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## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union in the Specialised Committee on Law Enforcement and Judicial Cooperation established by 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 the establishment of a standard form for requests for mutual assistance referred to in Article 635(1) of that Agreement

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**COUNCIL DECISION (EU) 2023/...**

**of ...**

**on the position to be taken on behalf of the European Union  
in the Specialised Committee on Law Enforcement and Judicial Cooperation established  
by 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 the establishment of a standard form for requests for mutual assistance  
referred to in Article 635(1) of that Agreement**

**THE COUNCIL OF THE EUROPEAN UNION,**

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1), in conjunction with Article 218(9) thereof,

Having regard to 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<sup>1</sup>,

Having regard to the proposal from the European Commission,

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<sup>1</sup> OJ L 149, 30.4.2021, p. 2.

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 part<sup>1</sup> ('the Trade and Cooperation Agreement'), was concluded by means of Decision (EU) 2021/689.
- (2) Title VIII of Part Three of the Trade and Cooperation Agreement supplements the provisions, and facilitates the application between Member States, on the one side, and the United Kingdom, on the other side, of the European Convention on Mutual Assistance in Criminal Matters, done at Strasbourg on 20 April 1959, the Additional Protocol to the European Mutual Assistance Convention, done at Strasbourg on 17 March 1978, and the Second Additional Protocol to the European Mutual Assistance Convention, done at Strasbourg on 8 November 2001.
- (3) The Council, on a proposal from the Commission, is to adopt a decision establishing the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects. The Specialised Committee on Law Enforcement and Judicial Cooperation is a body established pursuant to Article 8(1), point (r), of the Trade and Cooperation Agreement.

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<sup>1</sup> OJ L 149, 30.4.2021, p. 10.

(4) Pursuant to Article 635(1) of the Trade and Cooperation Agreement, the Specialised Committee on Law Enforcement and Judicial Cooperation is to undertake to establish a standard form for requests for mutual assistance by adopting an annex to that Agreement. In accordance with Article 635(2) of the Trade and Cooperation Agreement, if the Specialised Committee on Law Enforcement and Judicial Cooperation adopts a decision establishing such a standard form, requests for mutual assistance are to be made using that standard form.

(5) The Specialised Committee on Law Enforcement and Judicial Cooperation is to establish the standard form for requests for mutual assistance under the Trade and Cooperation Agreement by adopting an annex to that Agreement.

(6) The standard form for requests for mutual assistance will facilitate mutual assistance between competent authorities in the Member States, on the one side, and the United Kingdom, on the other side, by indicating all the necessary information a request for mutual assistance should contain.

(7) It is appropriate to establish the position to be taken on the Union's behalf in the Specialised Committee on Law Enforcement and Judicial Cooperation.

- (8) The Trade and Cooperation Agreement is binding on all the Member States by virtue of Decision (EU) 2021/689, which is based on Article 217 of the Treaty on the Functioning of the European Union as its substantive legal basis.
- (9) Denmark and Ireland are bound by Part Three of the Trade and Cooperation Agreement by virtue of Decision (EU) 2021/689 and are therefore taking part in the adoption and application of this Decision which implements the Trade and Cooperation Agreement,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf within the Specialised Committee on Law Enforcement and Judicial Cooperation under the Trade and Cooperation Agreement as regards the establishment of a standard form for requests for mutual assistance is set out in the draft decision of that Specialised Committee attached to this Decision.

*Article 2*

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

Done at ...,

*For the Council*  
*The President*

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