Council Decision (EU, Euratom) 2020/266 of 25 February 2020 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, in particular Article 217, in conjunction with Article 218(3) and (4) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, in particular Article 101 thereof,

Having regard to the recommendation from the European Commission,

Whereas:

(1) On 1 February 2020, the United Kingdom of Great Britain and Northern Ireland ('the United Kingdom') withdrew from the European Union.

(2) The arrangements for the withdrawal are set out in 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[(1)] ('the Withdrawal Agreement') negotiated and concluded in accordance with Article 50 of the Treaty on European Union.

(3) The Withdrawal Agreement entered into force on 1 February 2020 and provides for a transition period during which Union law applies to and in the United Kingdom in accordance with that Agreement. That period will end on 31 December 2020, unless the Joint Committee established by the Withdrawal Agreement adopts, before 1 July 2020, a single decision extending the transition period for up to 1 or 2 years.

(4) In the guidelines of 23 March 2018, the European Council restated the Union's determination to have as close as possible a partnership with the United Kingdom in the future. According to those guidelines, such a partnership should cover trade and economic cooperation, and also other areas, in particular the fight against terrorism and international crime, as well as security, defence and foreign policy. The European Council set those guidelines with a view to the opening of negotiations on the overall understanding of the framework for the future relationship that was to be elaborated in a political declaration accompanying and referred to in the Withdrawal Agreement.

(5) The political declaration that accompanied the Withdrawal Agreement sets out the framework for the future relationship between the European Union and the United Kingdom[(2)] (the 'Political Declaration'). It establishes the parameters of an ambitious,

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU, Euratom) 2020/266. (See end of Document for details)*

broad, deep and flexible partnership across trade and economic cooperation with a comprehensive and balanced Free Trade Agreement at its core, law enforcement and criminal justice, foreign policy, security and defence and wider areas of cooperation.

(6) Article 184 of the Withdrawal Agreement provides that the Union and the United Kingdom are to use their best endeavours, in good faith and in full respect of their respective legal orders, to take the necessary steps to negotiate expeditiously the agreements governing their future relationship referred to in the Political Declaration and to conduct the relevant procedures for the ratification or conclusion of those agreements, with a view to ensuring that those agreements apply, to the extent possible, as from the end of the transition period.

(7) In its conclusions of 13 December 2019, the European Council reconfirmed its desire to establish as close as possible a future relationship with the United Kingdom in line with the Political Declaration and respecting the previously agreed guidelines of the European Council, as well as statements and declarations, notably those of 25 November 2018. The European Council reiterated in particular that the future relationship with the United Kingdom will have to be based on a balance of rights and obligations and ensure a level playing field. The European Council welcomed the Commission's decision to reappoint Mr Michel BARNIER for the negotiations on the future relationship and invited the Commission to submit to the Council a draft comprehensive mandate for a future relationship with the United Kingdom immediately after its withdrawal. The European Council stated that it would follow the negotiations closely and provide further general political directions as necessary.

(8) Negotiations should therefore be opened with a view to concluding a new partnership agreement with the United Kingdom. The Commission should be nominated as the Union negotiator. For Common Foreign and Security Policy matters, the Commission will conduct negotiations in agreement with the High Representative of the Union for Foreign Affairs and Security Policy,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations for a new partnership agreement with the United Kingdom of Great Britain and Northern Ireland.

Article 2

The Commission is hereby nominated as the Union negotiator.

Article 3

The negotiations shall be conducted in consultation with the Working Party on the United Kingdom and in accordance with the directives contained in the addendum, subject to any directives which the Council may subsequently issue to the Commission.

Article 4

This Decision is addressed to the Commission.