



Council of the  
European Union

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LIMITE

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**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 12512 2024 + ADD 1
Subject:	Proposal for a COUNCIL DECISION establishing 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 adding a newly adopted Union act to Annex 2 to the Windsor Framework - Presidency compromise proposal

Delegations will find attached a Presidency proposal with changes marked as **bold underline** and ~~striketrough~~ as compared to the original Commission proposal set out in documents ST 12512/24 INIT + ADD 1. No changes are proposed for the ADD 1 document.

Proposal for a

**COUNCIL DECISION**

**establishing 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 adding a newly adopted Union act to Annex 2 to the Windsor Framework**

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 the Union by Council Decision (EU) 2020/135<sup>1</sup> and entered into force on 1 February 2020.
- (2) Pursuant to Article 13(4) of the Windsor Framework<sup>2</sup>, which forms an integral part of the Withdrawal Agreement, the Joint Committee established under Article 164(1) thereof ('the Joint Committee') is empowered to adopt decisions to amend the relevant Annexes to the Windsor Framework by adding newly adopted Union acts that fall within the scope of the Windsor Framework, but which neither amend nor replace Union acts listed in the Annexes to the Windsor Framework.
- (3) Whilst Articles 40, 41 and 43 of Regulation (EU) 2024/1252 of the European Parliament and of the Council<sup>3</sup> are applicable pursuant to Article 13(3) of the Windsor Framework, the remainder of the provisions of that Regulation, with the exception of Articles 5-27, 30, 35-37, 42, 45 and paragraphs 1-5 of Article 44 thereof, are provisions of a newly adopted Union act falling within the scope of the Windsor Framework which should be added to Annex 2 to the Windsor Framework.
- (4) The Joint Committee, at its next meeting, should adopt a decision pursuant to Article 13(4) of the Windsor Framework adding this newly adopted Union act, with the exception of Articles 5-27, 30, 35-37, 42, 45 and paragraphs 1-5 of Article 44 thereof, to Annex 2 to the Windsor Framework.

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<sup>1</sup> [OJ L 29, 31.1.2020, p.1.](#)

<sup>2</sup> Joint Declaration No 1/2023 of the Union and the United Kingdom 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 of 24 March 2023, [OJ L 102, 17.4.2023, p. 87–87.](#)

<sup>3</sup> [OJ L, 2024/1252, 3.5.2024.](#)

- (5) It is appropriate to establish the position to be taken on the Union's behalf in the Joint Committee as regards the adoption of a decision adding the newly adopted Union act to Annex 2 to the Windsor Framework.

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the European Union within the Joint Committee established by Article 164(1) 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 ('Joint Committee') shall be ~~based on~~ **set out in** the draft decision of the Joint Committee attached to this Decision.

*Article 2*

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

Done at Brussels,

*For the Council*

*The President*