

# WITHDRAWAL AGREEMENT JOINT COMMITTEE

## ANNUAL REPORT FOR 2022

Report from the Secretariat to the Joint Committee on the implementation 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 (the Withdrawal Agreement) for the calendar year 2022

### INTRODUCTION

1. The Withdrawal Agreement (Article 164) established a Joint Committee to supervise and facilitate the implementation and application of the Agreement. The Withdrawal Agreement requires the Joint Committee to issue an annual report, drawn up by the Secretariat<sup>1</sup>, each calendar year. This report is provided pursuant to Article 164(6).
2. The Withdrawal Agreement (Article 164(2)) requires the Joint Committee to meet at least once a year. In 2022, the Joint Committee met once, on 21 February in Brussels.
3. In addition, the six Specialised Committees established by the Withdrawal Agreement<sup>2</sup> met on the following dates in 2022:
  - the Committee on citizens' rights: 24 January, 15 June and 17 November;
  - the Committee on the other separation provisions: co-chairs agreed not to meet in 2022;
  - the Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland<sup>3</sup>: 8 March;
  - the Committee on issues related to the implementation of the Protocol relating to the Sovereign Base Areas in Cyprus: 18 July;
  - the Committee on issues related to the implementation of the Protocol on Gibraltar: co-chairs agreed not to meet in 2022;
  - the Committee on the financial provisions: 27 April and 18 October.
4. Moreover, aside from the formal meetings of the Withdrawal Agreement joint bodies, the EU and UK co-chairs of the Joint Committee held numerous virtual and in-person meetings throughout 2022 regarding the implementation of the Withdrawal Agreement.
5. This report provides an overview of Withdrawal Agreement activity from 1 January 2022 to 31 December 2022. There are two sections: (1) Withdrawal Agreement Joint Committee activity in 2022 and (2) Withdrawal Agreement Specialised Committee activity in 2022. The report also contains a joint press statement following the meeting of the Joint Committee in 2022 in the

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<sup>1</sup> The Secretariat to the Joint Committee operates under the authority of the Joint Committee co-chairs to perform the tasks conferred on it, as outlined in the Rules of Procedure of the Joint Committee and Specialised Committees (Annex VIII). The Secretariat is composed of officials from His Majesty's Government of the United Kingdom and the European Commission.

<sup>2</sup> The Specialised Committees are established by Article 165 of the Withdrawal Agreement and governed by the Rules of Procedure in Annex VIII to the Withdrawal Agreement.

<sup>3</sup> Now also known as the Windsor Framework: see 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](#) / [Asset Publishing Service Declaration No1 2023](#). The Protocol on Ireland/Northern Ireland as amended by the Joint Committee Decision 1/2023, should be known as the Windsor Framework.

annex.

## **SECTION 1: Withdrawal Agreement Joint Committee activity in 2022**

6. The EU hosted the 9th meeting of the Joint Committee in Brussels, as well as by video conference, on 21 February. The Joint Committee undertook a stocktake of Specialised Committees' activity. In relation to the Protocol on Ireland/Northern Ireland, the parties emphasised that they shared an overriding commitment to protect the Good Friday or Belfast Agreement in all its dimensions. The parties noted their ongoing cooperation and agreed to continue intensified discussions in order to arrive at durable solutions for the outstanding issues concerning it. Both parties reiterated the importance of further engagement, including with the Northern Ireland Assembly and Executive, and wider Northern Ireland civic society and business. The Joint Committee also discussed citizens' rights, notably residence schemes and the parties considered that while most aspects of the citizens' rights part of the Withdrawal Agreement are being implemented satisfactorily and their constructive cooperation should continue, several issues required further attention. For the UK, this included three longstanding areas of concern, namely UK nationals in some declaratory Member States having difficulty evidencing their rights, UK nationals in some Member States being asked to provide information beyond the criteria required under the Withdrawal Agreement and insufficient safeguards and a lack of detail on appeals processes. For the EU, their longstanding concerns were the loss of residence status if EU citizens do not apply in time to change their status from pre-settled to settled and the lack of legal clarity for EU citizens holding a new UK residence status as to whether their rights are guaranteed by the Withdrawal Agreement or by the UK immigration law (so-called 'true and extra cohort' issue). Other concerns were raised by the EU, including in relation to UK's digital-only residence scheme and temporary protection for late applications. Both parties emphasised that guaranteeing the rights of UK nationals resident in the EU and of EU citizens resident in the UK remained a top priority and would continue to be.
7. The Joint Committee also adopted two Decisions.
  - Decision No 1/2022 amending 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<sup>4</sup>;
  - Decision No 2/2022 amending Decision No 7/2020 establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement<sup>5</sup>.

