

WITHDRAWAL AGREEMENT JOINT COMMITTEE ANNUAL REPORT FOR THE YEAR 2020

Report from the Secretariat to the Joint Committee on the implementation 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 Withdrawal Agreement)
for the calendar year 2020

INTRODUCTION

1. The Withdrawal Agreement (Article 164) established a Joint Committee to supervise and facilitate the implementation and application of the Agreement. The Withdrawal Agreement requires the Joint Committee to issue an annual report, drawn up by the Secretariat, each calendar year. This report is provided pursuant to Article 164(6).
2. The Secretariat to the Joint Committee operates under the authority of the Joint Committee co-chairs to perform the tasks conferred on it, as outlined in the Rules of Procedure of the Joint Committee and Specialised Committees (Annex VIII). The Secretariat is composed of officials from Her Majesty's Government of the United Kingdom and the European Commission.
3. The Withdrawal Agreement requires the Joint Committee to meet at least once a year. During the transition period (i.e. from 11pm UK time on 31 January 2020 until 11pm UK time on 31 December 2020), the Joint Committee met six times, on 30 March, 12 June, 10 September, 28 September, 19 October and 17 December 2020. Given the COVID-19 restrictions all through the year, meetings were held entirely by video conference or as in mixed in-person/video conference format, when it was safe to do so.
4. In Article 164(4), the Withdrawal Agreement sets out the Joint Committee's responsibilities, including supervision of six Specialised Committees¹ on:
 - Citizens' rights;
 - The other separation provisions;
 - Issues related to the implementation of the Protocol on Ireland/Northern Ireland;
 - Issues related to the implementation of the Protocol relating to the Sovereign Base Areas in Cyprus;
 - Issues related to the implementation of the Protocol on Gibraltar;
 - The financial provisions.
5. This report provides an overview of Withdrawal Agreement activity from its entry into force on 1 February 2020 until the end of the transition period, on 31 December 2020. There are two sections: (1) Withdrawal Agreement Joint Committee activity in 2020; and (2) Withdrawal Agreement Specialised Committee activity in 2020. The report contains three annexes: (A) a

¹ The Specialised Committees are established by Article 165 of the Withdrawal Agreement and governed by the Rules of Procedure in Annex VIII of the Withdrawal Agreement

list of Joint Committee Decisions and Unilateral Declarations made in 2020, followed by their full texts; (B) the Summary Minutes of the Joint Committee meeting of 17 December 2020; and (C) the respective press statements of each Party following each meeting of the Joint Committee.

SECTION 1: Withdrawal Agreement Joint Committee activity in 2020

6. The Joint Committee met for the first time on 30 March 2020. The UK hosted. Given constraints due to movement restrictions caused by the COVID-19 pandemic, the meeting was held by teleconference. The Joint Committee agreed the tasks of each of the six Specialised Committees (as set out in the Withdrawal Agreement) and steered them to start work.
7. At its second meeting on 12 June, hosted by the EU by video conference, the Joint Committee undertook a stocktake of Specialised Committee activity, focusing on the Protocol on Ireland/Northern Ireland and citizens' rights, but also reviewing the work on the Protocols related to Gibraltar and the Sovereign Base Areas in Cyprus and on financial provisions.
8. The Joint Committee adopted one Decision (No. 1/2020), making ten minor amendments to the Withdrawal Agreement. The amendments mostly aimed at updating published dates in the Withdrawal Agreement relating to financial provisions and citizens' rights, to reflect the change of date when the UK withdrew from the EU from October 2019 to January 2020 (see **Annex A**).
9. The Joint Committee took note that the United Kingdom would not seek an extension of the transition period and thus concluded that it was not tasked to adopt a decision that would, in line with Article 132(1), give effect to such an extension.
10. The Joint Committee's third meeting on 10 September was an extraordinary meeting, hosted by the UK in London, as well as by video conference. This meeting was exclusively dedicated to discussing the Protocol on Ireland/Northern Ireland and the UK's proposed UK Internal Market Bill, tabled the previous day.
11. The Joint Committee met for the fourth time on 28 September. This meeting was hosted by the EU in Brussels, as well as by video conference. The Joint Committee undertook a stocktake of Specialised Committee activity since its meeting in June and agreed that the Specialised Committees on Citizens' Rights and on the Protocol on Ireland/Northern Ireland should meet again swiftly before the next meeting of the Joint Committee. The Committee was also updated on Withdrawal Agreement implementation, in all key areas (citizens' rights, the Protocol on Ireland/Northern Ireland, the Protocol on Gibraltar, the Protocol on the Sovereign Base Areas in Cyprus, as well as financial provisions. The latest developments on the UK Internal Market Bill were also discussed.
12. The UK hosted the fifth meeting of the Joint Committee in London, as well as by video conference on 19 October. The Joint Committee undertook a stocktake of Specialised Committee activity since its previous meeting, discussed the implementation of the Protocol on Ireland/Northern Ireland and citizens' rights, and agreed to publish the first citizens' rights Joint

Report on Residence.² The Committee also reviewed the state of play of the preparation of the various decisions it was required by the Withdrawal Agreement to adopt by the end of the transition period and agreed an indicative timetable for future Specialised Committee meetings during the remainder of the transition period.

13. The final Joint Committee meeting of the transition period was hosted by the EU by video conference on 17 December. As in its previous meetings of the year, the Joint Committee undertook a stocktake of Specialised Committee activity since its previous meeting. Following mutually agreed solutions that the UK and EU reached prior to the 17 December meeting³, the UK informed the Joint Committee of its decision to withdraw clauses 44, 45 and 47 of the UK Internal Market Bill.

14. The Joint Committee also adopted six Decisions.

- One Decision (No. 2/2020) related to citizens' rights, with the Joint Committee agreeing on the date from which the provisions of Title III of Part Two of the Withdrawal Agreement (Coordination of Social Security Systems) will apply to nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation in triangular situations (1 January 2021).
- Four Decisions (Nos. 3-6/2020) related to the Protocol on Ireland/Northern Ireland, including one technical amendment (to the list of relevant EU laws applicable in Northern Ireland in Annex 2 of the Protocol); the determination of goods 'not at risk'; the determination of annual support levels under Article 10(2) of the Protocol; and the practical working arrangements under Article 12(2) of the Protocol.
- The final Decision of the meeting (No. 7/2020) established a list of arbitrators under Article 171.1 of the Withdrawal Agreement (see **Annex A** for the list of Decisions).

15. The Joint Committee also noted unilateral declarations made by the UK and EU relating to medicines supply; the importation of meat products and certain other food products from Great Britain into Northern Ireland; export declarations for goods moving from Northern Ireland to other parts of the United Kingdom; and on State Aid (see **Annex A** for the list of unilateral declarations).

16. The Joint Committee also agreed to publish the second citizens' rights Joint Report on Residence.⁴ It was concluded that the Specialised Committee on citizens' rights should publish

² UK Government link to first joint report on residence:

www.gov.uk/government/publications/joint-report-on-the-implementation-of-residence-rights-under-part-two-of-the-withdrawal-agreement

European Commission link to first joint report on residence:

ec.europa.eu/info/publications/first-joint-report-implementation-residence-rights-under-part-two-withdrawal-agreement_en

³ UK Government link to 8 December 2020 joint statement by the co-chairs of the Joint Committee:

www.gov.uk/government/publications/eu-uk-joint-committee-statement-on-implementation-of-the-withdrawal-agreement/eu-uk-joint-committee-statement-on-implementation-of-the-withdrawal-agreement

European Commission link to 8 December 2020 joint statement by the co-chairs of the Joint Committee:

ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_2346

⁴ European Commission link to second joint report on residence:

ec.europa.eu/info/publications/second-joint-report-implementation-residence-rights-under-part-two-withdrawal-agreement_en

UK Government link to second joint report on residence:

www.gov.uk/government/publications/residence-rights-implementation-of-the-withdrawal-agreement-part-2-citizens-rights-joint-report-december-2020

all future citizens' rights joint reports on residence without the express approval of the Joint Committee. It was agreed that these would be prepared and published, at least every three months, until the end of the grace period for applications in constitutive systems under Article 18(1) of the Withdrawal Agreement. At the time of this report, the final deadline is 31 December 2021.

