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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	9 June 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 322 final
Subject:	ANNEX to the 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

Delegations will find attached document COM(2023) 322 final.

Encl.: COM(2023) 322 final



EUROPEAN
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ANNEX

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to the

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

ATTACHMENT

DECISION No [...] /2023 OF THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY

of ...

amending Part I of Annex I 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 Community¹ ('the Withdrawal Agreement'), and in particular Article 36(4) thereof,

Whereas:

- (1) Article 36(4) of the Withdrawal Agreement empowers the Joint Committee established under Article 164(1) thereof ('the Joint Committee') to adopt decisions amending Part I of Annex I of that Agreement, to reflect any new Decision or Recommendation approved by the Administrative Commission for the Coordination of Social Security Systems. 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 interest of legal certainty, 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 and by removing three decisions which were replaced by the two new decisions.

HAS ADOPTED THIS DECISION:

Article 1

The Withdrawal Agreement shall be amended as follows:

¹ OJ L 29, 31.1.2020, p. 7.

- (1) In Part I of Annex I to the Withdrawal Agreement, Decision No H12 of 19 October 2021 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council² shall be added under “Horizontal issues (H series)”;
- (2) In Part I of Annex I to the Withdrawal Agreement, Decision No H13 of 30 March 2022 concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems³ shall be added under “Horizontal issues (H series)”;
- (3) In Part I of Annex I to the Withdrawal Agreement, the following acts shall be removed:
 - (a) Decision No H3 of 15 October 2009 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council⁴, as amended by the Decision No H7 of 25 June 2015 on the revision of the Decision No H3 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council, which is replaced by Decision No H12 of 19 October 2021 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council⁵;
 - (b) Decision No H4 of 22 December 2009 concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems⁶, which is replaced by Decision No H13 of 30 March 2022 concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems⁷;
 - (c) Decision No H7 of 25 June 2015 on the revision of the Decision No H3 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council⁸ which is replaced by Decision No H12 of 19 October 2021 concerning the date to be taken into consideration for

² OJ C 93, 28.2.2022, p. 6–7.

³ OJ C 305, 10.8.2022, p. 4–7.

⁴ OJ C 106, 24.4.2010, p. 56–57.

⁵ OJ C 93, 28.2.2022, p. 6–7.

⁶ OJ C 107, 27.4.2010, p. 3–5.

⁷ OJ C 305, 10.8.2022, p. 4–7.

⁸ OJ C 52, 11.2.2016, p. 13–13.

determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council⁹.

Article 2

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

Done at ...,

For the Joint Committee

The Co-chairs

⁹ OJ C 93, 28.2.2022, p. 6–7.