

No. 53474*

**United Kingdom of Great Britain and Northern Ireland, Austria,
Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark,
Estonia, Finland, France, Germany, Greece, Hungary, Ireland,
Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands,
Poland, Portugal, Romania, Slovakia, Slovenia, Spain
and
Sweden**

**Decision of the Heads of State or Government of the Member States of the European Union,
meeting within the European Council, concerning a new settlement for the United
Kingdom within the European Union. Brussels, 19 February 2016**

Entry into force: 19 February 2016

Authentic texts: *Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French,
German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese,
Romanian, Slovak, Slovene, Spanish and Swedish*

Registration with the Secretariat of the United Nations: *United Kingdom of Great Britain and
Northern Ireland, 24 February 2016*

**No UNTS volume number has yet been determined for this record. Only the authentic English and French texts of the
Decision of the Heads of State or Government of the Member States of the European Union are published herein.
Other authentic texts of the Decision are not published herein, in accordance with article 12 (2) of the General
Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the
publication practice of the UN Secretariat.*

**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,
Autriche, Belgique, Bulgarie, Croatie, Chypre, République
tchèque, Danemark, Estonie, Finlande, France, Allemagne, Grèce,
Hongrie, Irlande, Italie, Lettonie, Lituanie, Luxembourg, Malte,
Pays-Bas, Pologne, Portugal, Roumanie, Slovaquie, Slovénie,
Espagne
et
Suède**

**Décision des Chefs d'État ou de Gouvernement des Etats membres de l'Union Européenne,
réunis au sein du Conseil européen, concernant un nouvel arrangement pour le
Royaume-Uni dans l'Union européenne. Bruxelles, 19 février 2016**

Entrée en vigueur : 19 février 2016

Textes authentiques : bulgare, croate, tchèque, danois, néerlandais, anglais, estonien, finnois, français, allemand, grec, hongrois, irlandais, italien, letton, lituanien, maltais, polonais, portugais, roumain, slovaque, slovène, espagnol et suédois

Enregistrement auprès du Secrétariat des Nations Unies : Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, 24 février 2016

*Aucun numéro de volume n'a encore été attribué à ce dossier. Seuls les textes authentiques anglais et français de la Décision des Chefs d'État ou de Gouvernement des États membres de l'Union Européenne sont publiés ici. Les autres textes authentiques de la Décision ne sont pas publiés ici conformément aux dispositions de l'article 12, paragraphe 2, des réglementations de l'Assemblée générale, en application de l'article 102 de la Charte des Nations Unies, tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat.

**DECISION OF THE HEADS OF STATE OR GOVERNMENT, MEETING WITHIN THE EUROPEAN COUNCIL,
CONCERNING A NEW SETTLEMENT FOR THE UNITED KINGDOM WITHIN THE EUROPEAN UNION**

The Heads of State or Government of the 28 Member States of the European Union, meeting within the European Council, whose Governments are signatories of the Treaties on which the Union is founded,

Desiring to settle, in conformity with the Treaties, certain issues raised by the United Kingdom in its letter of 10 November 2015,

Intending to clarify in this Decision certain questions of particular importance to the Member States so that such clarification will have to be taken into consideration as being an instrument for the interpretation of the Treaties; intending as well to agree arrangements for matters including the role of national Parliaments in the Union, as well as the effective management of the banking union and of the consequences of further integration of the euro area,

Recalling the Union's objective of establishing, in accordance with the Treaties, an economic and monetary union whose currency is the euro and the importance which a properly functioning euro area has for the European Union as a whole. While nineteen Member States have already adopted the single currency, other Member States are under a derogation which applies until the Council decides that the conditions are met for its abrogation and two Member States have, pursuant to Protocols No 15 and No 16 annexed to the Treaties, respectively no obligation to adopt the euro or an exemption from doing so. Accordingly, for as long as the said derogations are not abrogated or the said protocols have not ceased to apply following notification or request from the relevant Member State, not all Member States have the euro as their currency. Recalling that the process towards the establishment of the banking union and a more integrated governance of the euro area is open to Member States that do not have the euro as their currency,

