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## **Article 50: What actually is it and what happens now?**

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**Nine months after the Brexit vote, the UK has triggered Article 50. But what actually is Article 50, and what happens now? by Daniel Walker**

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On Wednesday 29th March, Theresa May, the UK's Prime Minister, officially invoked Article 50 of the Lisbon Treaty by sending a formal letter of notification to the European Council which was delivered by Britain's ambassador to the EU, Tim Barrow. This comes as Mrs May, at the Conservative Party Conference in October 2016, pledged to commence the Brexit process by the end of March 2017.

The result of Article 50 being triggered is that the UK will formally withdraw from the EU by April 2019, giving itself and the EU a two-year period of negotiation. Any agreement must be approved by MEPS, as well as a "qualified majority" of the remaining EU states. This means 72% of the remaining 27 EU states, representing 65% of the population (in 2014, it was estimated that the EU had a population of over 500 million). If there is no agreement by the end of the two-year period, the UK and the EU will have to follow World Trade Organisation rules on tariffs, which would result in very large costs.

This is the first – and so far only – time that Article 50, part of the European Union law, has ever been triggered. The Article was drafted by the former diplomat Lord Kerr of Kinlochard, who, after the Brexit vote, confessed that he did not expect that Article 50 would ever be used. It was introduced as part of the Treaty of Lisbon, which came into effect on 1st December 2009. Before this, there was no treaty or law which outlined how a member state could voluntarily withdraw from the EU.

Article 50 states that: "Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements." It also states that if a country wants to invoke Article 50, then it must do so by officially notifying the EU, which then follows a two-year period of negotiations. Once Article 50 is underway, it cannot be stopped or extended beyond this two-year period, unless it is agreed upon unanimously by all EU nations. It is, however, possible for a country to re-enter the EU after it has left – if a country wishes to do so, then they have to apply just like any other country, according to Article 49, which states: "Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union."

### **What happens next?**

Having invoked Article 50, Britain is now no longer able to take part in any of the decisions that the EU makes. All 27 of the remaining EU nations, as well as the European Parliament, must first approve all exit agreements discussed between the EU and Britain. Only after that is done can fresh negotiations on trade deals commence. Initially, the UK had said that a trade deal should be part of the negotiations, however EU representatives have suggested that the withdrawal agreements and a trade deal should be discussed completely separately.

Once Britain has left the EU after the two-year period, regardless of whether a trade agreement has been made or not, the Great Repeal Bill will come into force. The Great Repeal Bill, which was described in a white paper published on 30th March, the day after May officially triggered Article 50, will repeal the European Communities Act 1972 and restate in UK law all enactments previously in force under EU law. Thomson Reuters, a major legal news outlet, in a report published in March, identified 52,741 pieces of legislations that have been passed since 1990, hence the quickest and smoothest way to carry out the transition would be to transfer European legislation into British law.

The scenario of Britain leaving the EU without a trade deal is often referred to as "hard Brexit", and this scenario could well turn out to be a disaster. Not only would the British economy be at risk, due to around 44 percent of its exports going to the EU, but it will also create a great deal of uncertainty for the 3.5 million EU citizens living in the UK, as well as the estimated 900,000 British citizens living in other EU countries, one of which is myself. It has been said, however, that this situation will be one of the first things to be discussed by Britain and the EU, so as to make it clear for both EU nationals in the UK and UK nationals in the other 27 EU countries what they are to expect from Brexit. And after not having received anything from the UK government about my current situation as a British national living in Germany, neither a personal letter nor a publication, I hope that that is cleared up very quickly once the negotiations fully come underway.

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**PM Theresa May signs the letter with which Article 50 is officially triggered**

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