Council Decision (EU) 2020/48 of 21 January 2020 amending Decision (EU) 2019/274 on the signing, on behalf of the European Union and of the European Atomic Energy Community, of 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 (Text with EEA relevance)

COUNCIL DECISION (EU) 2020/48

of 21 January 2020

amending Decision (EU) 2019/274 on the signing, on behalf of the European Union and of the European Atomic Energy Community, of 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

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 11 January 2019, the Council adopted Decision (EU) 2019/274[(1)] on the signing of the Withdrawal Agreement.

(2) By Decision (EU) 2019/476[(2)], the European Council, in agreement with the United Kingdom, initially extended the period under Article 50(3) TEU until 12 April 2019. That period was further extended until 31 October 2019 by European Council Decision (EU) 2019/584[(3)], taken in agreement with the United Kingdom, and thereafter until 31 January 2020 by European Council Decision (EU) 2019/1810[(4)], taken in agreement with the United Kingdom.

(3) The third paragraph of Article 185 of the Withdrawal Agreement, as adapted[(5)], provides that, when making the written notification of the completion of its necessary internal procedures, the Union, in respect of any Member State which has raised reasons related to fundamental principles of national law of that Member State, may declare that, during the transition period, in addition to the grounds for non-execution of a European arrest warrant referred to in Council Framework Decision 2002/584/JHA[(6)], the executing judicial authorities of that Member State may refuse to surrender its nationals to the United Kingdom pursuant to a European Arrest Warrant. Pursuant to Article 4 of Decision (EU) 2019/274, those Member States that intend to avail themselves of the possibility provided for in the third paragraph of Article 185 of the Withdrawal Agreement are to inform the Commission and the General Secretariat of the Council of their intention to do so before 15 February 2019.

(4) Given the various extensions of the period under Article 50(3) TEU, it is appropriate to amend Decision (EU) 2019/274 to set a new time limit within which Member States

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/48. (See end of Document for details)*

that intend to avail themselves of the possibility provided for in the third paragraph of Article 185 should inform the Commission and the General Secretariat of the Council thereof. At this occasion, it is appropriate to adapt the reference to the relevant paragraph of Article 185 of the Withdrawal Agreement.

(5) Decision (EU) 2019/274 should therefore be amended accordingly.

(6) As provided for in Article 50(4) TEU, the United Kingdom has not taken part in the discussions of the Council concerning this decision or in its adoption,

HAS ADOPTED THIS DECISION:

Article 1

Article 4 of Decision (EU) 2019/274 is replaced by the following:

Article 4

Those Member States that intend to avail themselves of the possibility provided for in the third paragraph of Article 185 of the Agreement shall inform the Commission and the General Secretariat of the Council of their intention to do so before 28 January 2020..

Article 2

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

Done at Brussels, 21 January 2020.

For the Council

The President

A. METELKO-ZGOMBIĆ