European Council Decision (EU) 2019/1810 taken in agreement with the United Kingdom of 29 October 2019 extending the period under Article 50(3)TEU

EUROPEAN COUNCIL DECISION (EU) 2019/1810

taken in agreement with the United Kingdom

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extending the period under Article 50(3)TEU

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, and in particular Article 50(3) thereof,

Whereas:

(1) On 29 March 2017, the United Kingdom notified the European Council of its intention to withdraw from the European Union and the European Atomic Energy Community ('Euratom') in accordance with Article 50 of the Treaty on the European Union, which applies to Euratom by virtue of Article 106a of the Treaty establishing the European Atomic Energy Community.

(2) In accordance with Article 50 TEU, the European Union negotiated with the United Kingdom an agreement setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union.

(3) On 25 November 2018, the European Council endorsed the draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('Withdrawal Agreement') and approved the Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom of Great Britain and Northern Ireland ('Political Declaration'). On 11 January 2019, the Council adopted Decision (EU) 2019/274[(1)] on the signing of the Withdrawal Agreement[(2)].

(4) According to Article 50(3) TEU, the Treaties are to cease to apply to the withdrawing State from the date of entry into force of the Withdrawal Agreement or, failing that, two years after the notification, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.

(5) By Decision (EU) 2019/476[(3)], the European Council, in agreement with the United Kingdom, initially decided to extend 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 taken in agreement with the United Kingdom[(4)].

(6) Following negotiations between the negotiators of the Union and of the United Kingdom during the months of September and October 2019, an agreement was reached on a revised text of the Protocol on Ireland/Northern Ireland included in the Withdrawal Agreement, and on necessary technical adaptations to Articles 184 and 185 of that Agreement, as well as on a revised text of the Political Declaration. On 17 October 2019,

the European Council endorsed the amended Withdrawal Agreement and approved the revised text of the Political Declaration. On 21 October 2019, the Council adopted Decision (EU) 2019/1750 amending Decision (EU) 2019/274[(5)] on the signing of the Withdrawal Agreement.

(7) On 19 October 2019, the United Kingdom submitted a request for an extension of the period provided for in Article 50(3) TEU until 31 January 2020. The request states that if the parties are able to ratify the Withdrawal Agreement before 31 January 2020, the Government proposes that the period should be terminated early.

(8) The UK government introduced the necessary legislation in order to proceed with the ratification of the Withdrawal Agreement. On 21 October 2019, the Council of the European Union approved the draft Council Decision on the conclusion of the Withdrawal Agreement and forwarded it to the European Parliament in order to obtain its consent. The Union and the United Kingdom have not yet completed the internal procedures necessary for the ratification of the Withdrawal Agreement. In the United Kingdom, there is an ongoing discussion on how to resolve the issue of the ratification, and the UK Prime Minister has advocated holding a general election.

(9) With a view to allowing for the finalisation of the ratification of the Withdrawal Agreement, the European Council agrees to a further extension until 31 January 2020.

(10) The European Council recalls that, under Article 50(3) TEU, the Withdrawal Agreement may enter into force on an earlier date, should the Parties complete their respective ratification procedures before the end of the period under Article 50(3) TEU. Consequently, the withdrawal should take place on the first day of the month following the completion of the ratification procedures or on 1 February 2020, whichever is the earliest.

(11) This further extension cannot be allowed to undermine the regular functioning of the Union and its institutions. Furthermore, it will have the consequence that the United Kingdom will remain a Member State until the new withdrawal date, with full rights and obligations in accordance with Article 50 TEU, including the obligation to suggest a candidate for appointment as a member of the Commission. It is recalled that the United Kingdom has a right to revoke its notification at any time. The European Council recalls the commitment by the United Kingdom to act in a constructive and responsible manner throughout the extension period in accordance with the duty of sincere cooperation, and expects the United Kingdom to fulfil this commitment and Treaty obligation in a manner that reflects its situation as a withdrawing Member State. To this effect, the United Kingdom shall facilitate the achievement of the Union's tasks and shall refrain from any measure which could jeopardise the attainment of the Union's objectives, in particular when participating in the decision#making processes of the Union.

(12) The ongoing mandates of members of institutions, bodies, offices and agencies of the Union nominated, appointed or elected in relation to the United Kingdom's membership of the Union will end as soon as the Treaties cease to apply to the United Kingdom, i.e. on the date of the withdrawal.