

What next for Brexit?

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Well good afternoon and welcome to the third EU law blog. Once again devoted to the never ending story of Brexit. So where are we now? Well strange enough we are back to where we began because we are discussing once again this very famous Article 50. Now we are discussing not just the triggering of Article 50 and the procedure to withdraw from the European Union but the question whether an extension is actually possible and how long such an extension should be. Article 50 of the treaty on European Union paragraph 3, allows the withdrawing member state to ask an extension and this will have to be given, will have to be granted by unanimity. So that means that all the other the 27 member states have to be in favour. So what are the possible questions here? Obviously the first one is whether there will be a unanimity between the 27 and my view is that for a long series of reasons I think that we would probably have a yes. I would simply say that it would be difficult for the European Union which is based on the respect to Democracy, on the idea of protecting Rights, on the idea of fostering cooperation within member states, to simply deny the United Kingdom an extension to Article 50. And probably politically speaking might also be advisable as that the alternative would be probably a No Deal.

The slightly more delicate question is the extension. How much? How long? And can the extension be shorter? Can the extension just even go up to one or two years? And obviously here we had a little bit of a stumbling block is the question of European Parliament election. As you all students now... by now certainly know, every five years European citizens will have to elect the new representatives in the European Parliament. Elections are going to take place on the 22nd of May, actually started on the 22nd to 26th of May. So if the extension of Article 50 is beyond that date, the question is whether the UK will have to run the elections. And because you know it's important to remember that if you extend the application... you know you extend Article 50, the UK will remain just a member state. So therefore with all the rights and obligations deriving from that status.

Now in my view if the extension is going beyond the end of May and perhaps you know can be stretched till the very last day of the... because the new Parliament will actually start... the very first session of the new parliament would be 2nd July, so perhaps we can stretch it you know up till the end of June. But after that any kind of a longer extension in my view will require the European Parliament election to take place. And obviously that could be a little bit of an extra problem.

So once again, you know, we still don't get a final answer on what kind of Brexit deal we're going to get so keep on watching this space.