

Council Decision (EU) 2020/2252 of 29 December 2020 on the signing, on behalf of the Union, and on provisional application 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

Article 3

1 Until a specific legislative act regulating the adoption of the measures listed in points (a) to (i) below enters into force in the Union, any decision by the Union to take such measures shall be taken by the Commission, in accordance with the conditions set out in the corresponding provisions of the Trade and Cooperation Agreement, as regards:

- a the suspension of the relevant preferential treatment of the product(s) concerned as set out in Article GOODS.19 [Measures in case of breaches or circumvention of customs legislation] of the Trade and Cooperation Agreement;
- b the application of remedial measures and the suspension of obligations as set out in Article LPFOFCSD.3.12 [Remedial measures] of the Trade and Cooperation Agreement;
- c the application of rebalancing measures and countermeasures as set out in Article LPFOFCSD.9.4 [Rebalancing] of the Trade and Cooperation Agreement;
- d the application of remedial measures as set out in Article ROAD.11 [Remedial measures] of the Trade and Cooperation Agreement;
- e compensatory measures as set out in Article FISH.9 [Compensatory measures in case of withdrawal or reduction of access] of the Trade and Cooperation Agreement;
- f the application of remedial measures as set out in Article FISH.14 [Remedial measures and dispute resolution] of the Trade and Cooperation Agreement;
- g the suspension or termination of the participation of the United Kingdom in Union programmes, as set out in Article UNPRO.3.1 [Suspension of the participation of the United Kingdom in a Union programme by the European Union] and Article UNPRO.3.20 [Termination of the participation of the United Kingdom in a Union programme by the European Union] of the Trade and Cooperation Agreement;
- h an offer or acceptance of temporary compensation or the suspension of obligations in the context of compliance following an arbitration or panel of experts procedure under Article INST.24 [Temporary Remedies] of the Trade and Cooperation Agreement, except as provided in Regulation (EU) No 654/2014 of the European Parliament and of the Council⁽¹⁾;
- i the safeguard measures and rebalancing measures as set out in Article INST.36 [Safeguard measures] of the Trade and Cooperation Agreement.

2 The Commission shall fully inform the Council in a timely manner of its intention to adopt measures referred to in paragraph 1 with a view to allowing a meaningful exchange of views in the Council. The Commission shall take the utmost account of the views expressed. The Commission shall also inform the European Parliament, as appropriate.

3 Where there is a particular concern of one or more Member States, that or those Member States may request the Commission to adopt measures referred to in paragraph 1. If the Commission does not respond positively to such a request, it shall inform the Council in a timely manner of its reasons.

Changes to legislation: There are currently no known outstanding effects for the Council Decision (EU) 2020/2252, Article 3. (See end of Document for details)

4 The Commission may also adopt measures reinstating the rights and obligations under the Trade and Cooperation Agreement as they existed prior to the adoption of measures referred to in paragraph 1. Paragraphs 2 and 3 shall apply *mutatis mutandis*.

5 Before a specific legislative act regulating the adoption of the measures referred to in paragraph 1 is adopted, the Council shall conduct a review of the arrangements set out in this Article.

Changes to legislation: There are currently no known outstanding effects for the
Council Decision (EU) 2020/2252, Article 3. (See end of Document for details)

- (1) Regulation (EU) No 654/2014 of the European Parliament and of the Council of 15 May 2014 concerning the exercise of the Union's rights for the application and enforcement of international trade rules and amending Council Regulation (EC) No 3286/94 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization ([OJ L 189 27.6.2014, p. 50](#)).

Changes to legislation:

There are currently no known outstanding effects for the Council Decision (EU) 2020/2252, Article 3.