



Council of the
European Union

Brussels, 19 July 2023
(OR. en)

12015/23

LIMITE

UK 151
AGRI 414
AGRILEG 143
MI 640
ENV 877
ENT 168
PHARM 110
SAN 465
SOC 551

Interinstitutional File:
2023/0203(NLE)

NOTE

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: ST 11163/23
ST 11163/23 ADD 1
No. Cion doc.: COM(2023) 351 final

Subject: Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in working groups established by, or subsequently established under, the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the adoption of their rules of procedure
- Presidency compromise proposal

Delegations will find attached a Presidency proposal with changes marked as **bold underline** and ~~strikethrough~~ as compared to the original Commission proposal set out in documents ST 11163/23 INIT + ADD 1. No changes are proposed for the ADD 1 document.

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in working groups established by, or subsequently established under, the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the adoption of their rules of procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹ ('the Trade and Cooperation Agreement'), was concluded by the Union by Council Decision (EU) 2021/689² of 29 April 2021 and entered into force on 1 May 2021, having been provisionally applied since 1 January 2021.
- (2) The Trade and Cooperation Agreement establishes an institutional framework, including, *inter alia*, a Partnership Council, 19 Committees and four working groups.

¹ OJ L 149, 30.4.2021, p. 10.

² OJ L 149, 30.4.2021, p. 2.

- (3) Article 9(1) of the Trade and Cooperation Agreement establishes the Working Group on Organic Products, under the supervision of the Trade Specialised Committee on Technical Barriers to Trade; the Working Group on Motor Vehicles and Parts, under the supervision of the Trade Specialised Committee on Technical Barriers to Trade; the Working Group on Medicinal Products, under the supervision of the Trade Specialised Committee on Technical Barriers to Trade; and the Working Group on Social Security Coordination, under the supervision of the Specialised Committee on Social Security Coordination.
- (4) Article 8(2)(h) of the Trade and Cooperation Agreement provides that the Trade Partnership Committee shall have the power, with respect to issues related to Titles I to VII, Chapter 4 of Title VIII, Titles IX to XII of Heading One of Part Two, Heading Six of Part Two and Annex 27, to establish, supervise, coordinate and dissolve working groups, or delegate their supervision to a Trade Specialised Committee. Similarly, Article 8(4)(f) of that agreement provides that Specialised Committees shall have the power, with respect to issues related to their area of competence, to establish, supervise, coordinate and dissolve working groups.
- (5) In accordance with Article 9(2) of the Trade and Cooperation Agreement working groups shall, under the supervision of Committees, assist Committees in the performance of their tasks and, in particular, prepare the work of Committees and carry out any task assigned to them by the latter.
- (6) Article 9(3) of the Trade and Cooperation Agreement provides that working groups shall comprise representatives of the Union and of the United Kingdom and shall be co-chaired by a representative of the Union and a representative of the United Kingdom.
- (7) Pursuant to Article 9(4) of the Trade and Cooperation Agreement working groups shall set their own rules of procedure by mutual consent.
- (8) The proper functioning of the working groups requires rules of procedure covering their operation and should be based on the rules of procedure set out in Annex 1 of the Trade and Cooperation Agreement, with adaptations to the purpose and functioning of working groups.

- (9) A working group may adopt further adaptations, regarding non-essential elements, of these rules of procedure where such adaptations are required by the purpose and function of that specific working group.
- (10) It is therefore appropriate to establish the position to be adopted on the Union's behalf as regards the adoption of rules of procedure for working groups.
- (11) In order to allow for the timely adoption of the rules of procedure by working groups, this Decision should enter into force on the date of its adoption,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on the Union's behalf as regards the adoption of the rules of procedure for working groups ~~shall be based on the rules of procedure~~ **established under the Trade and Cooperation Agreement** is set out in Annex I to this Decision.
2. The position to be adopted on the Union's behalf ~~with regard to~~ **as regards** adaptations, regarding non-essential elements, of the rules of procedure set out in Annex I to this Decision for a specific working group, where such adaptations are required by the purpose and functioning of that working group, shall be ~~established~~ **further specified** in accordance with Annex II to this Decision.

Article 2

This Decision ~~is addressed to the Commission~~ **shall enter into force on the date of its adoption.**

Done at Brussels,

For the Council

The President