

# UK-EU Police and Judicial Cooperation

The Implementation of the Trade  
and Cooperation Agreement

Gemma Davies (Durham University)  
Helena Farrand Carrapico (Northumbria  
University)

Scottish Parliament Oral Evidence- 30<sup>th</sup> of  
April 2025



# 1) UK-EU Internal Security Cooperation in the Context of the TCA

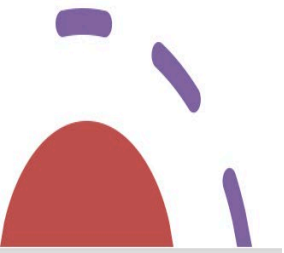


- Before Brexit, the UK participated selectively in European law enforcement and judicial cooperation measures (Protocols 19 and 21);
- This flexible arrangement allowed the UK to engage with EU instruments that were closely aligned with its national interests (ex: Schengen Information System II);
- The TCA has provided substantial continuity, allowing the UK and the EU to maintain familiar procedures for sharing data, implement surrender and extradition arrangements and engage with with EU agencies;
- Despite these broadly positive outcomes, there have, however, been notable losses in capability.

## 2) Operational Deficits stemming from the TCA implementation

### Access to EU Agencies

- The TCA facilitates the continued cooperation of UK authorities with key EU agencies. However, there has been a noticeable reduction in strategic influence and access to critical information;
- Focus on Europol:
  - The UK has the largest third-country liaison bureau: practitioners highlight Europol's continued importance and working relationships with liaison officers from EU member states remain robust;
  - However:
    - No participation in Management Board;
    - British police officers can no longer serve in Europol's Operational and Analysis Centre;
    - Access to Europol's databases has become more restricted;
- **Policy recommendations for HMG:**
  - Ensure UK access to other JHA agencies;
  - Better understand domestic legislative impediments to police-to-police cooperation and seek to develop bilateral agreements;



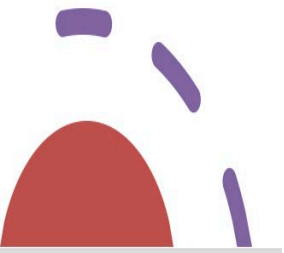
## 2) Operational Deficits stemming from the TCA implementation

### Access to EU Databases

- The TCA provides access to crucial data such as DNA and fingerprint exchange, Vehicle Registration Data, Passenger Name Record and Criminal Records;
- However there has also been a noticeable reduction in access to critical information in 4 different areas:

#### **1) Schengen Information System II:**

- UK lost direct access to SISII, the largest EU law enforcement database;
- UK-held SISII data was deleted, and the country is unable to benefit from future enhancements to this system;
- The UK now depends on EU Member States to upload law enforcement notices onto Interpol's global database (i24/7), in addition to SISII;



## 2) Operational Deficits stemming from the TCA implementation

### Access to EU Databases

#### **2) Vehicle Registration Data:**

- The cooperation system for the vehicle data is still not in place due to lack of technical preparation on the UK side;

#### **3) Criminal Records:**

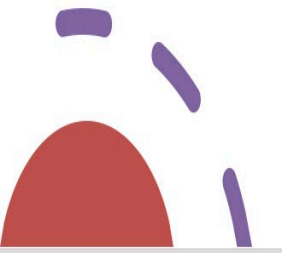
- No access to the European Criminal Records Information System for Third Country Nationals (ECRIS-TCN);

#### **4) Passenger Name Records:**

- UK is now required to delete passenger information once individuals have left the country;

- **Policy Recommendations for HMG:**

- Develop the necessary technical capabilities with a view to sharing vehicle registration data with EU MS;
- Negotiate access to the ECRIS-TCN system;
- Interoperability: the UK must reach an agreement on its own internal position, so it is prepared to open discussions on this issue with the EU.



## Surrender/Extradition

The EAW revolutionised extradition within the EU. The arrangements in the TCA retain many features but there are important differences.

1) **Political offence exception** – 12 MS issued a declaration that they will refuse to extradite for non-violent offences considered political, related to a political offence, or inspired by a political motive.

