



EUROPEAN
COMMISSION

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Proposal for a

COUNCIL DECISION

establishing the position to be taken on behalf of the European Union within 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

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf 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 Community¹ ('the Withdrawal Agreement') in connection with the envisaged adoption of a Joint Committee Decision amending Annex 2 to the Windsor Framework², which forms an integral part of the Withdrawal Agreement.

2. CONTEXT OF THE PROPOSAL

2.1. 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 and the Windsor Framework

The Withdrawal Agreement sets out the arrangements for the orderly withdrawal of the United Kingdom from the Union and Euratom. The Withdrawal Agreement entered into force on 1 February 2020. On 27 February 2023, the European Commission and the Government of the United Kingdom reached a political agreement in principle on the Windsor Framework. On 24 March 2023, the Joint Committee established by the Withdrawal Agreement adopted the new arrangements relating to the Windsor Framework. The two Parties agreed to fully, timely and faithfully implement the Windsor Framework.

2.2. The Joint Committee

The Joint Committee established under Article 164(1) of the Withdrawal Agreement comprises representatives of the Union and of the United Kingdom. It is co-chaired by the Union and the United Kingdom. Annex VIII to the Withdrawal Agreement lays down the rules of procedure of the Joint Committee. The Joint Committee meets at least once a year or at the request of the Union or the United Kingdom and it sets its meeting schedule and agenda by mutual consent. In accordance with Article 166(3) of the Withdrawal Agreement, the Joint Committee adopts its decisions by mutual consent.

The tasks of the Joint Committee are laid down in Article 164 of the Withdrawal Agreement and consist principally of:

- overseeing the implementation and application of the Agreement directly or through the work of the specialised committees reporting to it;
- adopting decisions and recommendations, including amendments to the Agreement in the cases provided therein;
- preventing problems and resolving disputes that may arise regarding the interpretation and application of the Agreement.

¹ OJ L 29, 31.1.2020, p. 7, ELI: http://data.europa.eu/eli/treaty/withd_2020/sign.

² 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](#)).

2.3. The envisaged act of the Joint Committee

During its next meeting, the Joint Committee is to adopt a decision adding a newly adopted Union act that falls within the scope of the Windsor Framework to Annex 2 to the Windsor Framework ('the envisaged act').

The purpose of the envisaged act is thus to add a newly adopted Union act that falls within the scope of the Windsor Framework to Annex 2 to the Windsor Framework, pursuant to its Article 13(4).

The envisaged act will become binding on the Parties in accordance with Article 166(2) of the Withdrawal Agreement, which provides: *'The decisions adopted by the Joint Committee shall be binding on the Union and the United Kingdom, and the Union and the United Kingdom shall implement those decisions. They shall have the same legal effect as this Agreement.'* In accordance with Rule 9 of the Rules of Procedure of the Joint Committee and Specialised Committees, decisions adopted by the Joint Committee will specify the date at which they take effect.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

3.1. Annex 2 ('Provisions of Union law referred to in Article 5(4)') to the Windsor Framework

Annex 2 to the Windsor Framework contains the provisions of Union law referred to in Article 5(4) thereof, i.e. the provisions of Union law that shall also apply, under the conditions set out in that Annex, to and in the United Kingdom in respect of Northern Ireland.

On 26 November 2025, the Union adopted Regulation (EU) 2025/2455 establishing a common data platform on chemicals, laying down rules to ensure that the data contained in it are findable, accessible, interoperable and reusable and establishing a monitoring and outlook framework for chemicals³.

Regulation (EU) 2025/2455 pools chemicals data from around 70 Union acts relating to chemicals and establishes a Common Data Platform for that purpose. The Regulation also contains a monitoring and outlook framework for chemicals, and it intends to keep record of studies commissioned by economic operators in the context of their obligations under other relevant Union acts.

This newly adopted Union act, except for Article 25 and points 1-2, 5-6, 8, 20, 22-23, 27-31, 38, 43-45, 52-53, 59 and 66-67 of Annex I, points 3, 8, 10, 12, 14, 25, 29 and 32 of Annex III, data fields in Annex IV relating to those previous points listed in respect of Annexes I and III, and point 2 of Annex V, relates to the internal market for goods and therefore falls within the scope of the Windsor Framework. It should therefore, with the exception of that Article and those points and data fields in the Annexes, be added to Annex 2 to the Windsor Framework under point 23 "Chemicals and related".