17. Given the number and significance of the Decisions taken at the meeting of 17 December, the co-chairs agreed to publish a set of Summary Minutes. The minutes are reproduced in full at **Annex B**.
18. The Joint Committee is required to meet at least once a year. The co-chairs agreed in the meeting that the Committee would continue to meet regularly in 2021, on average once a quarter, but also flexibly reacting to any new development or arising need.

SECTION 2: Withdrawal Agreement Specialised Committees activity in 2020

19. As a general rule, Specialised Committees are in charge of overseeing and facilitating the implementation and application of specific parts of the Withdrawal Agreement and they can discuss any point raised by the UK or the EU that is of relevance for this area and gives rise to a difficulty or need for clarification. They are required to meet at least once a year but in most cases they met on a more regular basis.
20. The **Specialised Committee on citizens' rights** facilitates the implementation and application of Part Two of the Withdrawal Agreement. Part Two includes rights related to residence, the rights of workers and the self-employed, mutual recognition of professional qualifications and the coordination of social security systems. The Specialised Committee has a key role in ensuring that UK nationals in the EU and EU citizens in the UK and their family members are afforded their rights and entitlements as set out in the Withdrawal Agreement.
21. The Specialised Committee met four times during the transition period; on 20 May, 6 August, 8 October and 15 December 2020. In two of the meetings, on 6 August and 15 December, the civil society organisations 'British in Europe' and 'the 3 million' were invited to provide testimony on practical implementation issues.
22. Throughout 2020, the Specialised Committee received updates on the implementation of Part Two in the UK and the EU, including the UK's EU Settlement Scheme, the residence system and deadlines implemented by EU Member States, and the voluntary issuance of residence documents under Article 18 during the transition period, in accordance with Article 19. In particular, the Specialised Committee served as a collaborative forum allowing both Parties ~~sides~~ to signal practical and legal difficulties encountered by their nationals that might cause real-life difficulties, notably around residence status and access to various benefits. The impact of COVID-19 and the need for flexible responses were also regularly discussed, as well as the communication and information campaigns deployed by the Commission, EU Member States and the UK, with particular regard to mobilising people and reaching out to the vulnerable.
23. In accordance with Article 159 of the Withdrawal Agreement an Independent Monitoring Authority (IMA) was established to monitor the UK's implementation and application of Part Two after the transition period. The IMA became operational on 31 December 2020 and the

UK provided regular updates on the progress of its establishment in the Specialised Committee.

24. The Specialised Committee prepared two joint reports on the implementation of resident rights which were published by the EU and the UK on 18/21 October and 15/23 December 2020, respectively. The reports provide information on administrative procedures, communication and support provided by the UK and the EU (by Member State) in relation to the issuance of residence documents under Article 18 of the Withdrawal Agreement. The reports also provide statistical tables on the number of applications for a new residence status under Article 18(1) and the issuance of new residence documents under Article 18(4) by outcome. The Specialised Committee will continue to prepare and publish joint reports, at least every three months, during the grace period for applications for a new residence status, currently with a deadline of 31 December 2021.
25. As indicated above, the Joint Committee adopted two Decisions relating to the implementation of Part Two of the Withdrawal Agreement. Notably, on 12 June 2020, the Joint Committee adopted Decision No 1/2020 (amending the Withdrawal Agreement to correct 10 minor errors, pursuant to Article 164(5)(d)) and on 17 December 2020, it adopted Decision No 2/2020 (on setting the date from which the provisions of Title III of Part Two of the Withdrawal Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and Swiss Confederation) (1 January 2021).
26. The **Specialised Committee on the other separation provisions** facilitates the implementation of Part Three of the Agreement. Part Three sets out the winding down of ongoing processes and arrangements across 13 areas or 'Titles'. The purpose of Part Three was to ensure an orderly UK withdrawal from the EU, by providing legal certainty in relation to matters that were in progress or unfinished when the transition period ended. Some Titles required unilateral UK action, and others required joint UK-EU action.
27. The Specialised Committee met twice during the transition period, on 30 October and 27 November 2020. At its first meeting, the Specialised Committee discussed general implementation progress against all 13 Titles. At its second meeting, the Specialised Committee acknowledged the continued progress made against each Title, focusing discussions on Titles I, II, III, VI, V and IX specifically (relating to Goods placed on the market; Ongoing Customs Procedures; Ongoing VAT and Excise Duty matters; Intellectual Property; Ongoing police and judicial cooperation in criminal matters; and Euratom-related issues respectively). The Specialised Committee also recognised the legislation introduced and guidance published by the UK since its first meeting.
28. By the end of the transition period, implementation of this Part of the Agreement had progressed in a smooth and satisfactory manner across all 13 Titles, with any remaining issue being addressed at technical level between the relevant UK Government and European Commission departments.
29. The **Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland** is responsible for facilitating the implementation of the Protocol in a way which enables it to achieve its declared objectives, including the protection of the 1998 Belfast (Good Friday) Agreement in all its parts, and avoiding a hard border on the island of Ireland and safeguarding the integrity of the European Union's Single Market. The Protocol

makes a subset of EU law applicable to and in Northern Ireland, for the purpose of avoiding a hard border on the island of Ireland. It also makes clear that nothing in the Protocol prevents the United Kingdom from ensuring unfettered access for Northern Ireland goods moving to Great Britain, requires both Parties to use their best endeavours to facilitate unfettered access for Northern Ireland goods moving to Great Britain, and safeguards arrangements for goods in free trade agreements concluded between the UK and other third countries.

30. The Specialised Committee met five times during the transition period, on 30 April; 16 July; 9 October; 5 November; and 17 December 2020. The Specialised Committee played a significant role in making the Protocol operational for application after the end of the transition period. It did so by providing assistance to the Joint Committee in preparing the four Decisions that were adopted by the Joint Committee on 17 December 2020, and in particular elaborating the proposal for a Decision on arrangements for a Union presence required by Article 12(3) of the Protocol, and in providing regular updates on the main policy areas concerned by the Protocol and the ensuing requirements (including customs, sanitary and phytosanitary [SPS], and IT systems). The Joint Consultative Working Group (JCWG), established under Article 15 of the Protocol as a subsidiary of the Specialised Committee, did not meet in 2020, but has since met to adopt its Rules of Procedure and start work. JCWG activity will be reported on in future Annual Reports.
31. The **Specialised Committee on issues related to the implementation of the Protocol relating to the Sovereign Base Areas in Cyprus** met three times during the transition period; on 9 June, 3 December, and 30 December 2020 to oversee and discuss arrangements in readiness for the Protocol's entry into effect from 1 January 2021. The Sovereign Base Areas Administration (SBAA) and the Republic of Cyprus also attended these meetings. Under the Protocol, the Sovereign Base Areas of the UK in Cyprus remain part of the EU customs territory. EU law on customs, common commercial policy and goods will continue to apply in the Sovereign Base Areas, as well as certain EU laws on indirect taxation, agriculture, fisheries and veterinary and phytosanitary rules. No Decisions by the Joint Committee were required by the Protocol during the transition period.
32. The **Specialised Committee on issues related to the implementation of the Protocol on Gibraltar** met twice during the transition period; on 27 May and 18 November 2020 to ensure the Protocol's commitments were met by 1 January 2021. Four Memoranda of Understanding (MoU) accompanied the Protocol, concerning citizens' rights; police & customs matters, environmental matters; and tobacco and other products. These MoUs operationalised the functioning of three Coordinating Committees established by the Protocol to discuss progress (tobacco issues were covered in the Committee on police and customs) and helped support the Specialised Committee. There were two meetings of the Coordinating Committees on the environment and police and customs and three on citizens' rights.
33. The Specialised Committee reviewed progress on the implementation of all commitments under the Protocol. Articles 2 to 5 of the Gibraltar Protocol (on air transport law; fiscal matters and protection of financial interests; environment protection and fishing; and cooperation in police and customs matters) ceased to apply on 31 December 2020, while Article 1 of the Protocol (on citizens' rights provisions, under Part Two of the Withdrawal Agreement related to Gibraltar) continues. The Specialised Committee will be supported by the Coordinating Committee on citizens' rights as a forum for regular technical discussions between Spain and the UK.

