



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

24 March 2023

RECOMMENDATION No 2/2023
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

on Article 13(3a) 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 Article 13(3a), third sub-paragraph, of the Protocol, swift compliance with such an arbitration panel ruling should be achieved,

HAS MADE THE FOLLOWING RECOMMENDATION:

¹ OJ L 29, 31.1.2020, p. 7.

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 Article 13(3a), third subparagraph, 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.

Done at London, 24 March 2023.

For the Joint Committee

The Co-chairs

Maroš Šefčovič

James Cleverly