**EXPLANATORY MEMORANDUM ON AN EU-UK WITHDRAWAL AGREEMENT OR TRADE AND COOPERATION AGREEMENT GOVERNANCE DOCUMENT.**

COM(2026) 404 final / 2026/0225 (NLE)

**Proposal for a Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the adoption of a decision to amend Part I of Annex I to that Agreement**

Submitted by the Department for Work and Pensions on 04 November 2026

## SUBJECT MATTER

1. The European Commission proposes the adoption of a Council Decision approving the European Union's (EU) position regarding a Withdrawal Agreement Joint Committee Decision to amend Part I of Annex I of the Withdrawal Agreement by amending the list of decisions and recommendations.

2. The proposal does not require a UK response. Once the Council of the European Union (the Council) has adopted the Decision, it will be agreed jointly by the UK and the EU in the Withdrawal Agreement Joint Committee (Joint Committee) and will be binding. The Government agrees with the proposal and has reviewed the amendments.

3. The Withdrawal Agreement entered into force on 31 January 2020. The Joint Committee was established under Article 164(1) of the Withdrawal Agreement and is composed of representatives of both the UK and the EU. The mandate of the Joint Committee is set out in Article 164 of the Withdrawal Agreement, and includes:
    - adopting decisions and making recommendations by mutual consent in respect of all matters for which the Withdrawal Agreement so provides and to make appropriate recommendations to the UK and the EU; and
    - adopting amendments to the Withdrawal Agreement in the cases provided for in this Agreement.

4. This proposal intends that, in the interest of legal certainty, Part I of Annex I of the Withdrawal Agreement should be amended by adding four Decisions of the Administrative Commission for the Coordination of Social Security Systems to Part I of Annex I of the Withdrawal Agreement, two of which will replace existing Decisions.

5. The Administrative Commission for the Coordination of Social Security Systems is the body responsible for dealing with administrative matters and questions of interpretation arising from the social security coordination regulations. Pursuant to Article 34 of the Withdrawal Agreement, the UK continues to attend the Administrative Commission with observer status.

6. Part I of Annex I of the Withdrawal Agreement lists the Decisions and Recommendations of the Administrative Commission for the Coordination of Social Security Systems, which the UK and the EU take due account of in accordance with Article 31 of the Withdrawal Agreement.

7. Under Article 164(5)(d) of the Withdrawal Agreement, the Joint Committee can adopt decisions amending the Withdrawal Agreement provided that such amendments are necessary to correct errors, address omissions or other deficiencies, or to address situations unforeseen when the Withdrawal Agreement was signed provided that the modifications do not amend the essential elements of the Withdrawal Agreement.

**SCRUTINY HISTORY**

8. **10449/23, COM(2023)322** - Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the adoption of a decision to amend Part I of Annex I of the Agreement. Submitted by the Foreign, Commonwealth & Development Office on 26 June 2023.

**MINISTERIAL RESPONSIBILITY**

9. The Minister for Innovation, Fraud and Data at the Department for Work and Pensions.

**INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)**

10. The Withdrawal Agreement applies to the whole of the UK, and we consult the Devolved Governments regularly on its implementation.

**LEGAL AND PROCEDURAL ISSUES**

**i. Legal basis**. The legal bases for the proposal are Article 50(2) of the Treaty on European Union; Article 218(9) of the Treaty on the Functioning of the European Union and Articles 164(5)(d) and 166 of the Withdrawal Agreement.

**ii. Voting procedure**. The Council shall act by a qualified majority throughout the procedure.

**iii. Timetable for adoption and implementation**. Part I of Annex I of the Withdrawal Agreement will be amended following the adoption of the proposed Decision at the 10 November 2026 Joint Committee.

**POLICY AND LEGAL IMPLICATIONS**

11. The decisions and recommendations of the Administrative Commission for the Coordination of Social Security Systems relate to the technical implementation of the Social Security Coordination provisions. The proposed decisions and recommendations for adoption in Part I of Annex I of the Withdrawal Agreement are

technical adjustments to ensure the proper functioning of the Social Security Coordination rules.

12. There are no policy implications or changes to the social security entitlements for those in scope of the Withdrawal Agreement. Specifically, the four Decisions put forward for adoption at the Joint Committee are as follows:

    - Decision No E8 of 14 March 2024 concerns the establishment of a new change management procedure applying to details of the bodies which are listed in the electronic directory which is part of the Electronic Exchange of Social Security Information (EESSI) database. It updates and replaces Decision E2 which will be deleted.
    - Decision No H14 of 21 June 2023 concerns the publication of the Guidance note which was introduced during the COVID-19 pandemic concerning remote working or "telework". The Guidance note on telework remains applicable from 1 July 2023.
    - Decision No H15 of 27 June 2024 concerns the methods of operation and the composition of the Technical Commission for Data Processing of the Administrative Commission for the Coordination of Social Security Systems. Decision H15 updates and replaces Decision H10 of 21 October 2020 which will be deleted.
    - Decision No S12 of 16 October 2024 concerns the reimbursement of healthcare in connection to patients' transfer to another Member State in case of mass casualties following disasters.

**CONSULTATION**

13. His Majesty's Revenue and Customs (HMRC) and the Department of Health and Social Care (DHSC) have consulted with their delivery and operational partners.

**FINANCIAL IMPLICATIONS**

14. There are no financial implications for Government.

**MINISTERIAL NAME AND SIGNATURE**



Lilian Greenwood MP

Minister for Innovation, Fraud and Data

Department for Work and Pensions