

EU-UK Trade and Cooperation Agreement - Notification by the Union

The European Union hereby notifies the United Kingdom of the following in relation to 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 'Trade and Cooperation Agreement').

A. NOTIFICATION ON BEHALF OF THE UNION REGARDING THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE (EPPO)

Article LAW.OTHER.134(7), points (d) and (g)

1. In accordance with Article LAW.MUTAS.114 [Definition of competent authority] of Part Three [Law Enforcement and Judicial Cooperation in Criminal Matters] of the Trade and Cooperation Agreement and point (d) of Article LAW.OTHER.134(7) [Notifications] of that Agreement, the Union, on its own behalf, hereby notifies the United Kingdom that the EPPO, in the exercise of its competences as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939 ⁽¹⁾, shall be deemed to be a competent authority for the purposes of Title VIII [Mutual Assistance] of Part Three [Law Enforcement and Judicial Cooperation in Criminal Matters] of the Trade and Cooperation Agreement. This notification shall apply as of the date determined by the decision of the Commission adopted in accordance with Article 120(2) of Council Regulation (EU) 2017/1939. The United Kingdom will be informed of that date.
2. In accordance with Article LAW.CONFISC.21(2) [Authorities] of Part Three [Law Enforcement and Judicial Cooperation in Criminal Matters] of the Trade and Cooperation Agreement and point (g) of Article LAW.OTHER.134(7) [Notifications] of that Agreement, the Union, on its own behalf, hereby notifies the United Kingdom that the EPPO, in the exercise of its competences as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, shall be deemed to be a competent authority for the purpose of making and, if appropriate, executing freezing requests made under Title XI [Freezing and Confiscation] of Part Three [Law Enforcement and Judicial Cooperation in Criminal Matters] of the Trade and Cooperation Agreement, as well as a central authority for the purpose of sending and answering to such requests. This notification shall apply as of the date determined by the decision of the Commission adopted in accordance with Article 120(2) of Council Regulation (EU) 2017/1939. The United Kingdom will be informed of that date.
3. Requests shall be sent to the Central Office of the EPPO.

B. NOTIFICATION ON BEHALF OF THE UNION REGARDING THE CHOICES MADE BY THE MEMBER STATES FOR THE PURPOSES OF THE APPLICATION OF THE TRADE AND COOPERATION AGREEMENT

1. Due to the late signing of the Trade and Cooperation Agreement, the notification of the Union regarding the choices made by the Member States in relation to the provisions listed hereinafter will be made at the latest on 31 January 2021.

List of provisions of the Trade and Cooperation Agreement which require a notification to be made upon the entry into force or start of application of that Agreement:

- a) Article LAW.OTHER 134(7)(a): Notification of the Passenger Information Units established or designated by each Member State for the purposes of receiving and processing PNR data under Title III [Transfer and processing of passenger name record data (PNR)];
- b) Article LAW.OTHER 134(7)(b): Notification of the authority competent by virtue of the domestic law of each Member State to execute an arrest warrant;
- c) Article LAW.OTHER 134(7)(b): Notification of the authority competent by virtue of the domestic law of each Member State to issue an arrest warrant;
- d) Article LAW.OTHER 134(7)(c): Notification of the authority competent for receiving requests for transit through the Member State's territory of a requested person who is being surrendered;

⁽¹⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (the EPPO) (OJ L 283, 31.10.2017, p. 1).

- e) Article LAW.OTHER 134(7)(e): Notification of the central authority competent for the exchange of information extracted from the criminal record under Title IX [Exchange of Criminal Record Information] and for the exchanges referred to in Article 22(2) of the European Convention on Mutual Assistance in Criminal Matters;
- f) Article LAW.OTHER 134(7)(f): Notification of the central authority responsible for sending and answering requests under Title XI [Freezing and Confiscation], and for executing such requests or for transmitting them to the authorities competent for their execution.
2. In accordance with Article SSC.11(2) [Detached workers] of the Trade and Cooperation Agreement, the Union hereby notifies the United Kingdom that the following Member States fall within:
- Category A: Member States which have expressed their wish to derogate from Article SSC.10 [General rules] of the Trade and Cooperation Agreement as from 1 January 2021: Austria, Hungary, Portugal, Sweden;
 - Category B: Member States which have expressed their wish not to derogate from Article SSC.10 [General rules] of the Trade and Cooperation Agreement as from 1 January 2021: - ;
 - Category C: Member States which have not indicated whether or not they wish to derogate from Article SSC.10 [General rules] of the Trade and Cooperation Agreement as from 1 January 2021: Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Romania, Slovakia, Slovenia, Spain.
3. The notifications in relation to provisions of the Trade and Cooperation Agreement regarding the choices of the Member States which may be made after entry into force or start of application of the Trade and Cooperation Agreement will follow in due course, within the timeframes set out in that Agreement as the case may be.
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