



European Council

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Letter from the UK Permanent Representative to the Secretary-General of
the Council of the European Union

Delegations will find attached a letter and its attachments from the UK Permanent Representative, Sir Tim Barrow, to the Secretary-General of the Council of the European Union, Jeppe Tranholm-Mikkelsen.



UK Representation
to the EU Brussels

The Permanent Representative

Ambassador Sir Tim Barrow

19 October 2019

Jeppe Tranholm-Mikkelsen
Secretary-General of the Council of the European Union

Dear Secretary-General,

As the United Kingdom Permanent Representative to the European Union, I invite your attention to the following matter.

Attached is a letter sent as required by the terms of the European Union (Withdrawal) (No.2) Act 2019.

In terms of the next steps for parliamentary process, Her Majesty's Government will introduce the necessary legislation next week in order to proceed with ratification of the Withdrawal Agreement.

I would be grateful for your acknowledgement of receipt of this letter.

A handwritten signature in black ink, appearing to read 'Tim Barrow', with a long horizontal flourish at the end.

SIR TIM BARROW

United Kingdom Permanent Representative to the European Union

cc: Piotr Serafin, Head of Cabinet to the President of the European Council

Dear Mr President,

The UK Parliament has passed the European Union (Withdrawal) (No. 2) Act 2019. Its provisions now require Her Majesty's Government to seek an extension of the period provided under Article 50(3) of the Treaty on European Union, including as applied by Article 106a of the Euratom Treaty, currently due to expire at 11.00pm GMT on 31 October 2019, until 11.00pm GMT on 31 January 2020.

I am writing therefore to inform the European Council that the United Kingdom is seeking a further extension to the period provided under Article 50(3) of the Treaty on European Union, including as applied by Article 106a of the Euratom Treaty. The United Kingdom proposes that this period should end at 11.00pm GMT on 31 January 2020. If the parties are able to ratify before this date, the Government proposes that the period should be terminated early.

Yours sincerely,

Prime Minister of the United Kingdom of Great Britain and Northern
Ireland

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European Union (Withdrawal) (No. 2) Act 2019

2019 CHAPTER 26

An Act to make further provision in connection with the period for negotiations for withdrawing from the European Union. [9th September 2019]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duties in connection with the withdrawal of the UK from the European Union

- (1) The condition in this subsection is that a Minister of the Crown has laid before each House of Parliament a statement that the United Kingdom has concluded an agreement with the European Union under Article 50(2) of the Treaty on European Union and a copy of the agreement and—
- (a) the agreement has been approved by resolution of the House of Commons on a motion moved by a Minister of the Crown, and
 - (b) a motion for the House of Lords to take note of the agreement has been tabled in the House of Lords by a Minister of the Crown and—
 - (i) the House of Lords has debated the motion, or

(ii) the House of Lords has not concluded a debate on the motion before the end of the period of two Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (a).

(2) The condition in this subsection is that a Minister of the Crown has laid before each House of Parliament a statement that the United Kingdom is to leave the European Union without an agreement having been reached under Article 50(2) of the Treaty on European Union and—

(a) the statement has been approved by resolution of the House of Commons on a motion moved by a Minister of the Crown in the following form—

That this House approves the withdrawal of the United Kingdom from the European Union under Article 50 of the Treaty on European Union on exit day, without a withdrawal agreement as defined in section 20(1) of the European Union (Withdrawal) Act 2018

(b) a motion for the House of Lords to take note of the statement has been tabled in the House of Lords by a Minister of the Crown and— (i) the House of Lords has debated the motion, or

(ii) the House of Lords has not concluded a debate on the motion before the end of the period of two Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (a).

(3) If neither of the conditions in subsection (1) or subsection (2) is satisfied, subsection (4) must be complied with no later than 19 October 2019.

(4) The Prime Minister must seek to obtain from the European Council an extension of the period under Article 50(3) of the Treaty on European Union ending at 11.00pm on 31 October 2019 by sending to the President of the European Council a letter in the form set out in the Schedule to this Act requesting an extension of that period to 11.00pm on 31 January 2020 in order to debate and pass a Bill to implement the agreement between the United Kingdom and the European Union under Article 50(2) of the Treaty on European Union, including provisions reflecting the outcome of interparty talks as announced by the Prime Minister on 21 May 2019, and in particular the need for the United Kingdom to secure changes to the political declaration to reflect the outcome of those inter-party talks.

(5) If, following a request for an extension under subsection (4) but before the end of 30 October 2019, the condition in subsection (1) or the condition in subsection (2) is met, the Prime Minister may withdraw or modify the request.

