

COOPERATION BETWEEN EUROJUST AND UK AUTHORITIES SINCE BREXIT – A QUALIFIED SUCCESS IN THE CIRCUMSTANCES?

Abstract: The UK withdrawal from the EU had the potential to seriously impede cooperation with the EU and its Member States in the practical aspects of law enforcement and judicial cooperation in criminal matters. The treaty signed between the UK and the EU in December 2020, the Trade and Cooperation Agreement (“TCA”), provides a section outlining the basis for substantial ongoing cooperation between the parties in justice and home affairs. In particular, Articles 580-595 TCA have allowed the UK’s involvement with Eurojust to continue, albeit on an amended basis.

The aim of this presentation then is to look at this involvement, how it has evolved in practice since Brexit and the ways in which the United Kingdom has endeavoured, despite the limitations of the TCA, to maintain a strong role in the furtherance of cross-border criminal justice cooperation. It will also consider how further developments might improve such cooperation in the light of the forthcoming review of the TCA.

Keywords: Brexit, Eurojust, Home Office, cooperation in criminal matters, police and judicial authorities.

1. INTRODUCTION

The withdrawal of the United Kingdom from the European Union raised many concerns as regards the future working arrangements between the two parties. This paper looks at the way in which post-Brexit cooperation in the criminal justice sector has evolved¹ in respect of continued British involvement

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1 On this field in general, M. Shellaker, S. Tong, P. Swallow, “UK–EU law enforcement cooperation post-Brexit: A UK law enforcement practitioner perspective”, *Criminology*

with the European Union Agency for Criminal Justice Cooperation (“Eurojust”)² which body coordinates the work of national authorities from EU Member States and third countries in investigating and prosecuting transnational crime. Based in The Hague, this EU agency has thus been designed to act as a hub, allowing national authorities affected by serious cross-border crime to better coordinate resources and cooperate in their activities.

It will be shown that, despite the loss of its full participation at all administrative and operational levels in Eurojust as a third country, the competent British authorities have nevertheless managed to continue playing an important role in the EU agency’s work thereby ensuring – in collaboration with the remaining EU Member States – that disruption in their cooperation was kept within limits.

2. LEGAL AND INSTITUTIONAL FRAMEWORK POST-BREXIT

Given the UK’s pro-active role in Eurojust before Brexit³ and its need to maintain as high a level of cooperation as possible after withdrawal, the British Government was at pains to obtain some semblance of seamless transition to becoming a third country in terms of cross-border cooperation on the area of criminal justice. As can be seen from the evidence she gave to the House of Lords EU Home Affairs Select Committee before Brexit, Alison Saunders, the then Director of Public Prosecutions for England and Wales, emphasised the importance of maintaining a relationship with Eurojust.⁴ Although the finally negotiated

& *Criminal Justice*, 24/4, 2024, 841–861; V. Mitsilegas, “Criminal Justice and Security Cooperation after Brexit”, *Research Handbook on Legal Aspects of Brexit* (eds. A. Cygan, A. Lazowski), Edward Elgar Publishing Cheltenham, 2022, 198–220; M. Pencheva, *EU-UK Police and Judicial Cooperation in Criminal Matters*, Palgrave Macmillan, Cham (Switzerland), 2021; and the various contributions in *UK-EU Police and Judicial Cooperation Post-Brexit* (eds. G. Davies, H. Carrapico), Hart Publishing, Oxford, 2025.

2 Established by Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime: 2002 *Official Journal of the European Union* L63/1. Replaced and repealed by Regulation 2018/1727/EU on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA: 2018 *Official Journal of the European Union* L295/138 (“Eurojust Regulation”).

3 V. Mitsilegas, “European Criminal Law after Brexit”, *Criminal Law Forum*, vol. 28, 2/2017, 219–250, 239–240; and J. Graf von Luckner, “A Brexit Last Call: The Strange Practice of Pre-Brexit Opt-ins”, *Maastricht Journal of European and Comparative Law*, 28/4, 2021, 556–572.

4 A. Saunders, *Corrected oral evidence – Brexit: future EU-UK security and police cooperation*, House of Lords, Select Committee on the European Union (Home Affairs Sub-Committee), 2 Nov. 2016, <https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-home-affairs-subcommittee/brexit-future-ukeu-security-and-policing-cooperation/oral/42904.html>, 12 April 2025.

result necessarily fell below British expectations,⁵ nevertheless what emerged may be regarded as a sound basis on which to continue bilateral relations following UK withdrawal.

The legal and institutional framework of cooperation in criminal justice matters between the British authorities and Eurojust presently comprises a number of sources and entities. First, the fundamental provisions⁶ are set out under Title VI of Part Three of the 2020 Trade and Cooperation Agreement (“TCA”)⁷ (Articles 580-595 TCA). Further, under the auspices of the Partnership Council (the top political and executive body of the TCA), the TCA provides for the creation of the Specialised Committee on Law Enforcement and Judicial Cooperation (“SCLEJC”)⁸ which began operation in autumn 2021.

