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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Letter from Michel Barnier to Steve Barclay

Delegations will find attached a letter from the Union negotiator, M. Barnier, to the UK Secretary of State for Exiting the EU, S. Barclay, on the technical changes in the Withdrawal Agreement following the adoption of the European Council Decision (EU) 2019/584 taken in agreement with the United Kingdom extending the period under Article 50(3) TEU.



EUROPEAN COMMISSION

Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 of the TEU

The Chief Negotiator

Brussels, 11 APR. 2019

tf50(2019)2867417

Dear Secretary of State, *Dear Steve,*

The Withdrawal Agreement endorsed on 25 November 2018 by the European Council and by your Prime Minister provides 30 March 2019 as its date of entry into force.

On 20 March 2019, the United Kingdom submitted a request to the European Council for an extension of the period provided for in Article 50(3) of the Treaty on European Union. The European Council in agreement with the United Kingdom decided to extend that period until 22 May 2019, provided the House of Commons approved the Withdrawal Agreement. On 5 April 2019, the United Kingdom submitted another request to the European Council for an extension of the period provided for in Article 50(3) of the Treaty on European Union. On 11 April 2019, the European Council, in agreement with the United Kingdom, decided to further extend that period until 31 October 2019. As indicated in its Article 2, second paragraph, the Decision will cease to apply on 31 May 2019 in the event that the United Kingdom has not held elections to the European Parliament in accordance with applicable Union law and has not ratified the Withdrawal Agreement by 22 May 2019.

As a consequence, the date of entry into force of the Withdrawal Agreement has to be brought in line with the Decision of 11 April referred above and the Withdrawal Agreement has to be adapted in three instances as follows:

- in the last recital, the words "after 29 March 2019" are to be replaced by "from the date of entry into force of this Agreement";

- in Article 185, the first paragraph is to be replaced by "This Agreement shall enter into force on one of the following dates, whichever is the earliest:

(a) the day following the end of the period provided for in Article 50(3) TEU, as extended by the European Council in agreement with the United Kingdom, provided that, prior to that date, the depositary of this

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Agreement has received the written notifications by the Union and the United Kingdom on the completion of the necessary internal procedures;

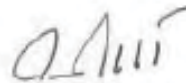
(b) the first day of the month following the receipt by the depositary of this Agreement of the last of the written notifications referred to in point (a).

In the event that, prior to the end of the period provided for in Article 50(3) TEU, as extended by the European Council in agreement with the United Kingdom, the depositary of this Agreement has not received the written notifications referred to in point (a), this Agreement shall not enter into force.”;

- in Article 2 of the Protocol of Gibraltar, the date of 30 March 2019 is to be replaced by “the date of entry into force of the Withdrawal Agreement”.

I hereby invite the United Kingdom government to confirm its agreement on these limited technical changes.

Yours sincerely, *mit des Großhaken*



Michel BARNIER