.4.2023, p. 61.

⁽⁴⁾ Joint Declaration No 1/2023 of the Union and the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 (OJ L 102, 17.4.2023, p. 87).

⁽⁵⁾ Decision No 6/2020 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 17 December 2020 providing for the practical working arrangements relating to the exercise of the rights of Union representatives referred to in Article 12(2) of the Protocol on Ireland/Northern Ireland (OJ L 443, 30.12.2020, p. 16).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Joint Committee established by Article 164(1) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('the Joint Committee') in relation to the declaration to be made by the Union within the Joint Committee pursuant to Article 23(4), point (a), of Decision No 1/2023 of the Joint Committee is set out in the draft declaration attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 28 September 2023.

For the Council

The President

F. GRANDE-MARLASKA GÓMEZ

DRAFT**DECLARATION BY THE UNION WITHIN THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY****of .../2023****pursuant to Article 23(4), point (a), of Decision No 1/2023 of the Joint Committee**

Pursuant to Article 23(4), point (a), of Decision No 1/2023 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework ('Decision No 1/2023') the Union declares that it is satisfied:

- (i) with the implementation by the United Kingdom of Article 5 of Decision No 6/2020 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 17 December 2020 providing for the practical working arrangements relating to the exercise of the rights of Union representatives referred to in Article 12(2) of the Protocol on Ireland/Northern Ireland through the provision of access to information contained in United Kingdom networks, information systems and databases and United Kingdom national modules of Union systems referred to in Annex 1 to that Joint Committee Decision, noting that the United Kingdom has committed to ensuring significant progress as regards the required data latency and completeness, supported by a business continuity process, and that access by Union representatives to such information is still to be provided in an accessible format in such a way as to allow them to conduct risk analysis including identification of recent and historical trends patterns; and
- (ii) that all existing XI EORI registrations are correctly issued; and
- (iii) that the United Kingdom has issued new guidance for parcels in line with the arrangements set out in Decision No 1/2023; and
- (iv) that the United Kingdom has issued its unilateral declaration on export procedures for goods exiting Northern Ireland to other parts of the United Kingdom.