34. The **Specialised Committee on the financial provisions** oversees the implementation of the financial provisions set out in Part V of the Withdrawal Agreement. During the transition period, the UK continued to pay into and receive funding from the EU budget. The financial settlement represents a negotiated settlement of the UK's financial commitments to the EU and the EU's financial commitments to the UK, which result from the UK's participation in the EU budget, and other commitments relating to the UK's past EU membership.
35. The Specialised Committee met twice during the transition period; on 19 May and 11 December 2020, discussing the two formal reporting packages due at the end of July 2020 and end of March 2021. The EU and UK also discussed the application of Regulation 538/2020, amending the scope of the Global Margin of Commitments, to the UK under the terms of the Withdrawal Agreement.

CONCLUSION


36. The Joint Committee's actions and Decisions during 2020 provide a solid foundation for ongoing UK-EU cooperation and the continued proper implementation of the Withdrawal Agreement after the end of the transition period.

Signed in London, 9 June 2021

*For the Joint Committee
The co-chairs*



*David, the Lord Frost of Allenton, CMG
Minister of State at the Cabinet Office
UK co-chair*



*Maroš Šefčovič
Vice President of the European Commission
EU co-chair*

List of Withdrawal Agreement Joint Committee Decisions Taken, and Unilateral Declarations Made, During the Transition Period

Decisions

12 June 2020

- **Decision No 1/2020** 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 to correct 10 minor errors, pursuant to Article 164(5)(d).

17 December 2020

- **Decision no 2/2020** on setting the date from which the provisions of Title III of Part Two of the Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation;
- **Decision no 3/2020** amending the Protocol on Ireland and Northern Ireland 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;
- **Decision no 4/2020** on the determination of goods not at risk;
- **Decision no 5/2020** determining the initial maximum exempted overall annual level of support and the initial minimum percentage referred to in Article 10(2) of the Protocol on Ireland/Northern Ireland 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;
- **Decision no 6/2020** providing for the practical working arrangements relating to the exercise of the rights of Union representatives referred to in Article 12(2) of the Protocol on Ireland/Northern Ireland;
- **Decision no 7/2020** establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement.

Unilateral declarations

17 December 2020

- The application of Union law related to medicinal products in respect of Northern Ireland after the end of the transition period (EU and UK);
- The application of Union law with regard to the import of certain meat products into Northern Ireland from Great Britain after the end of the transition period (UK and EU);
- The application of Union law with regard to the certification required for certain food products brought into Northern Ireland (UK and EU);
- The application of Union law with regard to export declarations for goods moving from Northern Ireland to other parts of the United Kingdom (UK and EU);
- The application of Art. 107 TFEU to situations referred to in Art. 10(1) of the Protocol (EU).

**DECISION No 1/2020 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 12 June 2020

**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 and to reflect necessary adjustments as a result of the later date of entry into force of the Withdrawal Agreement than that initially foreseen, Articles 135, 137, 143, 144 and 150 of the Agreement should be amended,
- (3) Article 145 of the Withdrawal Agreement omits provisions governing grants under the Research Fund for Coal and Steel that were granted before the end of the transition period to beneficiaries established in the United Kingdom. Article 145 of the Withdrawal Agreement should therefore be amended to address this deficiency and to provide legal certainty as regards ongoing grants,
- (4) Part I of Annex I to the Withdrawal Agreement should be amended by adding two decisions 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,

HAS ADOPTED THIS DECISION:

Article 1

9

The Withdrawal Agreement shall be amended as follows:

- 1) In Article 135, in the title, the words “budgets for the years 2019 and 2020” shall be replaced by the words “budget for the year 2020” and, in paragraph 1, the words “years 2019 and” shall be replaced by the word “year” and the word “budgets” shall be replaced by the word “budget”;
- 2) In Article 137, in the title and in the first subparagraph of paragraph 1, the words “2019 and” shall be deleted;
- 3) Article 143 (1) shall be amended as follows:

- (a) in the second subparagraph, “31 July 2019” shall be replaced by “31 July 2020”;

- (b) the third subparagraph shall be replaced by the following:

“In the consolidated accounts of the Union relating to 2020, the payments made out of the provisions referred to in point (b) of the second subparagraph from the date of entry into force of this Agreement until 31 December 2020, shall be disclosed for the same financial operations as referred to in this paragraph but which are decided upon on or after the date of entry into force of this Agreement.”;

- 4) In Article 144(1), in the second subparagraph, “31 July 2019” shall be replaced by “31 July 2020”;

- 5) In Article 145, the following paragraph shall be added:

“In respect of the projects under the Research Fund for Coal and Steel established by Protocol 37 to the Treaty on the European Union and to the Treaty on the Functioning of the European Union under grant agreements signed before the end of the transition period, the applicable Union law shall continue to apply to and in the United Kingdom after the end of the transition period, until the closure of the projects. The applicable Union law shall include the following provisions in particular and any amendments to those provisions, irrespective of the date of adoption, entry into force or application of the amendment:

- (a) Council Decisions 2003/76/EC , 2003/77/EC and 2008/376/EC;

- (b) the acts referred to in points (a), (c), (d) and (e) of Article 138(2).”;

- 6) Article 150 shall be amended as follows:

- (a) paragraph 4 shall be amended as follows:

- (i) in the fourth sentence, “15 December” shall be replaced by “15 October” and “2019” shall be replaced by “2020”;
 - (ii) in the fifth sentence, “15 December 2030” shall be replaced by “15 October 2031”;
 - (b) paragraph 8 shall be amended as follows:
 - (i) in the first subparagraph, “2019” shall be replaced by “2020”;
 - (ii) in the first sentence of the second subparagraph, “2020” shall be replaced by “2021”;
- 7) In Part I of Annex I to the Withdrawal Agreement, the following acts shall be added:
- Under “Electronic Data Exchange (E series)”: Decision No E7 of the Administrative Commission for the Coordination of Social Security Systems concerning practical arrangements for cooperation and data exchange until the Electronic Exchange of Social Security Information (EESSI) is fully implemented in the Member States;
 - Under “Family Benefits (F series)”: Decision No F3 of the Administrative Commission for the Coordination of Social Security Systems concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 relating to the method of calculation of the differential supplement.

Article 2

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

Done at Brussels,

*For the Joint Committee
The Co-chairs*

Michael Gove

Maroš Šefčovič

[1] [OJ L 29. 31.1.2020. p.7.](#)

DECISION No 2/2020

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 17 December 2020

**the date from which the provisions of Title III of Part Two of the Agreement shall apply to the
nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss
Confederation**

THE JOINT COMMITTEE

Having regard to the Protocol on Ireland/Northern Ireland annexed 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], and in particular Article 12(3) thereof,

Whereas:

1. Pursuant to Article 33(1) of the Withdrawal Agreement, the provisions of Title III of Part Two of the Agreement on the coordination of the social security systems, applicable to Union citizens, shall apply to nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation provided that these states have concluded and apply corresponding agreements, on the one hand, with the United Kingdom which apply to Union citizens and, on the other hand, with the Union which apply to United Kingdom nationals.
2. Pursuant to Article 33(2) of the Withdrawal Agreement, upon notification from the United Kingdom and from the Union of the date of entry into force of these agreements, the Joint Committee shall set the date from which the provisions of Title III of Part Two of the Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation, as applicable.

3. The Union has concluded corresponding agreements with Iceland, the Principality of Liechtenstein and the Kingdom of Norway^[2] and with the Swiss Confederation^[3] which apply to United Kingdom nationals. The United Kingdom has concluded corresponding agreements with Iceland, the Principality of Liechtenstein and the Kingdom of Norway^[4] and with the Swiss Confederation^[5] which apply to Union citizens.
4. In view of the notifications from the United Kingdom and from the Union of the date of entry into force of the agreements referred to in recital (3), the date from which the provisions of Title III of Part Two of the Withdrawal Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation, should be 1 January 2021,

HAS ADOPTED THIS DECISION:

Article 1

The date from which the provisions of Title III of Part Two of the Withdrawal Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation shall be 1 January 2021.

