

COMMISSION DECISION (Euratom) 2020/2255**of 29 December 2020**

on the conclusion, by the European Commission, and provisional application 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 on the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, 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

THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing the European Atomic Energy Community (the 'Euratom Treaty'), and in particular Article 101, second paragraph thereof,

Having regard to the approval of the Council,

Whereas:

- (1) On 25 February 2020, the Council authorised the European Commission to open negotiations with the United Kingdom for a new partnership agreement. Following negotiations, the Parties agreed at negotiators' level the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom, of the other part, (hereinafter the 'Trade and Cooperation 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 the Peaceful Uses of Nuclear Energy (the "Nuclear Energy Agreement").
- (2) The Trade and Cooperation Agreement covers matters falling under competences of the European Atomic Energy Community ('the Community'), namely the association to the Research and Training programme of Euratom and to the European Joint Undertaking for ITER governed by the provisions of Part Five of the Trade and Cooperation Agreement. The Trade and Cooperation Agreement should therefore also be concluded on behalf of the Community as regards matters falling under the Euratom Treaty. The signing and conclusion of the Trade and Cooperation Agreement on behalf of the European Union is subject to a separate procedure.
- (3) 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 applied on a provisional basis pending the completion of the procedures necessary for its entry into force.
- (4) In agreement with the United Kingdom, the Nuclear Energy Agreement should be 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. In this connection, the Commission recalls that the power to conclude international agreements is vested in the Commission under Article 101 of the Treaty and that, pursuant to the Euratom Treaty, it is for the Commission to decide on the signature and to ensure the provisional application of such agreements in accordance with the approval given by Council.
- (5) 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.

- (6) 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 should be concluded on behalf of the European Atomic Energy Community.

HAS DECIDED AS FOLLOWS:

Article 1

1. 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 on behalf of the European Atomic Energy Community.

Subject to reciprocity, the agreement referred to in the first subparagraph 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 3.

2. 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, as regards matters falling under the Euratom Treaty, is hereby approved on behalf of the European Atomic Energy Community.

Subject to reciprocity, the agreement referred to in the first subparagraph 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 3.

3. The versions of the Agreements 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.

4. The texts 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

The President of the Commission is hereby authorised to designate the person(s) empowered to proceed, on behalf of the European Atomic Energy Community, to give the notification to the United Kingdom provided for in paragraph 4 of Article 5 of the Agreement referred to in Article 1(1). This notification shall contain the list of Member States that informed the Commission of their will not to place technology in the framework of the Agreement referred to in Article 1(1) by the date of entry into force of that Agreement.

⁽¹⁾ Council Decision (EU) 2020/2252 of 30 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 concerning security procedures for exchanging and protecting classified information between the European Union and the Government of the United Kingdom of Great Britain and Northern Ireland (OJ L 444, 31.12.2020, p. 2).

Article 3

The President of the European Commission is hereby authorised to sign the Agreements referred to in Article 1 on behalf of European Atomic Energy Community and designate the person(s) authorised to carry out all necessary steps for the provisional application of the Agreements referred to in Article 1.

Article 4

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

Done at Brussels, 29 December 2020

Ursula VON DER LEYEN
President of the Commission
