



European Council
The President



European Commission
The President

Brussels,

Dear President Sanchez,

Ahead of the European Council (Article 50) on Sunday 25 November, we would like to confirm our shared interpretation of Article 184 of the draft Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. We would also like to confirm our shared view on the territorial scope of the future relationship between the European Union and the United Kingdom.

Ever since joining the European Communities in 1986, Spain has been at the core of the European project and shown great solidarity with the European cause and our common priorities. We understand the sensitivity of the current situation and would like to underline our solidarity with the Kingdom of Spain on this matter.

The sole purpose of Article 184 is to create best endeavours' obligations for the Union and the United Kingdom to negotiate agreements governing their future relationship. It imposes 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.

As regards the territorial scope of future agreements between the European Union and the United Kingdom, it is clear that 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 recognised by Article 4(2) of the Treaty on European Union¹, those separate agreements will require a prior agreement of the Kingdom of Spain.

We hope this clarification will help us to conclude this matter.

Yours sincerely,

Donald TUSK

Jean-Claude JUNCKER

¹ Article 4(2) of Treaty on European Union states the following: The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State.