Article 2

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

Done at Brussels, 17 December 2020

For the Joint Committee

The Co-chairs

Maroš ŠEFČOVIČ

Michael GOVE

[1] [OJ L 29, 31.1.2020, p.7.](#)

[2] Decision No 210 of 2020 of the EEA Joint Committee amending Annex VI (Social Security) to the EEA Agreement.

[3] Decision No 1/2020. of the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons of 15 December 2020 amending Annex II to that Agreement on the coordination of social security schemes.

[4] Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom's membership of the European Union signed in London on 28 January 2020.

[5] Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Citizens' Rights following the Withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement signed in Bern on 25 February 2019. .

DECISION NO 3/2020

**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 17 of December 2020

amending the Protocol on Ireland and Northern Ireland

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

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 ('the Withdrawal Agreement'), and in particular point (d) of Article 164(5) thereof,

Whereas:

- (1) Point (d) of Article 164(5) of the Withdrawal Agreement enables the Joint Committee established under Article 164(1) thereof ('the Joint Committee') to adopt decisions amending the Withdrawal 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 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 have the same legal effect as the Withdrawal Agreement.

- (2) Under Article 182 of the Withdrawal Agreement, the Protocol on Ireland/Northern Ireland ('the Protocol') forms an integral part of that Agreement.
- (3) Two legal acts on the CO₂ emission performance of new cars and vans registered in the Union which are listed under heading 9 of Annex 2 to the Protocol and made applicable to and in the United Kingdom in respect of Northern Ireland by Article 5(4) of that Protocol, do not relate to the placing on the market of such vehicles in the Union. They should therefore be removed from Annex 2 to the Protocol;
- (4) Eight legal acts which are essential for the application of the rules of the internal market for goods in respect of Northern Ireland and which were omitted at the time of adoption, should be added to Annex 2 to the Protocol.
- (5) In order to clarify the scope of application of certain acts already listed in Annex 2 to the Protocol, three notes should be added to that Annex;

HAS ADOPTED THIS DECISION

Article 1

Annex 2 to the Protocol shall be amended as follows:

1. under the heading '9. Motor vehicles, including agricultural and forestry tractors', the following entries shall be deleted:

– Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emissions performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles

- Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union’s integrated approach to reduce CO₂ emissions from light-duty vehicles’;
2. under the heading ‘6. Regulations on bilateral safeguards’, the following entry shall be added:
- ‘– Regulation (EU) 2019/287 of the European Parliament and of the Council of 13 February 2019 implementing bilateral safeguard clauses and other mechanisms allowing for the temporary withdrawal of preferences in certain trade agreements concluded between the European Union and third countries ^[1];
3. under the heading ‘23. Chemicals and related’, the following entry shall be added:
- ‘– Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors ^[2];
4. under the heading ‘25. Waste’, the following entry shall be added:
- ‘– Articles 2 to 7, Articles 14 and 17 and Parts A, B, C, D and F of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment ^[3];
5. under the heading ‘29. Food - general’, the following entry shall be added:
- ‘– Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs ^[4];
6. under the heading ‘42. Plant reproductive material’, the following entries shall be added:

– Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed^[5]

– Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants^[6]

– Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed^[7];

7. under the heading ‘47. Other’, the following entry shall be added:

– Regulation (EU) 2019/880 of the European Parliament and of the Council on the introduction and the import of cultural goods’;

8. under the heading ‘4. General trade related aspects’, following the entry for ‘Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008’, the following note shall be inserted:

‘Without prejudice to the fact that the tariff preferences for eligible countries pursuant to the Union’s General Scheme of Preferences shall be applicable in the United Kingdom in respect of Northern Ireland:

– the references to “Member State” in Article 9(1)(c)(ii) and Chapter VI [Safeguards and surveillance provisions] of Regulation (EU) No 978/2012 shall not be read as including the United Kingdom in respect of Northern Ireland;

– the references to “Union market” in Article 2(k) and Chapter VI [Safeguards and surveillance provisions] of Regulation (EU) No 978/2012 shall not be read as including the market of United Kingdom in respect of Northern Ireland; and

– the references to “Union producers” and to “Union industry” in Regulation (EU) No 978/2012 shall not be read as including the producers or industry of the United Kingdom in respect of Northern Ireland.’;

9. under the heading ‘5. Trade defence instruments’, directly under the heading, the following note shall be inserted:

‘Without prejudice to the fact that the Union’s trade defence measures shall be applicable in the United Kingdom in respect of Northern Ireland, the references to “Member States” or “Union” in Regulation (EU) 2016/1036, Regulation (EU) 2016/1037, Regulation (EU) 2015/478 and Regulation (EU) 2015/755 shall not be read as including the United Kingdom in respect of Northern Ireland. In addition, importers that paid Union anti-dumping or countervailing duties on the importation of goods that were customs cleared in Northern Ireland may only ask for a refund of such duties pursuant to Article 11(8) of Regulation (EU) 2016/1036 or Article 21 of Regulation (EU) 2016/1037, respectively.’;

10. under the heading ‘6. Regulations on bilateral safeguards’, directly under the heading, the following note shall be inserted:

‘Without prejudice to the fact that the Union’s bilateral safeguard measures shall be applicable in the United Kingdom in respect of Northern Ireland, the references to “Member States” or “Union” in the regulations listed below shall not be read as including the United Kingdom in respect of Northern Ireland.’;

11. under the heading ‘25. Waste’, following the entry for ‘Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment’, the following note shall be inserted:

‘In relation to the application of those Articles and Parts to and in the United Kingdom in respect of Northern Ireland, any reference to “3 July 2021” in Articles 4 (1), 14 and 17 (1) is to be read as “1 January 2022”. Articles 2, 3, 14 and 17, and Part F of the Annex, shall only apply insofar as they relate to Articles 4 to 7.’.

Article 2

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

Done at Brussels, 17 December 2020.

For the Joint Committee

The Co-chairs

Maroš ŠEFČOVIČ

Michael GOVE

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- [1] OJ L 53, 22.2.2019, p. 1.
 - [2] OJ L 22, 26.1.2005, p. 1.
 - [3] OJ L 155, 12.6.2019, p. 1.
 - [4] OJ L 334, 16.12.2011, p. 1.
 - [5] OJ 125, 11.7.1966, p. 2298.
 - [6] OJ L 226, 13.8.1998, p. 16.
 - [7] OJ L 205, 1.8.2008, p. 28.

DECISION No 4/2020

**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 17 December 2020

on the determination of goods not at risk

THE JOINT COMMITTEE

Having regard to the Protocol on Ireland/Northern Ireland 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, and in particular Article 5(2) thereof,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

This Decision sets out rules for implementing Article 5(2) of the Protocol on Ireland/Northern Ireland (“the Protocol”) as regards:

- (a) the conditions for considering that a good brought into Northern Ireland from outside the Union will not be subject to commercial processing in Northern Ireland;
- (b) 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.

Article 2

Non-commercial processing

A good shall not be considered to be subject to commercial processing where:

- (a) the person who lodges a declaration for release for free circulation in respect of that good or on whose behalf such declaration is lodged (“importer”) had a total annual turnover of less than GBP 500,000 in its most recent complete financial year; or
- (b) the processing is in Northern Ireland and is for the sole purpose of:
 - (i) the sale of food to an end-consumer in the United Kingdom;
 - (ii) construction, where the processed goods form a permanent part of a structure that is constructed and located in Northern Ireland by the importer;
 - (iii) direct provision to the recipient of health or care services by the importer in Northern Ireland;
 - (iv) not-for-profit activities in Northern Ireland, where there is no subsequent sale of the processed good by the importer; or
 - (v) the final use of animal feed on premises located in Northern Ireland by the importer.

