

What might stop a negotiated Article 50 agreement? (27 April 2017)

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Article 50 states that if no agreement is found by the end of two years after notification, then a member state leaves in any case. Why might this happen?

| The Risk | Why might it happen? | Likelihood of preventing agreement | Change since March |
|---|--|------------------------------------|--------------------|
| Non-ratification by an EU27 assembly | Increasingly likely that at least some EU27 parliaments, plus some sub-national ones, will have to ratify. One or more might see an opportunity to secure local benefits in return for approval, as with Wallonia and CETA | Medium | Rising |
| UK government is unclear on objectives | To date, the UK's position has been negatively constructed, so it might be unsure as to what it wants to have, and so cannot reach a conclusive position | Low-Medium | No change |
| Disagreement over scope of agreement | The UK would like to join together exit negotiations with talks on a new relationship, while the Commission says the former must be concluded fully before moving on. A referral to CJEU under Art.218(11) might ensue. | Low-Medium | No change |
| European Parliament refuses to accept agreement | EP appears to be closely coordinating with European Council, but is keen to have an active role in negotiations, so might block progress unless it gets this. | Low | Falling |
| UK Parliamentary revolt | As a deal becomes clearer, Parliament might impose requirements on government, call a vote of confidence, or reject final deal, although presumed increased Tory majority makes this less likely | Low | Falling |
| Insufficient negotiating capacity | The UK remains well below recruiting targets for negotiators, so might simply lack staffing to produce an agreement of sufficient scope and detail | Low | No change |
| Radical hardening of UK position | The UK might announce it has no intention of seeking an agreement at all, and refuses to negotiate | Low | No change |
| EU27 fail to agree position | The EU27 have very diverse interests in Brexit talks, but appear to be on track to agree negotiation mandate for Commission on 29 April | Very Low | Falling |
| Tory party revolt | If Tory backbenchers feel Theresa May isn't fulfilling their ideas on Brexit, they might seek to remove her from the leadership. Presumed success & increased majority in General Election makes this much less likely | Very Low | Falling |