

COUNCIL DECISION (Euratom) 2020/2253
of 29 December 2020

approving the conclusion, by the European Commission, of the Agreement between the Government of 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 and the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, 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

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 25 February 2020, the Council authorised the Commission to open negotiations with the United Kingdom for a new partnership agreement. Those negotiations resulted in a 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 (the 'Trade and Cooperation Agreement'), an Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (the 'Security of Information Agreement') and an Agreement between the Government of 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 'Nuclear Energy Agreement') (the 'Agreements').
- (2) The Trade and Cooperation Agreement covers matters falling under competences of the European Atomic Energy Community (the 'Community'), namely the association with the Research and Training programme of Euratom and with the European Joint Undertaking for ITER and the Development of Fusion Energy governed by Part Five of the Trade and Cooperation Agreement (Participation in Union programmes, sound financial management and financial provisions). The Trade and Cooperation Agreement should therefore be concluded on behalf of the Community as regards matters falling under the Treaty establishing the European Atomic Energy Community (the 'Euratom Treaty'). The signing and conclusion of the Trade and Cooperation Agreement on behalf of the Union is subject to a separate procedure.
- (3) It is recalled that draft bilateral agreements between a Member State of the Community and the United Kingdom within the purview of the Euratom Treaty, including agreements for the exchange of scientific or industrial information in the nuclear field, may be concluded provided that the conditions and the procedural requirements set out in Articles 29 and 103 of that Treaty are complied with.
- (4) Given the exceptional situation of the United Kingdom with regard to the Union and the Community, and the urgency of the situation with the transition period ending on 31 December 2020, the Trade and Cooperation Agreement, as regards matters falling under the Euratom Treaty, should be signed and applied on a provisional basis, pending the completion of the procedures necessary for its entry into force. For the same reasons, the Nuclear Energy Agreement should be signed and applied on a provisional basis, pending the completion of the procedures necessary for its entry into force and of the completion of the final legal-linguistic revision and the establishment of such finally revised language versions as authentic and definitive by the Parties
- (5) Due to the very late completion of the negotiations of the Agreements only seven days before the end of the transition period, it has not been possible to proceed to the final legal-linguistic revision of the texts of the Agreements before their signature. Therefore, starting immediately after the signature of the Agreements, the Parties should proceed to the final legal-linguistic revision of the texts of the Agreements in all 24 authentic languages. That legal-linguistic revision should be completed in due time. The Parties should then, by exchange of diplomatic notes, establish those revised texts of the Agreements in all such languages as authentic and definitive. Those revised texts should replace *ab initio* the signed versions of the Agreements.

- (6) The conclusion, by the Commission, of the Nuclear Energy Agreement should be approved.
- (7) The conclusion by the Commission, acting on behalf of the European Atomic Energy Community, as regards matters falling under the Euratom Treaty, of the Trade and Cooperation Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

1. The conclusion by the Commission, on behalf of the European Atomic Energy Community, of the Agreement between the Government of 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 is hereby approved, subject to the conditions set out in Article 2.
2. The conclusion by the Commission, on behalf of the European Atomic Energy Community, 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, including its provisions on provisional application, is hereby approved as regards matters falling under the Euratom Treaty, subject to the conditions set out in Article 3.
3. The text of the Agreement referred to in paragraph 1 is attached to this Decision.

The text of the Agreement referred to in paragraph 2 is attached to Council Decision (EU) 2020/2252 ⁽¹⁾.

Article 2

1. Prior to its conclusion and subject to reciprocity, the Agreement referred to in Article 1(1) shall be signed and shall be applied on a provisional basis as from 1 January 2021, pending the completion of the procedures necessary for its entry into force and of the procedures referred to in paragraph 2.
2. The versions of the Agreement referred to in Article 1(1) 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 shall be subject to final legal-linguistic revision.

The language versions resulting from the legal-linguistic revision referred to in the first subparagraph shall be established as authentic and definitive by exchange of diplomatic notes with the United Kingdom.

The authentic and definitive texts referred to in the second subparagraph shall replace *ab initio* the signed versions of the Agreement referred to in Article 1(1).

3. The provisional application referred to in paragraph 1 shall be agreed by means of an exchange of letters between the Community and the Government of the United Kingdom. The texts of those letters are attached to this Decision.

⁽¹⁾ Council Decision (EU) 2020/2252 of 29 December 2020 on the signing, on behalf of the Union, and provisional application 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 (OJ L 444, 31.12.2020, p. 2).

Article 3

1. Prior to its conclusion and subject to reciprocity, the Agreement referred to in Article 1(2), as regards matters falling under the Euratom Treaty, shall be signed and shall be applied on a provisional basis as from 1 January 2021, pending the completion of the procedures necessary for its entry into force.

2. The notification to the United Kingdom in accordance with Article 12(2) of Decision (EU) 2020/2252 regarding the completion of the Union's internal requirements and procedures necessary for provisional application shall be given by the President of the Council provided that, prior to the date referred to in paragraph 1, the United Kingdom has notified the Union that its internal requirements and procedures necessary for provisional application have been completed.

3. The versions of the Agreement referred to in Article 1(2) 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 shall be subject to final legal-linguistic revision.

The language versions resulting from the legal-linguistic revision referred to in the first subparagraph shall be established as authentic and definitive by exchange of diplomatic notes with the United Kingdom.

The authentic and definitive texts referred to in the second subparagraph shall replace *ab initio* the signed versions of the Agreement referred to in Article 1(2).

Article 4

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

Done at Brussels, 29 December 2020.

For the Council
The President
M. ROTH
