

Permanent Representation of the
Federal Republic of Germany to
the European Union Brussels

SUBJECT: WITHDRAWAL OF **the United Kingdom from the EU**

Rue Jacques de Lalaing 8-14.1040 Brussels

Ms
Secretary-General Ilze Juhansone
European Commission Rue de la
Loi 200 1049 Brussels

Herrn Michael Clauß

Ambassador
Permanent representative of Germany to the European
Union

Brussels, 15 January 2020

Dear Secretary-General,

dear

with reference to Article 4 of the Council Decision on the signing 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, the Federal Republic of Germany made effective use of the possibility provided for in Article 185 of that agreement to make a declaration to that effect on 12 February 2019.

The Federal Republic of Germany hereby clarifies that the reference to Article 185(2) of the Agreement in the Declaration of 12 February 2019 due to the technical adaptations made to the Agreement in the meantime is to be understood as referring to Article 185(3) in the current version of the Agreement (published in the Official Journal of the European Union on 12 November 2019 under C 384 1/01). Please find attached the declaration with a correct reference in order to make it easier to understand.

I have sent an identical letter to the Secretary-General of the Council. Yours

sincerely,

 

**Declaration by the Federal Republic of Germany on
Article 185(3) 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**

The Federal Republic of Germany makes use of the possibility provided for in Article 185(3) of the Withdrawal Agreement to refuse, in addition to the grounds for non-execution of a European arrest warrant under Framework Decision 2002/584/JHA, the extradition of its nationals to the United Kingdom of Great Britain and Northern Ireland under a European arrest warrant during the transitional period.

The reason for this is related to fundamental principles of German law. Article 16(2) of the Basic Law provides: 'No German may be extradited to another country. As from the date of entry into force of the Withdrawal Agreement, the United Kingdom of Great Britain and Northern Ireland will cease to be a Member State of the European Union and the derogation provided for in the sentence of Article 16(2) of the Basic Law will no longer apply. Consequently, the sentence of Article 16(2) of the Basic Law precludes the extradition of a German national to the United Kingdom of Great Britain and Northern Ireland during the transitional period.

The Federal Republic of Germany invites the European Union to make a corresponding declaration for the Federal Republic of Germany in the written notification pursuant to Article 185(1) of the Withdrawal Agreement pursuant to Article 185(3) of the Withdrawal Agreement.