
A COMPROMISE PROPOSAL FOR THE ARTICLE 50 EXTENSION

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After last week's votes in the House of Commons, it has become inevitable that Brexit will not happen on 29 March.

This week, British prime minister Theresa May will ask the European Council for an extension to Article 50 proceedings, and European Union member states will not refuse - they will want to avoid bearing responsibility for a sudden no-deal Brexit for which nobody is adequately prepared.

The real question facing leaders at this point is how long of an extension to grant the UK.

European Council president Donald Tusk has argued for a longer extension, to allow sufficient time for the UK to rethink its Brexit strategy.

Meanwhile, several member states have indicated that barring a major change in UK politics (scheduling a general election or a new referendum on Brexit), a long extension simply extends uncertainty for no good reason.

The debate in the European Council on 21 March will thus be about the appropriate length of the extension to Article 50 - a short, two-month extension or a longer, 12 to 24-month one.

And although it seems that leaders must pick one of the two options on offer, there is, in fact, a compromise solution that may satisfy all EU member states.

This is because there are effectively two deadlines that EU member states face.

The first is the deadline by which the UK and the EU must agree on how the UK will leave the Union - the deadline for Brexit as a political decision.

The second is the deadline by which the UK must actually leave the EU itself - this is a technical deadline of implementation.

The EU has treated these two deadlines as if they must coincide - but they can be disconnected.

Extension vs Exit

The European Council could thus offer the UK a two-month extension to Article 50 proceedings, and simultaneously push the exit date of the UK from the EU to one year beyond that date.

This solution would satisfy those who want to finalise as soon as possible the UK's terms of departure from the EU.

But it also reassures those who want to ensure adequate time for both the UK and the EU to prepare for the implementation of the withdrawal agreement, or the logistics of a no-deal Brexit.

This compromise contains all the benefits of a short extension to Article 50.

By clarifying that the UK must resolve its terms of exit by the end of May, it keeps the political pressure on the House of Commons to accept the withdrawal agreement negotiated by the UK government.

It also avoids Brexit dominating the agenda of European leaders for another year (or beyond). And it ensures that the UK must decide on the type of Brexit it wants by the time European elections are held—so the UK would not have to partake in these elections.

While the UK would not technically exit the EU until a year later, it would no longer participate in its decision-making processes, given that its exit would be finalised.

The best rationales for a long extension are also satisfied by this compromise.

EU and UK citizens and businesses would benefit from the certainty that the single market rules on which they rely would stay unchanged for at least one year.

Whether the UK chose a no-deal Brexit or to ratify the withdrawal agreement, both it and the EU would have a year to prepare for the logistics of the UK leaving.

And EU member states would avoid the appearance of a punitive attitude toward the British public that had voted for Brexit, by allowing them the extra time to extricate themselves from the Union in an orderly fashion.

Finally, those hoping for a sudden reversal of the UK's decision to leave the EU at all (whether via a new government or a second referendum) should note that this compromise still allows for the UK government to unilaterally cancel Brexit altogether in the next two months - an option it has had since the end of last year.

On 21 March, the European Council should extend Article 50 only until the date of the European elections at the end of May.

This gives enough time for the UK to sort out its political will regarding Brexit ☐ if it cannot, it will leave the EU without a deal.

At the same time, EU leaders should postpone the effective date of the UK's withdrawal from EU rights, rules, and regulations for another year - to the end of May 2020.

Although the UK would not participate in EU decision-making processes during this time, a delay of its exit date would allow for sufficient time for everyone to prepare for the logistical hurdles of implementing Brexit.

The EU is famous for its creative, consensus-based decision-making.

This compromise embodies that approach.

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