



Article 50 of the Treaty on European Union – Q&A

Brussels, 29 March 2017

What is Article 50?

Article 50 of the Treaty on European Union sets out the procedure for a Member State to withdraw from the European Union, if it should wish to do so. It was first introduced by the Lisbon Treaty in 2007.

How does a Member State trigger Article 50?

A Member State must notify the European Council of its intention to leave. There are no particular requirements regarding the form.

What happens once Article 50 has been triggered?

The withdrawal agreement must be negotiated in accordance with Article 218 (3) of the Treaty on the Functioning of the European Union.

Step 1

An extraordinary European Council will be convened by the President of the European Council, Donald Tusk. This will happen on 29 April.

The European Council will adopt by consensus a set of guidelines on the orderly withdrawal of the United Kingdom from the European Union. These guidelines will define the overall principles that the EU will pursue during the negotiations based on the common interest of the European Union and of its Member States.

Step 2

After the adoption of the guidelines, the Commission will very quickly present to the Council a recommendation to open the negotiations. This will be agreed by the College of Commissioners, 4 days after the meeting of the European Council.

Step 3

The Council will then need to authorise the start of the negotiations by adopting a set of negotiating directives. They must be adopted by strong qualified majority (72% of the 27 Member States, i.e. 20 Member States representing 65% of the population of the EU27).

Once these directives are adopted, the Union negotiator, as designated by the Council, is mandated to begin negotiations with the withdrawing Member State.

How is the withdrawal agreement concluded?

The negotiations on the orderly withdrawal must be completed within a period of two years from the moment Article 50 is triggered. If no agreement is reached within this period, the Treaties will cease to apply to the withdrawing Member State.

At the end of the negotiation period, the Union negotiator will present an agreement proposal to the Council and the European Parliament, taking into account the framework of the future relationship of the UK with the EU.

The European Parliament must give its consent, by a vote of simple majority, including Members of the European Parliament from the UK.

The Council will conclude the agreement, by a vote of strong qualified majority.

The UK must also ratify the agreement according to its own constitutional arrangements.

So how long does that leave for the actual negotiations?

The negotiations themselves will last approximately 18 months (early June 2017 – October/November 2018).

Who will negotiate for the European Union?

The Heads of State or Government of the EU27 invited the Council to nominate the European

Commission as the Union negotiator. They welcomed the appointment by the Commission of Michel Barnier as the chief negotiator.

The European Commission as Union negotiator and Michel Barnier as the Commission's chief negotiator will systematically report to the European Council, the Council and its preparatory bodies.

Michel Barnier will keep the European Parliament closely and regularly informed throughout the negotiations.

It is clear that Member States will be closely involved in preparing negotiations, giving guidance to the Union negotiator, and assessing progress. For this purpose, a dedicated Working Party will be created in the Council, with a permanent chair, to ensure that negotiations are conducted in line with the European Council guidelines and the Council's negotiating directives.

The European Council will remain permanently seized of the matter, and will update its guidelines during the negotiations as necessary.

What about the practical side of the negotiations? What language will they be in? How often will both sides meet?

Practical issues, such as language regime and negotiation structure, will be agreed jointly between the EU and UK negotiators.

Where will negotiations take place?

They will take place in Brussels.

When does the United Kingdom cease to be a member of the European Union?

The EU Treaties cease to apply to the United Kingdom from the date of entry into force of the agreement, or within 2 years of the notification of withdrawal, in case of no agreement. The Council may decide to extend that period by unanimity.

Until withdrawal, the Member State remains a member of the European Union, with all the rights and obligations that derive from membership, including the principle of sincere cooperation which states that the Union and all its Member States shall assist each other in carrying out the Treaty.

What happens if no agreement is reached?

The EU Treaties simply cease to apply to the UK two years after notification.

Can a Member State apply to re-join after it leaves?

Any country that has withdrawn from the EU may apply to re-join. It would be required to go through the accession procedure.

Once triggered, can Article 50 be revoked?

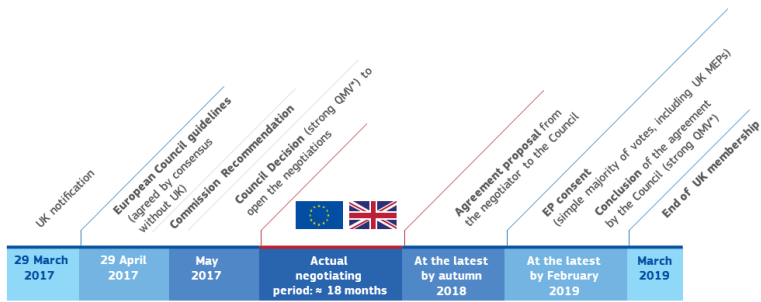
It is up to the United Kingdom to trigger Article 50. But once triggered, it cannot be unilaterally reversed. Notification is a point of no return. Article 50 does not provide for the unilateral withdrawal of notification.

What does Article 50 say?

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 re-join, its request shall be subject to the

procedure referred to in Article 49.



* Strong QMV = 72% of the 27 Member States, i.e. 20 Member States representing 65 % of the EU 27 population.

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