Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

2018/0427(NLE) - 11/04/2019 - Document attached to the procedure

PURPOSE: amend Decision (EU) 2019/274 on the signing, on behalf of the European Union and of the European Atomic Energy Community, of 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.

BACKGROUND: on 11 January 2019, the Council adopted Decision (EU) 2019/274 authorising the signature of the Withdrawal Agreement and transmitted the draft Council Decision on the conclusion of the Withdrawal Agreement to the European Parliament for its consent. The Withdrawal Agreement provides 30 March 2019 as date of entry into force of the agreement.

However, the Government of the United Kingdom did not obtain the necessary support from its Parliament to proceed with the signature and ratification of the Withdrawal Agreement.

Following the meeting between President Juncker and Prime Minister May of 20 February 2019, discussions resumed and on 11 March 2019, they resulted in an agreement between Prime Minister May and the President of the European Commission Juncker on the Instrument relating to the Withdrawal Agreement and the Joint Statement supplementing the Political Declaration. On 21 March 2019, the European Council approved those two texts.

On 5 April 2019, the United Kingdom submitted another request to the European Council for an extension of the period provided for in Article 50(3) of the Treaty on European Union. On 11 April 2019, the European Council, in agreement with the United Kingdom, decided to further extend that period until 31 October 2019.

The European Council recalled 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 31 October 2019. Consequently, the withdrawal should take place on the first day of the month following the completion of the ratification procedures or on 1 November 2019, whichever is the earliest.

Furthermore, the Decision will cease to apply on 31 May 2019 in the event that the United Kingdom has not held elections to the European Parliament in accordance with applicable Union law and has not ratified the Withdrawal Agreement by 22 May 2019.

As a consequence, the date of entry into force of the Withdrawal Agreement has to be brought in line with the European Council Decision referred above.

CONTENT: the Commission proposes to amend Decision (EU) 2019/274 in order to adapt the date of entry into force of the withdrawal agreement to correspond to the deadline provided for in Article 50(3) of the TEU, as extended by the European Council in agreement with the United Kingdom.