Article 3

Criteria for considering goods not to be at risk of subsequently being moved into the Union

1. A good shall be considered not to be at risk of subsequently being moved into the Union, where it is not considered to be subject to commercial processing in accordance with Article 2, and where:
 - (a) in the case of goods brought into Northern Ireland from another part of the United Kingdom by direct transport,
 - (i) the duty payable according to the Union Common Customs Tariff is equal to zero, or

(ii) the importer has been authorised in accordance with Articles 5 to 7 of this Decision to bring that good into Northern Ireland for its sale to, or final use by, end-consumers located in the United Kingdom, including where that good has been subject to non-commercial processing in accordance with Article 2 before its sale to, or final use by, end-consumers;

(b) in the case of goods brought into Northern Ireland by direct transport other than from the Union or another part of the United Kingdom,

(i) the duty payable according to the Union Common Customs Tariff is equal to or less than the duty payable according to the customs tariff of the United Kingdom, or

(ii) the importer has been authorised in accordance with Articles 5 to 7 of this decision to bring that good into Northern Ireland for its sale to, or final use by, end-consumers located in Northern Ireland (including where that good has been subject to non-commercial processing in accordance with Article 2 before its sale to, or final use by, end-consumers), and the difference between the duty payable according to the Union Common Customs Tariff and the duty payable according to the customs tariff of the United Kingdom is lower than 3 % of the customs value of the good.

2. Paragraphs 1(a)(ii) and 1(b)(ii) shall not apply to goods subject to trade defence measures adopted by the Union.

Article 4

Determination of the applicable duties

For the purposes of Article 3(1)(a)(i) and 3(1)(b), the following rules shall apply:

(a) the duty payable according to the Union Common Customs Tariff to a good shall be determined in accordance with the rules set out in the Union customs legislation;

- (b) the duty payable according to the customs tariff of the United Kingdom to a good shall be determined in accordance with the rules set out in the customs legislation of the United Kingdom.

Article 5

Authorisation for the purposes in Article 3

1. For the purposes of Articles 3(1)(a)(ii) and 3(1)(b)(ii), an application for an authorisation to bring goods into Northern Ireland by direct transport for sale to, or final use by, end-consumers shall be submitted to the competent authority of the United Kingdom.
2. The application for the authorisation referred to in paragraph 1 shall contain information on the applicant's business activities, on the goods typically brought into Northern Ireland, as well as a description of the type of records, systems and controls put in place by the applicant to ensure that the goods covered by the authorisation are properly declared for customs purposes and evidence can be provided to support the undertaking in Article 6(b). The trader shall keep the evidence, e.g. invoices, for the past five years and shall provide it to the competent authorities upon their request. The data requirements of the application are set out in detail in the Annex to this Decision.
3. The authorisation shall at least indicate the following:
 - (a) the name of the person to whom the authorisation has been granted ("authorisation holder");
 - (b) a single reference number attributed by the competent customs authority to the decision ("authorisation reference number");
 - (c) the authority having granted the authorisation;
 - (d) the date of taking effect of the authorisation.

4. The provisions of Union customs legislation on decisions relating to the application of the customs legislation shall apply to applications and authorisations referred to in this Article, including as regards monitoring.

5. In cases where the competent customs authority of the United Kingdom observes deliberate mis-use of an authorisation or breaches of conditions for an authorisation set out in this Decision the authority shall suspend or revoke the authorisation.

Article 6

General conditions for authorisation

For the purposes of Articles 3(1)(a)(ii) and 3(1)(b)(ii), an authorisation may be granted to applicants who:

- (a) meet the following establishment criteria:
 - (i) they are established in Northern Ireland or they have a fixed place of business in Northern Ireland
 - where human and technical resources are permanently present; and
 - from where goods are sold to, or provided for final use by, end-consumers; and
 - where customs, commercial and transport records and information are available or accessible in Northern Ireland, and
 - (ii) in case they are not established in Northern Ireland, their customs-related operations are carried out in the United Kingdom and they have an indirect customs representative in Northern Ireland;

- (b) undertake to bring goods into Northern Ireland solely for sale to, or final use by, end-consumers, including where those goods have been subject to non-commercial processing in accordance with Article 2 before their sale to, or

final use by, end-consumers; and, in the case of a sale to end-consumers in Northern Ireland, undertake that the sale will be from one or several physical outlets in Northern Ireland from which physical direct sales are made to end-consumers.

Article 7

Specific conditions for authorisation

1. For the purposes of Articles 3(1)(a)(ii) and 3(1)(b)(ii), an authorisation to bring goods into Northern Ireland shall only be granted to applicants fulfilling the conditions set out in Article 6 and the following conditions:
 - (a) the applicant declares they will declare for release for free circulation goods brought into Northern Ireland in accordance with Article 3(1)(a)(ii) or 3(1)(b)(ii);
 - (b) the applicant must not have committed any serious infringement or repeated infringements of customs legislation and taxation rules and must not have any record of serious criminal offences relating to their economic activity;
 - (c) in respect of goods to be declared as not at risk, the applicant shall demonstrate that they have a high level of control of their operations and of the flow of goods, by means of a system of managing commercial and, where appropriate, transport records which allow appropriate controls and provision of evidence to support the undertaking in Article 6(b).
2. Authorisations shall be granted only if the customs authority considers that it will be able to carry out controls without disproportionate administrative effort, including control of any evidence that the goods were sold to, or subject to final use by, end-consumers.
3. During the period ending two months after the entry into force of this Decision, an authorisation may be granted on a provisional basis if the applicant has submitted a complete application, complies with paragraph 1(b), and declares that they meet the other conditions for authorisation. The duration of the provisional

authorisation shall be limited to four months after which a permanent authorisation must have been granted for the trader to remain authorised.

Article 8

Exchange of information on the application of Article 5(1) and (2) of the Protocol

1. Without prejudice to its obligations pursuant to Article 5(4) of the Protocol, read in conjunction with Regulation (EC) No 638/2004 of the European Parliament and of the Council^[1] and Regulation (EC) No 471/2009 of the European Parliament and of the Council^[2], the United Kingdom shall provide the Union with information on the application of Article 5(1) and (2) of the Protocol as well as of this Decision on a monthly basis. This information shall comprise volumes and values, in aggregated form and per consignment, as well as means of transport, relating to:
 - (a) goods brought into Northern Ireland in relation to which no customs duties were payable in accordance with the first subparagraph of Article 5(1) of the Protocol;
 - (b) goods brought into Northern Ireland in relation to which the customs duties payable were those applicable in the United Kingdom in accordance with the second subparagraph of Article 5(1) of the Protocol; and
 - (c) goods brought into Northern Ireland in relation to which the customs duties payable were in accordance with the Union Common Customs Tariff.
2. The United Kingdom shall provide the information referred to in paragraph 1 on the 15th working day of the following month for which the information is provided.
3. The information shall be provided using electronic data-processing techniques.

4. At the request of the Union representatives referred to in Decision 6/2020 of the Joint Committee of 17 December 2020 providing for the practical working arrangements relating to the exercise of the rights of Union representatives referred to in Article 12(2) of the Protocol on Ireland/Northern Ireland, and at least twice per year, the competent authorities of the United Kingdom shall provide information in aggregated and per authorisation form to these representatives on the authorisations granted pursuant to Articles 5 to 7, including numbers of accepted, rejected and revoked authorisations.
5. The regular transfer of information referred to above shall commence as soon as possible and no later than 15 April 2021. The first transfer of information shall cover information for the period from 1 January 2021 until the end of the month before the transfer.

Article 9

Review and termination

If either Party considers there is significant diversion of trade, or fraud or other illegal activities, that Party shall inform the other Party in the Joint Committee by 1 August 2023, and the Parties shall use their best endeavours to find a mutually satisfactory resolution of the matter. If the Parties do not find a mutually satisfactory resolution, Articles 3(1)(a)(ii), 3(1)(b)(ii) and 5 to 8 of this Decision shall cease to apply from 1 August 2024, unless the Joint Committee decides before 1 April 2024 to continue their application.

In case Articles 3(1)(a)(ii), 3(1)(b)(ii) and 5 to 8 of this Decision cease to apply in accordance with the first subparagraph, the Joint Committee shall amend this Decision by 1 August 2024 to make appropriate alternative provision applicable from 1 August 2024, having regard to the specific circumstances in Northern Ireland and fully respecting Northern Ireland's place in the United Kingdom's customs territory.