## **SECTION 2: Withdrawal Agreement Specialised Committees activity in 2022**

8. The Specialised Committees are in charge of overseeing and facilitating the implementation and application of specific parts of the Withdrawal Agreement and they can discuss any point raised by the UK and EU that is of relevance for the area and gives rise to a difficulty or need for clarification. They are required to meet at least once a year unless the co-chairs agree otherwise.
9. The **Specialised Committee on citizens' rights** has a key role in overseeing the implementation of Part Two of the Agreement and in ensuring that UK nationals in the EU and EU citizens in the UK, and their eligible family members, are afforded their rights and

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<sup>4</sup> [OJ L 43, 24.2.2022, p. 84–85 / Asset Publishing Service Decision No1 2022](#)

<sup>5</sup> [OJ L 43, 24.2.2022, p. 86–86 / Asset Publishing Service Decision No2 2022](#)

entitlements as set out in the Withdrawal Agreement. The Specialised Committee met three times in 2022; on 24 January, 15 June and 17 November.

10. External representatives from civil society organisations representing UK nationals living in the EU and EU citizens living in the UK, 'British in Europe' and 'the3million' respectively, attended the meetings of the Specialised Committee on 24 January and 17 November and asked questions about EU and UK implementation and application of the citizens' rights provisions within the Withdrawal Agreement. The Independent Monitoring Authority (IMA) also attended these meetings, and along with the European Commission presented their respective monitoring and complaint handling activities and Annual Reports for 2021 pursuant to Article 159(2) of the Withdrawal Agreement<sup>6</sup>. The IMA was established in accordance with Article 159 of the Withdrawal Agreement to monitor the UK's implementation and application of the citizens' rights provisions within the Withdrawal Agreement since the end of the transition period on 31 December 2020. The European Commission monitors implementation and application of the citizens' rights provisions in the EU and its Member States.
11. Throughout 2022, the Specialised Committee received updates on the implementation of Part Two of the Withdrawal Agreement in the UK and EU, including the UK's EU Settlement Scheme and the residence schemes implemented by Member States. This included final deadlines for applications for a new residence status in Member States that had opted for a constitutive system under Article 18(1) of the Withdrawal Agreement. The Specialised Committee served as a forum for communication and collaboration allowing both parties to raise practical and legal developments and difficulties with implementation of the citizens rights' provisions, and to discuss the experiences of UK nationals and EU citizens. This including matters that might cause real-life difficulties, notably around evidencing residence status, access to various benefits and services and guidance and treatment of late applications.
12. At the 24 January Specialised Committee meeting, the parties adopted the sixth and final joint report on the implementation of citizens' rights<sup>7</sup> which was published by the EU and the UK on 26 January. The Joint Reports were published until the expiry of the last deadline for applications for a new residence status in countries that opted for a constitutive system under Article 18(1) of the Withdrawal Agreement. The last deadline passed on 31 December 2021<sup>8</sup>. The reports provided information on administrative procedures, communication and support provided by the UK and the EU and its Member States in relation to the issuance of residence documents under Article 18 of the Withdrawal Agreement. The reports also provided statistical tables on the number of applications for a new residence status under Article 18(1) and the issuance of new residence documents under Article 18(4) by outcome. Information about the implementation of citizens' rights and related statistical data will be provided in Annual Reports pursuant to Article 159(2) of the Withdrawal Agreement.

