

UK/European crime-fighting coordination post Brexit “a priority”

March 20, 2017

As anticipated in our [blog](#) last June, the impact of Brexit on how the UK's crime-fighting agencies will interact with their European counterparts is now firmly on the agenda.

On 6 March, the Home Secretary, Amber Rudd, announced that remaining in the European Arrest Warrant (EAW) system will be "a priority" in the Brexit negotiations. The following day, Europol's director, Rob Wainwright, declared that the UK will be heading into "unchartered territory" should it wish to continue to have access to Europol's shared platforms post Brexit.

Ms Rudd's statement will cause some controversy. Remaining in the EAW system does not sit with the Government's determination to extract the UK from the influence of the European Court of Justice.

However, as demonstrated in the 2014 Commons debate about the UK's membership of the EAW system, there are mixed views on it. There is significant unease about there being no opportunity for UK judges to review the evidence underlying the warrant but during the debate in 2014, Theresa May, then Home Secretary, was an advocate of the system and argued that opting out would make the UK "a honeypot for all of Europe's criminals on the run from justice". The fact that over 7,000 individuals suspected of serious crimes have been extradited from the UK under the EAW system since 2010 is a strong reason to stay in it.

In contrast, the need to secure the UK's continued access to the EU's criminal intelligence network is uncontroversial. The UK is one of the most active users of Europol's various platforms. How exactly that will be achieved and at what cost is not yet clear. Europol now has agreements with 19 non-EU states, which include access to a communication system and arrangements for the exchange of information. However, new regulations coming into force in May 2017 give the EU significant supervisory power over Europol and prevent it from entering into operational agreements with non-EU states. As a result, a direct agreement between the UK and Europol will not be an option. The alternatives are yet to be fully explored but if the arrangement is similar to those with the non-EU states currently in place, the UK is unlikely to have immediate access to the intelligence network.

These are significant issues and it is important that they are prioritized by the Government for the safety of both Remainers and Brexiteers alike.

Contributors

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