Article 10

Entry into force

This Decision shall enter into force on 1 January 2021.

Done at Brussels, 17 December 2020.

For the Joint Committee

The Co-chairs

Maroš ŠEFČOVIČ

Michael GOVE

ANNEX

Application for Authorisation to bring goods into Northern Ireland for end-consumers

(referred to in Article 5 of the Decision)

Application information

1. Supporting documents

Mandatory supporting documents and information to be provided by all applicants:

Document of establishment / proof of a permanent business establishment

2. Other supporting documents and information to be provided by the applicant:

Any other supporting document or information that is considered relevant for checking the applicant's compliance with the conditions referred to in Articles 6 and 7 of the Decision.

Provide information on the type and, if applicable, the identification number and/or the date of issue of the supporting document(s) attached to the application. Indicate also the total number of the documents attached.

3. Date and signature of the applicant

Applications made by using an electronic data-processing technique shall be authenticated by the person who lodges the application.

Date on which the applicant has signed or otherwise authenticated the application.

Details of the applicant

4. Applicant

The applicant is the person who applies to the customs authorities for a decision.

Enter the name and address of the person concerned.

5. Applicant identification number

The applicant is the person who applies to the customs authorities for a decision.

Enter the Economic Operators Registration and Identification number (EORI number), of the person concerned, as provided for in Article 1(18) of Commission Delegated Regulation (EU) 2015/2446^[3].

6. Legal status of the applicant

The legal status as mentioned in the document of establishment.

7. VAT identification number(s)

Where assigned, enter the VAT identification number.

8. Business activities

Enter information on the business activity of the applicant. Please describe briefly your commercial activity and state your role in the supply chain (e.g. manufacturer of goods, importer, retailer, etc.). Please describe:

- the intended use of the imported goods, including a description of the type of goods and whether they undergo any type of processing.
- an estimation on the number of customs declarations for release for free circulation for the goods concerned to be made per year.
- the type of records, systems and controls put in place to support the undertaking in Article 6(b).

9. Annual turnover

For the purposes of Article 2 of the Decision, enter the annual turnover for the most recent complete financial year. If a newly established business, provide such records and information as relevant to enable an assessment of anticipated turnover e.g. latest cash flow, balance sheet and profit and loss forecasts, approved by the directors/partners/sole proprietor.

10. Contact person responsible for the application

The contact person shall be responsible for keeping contact with customs as regards the application.

Enter the contact person's name and any of the following: telephone number, e-mail address (preferably of a functional mailbox)

11. Person in charge of the applicant company or exercising control over its management

For the purposes of Article 7(b) of the Decision, enter the name(s) and full details of the person(s) concerned according to the legal establishment/form of the applicant company, in particular: director/manager of the company and board directors if any. Details should include: full name and address, and date of birth and National Identification Number.

Dates, times, periods and places

12. Date of establishment

With numbers – the day, month and year of establishment.

13. Address of establishment / address of residence

The full address of the place where the person is established/resides, including the identifier of the country or territory.

14. Place where records are kept

Enter full address of the location(s) where the applicant's records are kept or intended to be kept. The UN/LOCODE may replace the address, if it provides an unambiguous identification of the location concerned.

15. Place(s) of processing or use

Please indicate the address of the place(s) where the goods will be processed, where applicable, and sold to the end-consumers.

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- [1] Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91 (OJ L102, 7.4.2004, p. 1).
- [2] Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ L 152, 16.6.2009, p. 23).
- [3] Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L343, 28.12.2015, p. 1).

DECISION No 5/2020

**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 17 December 2020

determining the initial maximum exempted overall annual level of support

and the initial minimum percentage referred to in Article 10(2)

of the Protocol on Ireland/Northern Ireland

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

THE JOINT COMMITTEE

Having regard to the Protocol on Ireland/Northern Ireland 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, and in particular Article 10(2) thereof and Annex 6 thereto,

HAS DECIDED AS FOLLOWS:

Article 1

Overall annual level of support for agricultural products

other than fisheries and aquaculture products

1. The initial maximum exempted overall annual level of support referred to in Article 10(2) of the Protocol on Ireland/Northern Ireland for agricultural products other than fisheries and aquaculture products shall be GBP 382,2 million^[1].
2. The United Kingdom may increase the maximum exempted overall annual level of support referred to in paragraph 1, up to an additional amount of GBP 25,03 million in a given year by the part of the amount of the maximum exempted overall annual level of support that has not been spent in the preceding calendar year.
3. The maximum exempted overall annual level of support referred to in paragraph 1 shall be increased by an amount of GBP 6,8 million for a given year:
 - (a) where during that year the European Union has taken measures, covering the Republic of Ireland, under Part II, Title I, Chapter I or Articles 219, 220 or 221 of Regulation (EU) No 1308/2013^[2]; or
 - (b) on account of:
 - (i) an animal disease,
 - (ii) an event or circumstance significantly disturbing or threatening to disturb the market, where that situation, or the effects of that situation on the market, is likely to continue or deteriorate;
 - (iii) a situation of serious market disturbance directly attributable to a loss in consumer confidence due to public, animal or plant health and disease risks;or

- (iv) a natural disaster, which affects the territory of Northern Ireland and does not equally affect the whole island of Ireland.

Point (b) only applies where the United Kingdom has informed the European Union at least 10 days prior to making use of the increased overall annual level of support.

Article 2

Overall annual level of support for fisheries and aquaculture products

1. The initial maximum exempted overall level of support referred to in Article 10(2) of the Protocol on Ireland/Northern Ireland for fisheries and aquaculture products shall be GBP 16,93 million during the first five years after the entry into force of this Decision as well as during any subsequent period of five years. However, the exempted overall annual level of support for these products must not exceed GBP 4,01 million in any given year.
2. The following operations shall not be eligible for funding from the amounts referred to in paragraph 1:
 - (a) operations increasing the fishing capacity of a vessel or equipment increasing the ability of a vessel to find fish;
 - (b) the construction of new fishing vessels or the importation of fishing vessels;
 - (c) the permanent cessation of fishing activities;
 - (d) the temporary cessation of fishing activities, unless related to any of the following:
 - (i) emergency measures introduced by the authorities of the United Kingdom, or the United Kingdom in respect of Northern Ireland, for a maximum period of six months, to alleviate a serious threat to marine biological resources or the marine ecosystem;

- (ii) the non-renewal of an international fisheries agreement or protocols thereto;
- (iii) a fisheries management plan published under legislation in the United Kingdom, or the United Kingdom in respect of Northern Ireland, that sets out policies designed to restore one or more stocks of fish to sustainable levels, or maintain such stocks at sustainable levels;
- (iv) emergency measures introduced by the authorities of the United Kingdom, or the United Kingdom in respect of Northern Ireland, in response to a public health or other emergency that has a serious impact on the fishing or aquaculture sectors;
- (e) exploratory fishing;
- (f) the transfer of ownership of a business; and
- (g) direct restocking, unless provided for in measures by the authorities of the United Kingdom, or the United Kingdom in respect of Northern Ireland, to conserve fish stocks or the marine ecosystem, or in the case of experimental restocking.

The exceptions provided for in point (d) are subject to the condition that the fishing activities carried out by the fishing vessel or by the fisher concerned are effectively suspended and that the funding is granted for a maximum duration of six months per vessel.

Article 3

Minimum percentage

The initial minimum percentage referred to in Article 10(2) of the Protocol shall be 83 % and shall apply to the amounts of the exempted overall annual level of support referred to in Article 1.

Article 4

Review

The Joint Committee shall regularly review this Decision and its implementation.

Article 5

Entry into force

This Decision shall enter into force on 1 January 2021.

Done at Brussels, 17 December 2020.

For the Joint Committee

The Co-chairs

Maroš ŠEFČOVIČ

Michael GOVE

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- [1] For the purpose of all calculations and amounts, set out in GBP in this Decision, in EUR, the 2019 Direct Payments exchange rate (€1 = £0.89092) is to be used.
- [2] Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347 of 20.12.2013, p. 671).