2) **Nationality** - 13 MS have stipulated conditions for surrender of their nationals. In 12 cases this leads to a nationality bar. Priority is given to an EAW from a wanted person's home state.

3) **Dual criminality** – despite 12 EUMS issuing a notification that they will apply the list of offences for which dual criminality is assumed the UK has not and so dual criminality must be proven in every case.

4) **Human rights** – The UK does not benefit from mutual trust. Challenges, particularly relating to prison conditions, are more common. Requests for assurances are increasing.

- **Policy Recommendations for HMG:**

- Negotiate bilaterally to eliminate bars where possible as occurred with Poland.
- Reconsider the UK's position on dual criminality.
- Ensure a clear process for issuing assurances on prison conditions and that the prison estate meets ECHR standards.
- Negotiate an agreement on transfer of proceedings and ensure clear domestic protocols and funding available.
- Negotiate to facilitate transfer of prisoners and supervision.



## Issuing and circulation of a TaCA arrest warrant

- 1) EAWs are circulated through SISII and allow immediate arrest. EUMS and the UK must now circulate wanted notices through i24/7. This does not confer a power of arrest in many EUMS. The NCA must then provide the AW and any delay may result in a lost opportunity to apprehend.
- 2) Police in EUMS do not have front line access to i24/7. Only immigration/border officials do. A wanted person from the UK may only be identified when crossing an external EU border. UK police are therefore heavily reliant on the quality of their intelligence to ensure wanted persons are found.
- 3) A EUMS must issue both an EAW and a TaCA AW. The latter will only be issued by some judges if there is a 'clear connection' to the UK.

### **Policy Recommendations for HMG:**

- Negotiate amendment to the TCA so it clear that a TaCA AW can be issued when an EAW can be issued.
- Negotiate amendment to the TCA so TaCA AWs can be uploaded by Europol to SISII so they are available to front line officers and immediate possible.



### 3) Issues that can be addressed by Scottish bodies/officers



#### **Policy recommendations for Scottish officers:**

- Ensure that Police Scotland and COPFS international cooperation units have the personnel and funding required to keep the public safe.
- Improve training on international cooperation tools across all of Police Scotland.
- Ensure there is no backlog of extradition cases.
- Introduce a COPFS protocol on transfer of proceedings.
- Ensure the prison estate meets ECHR standards and there is a clear process for issuing assurances to EUMS.
- Enhance HMG's consultation with Scottish bodies when negotiating bilateral and multilateral agreements in the field of police and judicial cooperation.
- Enhance SP's scrutiny of Partnership Council decisions.
- Enhance representation of the SP in the UK-EU Parliamentary Partnership Assemble.

## 4) Conclusion: Outlook for the Re-set of UK-EU Relations



- The TCA foresees a first review to take place in 2026;
- There is clear political willingness, on both sides, to develop a closer relationship;
  - The report by the Council of the EU highlighted that it wished to improve cooperation in areas such as human trafficking, surveillance, and cross-border cooperation;
  - The Labour manifesto refers to closer law enforcement cooperation;
  - The minister for EU relations confirmed that the second of the three pillars for the reset of UK-EU relations was the safety of citizens (which includes law enforcement cooperation);
  - Nick Thomas-Symonds MP: sharing data in real time with Europol *‘which is designed to ensure that there is no place on the continent for criminals to hide’* (January 2025);
- The UK-EU summit in May 2025 is said to provide *“a clear milestone for delivery”*;
- What are the current challenges?
  - The EU has stressed the importance of full UK implementation of the existing agreement;
  - Recent history of political mistrust, EU red lines in this field, and limited interest in large changes to the TCA.



# UK-EU Police and Judicial Cooperation Post-Brexit

---

The insights presented here are being  
expanded in the forthcoming book

Hart Series in European Criminal Law,  
July 2025

Edited by  
**Gemma Davies**  
and **Helena Carrapico**

---

Thank you for your attention.  
We look forward to questions.

[Gemma.davies@durham.ac.uk](mailto:Gemma.davies@durham.ac.uk)

[Helena.farrand-  
carrapico@Northumbria.ac.uk](mailto:Helena.farrand-carrapico@Northumbria.ac.uk)

