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**SENSITIVE\***: *Limited*

## COMMUNICATION TO THE COMMISSION

**on the endorsement by the Commission of the revised Protocol on Ireland/Northern Ireland included in the Withdrawal Agreement and of the revised Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom, as agreed at negotiators' level, as well as on their transmission to the European Council**

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On 29 March 2017, the United Kingdom notified the European Council, in accordance with Article 50 of the Treaty on European Union (TEU), of its intention to withdraw from the European Union and Euratom, thereby triggering a two year period during which the Union and Euratom are to negotiate, and conclude, an agreement with the United Kingdom setting out the arrangements for its withdrawal (the Withdrawal Agreement”) taking account of the framework for its future relationship with the Union.

On 29 April 2017 and on 23 March 2018, the European Council (Art. 50) adopted Guidelines for such negotiations. On 22 May 2017, the Council adopted a decision authorising the opening of negotiations with the United Kingdom on a Withdrawal Agreement, including negotiating directives, and appointing the Commission as negotiator. The Council supplemented its negotiating directives on 29 January 2018.

On 25 November 2018, the European Council endorsed the Withdrawal Agreement and approved a Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom (the “Political Declaration”), as agreed at negotiators’ level.

On 5 December 2018, the Commission presented proposals for a Council Decision on the signing, on behalf of the European Union and of the European Atomic Energy Community, 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 (COM(2018)833), and for a Council Decision on the conclusion 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 (COM(2018)834).

On 11 January 2019, the Council adopted Decision (EU) 2019/274 authorising the signature of the Withdrawal Agreement and transmitted the draft Council Decision on the conclusion of the Withdrawal Agreement to the European Parliament for its consent.

However, the Government of the United Kingdom did not obtain the necessary support from its Parliament to proceed with the signature and ratification of the Withdrawal Agreement and requested the European Council to extend the period foreseen in Article 50(3) TEU. The European Council granted initially an extension until 12 April 2019, and subsequently a further extension until 31 October 2019. As a result, the date of entry into force of the Withdrawal Agreement had to be adjusted accordingly and, on a proposal from the Commission (COM(2019)97), the Council adopted on 13 April 2019 Decision 2019/642 amending Decision (EU) 2019/274 on the signing of the adapted text of the Withdrawal Agreement.

Following the resignation of Theresa May as Prime Minister of the United Kingdom, the new United Kingdom Government sought the replacement of the Protocol on Ireland/Northern Ireland attached to the Withdrawal Agreement endorsed on 25 November 2018 by the European Council. The United Kingdom Government also sought amendments to the Political Declaration approved on 25 November 2018 with a view to reflecting the different level of ambition of the United Kingdom Government for the future relationship with the Union. Discussions between the Union and United Kingdom negotiators resumed in September 2019. On 17 October 2019, the negotiators reached an agreement on a revised text of the Protocol on Ireland/Northern Ireland and on the necessary technical adaptations to Articles 184 and 185 of the Withdrawal Agreement (document TF50(2019)64), as well as an on a revised text of the Political Declaration (document TF50(2019)65). The two newly agreed texts respect the European Council Guidelines and the Council negotiating directives.

The Government of the United Kingdom has signalled its approval for the two texts agreed at negotiators' level on 17 October 2019.

The Commission, as negotiator for the Union, should endorse the result of the negotiations and transmit it to the European Council (Art. 50), with the recommendation that the European Council (Art. 50) endorses the revised text of the Withdrawal Agreement and approves the revised Political Declaration.

The Commission is therefore invited to:

- endorse the revised Protocol on Ireland/Northern Ireland and the necessary technical adaptations to Articles 184 and 185 of the Withdrawal Agreement (document TF50(2019)64), as well as the revised Political Declaration (document TF50(2019)65);
- take note of the attached draft unilateral Declaration by the Government of the United Kingdom of Great Britain and Northern Ireland concerning the operation of the 'Democratic consent in Northern Ireland' provision of the Protocol on Ireland/Northern Ireland;
- authorise the President to transmit these texts to the European Council with the letter enclosed.

Encl: - UK Unilateral Declaration

- Draft letter from President Juncker to President Tusk enclosing the newly agreed texts (documents TF50(2019)64 and TF50(2019)65)