DECISION No 6/2020

**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 17 December 2020

providing for the practical working arrangements relating to the exercise

of the rights of Union representatives referred to in Article 12(2)

of the Protocol on Ireland/Northern Ireland

THE JOINT COMMITTEE

Having regard to the Protocol on Ireland/Northern Ireland annexed 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, and in particular Article 12(3) thereof,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

1. This Decision sets out the practical working arrangements relating to the exercise of the rights of Union, through its representatives, referred to in Article 12(2) of the Protocol on Ireland/Northern Ireland ('the Protocol').
2. For the purposes of this Decision, "covered activities" means any activities of the authorities of the United Kingdom related to the implementation and application

of provisions of Union law made applicable by the Protocol, as well as activities related to the implementation and application of Article 5 of the Protocol, including of Joint Committee decisions adopted thereunder, pursuant to Article 12(2) of the Protocol.

Article 2

Union representatives

1. The Union shall ensure that its representatives exercising the rights under Article 12(2) of the Protocol act in good faith and closely cooperate with the authorities of the United Kingdom carrying out covered activities, and that they keep in close communication with them.
2. Union representatives exercising the rights under Article 12(2) of the Protocol shall not engage in any activities which do not relate to the exercise of those rights.
3. Union representatives shall take into account the guidance communicated to them by the authorities of the United Kingdom concerning their safety and the safety of others when exercising their right to be present. They shall respect any requirement lawfully imposed by the authorities of the United Kingdom responsible for law enforcement, subject to Title XII and Title XIII (Articles 120 and 121) of Part Three of the Withdrawal Agreement.
4. The Union shall ensure that its representatives may not disclose information of which they have knowledge by reason of exercising the rights under Article 12(2) of the Protocol other than to the institutions, bodies, offices and agencies of the Union as well as the authorities of the United Kingdom, unless they have been authorised by the competent institution, body, office or agency of the Union.
5. Union representatives have the right to be present during covered activities in the United Kingdom, including at all places where goods or animals enter or exit Northern Ireland through ports or airports. Union representatives may only access

facilities referred to in Article 3(1) when the representatives of the authorities of the United Kingdom are present and using them for the purpose of carrying out covered activities, or when a facility is otherwise to be operational for that purpose. Union representatives may accompany any representatives of the authorities of the United Kingdom whenever the latter is carrying out any of the covered activities, including for inspections of sites other than those referred to in the previous sentence.

6. The United Kingdom shall facilitate the presence of the Union representatives exercising the rights under Article 12(2) of the Protocol and shall provide any equipment, amenities and other facilities, such as adequately equipped work stations and adequate IT connections, necessary to carry out their tasks.
7. The archives of the Union concerning any information related to any covered activities shall be inviolable.
8. Union representatives present in the United Kingdom shall not be hindered from moving freely in the United Kingdom for the purpose of exercising the rights under Article 12(2) of the Protocol.
9. When exercising the rights under Article 12(2) of the Protocol, Union representatives shall carry a photographic identification card certifying their name, function, and institution, body, office or agency of the Union. The Union shall issue such identification cards using a specimen which the Union shall share with the United Kingdom within one month of the entry into force of this Decision.
10. Upon arrival at the places where rights under Article 12(2) of the Protocol are exercised, the Union representative shall produce the identification card referred to in paragraph 9. Subject to paragraph 3, once duly identified, that Union representative shall immediately be granted access to the facility.
11. Union representatives shall be entitled to travel to the United Kingdom without prior notification or approval for the purpose of exercising the rights under Article

12(2) of the Protocol. They may travel to the United Kingdom using the laissez-passer issued by the Union.

12. Union representatives in the United Kingdom for the purpose of exercising the rights under Article 12(2) of the Protocol shall, together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens.
13. While in the United Kingdom for the purpose of exercising the rights under Article 12(2) of the Protocol, Union representatives shall be accorded the same facilities in respect of currency or exchange regulations as are customarily accorded to officials of international organisations residing in the United Kingdom and shall be exempt from national taxation on their salaries, wages and emoluments paid by the Union or the member states. Such privileges and immunities from taxation shall not apply to a Union representative if they are a British national (other than a British national who is also a national of a Member State of the Union and not resident in the United Kingdom at the time of appointment) or a permanent resident of the United Kingdom.
14. While in the United Kingdom for the purpose of exercising the rights under Article 12(2) of the Protocol, Union representatives shall enjoy the right to import and re-export free of duty their furniture and effects, including motor vehicles.
15. The activities of the Union representatives in the United Kingdom pursuant to Article 12(2) of the Protocol shall be considered, for the purposes of Title XII and Title XIII (Articles 120 and 121) of Part Three of the Withdrawal Agreement, to be activities of the Union pursuant to the Withdrawal Agreement.

Article 3

Contact points

1. The United Kingdom shall provide the Union with a list of authorities carrying out covered activities and their facilities.

The United Kingdom shall designate a contact point for each of the authorities referred to in the first subparagraph, and provide the Union with relevant contact details.

2. The United Kingdom shall communicate any amendments to the list referred to in the first subparagraph of paragraph 1, or any change of contact point or details, to the Union expeditiously.
3. The Union shall designate a contact point for the purpose of paragraph 2.

Article 4

Modalities of requesting information

1. The United Kingdom representative or contact point, as the case may be, shall respond to any request for information expeditiously, thereby giving the Union representative sufficient time to assess the information for the purposes of exercising the rights under Article 12(2) of the Protocol.
2. If the authorities of the United Kingdom consider that a request for information or the relevance of such request is not clear, or that the scope of information requested would make compliance with a request excessively burdensome, they may ask the Union representative who made the request to clarify or refine its scope.
3. When exercising the rights under Article 12(2) of the Protocol, and with due consideration of their obligations referred to in Article 2(1) of this Decision, Union representatives shall have the right to examine and, where necessary, copy documents and records in the possession of the authorities of the United Kingdom which contain information relevant to the covered activities. The Union shall protect this information in accordance with Article 2(4).
4. Union representatives may request that authorities of the United Kingdom carrying out covered activities provide relevant information about those activities.

Article 5

Electronic access to applicable information systems, databases and networks

1. Upon request from the Union, the United Kingdom shall grant Union representatives ongoing and continuous electronic access on a real-time basis to relevant information contained in the United Kingdom networks, information systems and databases and United Kingdom national modules of Union systems (hereinafter: 'IT systems') listed in Annex 1, to the extent necessary for Union representatives there to exercise the rights under Article 12(2) of the Protocol. The Union shall ensure that its representatives protect such information in accordance with paragraphs 3 and 4.
2. Upon request from the Union, the United Kingdom shall also grant Union representatives electronic access to relevant information contained in the IT systems referred to in Annex 2, to the extent necessary for Union representatives to exercise the rights under Article 12(2) of the Protocol. The Union shall ensure that its representatives protect such information in accordance with paragraphs 3 and 4.
3. The access granted, which can also be exercised remotely, is subject to adherence by Union representatives to the security and other user requirements of each of these IT systems.
4. The Union shall ensure that its representatives may use information as referred to in paragraphs 1 and 2 only for the purpose of exercising the rights under Article 12(2) of the Protocol. The Union shall ensure that its representatives do not disclose information accessed pursuant to paragraphs 1 and 2 other than to the institutions, bodies, offices and agencies of the Union as well as the authorities of the United Kingdom, unless they have been so authorised by the customs authorities of the United Kingdom and by the competent institution, body, office or agency of the Union. The customs authorities of the United Kingdom may not decline to authorise such disclosure except for duly stated reasons.

5. The United Kingdom shall communicate any change as regards the existence, scope or operation of the IT systems listed in Annex 1 and 2 to the Union, in good time before such changes become effective.

Article 6

Modalities of requesting control measures

1. Union representatives may request control measures in individual cases, both orally and in writing. Such requests shall duly state the reasons for requesting the specific control measure. Requests shall ordinarily be directed at the relevant United Kingdom authority's contact person, but oral requests may also be directed at a representative of the authorities of the United Kingdom.
2. The United Kingdom authorities shall carry out the requested control measure expeditiously.
3. If the authorities of the United Kingdom consider that the reasons given by Union representatives for their request are insufficient or unclear, the authorities of the United Kingdom may ask Union representatives to clarify or explain their reasons in greater detail.

