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LIMITE

UK 116

NOTE

From: General Secretariat of the Council

To: Delegations

Subject: EU-UK Agreements

- COUNCIL DECISION on the conclusion, on behalf of the Union, 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
 - Statements to be inserted in the minutes of the Council adopting the decision on Conclusion of the TCA
 - Declarations referred to in the Council Decision on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement and of the Agreement concerning security procedures for exchanging and protecting classified information
 - Approval
 - Decision to use the written procedure
 - Decision to publish in the Official Journal the Declarations referred to in the Council Decision on the conclusion
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1. Following agreement at negotiators' level on 24 December 2020, the Commission submitted on 25 December 2020 to the Council a proposal (ST 14336/20) for a Council Decision on the conclusion, on behalf of the Union, 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 ('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 ('Security of Information Agreement').
2. On 10 February 2021, the Permanent Representatives Committee (Part 2) agreed in principle on the draft Council Decision on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement and of the Security of Information Agreement ('draft Decision on Conclusion') as set out in document ST 5022/21.
3. On 26 February 2021, following a written procedure launched on the same date, all delegations voted in favour of forwarding the draft Decision on Conclusion to the European Parliament for its consent in accordance with Article 218(6)(a) TFEU.
4. Due to the very late completion of the negotiations of the Trade and Cooperation Agreement, the Security of Information Agreement and the Agreement between the United Kingdom of Great Britain and Northern Ireland and the European Atomic Energy Community for Cooperation on the Safe and Peaceful Uses of Nuclear Energy ('the Agreements'), it was not possible to proceed to the final legal linguistic revision of the texts of the Agreements before their signature and provisional application.

5. As provided for in Article 780 of the Trade and Cooperation Agreement, Article 21 of the Security of Information Agreement and Article 25 of the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy, immediately after the signature of the Agreements, the Parties proceeded with the final legal linguistic revision of the texts of the Agreements in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages.
6. By exchange of diplomatic notes of 21 April 2021, the Parties established the revised texts of the Agreements in all such languages as authentic and definitive. These authentic and definitive texts replace ab initio the signed versions of the Agreements published in the Official Journal on 31 December 2020¹. The authenticated and definitive texts of the Agreements are set out in documents ST 5198/21, ST 5203/21 and ST 5204/21.
7. The European Parliament intends to vote on its consent on 27 April 2021.
8. Coreper is therefore invited to:
 - a) confirm its agreement on the text of:
 - i) the Council Decision on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement and of the Security of Information Agreement, as set out in doc. ST 5022/2/21 REV 2², as revised by lawyer-linguists;
 - ii) the declarations in relation to the Trade and Cooperation Agreement and the Security of Information Agreement, as set out in doc. ST 8118/21;
 - iii) the Statements as set out in doc. ST 7888/21 ADD 1;

¹ OJ L 444, 31.12.2020, p. 2.

² A REV 3 of ST 5022/21 will be issued after the European Parliament has voted on its consent and before the written procedure is launched, to reflect the outcome of that vote by inserting the date of the vote in the first footnote of that document.

- b) decide, in accordance with the first subparagraph of Article 12(1) of Council's Rules of Procedure and Article 1 of Council Decision (EU) 2020/430, that the Council uses the written procedure for the adoption of the text of the Council Decision on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement and of the Security of Information Agreement, as set out in doc. ST 5022/2/21 REV 2³, as revised by lawyer-linguists;
- c) decide, in accordance with the first subparagraph of Article 12(1) of Council's Rules of Procedure and Article 1 of Council Decision (EU) 2020/430, that the Council uses the written procedure for the approval of the text of:
 - i) the declarations in relation to the Trade and Cooperation Agreement and the Security of Information Agreement, as set out in doc. ST 8118/21;
 - ii) the Statements as set out in doc. ST 7888/21 ADD 1;
- d) decide to publish in the Official Journal of the European Union the text of the declarations in relation to the Trade and Cooperation Agreement and the Security of Information Agreement, as set out in doc. ST 8118/21.

³ A REV 3 of ST 5022/21 will be issued after the European Parliament has voted on its consent and before the written procedure is launched, to reflect the outcome of that vote by inserting the date of the vote in the first footnote of that document.