

# **EU Advocate General's opinion on Article 50 welcomed by those behind the court action**

Joanna Cherry QC MP and Alyn Smith MEP have both welcomed the Advocate General's opinion that the UK can unilaterally revoke Article 50.

In answer to the question from the Court of Session, the Advocate General, Campos Sánchez-Bordona, proposed that the Court of Justice should, in its future judgement, declare that Article 50 allows for the unilateral revocation of the notification of the intention to withdraw from the EU. Ms Cherry and Mr Smith were co-litigants in the "Scottish Case."

Commenting, Joanna Cherry QC MP said: "The Advocate General's opinion is very welcome, and we await the final judgement from the Court of Justice. Theresa May's deal is bad for Scotland and bad for the U.K, and rejecting it must not mean leaving without a deal.

"Theresa May wants MPs to think the options are her deal or no deal at all, but even she has recently acknowledged there is a third option of No Brexit.

"We expect this case to establish as a matter of legal certainty that Brexit may be stopped altogether by revoking the Article 50 notice either with permission or unilaterally.

"The fact that the UK Government has fought this case tooth and nail at considerable expense shows how desperate the Prime Minister is to prevent MPs having the certainty that Brexit can be stopped.

"I'm particularly proud that it's Scottish parliamentarians and the Scottish legal system who have ensured that this case

will give all the nations of the UK the knowledge we need to extricate ourselves from the mess the Tories have created with their infighting over the EU. And I hope this will be remembered in the future when an independent Scotland looks to take her rightful place at the top table in Europe.”

SNP Member of the European Parliament Mr Alyn Smith, described the Advocate’s opinion as a “huge win.”

Commenting, Alyn Smith MEP said: “This is a huge win for us, and a huge step forward from the highest court in the business, and confirms what we have been hoping for: that the UK can indeed change its mind on brexit and revoke Article 50, unilaterally.

“The Advocate General Opinion is not the final judgment, but the practice of the ECJ is that the judges tend to follow the Opinion so this is a major landmark.

“We now have a roadmap out of the brexit shambles, a bright light has switched on above an ‘EXIT’ sign and the false choice being offered to MPs at Westminster – that it is Mrs May’s disastrous deal or chaos, is shown for what it is, an abuse of Parliament.”

The case was brought by SNP politicians along with Labour and Scottish Green MSPs Andy Wightman and Ross Greer.

**The group asked Scotland’s Court of Session to seek a ruling on whether the UK can cancel the Brexit process by revoking the Article 50 notification of March 2017.**

**While the Advocate General opinion is not binding on the EUCJ, it is very influential.**

Scottish Green MSP Andy Wightman said: “This is a very welcome opinion that vindicates the argument we made to the Court of Justice on 27 November. We await the Court’s ruling in due course followed by the final decision of the Court of Session.

“It is now highly likely that, if the people of the UK were to change their minds and decide to remain in the EU, there is now a route to doing so. This would involve the extension of the Article 50 notification period and a second referendum. This is the only option that ends the current chaos and provides a considered and sincere means by which the citizens of the UK can have the final say in this process.”

Scottish Green MSP Ross Greer said: “It’s now clearer than ever that the UK does not have to pick between the terrible deal negotiated by the Tories or the disaster of a No-Deal Brexit. The choice of becoming much worse off or disastrously worse off is no choice at all. We now know this omnishambles can be ended though, ideally by putting the final say back in the hands of the public.”