Recalling that the Treaties, together with references to the process of European integration and to the process of creating an ever closer union among the peoples of Europe, contain also specific provisions whereby some Member States are entitled not to take part in or are exempted from the application of certain provisions or chapters of the Treaties and Union law as concerns matters such as the adoption of the euro, decisions having defence implications, the exercise of border controls on persons, as well as measures in the area of freedom, security and justice. Treaty provisions also allow for the non-participation of one or more Member States in actions intended to further the objectives of the Union, notably through the establishment of enhanced cooperation. Therefore, such processes make possible different paths of integration for different Member States, allowing those that want to deepen integration to move ahead, whilst respecting the rights of those which do not want to take such a course,

Recalling in particular that the United Kingdom is entitled under the Treaties:

- not to adopt the euro and therefore to keep the British pound sterling as its currency (Protocol No 15),
- not to participate in the Schengen *acquis* (Protocol No 19),
- to exercise border controls on persons, and therefore not to participate in the Schengen area as regards internal and external borders (Protocol No 20),
- to choose whether or not to participate in measures in the area of freedom, security and justice (Protocol No 21),
- to cease to apply as from 1 December 2014 a large majority of Union acts and provisions in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty while choosing to continue to participate in 35 of them (Article 10(4) and (5) of Protocol No 36).

Recalling also that the Charter of Fundamental Rights of the European Union has not extended the ability of the Court of Justice of the European Union or any court or tribunal of the United Kingdom to rule on the consistency of the laws and practices of the United Kingdom with the fundamental rights that it reaffirms (Protocol No 30),

Determined to exploit fully the potential of the internal market in all its dimensions, to reinforce the global attractiveness of the Union as a place of production and investment, and to promote international trade and market access through, inter alia, the negotiation and conclusion of trade agreements, in a spirit of mutual and reciprocal benefit and transparency,

Determined also to facilitate and support the proper functioning of the euro area and its long-term future, for the benefit of all Member States,

Respecting the powers of the institutions of the Union, including throughout the legislative and budgetary procedures, and not affecting the relations of the Union institutions and bodies with the national competent authorities,

Respecting the powers of the central banks in the performance of their tasks, including the provision of central bank liquidity within their respective jurisdictions,

Having regard to the statement containing the draft Decision of the Council on specific provisions relating to the effective management of the banking union and of the consequences of further integration of the euro area,

Having regard to the Conclusions of the European Council of 26 and 27 June 2014 and of 18 and 19 February 2016,

Noting the Declaration of the European Council on competitiveness,

Noting the Declaration of the Commission on a subsidiarity implementation mechanism and a burden reduction implementation mechanism,

Noting the Declaration of the Commission on the safeguard mechanism referred to in paragraph 2(b) of Section D of the Decision,

Noting the Declaration of the Commission on issues related to the abuse of the right of free movement of persons,

Having taken into account the views expressed by the President and members of the European Parliament,

HAVE AGREED ON THE FOLLOWING DECISION:

SECTION A

ECONOMIC GOVERNANCE

In order to fulfil the Treaties' objective to establish an economic and monetary union whose currency is the euro, further deepening is needed. Measures, the purpose of which is to further deepen economic and monetary union, will be voluntary for Member States whose currency is not the euro and will be open to their participation wherever feasible. This is without prejudice to the fact that Member States whose currency is not the euro, other than those without an obligation to adopt the euro or exempted from it, are committed under the Treaties to make progress towards fulfilling the conditions necessary for the adoption of the single currency.

It is acknowledged that Member States not participating in the further deepening of the economic and monetary union will not create obstacles to but facilitate such further deepening while this process will, conversely, respect the rights and competences of the non-participating Member States. The Union institutions, together with the Member States, will facilitate the coexistence between different perspectives within the single institutional framework ensuring consistency, the effective operability of Union mechanisms and the equality of Member States before the Treaties, as well as the level-playing field and the integrity of the internal market.

Mutual respect and sincere cooperation between Member States participating or not in the operation of the euro area will be ensured by the principles recalled in this Section, which are safeguarded notably through the Council Decision ⁽¹⁾ referring to it.

1. Discrimination between natural or legal persons based on the official currency of the Member State, or, as the case may be, the currency that has legal tender in the Member State, where they are established is prohibited. Any difference of treatment must be based on objective reasons.

Legal acts, including intergovernmental agreements between Member States, directly linked to the functioning of the euro area shall respect the internal market, as well as economic and social and territorial cohesion, and shall not constitute a barrier to or discrimination in trade between Member States. These acts shall respect the competences, rights and obligations of Member States whose currency is not the euro.

⁽¹⁾ Council Decision on specific provisions relating to the effective management of the banking union and of the consequences of further integration of the euro area.