

DECISIONS

COUNCIL DECISION (EU) 2023/1493

of 26 June 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 adoption of a decision adding two newly adopted Union acts to Annex 2 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 means of Council Decision (EU) 2020/135 ⁽²⁾ and entered into force on 1 February 2020.
- (2) Pursuant to Article 13(4) of the Windsor Framework ⁽³⁾, which forms an integral part of the Withdrawal Agreement, the Joint Committee established by Article 164(1) of the Withdrawal Agreement (the 'Joint Committee') is empowered to adopt decisions to amend the relevant Annexes to the Windsor Framework by adding newly adopted Union acts that fall within the scope of the Windsor Framework, but which neither amend nor replace Union acts listed in the Annexes to the Windsor Framework.
- (3) Regulation (EU) 2023/1182 of the European Parliament and of the Council ⁽⁴⁾, insofar as it does not amend Directive 2001/83/EC, and Regulation (EU) 2023/1231 of the European Parliament and of the Council ⁽⁵⁾ are newly adopted Union acts that relate to the internal market for goods and therefore fall within the scope of the Windsor Framework.
- (4) The Joint Committee, during its next meeting, should adopt a decision pursuant to Article 13(4) of the Windsor Framework adding those two newly adopted Union acts to Annex 2 to the Windsor Framework.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the Joint Committee as regards the adoption of a decision adding two newly adopted Union acts to Annex 2 to the Windsor Framework,

⁽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⁾ Regulation (EU) 2023/1182 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to medicinal products for human use intended to be placed on the market in Northern Ireland and amending Directive 2001/83/EC (OJ L 157, 20.6.2023, p. 1).

⁽⁵⁾ Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland (OJ L 165, 29.6.2023, p. 103).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Joint Committee established by Article 164(1) of the Withdrawal Agreement as regards the adoption of a decision adding two newly adopted Union acts to Annex 2 to the Windsor Framework is set out in the draft decision of the Joint Committee attached to this Decision.

Article 2

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

Done at Luxembourg, 26 June 2023.

For the Council

The President

J. BORRELL FONTELLES

DRAFT

**DECISION No .../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 ...

adding two newly adopted Union acts to Annex 2 to the Windsor Framework

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 13(4) of the Windsor Framework ⁽²⁾,

Whereas:

- (1) Article 13(4) of the Windsor Framework empowers the Joint Committee established under Article 164(1) of the Withdrawal Agreement (the 'Joint Committee') to adopt decisions adding newly adopted Union acts falling within the scope of the Windsor Framework to the relevant Annexes to the Windsor Framework. 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 are to implement such decisions, which have the same legal effect as the Withdrawal Agreement.
- (2) Two newly adopted Union acts should be added to Annex 2 to the Windsor Framework,

HAS ADOPTED THIS DECISION:

Article 1

1. Regulation (EU) 2023/1182 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to medicinal products for human use intended to be placed on the market in Northern Ireland and amending Directive 2001/83/EC ⁽³⁾, insofar as it does not amend Directive 2001/83/EC, shall be added to Annex 2 to the Windsor Framework under point 20 'Medicinal products'.
2. Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland ⁽⁴⁾ shall be added to Annex 2 to the Windsor Framework under point 44 'Sanitary and phytosanitary – Other'.

Article 2

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

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

⁽²⁾ 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).

⁽³⁾ OJ L 157, 20.6.2023, p. 1.

⁽⁴⁾ OJ L 165, 29.6.2023, p. 103.

Done at ...,

*For the Joint Committee
The Co-chairs*
