II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2020/121

of 28 January 2020

concerning the establishment of the Working Party on the United Kingdom chaired by the General Secretariat of the Council, and repealing Decision (EU) 2017/900

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(3) thereof,

Having regard to European Council Decision 2009/881/EU of 1 December 2009 on the exercise of the Presidency of the Council ([1]), and in particular Article 4 thereof,

Whereas:

(1) On 29 March 2017, the European Council received a notification from the United Kingdom of its intention to withdraw from the European Union, thereby launching the process under Article 50 of the Treaty on European Union (TEU). Council Decision (EU) 2017/900 ([2]) established the ad hoc Working Party on Article 50 TEU, chaired by the General Secretariat of the Council, to assist the Committee of Permanent Representatives of the Governments of the Member States ('Coreper') and the Council in all matters pertaining to the withdrawal of the United Kingdom from the Union.

(2) On 13 December 2019, the European Council adopted conclusions stating in particular that between European Council meetings, the General Affairs Council and Coreper, assisted by a dedicated Working Party, are to ensure that the negotiations are conducted in line with the overall positions and principles agreed by the European Council as well as with the Council's negotiating mandate, and provide further guidance as necessary, fully consistent with the best interest of the Union and with the aim of reaching a result that is fair and equitable for all Member States and in the interest of our citizens.

(3) On 24 January 2020, 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 ('Withdrawal Agreement') ([3]) was signed. This process paves the way for the imminent conclusion of the Withdrawal Agreement and the opening of negotiations on the future relationship with the United Kingdom.

(4) A Working Party on the United Kingdom ('Working Party on the UK') should therefore be established, succeeding the ad hoc Working Party on Article 50 TEU. In line with the European Council conclusions of 13 December 2019, the Working Party on the UK will be designated as the special committee, under Article 218(4) of the Treaty on the Functioning of the European Union, in consultation with which the negotiations on a future relationship with the United Kingdom are to be conducted when the Council decides to open negotiations with the United Kingdom on the relationship with the Union after its withdrawal from the Union.

([1]) OJ L 315, 2.12.2009, p. 50.

([2]) Council Decision (EU) 2017/900 of 22 May 2017 concerning the establishment of the ad hoc Working Party on Article 50 TEU chaired by the General Secretariat of the Council (OJ L 138, 25.5.2017, p. 138).

([3]) OJ C 384I, 12.11.2019, p. 1.

(5) The Working Party on the UK should be chaired by the six-monthly presidency. Exceptionally, the General Secretariat of the Council should chair the Working Party on the UK until 31 December 2020.

(6) The Working Party on the UK should start operating on the first day following that on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) TEU. The Working Party on the UK should assist Coreper and the Council in all matters pertaining to the relationship with the United Kingdom. In particular, the Working Party on the UK should assist Coreper and the Council in the course of the negotiations on the future relationship and on matters related to the implementation of the Withdrawal Agreement. In addition, the Working Party on the UK should assist Coreper and the Council on matters relating to other consequences of the United Kingdom's withdrawal.

(7) It is appropriate to provide for a review of the arrangements regarding the chairmanship of the Working Party on the UK That review should be carried out in good time so as not to hamper the smooth preparation of the incoming presidency, and, in any event, no later than 30 November 2020.

(8) Decision (EU) 2017/900 should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

The Working Party on the United Kingdom is hereby established.

Article 2

The Working Party on the United Kingdom shall assist Coreper and the Council in all matters pertaining to the relationship with the United Kingdom.

Article 3

Decision (EU) 2017/900 is repealed.

Article 4

The Working Party on the United Kingdom shall be chaired by the six-monthly presidency.

Article 5

By way of derogation from the chairing arrangements set out in Article 4, the Working Party on the United Kingdom shall be chaired by the General Secretariat of the Council until 31 December 2020.

Article 6

The arrangements regarding the chairmanship of the Working Party on the United Kingdom shall be reviewed no later than 30 November 2020.

Article 7

This Decision shall enter into force on the day following that on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) TEU.

It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 January 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