



HM Government

**Draft Recommendation of the Withdrawal Agreement Joint Committee
on Article 13(3)(a)**

27 February 2023

**DRAFT RECOMMENDATION 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 ...

on Article 13(3)(a) of the Protocol on Ireland/Northern Ireland

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 Community¹ ('the Withdrawal Agreement'), and in particular Article 166(1) thereof,

Whereas:

- (1) Article 166 (3) of the Withdrawal Agreement provides that recommendations are to be made by mutual consent.
- (2) Under Article 182 of the Withdrawal Agreement, the Protocol on Ireland/Northern Ireland ('the Protocol') forms an integral part of that Agreement.
- (3) Where an arbitration panel has ruled that the United Kingdom has failed to comply with the conditions set out in the third sub-paragraph of Article 13(3a) of the Protocol, swift compliance with such an arbitration panel ruling should be achieved,

HAS MADE THE FOLLOWING RECOMMENDATION:

Article 1

The Joint Committee recommends to the Union and the United Kingdom the following:

In case the arbitration panel has ruled, in accordance with Article 175 of the Withdrawal Agreement, that the United Kingdom has failed to comply with the third sub-paragraph of Article 13(3a) of the Protocol, the Union and the United Kingdom agree no later than 30 days after such notification that in order to comply with the arbitration panel ruling, and as the case may be, to the extent set out therein, the Union act applies as amended or replaced by the specific Union act, as defined in Article 13(3a) of the Protocol, as from the first day of the second month following the notification of the arbitration panel ruling to the Union and the United Kingdom.

Article 2

This Recommendation shall take effect on the day following the date on which it is made.

¹ [OJ L 29, 31.1.2020, p.7.](#)

Done at XX, XX 2023

*For the Joint Committee
The Co-chairs*