DECISIONS

COUNCIL DECISION (EU) 2021/443

of 18 February 2021

on the position to be taken on behalf of the European Union within the Partnership Council established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the date on which provisional application pursuant to the Trade and Cooperation Agreement is to cease

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 29 December 2020, the Council adopted Decision (EU) 2020/2252 ([1]) on the signing, on behalf of the Union, and on provisonal application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ([2]) (the 'Trade and Cooperation Agreement') and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information ([3]) (the 'Security of Information Agreement') (together the 'Agreements').

(2) The Security of Information Agreement is a supplementing agreement to the Trade and Cooperation Agreement, intrinsically linked to the latter in particular with regard to the dates of entry into application and termination.

(3) Pursuant to Article 12(1) of Decision (EU) 2020/2252, and as agreed by the Parties in paragraph 2 of Article FINPROV.11 [Entry into force and provisional application] of the Trade and Cooperation Agreement, the Agreements apply on a provisional basis from 1 January 2021, pending the completion of the procedures necessary for their entry into force.

(4) Pursuant to paragraph 2 of Article FINPROV.11 [Entry into force and provisional application] of the Trade and Cooperation Agreement, provisional application is to cease on one of the following dates, whichever is the earliest: 28 February 2021 or another date as decided by the Partnership Council established by Article INST.1 [Partnership Council] of the Trade and Cooperation Agreement (the 'Partnership Council'); or the first day of the month following that in which both Parties have notified each other that they have completed their respective internal requirements and procedures for establishing their consent to be bound.

(5) Due to the time needed for the European Parliament and the Council to appropriately scrutinise the texts of the Agreements in all 24 authentic languages, the Union will not be able to conclude the Trade and Cooperation Agreement by 28 February 2021.

([1]) Council Decision (EU) 2020/2252 of 29 December 2020 on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 444, 31.12.2020, p. 2).

([2]) The text of the Agreement is published in OJ L 444, 31.12.2020, p. 14.

([3]) The text of the Agreement is published in OJ L 444, 31.12.2020, p. 1463.

(6) Therefore, the Partnership Council should set a later date for provisional application to cease, taking into account the date at which all 24 language versions of the Agreements will have been revised and established as authentic and definitive. In view of the envisaged date of availability of those authentic and definitive versions of the Agreements, the Partnership Council should set 30 April 2021 as the date for provisional application to cease.

(7) It is appropriate to establish the position to be taken on the Union's behalf in the Partnership Council.

(8) In order to allow for the prompt application of the measures provided for in this Decision, it should enter into force on the date of its adoption,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Partnership Council established by Article INST.1 [Partnership Council] of the Trade and Cooperation Agreement, as regards a decision to be taken in accordance with point (a) of paragraph 2 of Article FINPROV.11 [Entry into force and provisional application] thereof, shall be based on the draft decision of the Partnership Council attached to this Decision.

Article 2

The decision of the Partnership Council shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels, 18 February 2021.

For the Council
The President
A. P. ZACARIAS

DRAFT

DECISION NO 1/2021 OF THE PARTNERSHIP COUNCIL ESTABLISHED BY THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART

of …

as regards the date on which provisional application pursuant to the Trade and Cooperation Agreement is to cease

THE PARTNERSHIP COUNCIL,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and in particular point (a) of paragraph 2 of Article FINPROV.11 [Entry into force and provisional application] thereof,

Whereas:

(1) Pursuant to paragraph 2 of Article FINPROV.11 [Entry into force and provisional application] of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part [1] (the 'Trade and Cooperation Agreement'), the Parties agreed to provisionally apply the Trade and Cooperation Agreement from 1 January 2021 provided that prior to that date they had notified each other that their respective internal requirements and procedures necessary for provisional application have been completed. Provisional application is to cease on one of the following dates, whichever is the earliest: 28 February 2021 or another date as decided by the Partnership Council; or the first day of the month following that in which both Parties have notified each other that they have completed their respective internal requirements and procedures for establishing their consent to be bound.

(2) As the European Union will not be able, due to internal procedural requirements, to conclude the Trade and Cooperation Agreement by 28 February 2021, the Partnership Council should set 30 April 2021 as the date on which provisional application is to cease pursuant to point (a) of paragraph 2 of Article FINPROV.11 [Entry into force and provisional application] of the Trade and Cooperation Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The date on which provisional application is to cease pursuant to point (a) of paragraph 2 of Article FINPROV.11 [Entry into force and provisional application] of the Trade and Cooperation Agreement shall be 30 April 2021.

Article 2

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

Done at …,

For the Partnership Council
The Co-chairs

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[1] The text of the Agreement is published in OJ EU L 444, 31.12.2020, p. 14.