2 Report on progress of negotiations on the United Kingdom's relationship with the European Union

- (1) In the event that an extension of the period under Article 50(3) of the Treaty on European Union ending at 11.00pm on 31 October 2019 is agreed with the European Council, the Secretary of State must, by 30 November 2019, publish a report explaining what progress has been made in negotiations on the United Kingdom's relationship with the European Union.
- (2) The Secretary of State must make arrangements for—
 - (a) a motion to the effect that the House of Commons has approved the report, to be moved in the House of Commons by a Minister of the Crown; and
 - (b) a motion for the House of Lords to take note of the report, to be moved in the House of Lords by a Minister of the Crown.
- (3) The motions required under subsections (2)(a) and (2)(b) must be moved in the relevant House by a Minister of the Crown within the period of five calendar days beginning with the end of the day on which the report is published.
- (4) If the motion tabled in the House of Commons is rejected or amended, the Secretary of State must, by 10 January 2020, publish a further report under subsection (1) setting out a plan for further negotiations on the United Kingdom's relationship with the European Union.

European Union (Withdrawal) (No. 2) Act 2019 (c. 26)

3

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- (5) The Secretary of State shall make a further report under subsection (1) at least every 28 calendar days starting on 7 February 2020 either until an agreement with the European Union is reached or until otherwise indicated by a resolution of the House of Commons.

3 Duties in connection with Article 50 extension

- (1) If the European Council decides to agree an extension of the period in Article 50(3) of the Treaty on European Union ending at 11.00 pm on 31 October 2019 to the period ending at 11.00pm on 31 January 2020, the Prime Minister must, immediately after such a decision is made, notify the President of the European Council that the United Kingdom agrees to the proposed extension.
- (2) If the European Council decides to agree an extension of the period in Article 50(3) of the Treaty on European Union ending at 11.00pm on 31 October 2019, but to a date other than 11.00pm on 31 January 2020, the Prime Minister must, within a period of two days beginning with the end of the day on which the European Council's decision is made, or before the end of 30 October 2019, whichever is sooner, notify the President of the European Council that the United Kingdom agrees to the proposed extension.

- (3) But subsection (2) does not apply if the House of Commons has decided not to pass a motion moved by a Minister of the Crown within a period of two calendar days beginning with the end of the day on which the European Council’s decision is made or before the end of 30 October 2019, whichever is sooner, in the following form—

That this House has approved the extension to the period in Article 50(3) of the Treaty on European Union which the European Council has decided.

- (4) Nothing in this section shall prevent the Prime Minister from agreeing to an extension of the period specified in Article 50(3) of the Treaty on European Union otherwise than in accordance with this section.

4 Amendment of existing provision

- (1) In section 20(4) of the European Union (Withdrawal) Act 2018 (which provides for regulations to be made amending the definition of exit day) for “may” substitute “must”.
- (2) Subsection (1) does not apply if the House of Commons decides to approve the motion in section 1(2)(a) or decides not to approve the motion in section 3(3).

5 Interpretation, commencement, extent and short title

- (1) Any term used in this Act which is also defined in section 20 of the European Union (Withdrawal) Act 2018 has the same meaning in this Act as in that Act.
- (2) “European Council” means the European Council acting for the purposes of Article 50 of the Treaty on European Union.
- (3) The provisions of this Act override any statutory or other provision which would otherwise require the UK to leave the European Union on any specified date.
- (4) This Act extends to England and Wales, Scotland and Northern Ireland.

4

European Union (Withdrawal) (No. 2) Act 2019 (c. 26)

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- (5) This Act comes into force on the day on which this Act is passed.

- (6) This Act may be cited as the European Union (Withdrawal) (No. 2) Act 2019.

SCHEDULE – FORM OF LETTER FROM THE PRIME MINISTER TO THE PRESIDENT OF THE
EUROPEAN COUNCIL

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Section

SCHEDULE 1
FORM OF LETTER FROM THE PRIME MINISTER
TO THE PRESIDENT OF THE EUROPEAN COUNCIL

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I am writing therefore to inform the European Council that the United Kingdom is seeking a further extension to the period provided under Article 50(3) of the Treaty on European Union, including as applied by Article 106a of the Euratom Treaty. The United Kingdom proposes that this period should end at 11.00pm GMT on 31 January 2020. If the parties are able to ratify before this date, the Government proposes that the period should be terminated early.

Yours sincerely,

Prime Minister of the United Kingdom of Great Britain and Northern Ireland
