Council Decision (EU) 2020/1599 of 23 October 2020 on the position to be taken on behalf of the European Union in the Joint Consultative Working Group 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 its rules of procedure

COUNCIL DECISION (EU) 2020/1599

of 23 October 2020

on the position to be taken on behalf of the European Union in the Joint Consultative Working Group 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 its rules of procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the 'Withdrawal Agreement') was concluded by Council Decision (EU) 2020/135[(1)] and entered into force on 1 February 2020.

(2) The Joint Consultative Working Group (the 'working group') was established by Article 15(1) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement ('the Protocol') to serve as a forum for the exchange of information and mutual consultation on the implementation of the Protocol.

(3) Pursuant to Article 15(2) of the Protocol, the working group is to be composed of representatives of the Union and the United Kingdom and is to carry out its functions under the supervision of the Specialised Committee on issues related to the implementation of the Protocol, established by Article 165(1), point (c), of the Withdrawal Agreement, to which it is to report.

(4) Pursuant to Article 15(6) of the Protocol, the working group is to adopt its own rules of procedure by mutual consent.

(5) In view of the purpose and composition of the working group and its relation with the Specialised Committee on issues related to the implementation of the Protocol, the rules of procedure should be similar to the rules of procedure provided for in Annex VIII to the Withdrawal Agreement as regards the Specialised Committees established by Article 165(1) of the Withdrawal Agreement.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/1599. (See end of Document for details)*

(6) It is therefore appropriate to establish the position to be taken on the Union's behalf in the working group.

(7) In order to allow for the prompt application of the measures provided for in this Decision, this Decision should enter into force on the date of its adoption,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf in the working group established by Article 15(1) of the Protocol as regards the adoption of the rules of procedure of the working group pursuant to Article 15(6) thereof shall be based on the draft decision of the working group attached to this Decision.

Article 2

The decision of the working group shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Luxembourg, 23 October 2020.

For the Council

The President

S. SCHULZE

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2020/1599. (See end of Document for details)*

ANNEX

DECISION NO …/2020 OF THE JOINT CONSULTATIVE WORKING GROUP 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 COMMUNITYof …adopting its rules of procedure

THE JOINT CONSULTATIVE WORKING GROUP,

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[(2)] (the 'Withdrawal Agreement'), and in particular Article 15(6) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement ('the Protocol'),

Whereas:

(1) Pursuant to Article 15(6) of the Protocol, the Joint Consultative Working Group (the 'working group') is to adopt its own rules of procedure by mutual consent.

(2) In view of the purpose and composition of the working group and its relation with the Specialised Committee on issues related to the implementation of the Protocol, the rules of procedure of the working group should be similar to the rules of procedure provided for in Annex VIII to the Withdrawal Agreement as regards the Specialised Committees established under Article 165 of the Withdrawal Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The work of the Joint Consultative Working Group established by Article 15(1) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement shall be governed by the rules of procedure set out in the Annex to this Decision.

Article 2

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

Done at …,

For the Joint Consultative

Working Group

The Co-chairs

ANNEX

RULES OF PROCEDURE OF THE JOINT CONSULTATIVE WORKING GROUP

*Rule 1***Chair**

1. The Joint Consultative Working Group (the 'working group') shall be co-chaired by a representative designated by the European Commission and by a representative designated by the Government of the United Kingdom. The European Union and the United Kingdom shall notify each other in writing of the designated representatives.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/1599. (See end of Document for details)*

2. A co-chair who is unable to attend a meeting may be replaced for that meeting by a designated alternate. Alternates designated by the European Commission or by the Government of the United Kingdom shall inform the other co-chair and the Secretariat of the working group in writing of their designation as early as possible.

3. The designated alternate of the co-chair shall exercise the rights of that co-chair to the extent of the designation. Any reference in these Rules of Procedure to the co-chairs shall be understood to include designated alternates.

Rule 2 **Secretariat**

The Secretariat of the working group (the 'Secretariat') shall be composed of an official of the European Commission and an official of the Government of the United Kingdom. The Secretariat shall, under the authority of the co-chairs, perform the tasks conferred on it by these Rules of Procedure.

Rule 3 **Participation in meetings**

1. Before each meeting, the Union and the United Kingdom shall inform each other through the Secretariat of the intended composition of the delegations.

2. Where appropriate and by decision of the co-chairs, experts or other persons who are not members of delegations may be invited to attend meetings of the working group in order to provide information on a particular subject.

Rule 4 **Meetings**

1. The working group shall hold its meetings alternately in Brussels and the United Kingdom, unless the co-chairs decide otherwise.

2. By way of derogation from paragraph 1, the co-chairs may decide that a meeting of the working group be held by videoconference or teleconference.

3. Each meeting of the working group shall be convened by the Secretariat at a date and place decided by the co-chairs. Where either the Union or the United Kingdom has made a request for a meeting, the working group shall endeavour to meet within 15 days of such request. In cases of urgency it shall endeavour to meet sooner.

Rule 5 **Documents**

Written documents exchanged formally within the working group, whether at or in between meetings, shall be numbered and circulated to the Union and the United Kingdom by the Secretariat as documents of the working group.

Rule 6 **Correspondence**

1. The Union and the United Kingdom shall send their correspondence addressed to the working group to the Secretariat. Such correspondence may be sent in any form of written communication, including by electronic mail.

2. The Secretariat shall ensure that correspondence addressed to the working group is forwarded to the co-chairs and is circulated, where appropriate, in accordance with Rule 5.

3. All correspondence from or addressed directly to the co-chairs shall be forwarded to the Secretariat and shall be circulated, where appropriate, in accordance with Rule 5.

Rule 7 **Agenda for the meetings**