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„Article 50 TEU as a key to an orderly withdrawal, allowing for protection of citizens”

Meeting of the EPP Legal & Home Affairs Working Group

Report on the ‘Assessment of the implementation of Article 50 TEU’

European Parliament, Brussels (online), 11 January 2022

Let me start by joining all of us deeply saddened by the passing of the President of our House, David Sassoli

My report is an implementation report and it assesses the implementation of Article 50 of the TEU that lays down the provisions of the withdrawal process from the EU

Article 50 solves the pre-existing uncertainty and ambiguity on the right to withdraw from the EU, but it is silent on many aspects that arose during the process of withdrawal.

These include, for example, the silence on formal requirements of the notification of the intention to leave, the open question of the possibility of revocation of the notification, the lack of provisions on possible limitations on the number of extensions of the negotiations’ period, as well as the lack of provisions on addressing a withdrawal without agreement - the so-called no deal.

The report assesses the way the provisions of Article 50 were interpreted and applied, and the way the procedure of withdrawal of the UK was organised and conducted under those provisions. It also emphasises the integrity of the constitutional order and institutional organisation of the Union in the process of withdrawal of its member.

The report acknowledges the relevance of the core principles proposed by the European Parliament and introduced by the European Council in its negotiation guidelines, which have been implemented in the negotiations and allowed for:

- protecting citizens' rights derived from their status as EU citizens;
- acting in the interest of the Union and preserving its constitutional integrity and the autonomy of its decision-making;
- safeguarding the role of the Court of Justice of the European Union;
- preserving the financial stability of the Union;
- defending the withdrawing state's enjoyment of all the rights and fulfilment of all the obligations derived from the Treaties, including the principle of sincere cooperation;
- defending the clear difference in status between Member States and non-member states, as a state having exited the Union cannot have the same rights and obligations as a Member State;

Other issues addressed by the report include the role of the institutions in the withdrawal process, the importance of an orderly withdrawal, as well as some issues for further reflection.

The report builds on extensive input by studies, expert hearings and personal encounters. It also taps into the institutional memory of the Parliament as an actor in the unprecedented process of untangling EU-membership and preparing the ground for a post-withdrawal relationship.

199 amendments have been tabled. The rapporteur, joined by other EPP members, submitted 71 of which. 24 compromise amendments reflect those amendments as well as the work of the opinion-giving committees AFET and INTA.

In the vote in AFCO the report was supported by EPP, S&D, Renew, Greens, a member of the Left and a Non-Inscrit in the final vote, ECR abstained and I&D either abstained or voted against.

The report concludes that Article 50 of the TEU strikes a good balance between ensuring a legally sound withdrawal process and keeping the political flexibility necessary to adapt to the specific circumstances, and allows for protection of the interests of the Union and its citizens.