

Article 50: leaving the EU, what could happen next?



The vote to leave the EU has naturally sparked a good deal of uncertainty.

Here we summarise, in short, what could happen next if the UK government triggers the withdrawal procedure.

[This video](#) from the European Parliament explains the process of withdrawal in detail.

In summary:

1. The UK government will decide when to notify the EU that it intends to leave the EU.
2. Once the UK government has notified the EU there is then a 2 year period to negotiate a Withdrawal Agreement from the EU. This 2 year period can be extended by agreement between the UK and EU.
3. When the Withdrawal Agreement comes into force:
 - All UK laws which have brought into effect EU laws, eg our regulations implementing EU directives for worker's rights, will continue to be law until they are amended or repealed by the UK government. It will take time to analyse these laws and decide and agree if there will be any changes.
 - The EU treaties (and Protocols) i.e the treaties which set up the EU constitution and establish the various EU institutions, e.g The European Court of Justice, the European Commission, The European Central Bank, will no longer apply to the UK, and will have to be replaced by new national laws and/or new negotiated treaties.

It is likely that any Withdrawal Agreement would set out the transition phase while EU laws apply, until they are replaced.

Vote Leave published on 15 June 2016 its “Framework for taking back control and establishing a new UK-EU deal after 23 June”.

In broad terms, the framework suggests the partial repeal of the European Communities Act 1972 in this parliament with the aim of “immediately end[ing] the ... European Court of Justice’s control over national security, allow[ing] the Government to remove EU citizens whose presence is not conducive to the public good (including terrorists and serious criminals), end the ... use of the EU’s Charter of Fundamental Rights to overrule UK law, and end payouts under EU law to big businesses.”

This may be a quicker way to repeal certain EU laws rather than using the full Article 50 process.

In the coming weeks the process for the new UK-EU relationship and the Withdrawal Agreement under article 50 will become clearer.

Article 50 in a snapshot

Article 50 – Treaty on European Union (TEU)

1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.

2. A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

3. The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.

4. For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in decisions concerning it.

A qualified majority shall be defined in accordance with Article 238(3)(b) of the Treaty on the Functioning of the European Union.

5. If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article 49.