Article 7

The Joint Committee shall review this Decision at the latest three years after its entry into force and following a request from the Union or the United Kingdom.

Article 8

Entry into force

This Decision shall enter into force on 1 January 2021.

Done at Brussels, 17 December 2020.

For the Joint Committee

The Co-chairs

Maroš ŠEFČOVIČ

Michael GOVE

ANNEX 1

IT systems containing information required for the implementation of Union legislation referred to in the first sentence of Article 5(3) of the Protocol and of Article 5(1) and (2) of the Protocol

- Customs Declarations Service (CDS), including risk profiles and information on presentation and temporary storage of the goods where available
- Goods Vehicle Movement Service (GVMS)
- Freight Targeting System, including information collected by alternative means in relation to the UK declaration on export declarations
- National domain of Northern Ireland Import Control System (ICS), including risk profiles
- National domain of Northern Ireland New Computerised Transit System (NCTS)

Other systems used by UK authorities to implement Articles 5(2) and (4) and 6(1) of the Protocol, including information regarding authorisations (UCC and Protocol relevant authorisations and decisions).

ANNEX 2

Other IT systems containing information required for carrying out covered activities

- National Domain Excise Movement and Control System (EMCS)
- National Domain VAT Information Exchange System (VIES) and any directly relevant UK database, in order to consult registration data of NI traders and the information provided by NI traders to the UK Tax administration on taxable

transactions in respect of intra-EU acquisitions of goods taking place in NI and that need to be declared by NI traders.

- National Domain (Import) One Stop Shop (IOSS and OSS)
- National Domain VAT Refund

DECISION No 7/2020

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 17 December 2020

**establishing a list of 25 persons who are willing and able to serve
as members of an arbitration panel under the Agreement**

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 171(1) thereof,

Whereas:

- (1) Pursuant to Article 171(1) of the Withdrawal Agreement, the Joint Committee is to establish, no later than by the end of the transition period set under the Withdrawal Agreement, a list of 25 persons who are willing and able to serve as members of an arbitration panel. The Joint Committee is to ensure that the list complies with the requirements at any moment in time.,
- (2) Pursuant to Article 171(2) of the Withdrawal Agreement, the list is to only comprise persons whose independence is beyond doubt, who possess the qualifications required for appointment to the highest judicial office in their respective countries or who are jurisconsults of recognised competence, and who possess specialised knowledge or experience of Union law and public international law. The list is not to comprise persons who are members, officials or other servants of the Union institutions, of the government of a Member State, or of the government of the United Kingdom,
- (3) The Union and the United Kingdom have jointly proposed five persons for the position of chairperson of the arbitration panel, and have each proposed ten persons for the position of member of the arbitration panel,
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Joint Committee.

- (5) It is also appropriate to establish a reserve pool of experts who are willing and able to serve as arbitrators under the Withdrawal Agreement and who can be contacted in order to keep the list of 25 persons up to date from the Union side,

HAS ADOPTED THIS DECISION:

Article 1

The list of 25 persons willing and able to serve as arbitrators under the Withdrawal Agreement is set out in Annex I.

Article 2

This Decision shall enter into force on 1 January 2021.

Done at Brussels, 17 December 2020

For the Joint Committee

The Co-chairs

Michael Gove

Maroš Šefčovič

ANNEX I

to Decision No 7/2020 of the Joint Committee

Chairpersons for the Withdrawal Agreement Arbitration Panel

Ms Corinna Wissels

Ms Angelika Helene Anna Nussberger

Mr Jan Klucka

Sir Daniel Bethlehem

Ms Gabrielle Kaufmann-Kohler

Ordinary members for the Withdrawal Agreement Arbitration Panel

EU:

Mr Hubert Legal

Ms Helena Jäderblom

Ms Ursula Kriebaum

Mr Jan Wouters

Mr Christoph Walter Hermann

Mr Javier Diez-Hochleitner

Ms Alice Guimaraes-Purokoski

Mr Barry Doherty

Ms Tamara Capeta

Mr Nico Schrijver

UK:

Sir Gerald Barling

Sir Christopher Bellamy

Mr Zachary Douglas

Sir Patrick Elias

Dame Elizabeth Gloster

Sir Peter Gross

Mr Toby Landau QC

Mr Dan Sarooshi QC

Ms Jemima Stratford QC

Sir Michael Wood

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

Summary Minutes of Withdrawal Agreement Joint Committee Meeting, 17 December 2020

WITHDRAWAL AGREEMENT JOINT COMMITTEE

Fifth Regular Meeting

17 December 2020

Summary Minutes

- The Withdrawal Agreement Joint Committee:
 - Took stock of Specialised Committees' activity and progress since its last meeting on 19 October;
 - Reviewed the state of implementation of the Withdrawal Agreement (WA), notably in the areas of Citizens' Rights and the Protocol on Ireland and Northern Ireland;
 - Agreed to continue to hold Joint Committee meetings regularly in 2021, once in a quarter at least.
- The Joint Committee adopted the following decisions:
 - Decision no 2/2020 on setting the date from which the provisions of Title III of Part Two of the Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation (Art. 33(2) WA);
 - Decision no 3/2020 on amending the Protocol on Ireland and Northern Ireland 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;
 - Decision no 4/2020 on the determination of goods not at risk (Art. 5(2) Protocol on Ireland/Northern Ireland);
 - Decision no 5/2020 on determining the initial maximum exempted overall annual level of support and the initial minimum percentage referred to in Article 10(2) of the Protocol on Ireland/Northern Ireland 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;
 - Decision no 6/2020 providing for the practical working arrangements relating to the exercise of the rights of Union representatives referred to in Article 12(2) of the Protocol on Ireland/Northern Ireland;
- The Parties furthermore approved the Decision establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement (Art. 171 WA) and agreed to consider it as being adopted pending completion of the EU's internal decision-making procedure.⁵
- The Parties made a series of unilateral declarations regarding:
 - the application of Union law related to medicinal products in respect of Northern Ireland after the end of the transition period (EU and UK);
 - the application of Union law with regard to the import of certain meat products into Northern Ireland from Great Britain after the end of the transition period (UK and EU);
 - the application of Union law with regard to the certification required for certain food products brought into Northern Ireland (UK and EU);
 - the application of Union law with regard to export declarations for goods moving from Northern Ireland to other parts of the United Kingdom (UK and EU); and
 - the application of Art. 107 TFEU to situations referred to in Art. 10(1) of the Protocol (EU);
- The Parties furthermore endorsed and agreed to publish the 2nd edition of the Joint Report on Residence Rights, as prepared and adopted by the Specialised Committee on Citizens' Rights.

⁵ That procedure was completed on 22 December 2020.

Respective UK and EU press statements following meetings of the Withdrawal Agreement Joint Committee in 2020

Joint Committee meeting of 30 March 2020:

UK Government statement

www.gov.uk/government/news/first-meeting-of-the-withdrawal-agreement-joint-committee

European Commission statement

ec.europa.eu/commission/presscorner/detail/en/statement_20_565

Joint Committee meeting of 12 June 2020:

European Commission statement

ec.europa.eu/commission/presscorner/detail/en/statement_20_1055

UK Government statement

www.gov.uk/government/news/second-meeting-of-the-withdrawal-agreement-joint-committee

Joint Committee meeting of 10 September 2020:

UK Government statement

www.gov.uk/government/news/meeting-of-the-withdrawal-agreement-joint-committee-on-10-september

European Commission statement

ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_1607

Joint Committee meeting of 28 September 2020:

European Commission statement

ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_1766

UK Government statement

www.gov.uk/government/news/meeting-of-the-withdrawal-agreement-joint-committee-on-28-september

Joint Committee meeting of 19 October 2020:

UK Government statement

www.gov.uk/government/speeches/eu-exit-update-on-negotiations-and-the-work-of-the-joint-committee

European Commission statement

ec.europa.eu/commission/presscorner/detail/en/statement_20_1948

Joint Committee meeting of 17 December 2020:

European Commission statement

ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_2488

UK Government statement

www.gov.uk/government/news/meeting-of-the-withdrawal-agreement-joint-committee-on-17-december-2020