EUROPEAN
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ANNEX

ANNEX

to the

Proposal for a Council Decision

establishing the position to be adopted on behalf of the European Union 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 as regards the adoption of a decision to amend the Agreement

DECISION No […]/2021 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 …

amending 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,

Having regard to 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'), and in particular Article 164(5)(d) thereof,

Whereas:

(1) Article 164(5) point (d) of the Withdrawal Agreement enables the Joint Committee established under Article 164(1) thereof ('the Joint Committee') to adopt decisions amending that Agreement, provided that such amendments are necessary to correct errors, to address omissions or other deficiencies, or to address situations unforeseen when the Agreement was signed, and provided that such decisions do not amend the essential elements of that Agreement. Pursuant to Article 166(2) of the Withdrawal Agreement, the decisions adopted by the Joint Committee are binding on the Union and the United Kingdom. The Union and the United Kingdom must implement such decisions, which shall have the same legal effect as the Withdrawal Agreement.

(2) In the interests of legal certainty, Part I of Annex I to the Withdrawal Agreement should be amended by adding five decisions and two recommendations of the Administrative Commission for the Coordination of Social Security Systems which were not listed in Part I of Annex I to the Withdrawal Agreement and by removing two decisions which were replaced by the new decisions.

HAS ADOPTED THIS DECISION:

Article 1

The Withdrawal Agreement shall be amended as follows:

(1) In Part I of Annex I to the Withdrawal Agreement, Recommendation No A1 of the Administrative Commission for the Coordination of Social Security Systems concerning the issuance of the attestation referred to in Article 19(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council[2] shall be added under ''Applicable legislation (A series)'';

(2) In Part I of Annex I to the Withdrawal Agreement, Decision No E6 of the Administrative Commission for the Coordination of Social Security Systems

[1] OJ L 29, 31.1.2020, p.7.

[2] OJ C 183, 29/05/2018, p. 5–14

concerning the determination of when an electronic message is considered legally delivered in the Electronic Exchange of Social Security Information (EESSI) system[3] shall be added under "Electronic Data Exchange (E series)"

(3) In Part I of Annex I to the Withdrawal Agreement, Decision No H9 of the Administrative Commission for the Coordination of Social Security Systems regarding the postponement of deadlines mentioned in Articles 67 and 70 of Regulation (EC) No 987/2009 of the European Parliament and of the Council as well as in Decision No S9 due to the COVID-19 Pandemic[4] shall be added under "Horizontal issues (H series)";

(4) In Part I of Annex I to the Withdrawal Agreement, Decision No H10 of the Administrative Commission for the Coordination of Social Security Systems concerning the methods of operation and the composition of the Technical Commission for Data Processing of the Administrative Commission for the Coordination of Social Security Systems[5] shall be added under "Horizontal issues (H series);

(5) In Part I of Annex I to the Withdrawal Agreement, Decision H11 of the Administrative Commission for the Coordination of Social Security Systems regarding the postponement of deadlines mentioned in Articles 67 and 70 of Regulation (EC) No 987/2009 as well as in Decision No S9 due to the COVID-19 Pandemic[6] shall be added under "Horizontal issues (H series);

(6) In Part I of Annex I to the Withdrawal Agreement, Recommendation H2 of the Administrative Commission for the Coordination of Social Security Systems concerning the inclusion of authentication features to Portable Documents issued by the institution of a Member State and showing the position of a person for the purpose of the application of Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council[7] shall be added under "Horizontal issues (H series);

(7) In Part I of Annex I to the Withdrawal Agreement, Decision S11 of the Administrative Commission for the Coordination of Social Security Systems concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004[8] shall be added under ''Sickness (S series)'';

(8) In Part I of Annex I to the Withdrawal Agreement, the following acts shall be removed:

(a) Decision H8 of the Administrative Commission for the Coordination of Social Security Systems concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the Coordination of Social Security Systems, which is replaced by Decision H10 of the Administrative Commission for the Coordination of Social Security Systems concerning the methods of operation and the composition of the Technical Commission for Data Processing of the Administrative Commission for the Coordination of Social Security Systems;

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3 OJ C 355, 4.10.2018, p. 5–7
4 OJ C 259, 7.8.2020, p. 9
5 OJ C 89, 16.3.2021, p. 6-10
6 OJ C 170, 6.5.2021, p. 4–5
7 OJ C 147, 29/04/2019, p. 6–7
8 OJ C 236, 18.6.2021, p. 4–9

(b) Decision S9 of the Administrative Commission for the Coordination of Social Security Systems concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004, which is replaced by Decision S11 of the Administrative Commission for the Coordination of Social Security Systems concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004.

Article 2

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

Done at …,

For the Joint Committee

The Co-chairs