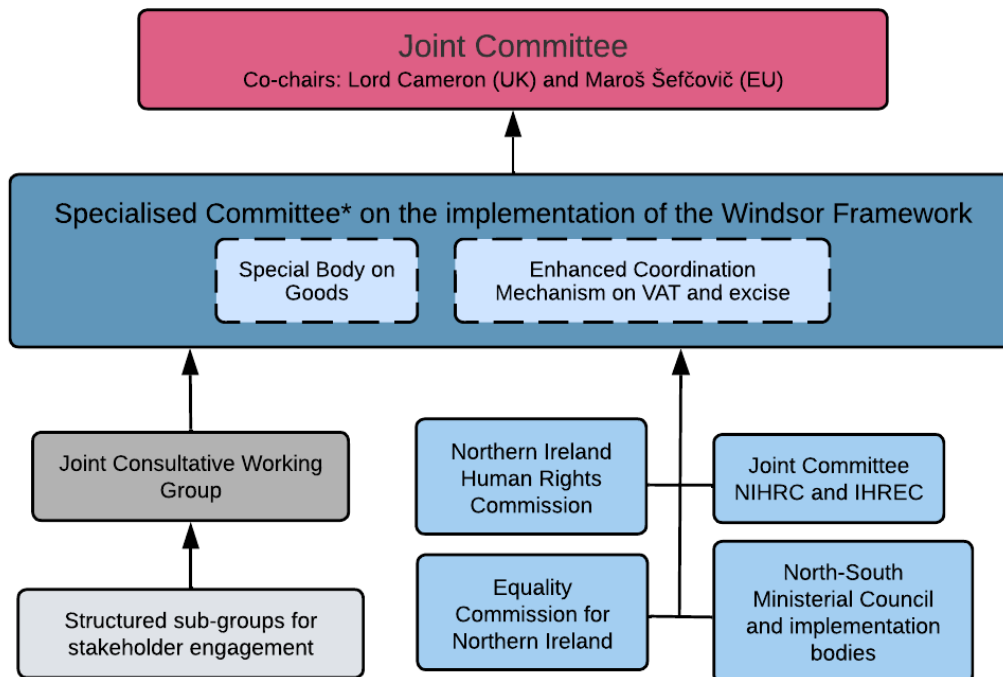




Northern Ireland
Assembly

Governance of the Withdrawal Agreement

The EU-UK Withdrawal Agreement established the terms of the UK's withdrawal from the EU. Oversight bodies were created to ensure the proper implementation and application of the agreement. There are three tiers of governance.



**There are five other committees under the Joint Committee: on Citizens' Rights; on other separation provisions; on the Protocol on Cyprus; on the Protocol on Gibraltar; and on Financial Provisions.*

The Withdrawal Agreement Joint Committee

The primary tier of governance is the Joint Committee (JC) which is responsible for the implementation and application of the Withdrawal Agreement (WA). It is co-chaired by the UK Government and European Commission. Six Specialised Committees sit under the Joint Committee. The JC has the power to amend the WA in certain areas but cannot change essential elements of it. It considers whether new EU acts should be included in the list of

EU law applying to Northern Ireland (subject to applicability motions). The Committee provides a forum to resolve disputes regarding its application and if no solution can be found, disputes will be referred to an arbitration panel.

The JC is the only decision-making structure within the three tiers of governance. The First Minister and deputy First Minister attend meetings of the JC. In the 'New Decade, New Approach' agreement which restored devolved government to Northern Ireland, the UK Government made a commitment to ensure:

“that representatives from the Northern Ireland Executive are invited to be part of the UK delegation in any meetings of the UK-EU Specialised or Joint Committees discussing Northern Ireland specific matters which are also being attended by the Irish Government as part of the European Union’s delegation.”

Decisions taken by the JC in relation to Northern Ireland include on the criteria for goods considered 'not at risk' of entering the EU, and to implement the new arrangements in the Windsor Framework.

Meetings of the JC are confidential. The EU and UK publish joint or separate statements following these meetings, as well as any decisions and recommendations adopted. The co-chairs may decide to publish the minutes. The Committee issues an annual report on the functioning of the Withdrawal Agreement.

Specialised Committee

In the second tier of governance, there are six Specialised Committees which report to the Joint Committee. These Specialised Committees focus on key areas within the Withdrawal Agreement:

- the Committee on citizens' rights
- the Committee on the other separation provisions
- **the Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland (now called the Specialised Committee on the Implementation of the Windsor Framework)**
- the Committee on issues related to the implementation of the Protocol relating to the Sovereign Base Areas in Cyprus
- the Committee on issues related to the implementation of the Protocol on Gibraltar;
and
- the Committee on the financial provisions

The Specialised Committee (SC) on the Windsor Framework is attended by officials from the EU and UK, including from the NI Executive. SC meetings are confidential. The UK and EU generally publish statements following the meetings.

Article 14 of the Protocol/Windsor Framework states that the Specialised Committee on Northern Ireland should “examine proposals concerning the implementation and application of this Protocol from the North-South Ministerial Council and North-South Implementation bodies set up under the 1998 Agreement” and “consider any matter of relevance to Article 2 of this Protocol brought to its attention by the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland, and the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland”.

As part of the Windsor Framework, the EU and UK committed to establish a specific composition of the SC, the **Special Body on Goods**, where the EU and UK would exchange views on any future UK legislation which is relevant to the operation of the Windsor Framework. It will assess the potential impact of the legislation in Northern Ireland, and “anticipate and discuss any practical difficulties at stake”. Stakeholders may be invited to attend and it may make recommendations to the Joint Committee.

The **Enhanced Coordination Mechanism on VAT and excise** was established in the Windsor Framework. These specific meetings of the SC will review new EU acts in these areas and their application in Northern Ireland.

Joint Consultative Working Group

The third tier of governance is the Joint Consultative Working Group (JCWG), the forum where the EU will inform the UK about new EU legislation which may apply to Northern Ireland, and EU laws which amend or replace those listed in the Windsor Framework. Officials from the Northern Ireland Executive form part of the UK delegation to the JCWG meetings.

Its function is outlined in the Windsor Framework to “serve as a forum for the exchange of information and mutual consultation”. The JCWG carries out its functions under the supervision of the Specialised Committee on the Implementation of the Windsor Framework, to which it reports. The group should meet once a month.

In the Windsor Framework, the EU and UK agreed to set up “structured sub-groups” to support the work of the Joint Consultative Working Group, where stakeholder input will inform discussions. Five structured sub-groups have been established.

Further reading and resources

- The [EU-UK Withdrawal Agreement](#) and [Protocol on Ireland/Northern Ireland](#) set out the governance structure of the Withdrawal Agreement and Protocol/Windsor Framework
- The [UK Government Withdrawal Agreement Joint Committee webpage](#) lists meetings and statements of the Joint Committee and Specialised Committee, and decisions taken by the Joint Committee
- The [QUB Post-Brexit Governance Project webpage](#) lists decisions and declarations of the Joint Committee
- A [Joint EU-UK declaration on dialogue and goods](#) sets out the role of a Special Body on Goods
- [Rules of Procedure](#) of the Joint Consultative Working Group
- The [NI Assembly Brexit and Beyond webpage](#) lists meetings, statements and information on the bodies detailed above