



Council of the
European Union

Brussels, 6 June 2023
(OR. en)

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UK 95
RC 15

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for an agreement on cooperation and exchange of information in competition matters

COUNCIL DECISION (EU) 2023/...

of ...

**authorising the opening of negotiations with the United Kingdom of Great Britain
and Northern Ireland for an agreement on cooperation
and exchange of information in competition matters**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Articles 103 and 352, in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) 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 part¹ ('the Trade and Cooperation Agreement') was concluded by the Union by means of Council Decision (EU) 2021/689² and entered into force on 1 May 2021, after having been provisionally applied since 1 January 2021.
- (2) Following the withdrawal of the United Kingdom of Great Britain and Northern Ireland ('the United Kingdom') from the Union, the cooperation and information exchange possibilities with the United Kingdom's competition authority in the context of the European Competition Network, through which the Commission and the national competition authorities of the Member States closely cooperate with each other, no longer exist.

¹ OJ L 149, 30.4.2021, p. 10.

² Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, 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 149, 30.04.2021, p. 2).

- (3) The Trade and Cooperation Agreement does not provide for such close cooperation and allows only for cooperation in the field of competition that is permitted under domestic rules. Pursuant to Article 361(4) of the Trade and Cooperation Agreement, however, the Parties may enter into an agreement on cooperation and coordination between the Commission, the competition authorities of the Member States and the United Kingdom's competition authority or authorities, which may include conditions for the exchange and use of confidential information.
- (4) Negotiations should therefore be opened with a view to concluding a supplementing agreement, within the meaning of Article 2 of the Trade and Cooperation Agreement, with the United Kingdom on cooperation and exchange of information in competition matters,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations for a supplementing agreement, within the meaning of Article 2 of the Trade and Cooperation Agreement, with the United Kingdom of Great Britain and Northern Ireland on cooperation and exchange of information in competition matters.

Article 2

The Commission is hereby nominated as the Union negotiator.

Article 3

The negotiations shall be conducted in consultation with the Working Party on the United Kingdom and in accordance with the directives contained in the addendum to this Decision, subject to any directives which the Council may subsequently issue to the Commission.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President
