



Brussels, 25 November 2018
(OR. en)

EUCO XT 20017/18

BXT 117
CO EUR 29

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Special meeting of the European Council (Art. 50) (25 November 2018)
- Statements for the minutes

Delegations¹ will find in the Annex the statements to be entered in the minutes of the European Council (Art. 50) meeting of 25 November 2018, as approved.

¹ Following a notification under Article 50 TEU, the member of the European Council representing the withdrawing Member State shall not participate in the discussions of the European Council or in decisions concerning it.

Declaration regarding the Withdrawal Agreement and the Political Declaration

The Union negotiated and will conclude the Withdrawal Agreement in the light of the guidelines provided by the European Council under Article 50 TEU. The European Council will continue to provide the necessary political direction in respect of the implementation of this Agreement.

On the basis of its successive guidelines of 29 April 2017, 15 December 2017 and 23 March 2018, the European Council will demonstrate particular vigilance as regards safeguarding the rights and interests of citizens, the necessity to maintain ambitious level playing field conditions and to protect fishing enterprises and coastal communities.

This will apply both when assessing the implementation of the Withdrawal Agreement, if the backstop is to be operationalized, and when considering the future relationship, in particular in the field of environment regarding the alignment to European standards.

As recalled in the Withdrawal Agreement, a fisheries agreement is a matter of priority, and should build on, inter alia, existing reciprocal access and quota shares. Such an agreement should be negotiated well before the end of the transition period.

The European Council and the European Commission welcome the commitments, as reaffirmed in the Political Declaration, to international agreements to tackle climate change, including the Paris Agreement, as well as commitments covering inter alia climate change, building on the level playing field arrangements provided for in the Withdrawal Agreement. In that light, the withdrawal of the United Kingdom from the Union will not affect shared commitments under the Paris Agreement.

Where the Union position to be taken in the Joint Committee relates to the extension of the transition period and the review of the Protocol on Ireland/Northern Ireland, the Council will act in accordance with the European Council guidelines. Any decision on the extension of the transition period will take into account the fulfilment of obligations by the United Kingdom under the Agreement, including its Protocols.

As regards the negotiations of agreements governing the future relationship with the United Kingdom, the negotiating directives will be elaborated on the basis of the previously agreed European Council guidelines.

The European Council endorses the statements recorded in the minutes of the General Affairs Council (Art.50) that met on 20 March 2018.

Interpretative declaration of the European Council (Art.50) and of the European Commission on Article 184 of the Withdrawal Agreement

The sole purpose of Article 184 of the Withdrawal Agreement is to create best endeavours' obligations for the Union and the United Kingdom to negotiate agreements governing their future relationship. It imposes no obligations regarding the territorial scope of such agreements. Therefore, there is no obligation or presumption, on the basis of this provision, for such agreements to have the same territorial scope as the one provided for in Article 3 of the Withdrawal Agreement.

The European Council and the European Commission take note of the declaration by the United Kingdom, that the United Kingdom shares this interpretation.

Declaration of the European Council (Art.50) and of the European Commission on the territorial scope of the future agreements

After the United Kingdom leaves the Union, Gibraltar will not be included in the territorial scope of the agreements to be concluded between the Union and the United Kingdom. However, this does not preclude the possibility to have separate agreements between the Union and the United Kingdom in respect of Gibraltar. Without prejudice to the competences of the Union and in full respect of the territorial integrity of its Member States as guaranteed by Article 4(2) of the Treaty on European Union, those separate agreements will require a prior agreement of the Kingdom of Spain.