Official Journal
of the European Union

EN
L series

2024/1954

11.7.2024

COUNCIL DECISION (EU) 2024/1954

of 13 May 2024

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 amendment of Decision No 1/2023 of the Joint Committee of 24 March 2023 laying down arrangements relating to the Windsor Framework

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 166(2) of the Withdrawal Agreement, the decisions adopted by the Joint Committee established under Article 164(1) thereof ('the Joint Committee') are binding on the Union and the United Kingdom. The Union and the United Kingdom are to implement such decisions, which have the same legal effect as the Withdrawal Agreement.

(3) Under Article 182 of the Withdrawal Agreement, the Windsor Framework [3] forms an integral part of that Agreement.

(4) As regards the movement of goods, Article 5(2) of the Windsor Framework empowers the Joint Committee to adopt decisions establishing the conditions under which processing is not to be considered as commercial processing and the criteria for considering that a good brought into Northern Ireland from outside the Union is not at risk of subsequently being moved into the Union.

(5) It is desirable to improve the operation of the schemes set out in Decision No 1/2023 of the Joint Committee of 24 March 2023 laying down arrangements relating to the Windsor Framework [4] ('Decision No 1/2023') in relation to the application of UK tariff rate quotas as regards the importation of the goods specified in the proposed Annex V to Decision No 1/2023 into Northern Ireland.

(6) The Joint Committee, at its next meeting, should adopt a decision pursuant to Article 164(4)(e) of the Withdrawal Agreement in conjunction with Article 5(2) of the Windsor Framework to amend Decision No 1/2023 ('the amending Decision').

(7) Bearing in mind the novelty in relation to the application of UK tariff rate quotas as regards the importation into Northern Ireland of the goods listed in the Annex to the amending Decision, and in order to continuously monitor compliance with the conditions for the importation of those goods into Northern Ireland, including in view of potential risks to the integrity of the internal market, it is appropriate for the Commission to inform the Council about the implementation of the amending Decision.

(8) It is appropriate to establish the position to be taken on behalf of the Union within the Joint Committee as regards the amending Decision,

HAS ADOPTED THIS DECISION:

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[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] 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).

[4] OJ L 102, 17.4.2023, p. 61.

Article 1

The position to be taken on behalf of the European Union 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') as regards the amendment of Decision No 1/2023 of the Joint Committee of 24 March 2023 laying down arrangements relating to the Windsor Framework ('Decision No 1/2023') is set out in the draft Decision of the Joint Committee attached to this Decision ('the amending Decision').

Article 2

1. The Commission shall submit information to the Council as appropriate, at least once a year, on the implementation of the amending Decision, including the following:

a) information in aggregated form on the number of authorisations granted pursuant to Articles 9 to 11 of Decision No 1/2023, as amended by the amending Decision, in relation to the importation of goods listed in the Annex to the amending Decision;

b) information on the quantities utilised during the annual quota period of goods listed in the Annex to the amending Decision.

2. At the same time as submitting information pursuant to paragraph 1, the Commission shall present to the Council an assessment of the overall compliance with the conditions for the importation into Northern Ireland of the goods listed in the Annex to the amending Decision, including in view of the management of potential risks to the integrity of the internal market.

Article 3

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

Done at Brussels, 13 May 2024.

For the Council

The President

B. DALLE