It is therefore necessary to establish the position to be taken by the Union within the Joint Committee with regard to the addition of the above mentioned newly adopted Union act to Annex 2 to the Windsor Framework.

³ Regulation (EU) 2025/2455 of the European Parliament and of the Council of 26 November 2025 establishing a common data platform on chemicals, laying down rules to ensure that the data contained in it are findable, accessible, interoperable and reusable and establishing a monitoring and outlook framework for chemicals (OJ L, 2025/2455, 12.12.2025, ELI: <http://data.europa.eu/eli/reg/2025/2455/oj>).

4. LEGAL BASIS

4.1. Procedural legal basis

The Joint Committee is a body set up by an agreement, namely the Withdrawal Agreement.

The act which the Joint Committee is called upon to adopt has legal effects, because it will produce legal effects under the Withdrawal Agreement for the Union. The envisaged act will be binding on the Parties in accordance with Article 166(2) of the Withdrawal Agreement.

The envisaged act does not supplement or amend the institutional framework of the Withdrawal Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

The main objective and content of the envisaged act relate to adding a newly adopted Union act to Annex 2 to the Windsor Framework.

The conclusion of the Withdrawal Agreement was based on Article 50(2) TEU.

Therefore, the substantive legal basis of the proposed decision is Article 50(2) TEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 50(2) TEU, in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

As the act of the Joint Committee will amend Annex 2 to the Windsor Framework, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof, in conjunction with Article 218(9) of the Treaty on the Functioning of the European Union,

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 Community¹ (the ‘Withdrawal Agreement’) was concluded by the Union by means of Council Decision (EU) 2020/135².
- (2) Pursuant to Article 13(4) of the Windsor Framework³, which forms an integral part of the Withdrawal Agreement, the Joint Committee set up by the Withdrawal Agreement is able 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) The Joint Committee, during its next meeting, is scheduled to adopt a decision adding a newly adopted Union act to Annex 2 to the Windsor Framework.
- (4) Regulation (EU) 2025/2455 of the European Parliament and of the Council⁴ is a newly adopted Union act falling within the scope of the Windsor Framework which should be added to Annex 2 to the Windsor Framework. However, the following provisions of Regulation (EU) 2025/2455 should not be added to Annex 2 of the Windsor

¹ OJ L 29, 31.1.2020, p. 7, ELI: http://data.europa.eu/eli/treaty/withd_2020/sign.

² Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion 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 (OJ L 29, 31.1.2020, p. 1, ELI: <http://data.europa.eu/eli/dec/2020/135/oj>).

³ 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](http://data.europa.eu/eli/dec/2023/174/oj)).

⁴ Regulation (EU) 2025/2455 of the European Parliament and of the Council of 26 November 2025 establishing a common data platform on chemicals, laying down rules to ensure that the data contained in it are findable, accessible, interoperable and reusable and establishing a monitoring and outlook framework for chemicals (OJ L, 2025/2455, 12.12.2025, ELI: <http://data.europa.eu/eli/reg/2025/2455/oj>).

Framework: Article 25; points 1-2, 5-6, 8, 20, 22-23, 27-31, 38, 43-45, 52-53, 59 and 66-67 of Annex I; points 3, 8, 10, 12, 14, 25, 29 and 32 of Annex III; data fields in Annex IV relating to those previous points listed in respect of Annexes I and III; and point 2 of Annex V of Regulation (EU) 2025/2455.

- (5) The envisaged decision of the Joint Committee will, if adopted, produce legal effects for the Union. In order for the relevant provisions of Regulation (EU) 2025/2455 to apply to and in the United Kingdom in respect of Northern Ireland, Regulation (EU) 2025/2455 should be added to Annex 2 to the Windsor Framework, in accordance with Article 13(4) thereof.
- (6) It is therefore necessary to establish the position to be taken within the Joint Committee with regard to the addition of a Regulation (EU) 2025/2455 to Annex 2 to the Windsor Framework,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Joint Committee established under 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 (the 'Joint Committee') shall be based on the draft decision of the Joint Committee attached to this Decision.

Article 2

Minor technical changes to the position set out in the draft decision of the Joint Committee attached to this Decision may be agreed upon without a further decision of the Council.

Article 3

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

Done at Brussels,

For the Council
The President