



Department
for Exiting the
European Union

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Rt Hon Hilary Benn MP
Chair, Exiting the EU Committee
House of Commons
London
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14 January 2019

Dear Hilary,

The UK and EU have today published jointly an exchange of letters between the Prime Minister and the President of the Commission and the President of the Council. These documents contain important assurances from the EU which reinforce that both sides are committed to avoiding the Northern Ireland backstop, and that it is intended only ever be used for a short time if it did come in to force.

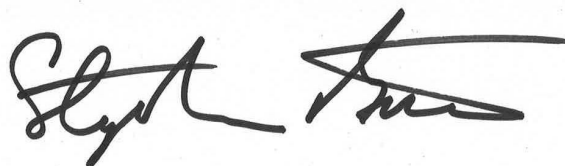
The letter from the President of the Commission and the President of the Council includes:

- a. a commitment to begin preparations on the detail of the future relationship immediately after Parliament has passed the meaningful vote, to prioritise in those negotiations alternative arrangements intended to avoid the use of the backstop – with those arrangements "not required to replicate [the backstop] provisions in any respect";
- b. a commitment to prioritise in those negotiations alternative arrangements intended to avoid the use of the backstop – with those arrangements "not required to replicate [the backstop] provisions in any respect", making clear that the exact nature of the future relationship or any alternative arrangements is for negotiation and will not be constrained by what is in the backstop;
- c. an acknowledgment of the linkage between the Withdrawal Agreement and the Political Declaration – making it even clearer that these come as a package; and
- d. confirmation that the UK can deliver on all the guarantees we set out on Northern Ireland last week, including that the agreement of the United Kingdom would be required if the EU were to propose to add any new laws to the backstop and a restored NI Executive can be represented on the relevant committees.

These letters have legal force. In them, the parties to the agreement have confirmed their shared understanding of how the agreement should be interpreted. As a matter of international law, the letters must therefore be considered when interpreting the agreement - including during arbitration.

In the EU's letter, President Tusk also confirms the legal standing of the December Council Conclusions, which are therefore also part of the context in which the Withdrawal Agreement will be interpreted. Those Conclusions underlined that "the backstop is intended as an insurance policy", the EU's "firm determination" to ensure that it is not needed and that, if it were to be used, "it would apply temporarily".

I am placing a copy of these letters, and this letter in the Library of the House.

A handwritten signature in black ink, appearing to read 'Steve Barclay', written in a cursive style.

RT HON STEVE BARCLAY MP
SECRETARY OF STATE FOR EXITING THE EUROPEAN UNION