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<sup>6</sup> [Annual report from the Commission pursuant to Article 159 \(2\) of the Withdrawal Agreement \(for 2021\)](#)  
[Annex to the Annual report from the Commission pursuant to Article 159 \(2\) of the Withdrawal Agreement \(for 2021\)](#)  
[IMA Annual Report 2021 \(ima-citizensrights.org.uk\)](#)

<sup>7</sup> [European Commission link to sixth report on residence: commission.europa.eu/publications/sixth-joint-report-implementation-residence-rights-under-part-two-withdrawal-agreement\\_en](#)

[UK Government link to sixth report on residence: https://www.gov.uk/government/publications/residence-rights-implementation-of-the-withdrawal-agreement-part-2-citizens-rights-sixth-joint-report-january-2022](#)

<sup>8</sup> In the meantime, Denmark decided in May 2023 to prolong the deadline of 31 December 2021 until 31 December 2023 ([New to Denmark \(nyidanmark.dk\)](#)).

13. The **Specialised Committee on the other separation provisions** facilitates the implementation of Part Three of the Withdrawal Agreement. The co-chairs agreed for the Specialised Committee to not meet in 2022.
14. The **Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland** is responsible for facilitating the implementation of the Protocol . The Specialised Committee met once on 8 March 2022, following the meeting of the Withdrawal Agreement Joint Committee on 21 February 2022.
15. The parties took stock of the operation of the Protocol and the specific issues concerning it. This included continuing work to find durable solutions for the benefit of the people and businesses in Northern Ireland. Additionally, the parties exchanged updates on the work of the Joint Consultative Working Group (JCWG) and engagement with stakeholders in Northern Ireland.
16. **The Joint Consultative Working Group**, established under Article 15 of the Protocol, met a total of 10 times in 2022 to discuss the exchange of information and mutual consultation. The regularised and functional process on information exchange put in place between the EU and UK delegations in 2021 was continued throughout 2022, whereby information was exchanged pursuant to Article 15(3) as well as Article 15(5) of the Protocol.
17. The **Specialised Committee on issues related to the implementation of the Protocol relating to the Sovereign Base Areas in Cyprus** met once in 2022 on 18 July. The parties took stock for the first time of the operational implementation of the Protocol since its entry into application and agreed to further technical discussions concerning the interpretation and implementation of Article 13 of the Protocol, on responsibility for implementation, as far as fisheries dealt with by Article 6 and taxation dealt with by Article 3 are concerned. Representatives from the UK's Sovereign Base Areas (SBAs) and the Republic of Cyprus also attended this meeting.
18. The co-chairs of the **Specialised Committee on issues related to the implementation of the Protocol on Gibraltar** agreed for the Specialised Committee to not meet in 2022.
19. The **Specialised Committee on the financial provisions** oversees the implementation of the financial provisions set out in Part V (Financial Provisions) of the Withdrawal Agreement. The Specialised Committee met twice in 2022; on 27 April and 18 October. The parties took stock and discussed the second reporting package that was provided by the EU to the UK at the end of March, as well as the April and September communications to the UK setting out the relevant amounts in relation to the settlement of the UK's net liabilities under the Withdrawal Agreement.
20. The parties noted the ongoing cooperation with regard to the financial provisions and noted that all UK payments towards the settlement had been made on time and in full. The parties committed to continue working collaboratively on a range of implementation issues, in recognition of the mutual benefit of a smooth implementation of the financial provisions.

## CONCLUSION

21. The meeting of the Joint Committee, its actions and Decisions as well as the meetings of the Specialised Committees and related engagement during 2022 continued to provide a stable

basis for dialogue and cooperation by both parties to facilitate the implementation and application of the Withdrawal Agreement and to seek solutions to outstanding issues.

*Signed in Brussels, 3 July 2023*

*For the Joint Committee  
The co-chairs*

*Maroš Šefčovič  
Vice-President of the European Commission  
EU co-chair*

*Rt Hon James Cleverly MP  
Secretary of State for Foreign,  
Commonwealth & Development Affairs  
UK co-chair*

**Respective joint press statement following the meeting of the Withdrawal Agreement Joint Committee in 2022**

**Joint Committee meeting of 21 February 2022:**

Joint statement

[https://ec.europa.eu/commission/presscorner/detail/en/statement\\_22\\_1260](https://ec.europa.eu/commission/presscorner/detail/en/statement_22_1260)

<https://www.gov.uk/government/news/joint-statement-on-the-meeting-of-the-withdrawal-agreement-joint-committee-21-february-2022>