

Stormont Castle
BELFAST
BT4 3TT

Michael Potter
Committee for TEO
Parliament Buildings
Ballymiscaw
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26 February 2021

Dear Michael

Request for Information on the Sectors that will be included in the membership of the Joint Consultative Working Group

The Committee for the Executive Office has requested information on the sectors that will be included in the membership of the Joint Consultative Working Group (JCWG) and asked that they are kept informed of any progress in relation to the group and its membership.

The JCWG was established by Article 15 of the Protocol on Ireland/Northern Ireland as a forum for the exchange of information and mutual consultation between the UK and EU. The JCWG will carry out its functions under the supervision of the Specialised Committee, to which it will report.

The JCWG is an official level meeting, co-chaired by the UK and EU, and Article 15 sets out its activities as follows:

- EU and UK to exchange information about planned, ongoing and final relevant implementation measures in relation to EU acts listed in the Protocol;
- EU to inform the UK about planned EU acts within the scope of the Protocol, including EU acts that amend or replace EU acts listed in the Protocol;
- EU to provide UK with all the information the Union considers relevant to allow the UK to fully comply with its obligations under the Protocol; and
- UK to provide to the EU all information that EU Member States are required to provide pursuant to the EU acts contained in the Protocol.

The only reference to membership of the group is in 15(2) which states that the working group shall be composed of representatives of the Union and the United Kingdom.

Following discussions between the EU and UK, Rules of Procedure were drafted in October 2020. These were approved by the EU via a Council Decision on 23 October and adopted by the UK and EU at the first meeting of the JCWG on 29 January 2021. The Rules of Procedure outline the working arrangements for the JCWG, including details on the co-chairs and delegations to the group. The Council of the EU adopted a Council Decision on the Rules of Procedure which includes provision for inviting non-members to attend meetings. Under rule 3, participation in meetings it states:

Where appropriate and by decision of the co-chairs, experts or other persons who are not members of delegations may be invited to attend meetings of the working group in order to provide information on a particular subject.

The UK Government has committed to the Executive being represented on this group as part of the UK delegation. This commitment was noted in the Cabinet Office Explanatory Memorandum (EM) in respect of the Council Decision on the rules of procedure for the JCWG, stating that *Northern Ireland Executive Ministers have an interest in the ongoing governance of the Northern Ireland Protocol and officials will be invited as part of the UK delegation of the Joint Consultative Working Group.*

It is important to note that the functions of the group as set out in the Protocol clearly indicate this group is intended to be a forum for exchange of information at official level between EU and UK Governments. The Rules of Procedure do not indicate a wider membership and no further information is available to the Executive Office at this time regarding the criteria for inviting experts or other persons to meetings of the JCWG or which sectors they may represent.

We can also confirm that the JCWG Group met for the first time on 29 January 2021. The only agenda item was to agree the Rules of Procedure for the working group and the meeting lasted for five minutes. The meeting was attended by European Commission and UK Government Officials only. The Executive was not represented at the meeting. The date of the next meeting has not yet been agreed but the Rules of Procedure commit the group to meeting on a monthly basis.

The UK Government has recognised that Executive Ministers have an interest in the ongoing governance of the Protocol and confirm that our officials will be invited as part of the UK delegation of the Joint Consultative Working Group for future meetings.

We will continue to keep you updated on developments of the JCWG.

Yours sincerely,

Signed

[Redacted]
Departmental Assembly Liaison Officer



Committee for the Executive Office

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15 January 2021

Dear [REDACTED]

JOINT CONSULTATIVE WORKING GROUP

At its meeting on 13 January 2021, the Committee for the Executive Office received oral evidence from officials on the assessment of the impact of Brexit on the institutions and North/South and East/West relationships.

During the session, officials informed Members that negotiations were still ongoing between the UK and the EU with regard to the Joint Consultative Working Group (JCWG) and its membership.

Following the evidence session, the Committee agreed to request further details on which sectors from Northern Ireland would be included in the membership of the JCWG, and ask that the Executive Office keep the Committee informed of any other progress in relation to the establishment of the JCWG and its membership.

I would appreciate a response by **28 January 2021**.

Yours sincerely

Michael Potter

Michael Potter
Clerk to the Committee for the Executive Office