

Ruhsar Pekcan
Minister of Trade

29 December 2020

Dear Minister Pekcan,

I have the honour to refer to discussions between the Government of the United Kingdom of Great Britain and Northern Ireland (the “United Kingdom”) and the Government of the Republic of Turkey (together, the “Parties”) concerning the limited number of areas in which clarity is required as to the interaction between the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Turkey, signed in Ankara on 29 December 2020 (the “Agreement”) and 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, signed in London and Brussels on 24 January 2020 (the “Withdrawal Agreement”), the latter of which includes the Protocol on Ireland/Northern Ireland (the “Protocol”).

The Parties recognise the paramount importance of protecting the peace process in Northern Ireland and upholding the Belfast (“Good Friday”) Agreement 1998, and understand that the United Kingdom will take certain measures further to the provisions of the Protocol.

As a result of the discussions between the Parties, it is the understanding of the United Kingdom that, necessary for the consistent and concurrent application of the Agreement and the Protocol, the following arrangements (together, “the Arrangements”) shall apply:

The Parties understand that under the Protocol, goods brought into Northern Ireland from outside the European Union that are “at risk” of subsequently being moved into the European Union¹ shall be subject to European Union import duties. For goods that are not “at risk”, United Kingdom duties apply when they are imported from outside the European Union.

The Parties acknowledge that the circumstances in which goods brought into Northern Ireland from outside the European Union will be considered not to be at risk of subsequently entering the European Union have been established in a Decision of the Joint Committee established under the Withdrawal Agreement².

¹ The provisions on “at risk” goods are set out at Articles 5.1 and 5.2 of the Protocol.

² The United Kingdom has published an explanation of the effects of the Decision online. See: <https://www.gov.uk/government/publications/the-northern-ireland-protocol>. The United Kingdom has also provided technical guidance for businesses, outlining the arrangements for bringing goods into Northern Ireland. See: <https://www.gov.uk/guidance/check-if-you-can-declare-goods-you-bring-into-northern-ireland-not-at-risk-of-moving-to-the-eu-from-1-january-2021>.

The United Kingdom proposes that this Letter, together with the Republic of Turkey's reply, be an integral part of the Agreement, but are not to be subject to dispute settlement under Chapter 12 of the Agreement. The United Kingdom further proposes that this exchange of letters applies or enters into force, as applicable, on the application or entry into force of the Agreement, and for so long as Articles 5 to 10 of the Protocol continue to apply to the United Kingdom in respect of Northern Ireland.

I avail myself of this opportunity to renew to Ministry of Trade of the Republic of Turkey the assurances of my highest consideration.

Sincerely,

Sir Dominick Chilcott KCMG
British Ambassador to Turkey

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British Ambassador to Turkey

29 December 2020

Your Excellency,

I have the honour to acknowledge the receipt of your Letter dated 29 December 2020 which reads as follows:

I have the honour to refer to discussions between the Government of the United Kingdom of Great Britain and Northern Ireland (the “United Kingdom”) and the Government of the Republic of Turkey (together, the “Parties”) concerning the limited number of areas in which clarity is required as to the interaction between the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Turkey, signed in Ankara on 29 December 2020 (the “Agreement”) and 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, signed in London and Brussels on 24 January 2020 (the “Withdrawal Agreement”), the latter of which includes the Protocol on Ireland/Northern Ireland (the “Protocol”).

The Parties recognise the paramount importance of protecting the peace process in Northern Ireland and upholding the Belfast (“Good Friday”) Agreement 1998, and understand that the United Kingdom will take certain measures further to the provisions of the Protocol.

As a result of the discussions between the Parties, it is the understanding of the United Kingdom that, necessary for the consistent and concurrent application of the Agreement and the Protocol, the following arrangements (together, “the Arrangements”) shall apply:

The Parties understand that under the Protocol, goods brought into Northern Ireland from outside the European Union that are “at risk” of subsequently being moved into the European Union³ shall be subject to European Union import duties. For goods that are not “at risk”, United Kingdom duties apply when they are imported from outside the European Union.

The Parties acknowledge that the circumstances in which goods brought into Northern Ireland from outside the European Union will be considered not to be at risk of subsequently entering the European Union have been established

³ The provisions on “at risk” goods are set out at Articles 5.1 and 5.2 of the Protocol.

in a Decision of the Joint Committee established under the Withdrawal Agreement⁴.

The United Kingdom proposes that this Letter, together with the Republic of Turkey's reply, be an integral part of the Agreement, but are not to be subject to dispute settlement under Chapter 12 of the Agreement. The United Kingdom further proposes that this exchange of letters applies or enters into force, as applicable, on the application or entry into force of the Agreement, and for so long as Articles 5 to 10 of the Protocol continue to apply to the United Kingdom in respect of Northern Ireland.

I avail myself of this opportunity to renew to Ministry of Trade of the Republic of Turkey the assurances of my highest consideration.

I have the honour to inform you that my Government finds that the Arrangements set out in your Letter are acceptable and that your Letter and this reply will place on record the agreement of our two Governments on this matter.

I avail myself of this opportunity to renew to the Department for International Trade of the Government of the United Kingdom the assurances of my highest consideration.

Sincerely,

Ruhsar Pekcan
Minister of Trade

⁴ The United Kingdom has published an explanation of the effects of the Decision online. See: <https://www.gov.uk/government/publications/the-northern-ireland-protocol>. The United Kingdom has also provided technical guidance for businesses, outlining the arrangements for bringing goods into Northern Ireland. See: <https://www.gov.uk/guidance/check-if-you-can-declare-goods-you-bring-into-northern-ireland-not-at-risk-of-moving-to-the-eu-from-1-january-2021>.