The SCLEJC monitors and reviews the implementation and proper functioning of the law enforcement and judicial cooperation part of the TCA⁹, in particular the operation of the TCA’s data protection rules; assists the Partnership Council in the performance of its tasks; and adopts decisions, including amendments, and recommendations in respect of all matters where the TCA or any supplementing agreement so provides. From the outset, it has been regarded – in the words of Sir Julian King, former EU Commissioner for the Security Union¹⁰ – as “one of the more important” bodies overseen by the Partnership Council, “because of the nature of this part of the Agreement, some of the important practical arrangements and the underpinning, including the protection of fundamental rights and the data adequacy dimensions”.

Title VI of the TCA establishes cooperation¹¹ between Eurojust and the “competent authorities” of the UK to combat the serious crimes¹² for which Eurojust

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- 5 Continued direct access of UK authorities to various EU databases was not open for discussion: A.F. Tatham, “UK-EU Post-Brexit Cooperation in Counter Terrorism”, *Collection of Papers presented at the International Scientific Conference “Relation between International and National Criminal Law”* (eds. M. Škulić et al.), International Criminal Law Association/Faculty of Law, University of Belgrade, Belgrade 2024, vol. 1, 73–100, 77–84.
 - 6 Several other TCA provisions concerning Eurojust include those on the transfer and processing of passenger name record data (Art. 546 TCA); and on its possible role in the transmission of requests for mutual assistance (Art. 641(2) TCA).
 - 7 Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (“TCA”): 2020 *Official Journal of the European Union* L444/14 (provisional version); and 2021 *Official Journal of the European Union* L149/10 (definitive version). References throughout are to the latter version.
 - 8 Art. 8(1)(r) TCA.
 - 9 Part Three TCA.
 - 10 House of Lords, European Union Committee, “Brexit: Future UK-EU Security and Police Cooperation”, 16 Dec. 2016, *HL Paper* 77 of Session 2016-17, 34, <https://committees.parliament.uk/publications/5298/documents/52902/default/>, 12 April 2025.
 - 11 Art. 580 TCA.
 - 12 Art. 582 TCA. These forms of serious crime listed in Annex 42 TCA and include related criminal offences.

is itself competent under EU law¹³ according to the Eurojust Regulation.¹⁴ This list of serious crimes under Annex 42 TCA is kept under review by the SCLEJC¹⁵ which possesses the power to amend the list, upon a proposal from the EU, from the date when the change to Eurojust's competence enters into force.¹⁶

Institutional cooperation with Eurojust has continued¹⁷ in two ways. First, in the form of the appointment of liaison officers – a UK Liaison Prosecutor to Eurojust¹⁸ and a Eurojust Liaison Magistrate in the UK.¹⁹ Indeed, “reflecting the volume of cooperation”²⁰, the British Liaison Prosecutor “may be assisted” by up to five individuals²¹ compared to one assistant allowed for the other third countries that have similar agreements with Eurojust.²²

Secondly, in the form of the establishment of contact points to Eurojust²³ in the wide range of competent UK authorities for cooperation with that EU agency. Such authorities have been designated²⁴: for England and Wales, the International Justice and Organised Crime Division at the Crown Prosecution Service (“CPS”); for Scotland, the Crown Office and Procurator Fiscal Service; and for Northern Ireland, the Public Prosecution Service. In addition, any other UK public body which is responsible for investigating and/or prosecuting criminal conduct or which acts as a central authority in any jurisdiction of the UK may also to be regarded²⁵ as a “competent authority”.

The provisions of Title VI have been subsequently implemented – as foreseen in Article 594 TCA – by the 2021 Working Arrangement (“WA”)²⁶ signed by the UK

13 The Annex 42 TCA list includes over 30 crimes, e.g.: terrorism; organised crime; drug trafficking; money laundering; immigrant smuggling; murder and grievous bodily harm; robbery and aggravated theft; crimes against the financial interests of the Union; and trafficking in human beings.

14 Art. 3 and Annex I of the Eurojust Regulation.

15 Art. 8(1)(r) TCA.

16 Art. 582(3) TCA.

17 V. Mitsilegas, “Criminal justice and security cooperation after Brexit”, *Research Handbook on EU Criminal Law* (eds. V. Mitsilegas, M. Bergström, T. Quint), chap. 23, Cambridge University Press, Cambridge, 2024, 516–539, 532.

18 Art. 585 TCA.

19 Art. 586 TCA.

20 Art. 585(3) TCA.

21 Art. 585(3) TCA.

22 Cf., Agreement of Cooperation between Eurojust and the Republic of Serbia, Belgrade, 12 Nov. 2019, Art. 5(1), https://www.eurojust.europa.eu/sites/default/files/InternationalAgreements/Eurojust-Serbia-2019-11-12_EN.pdf, 12 April 2025.

23 Art. 584 TCA.

24 Competent authorities designated by the United Kingdom under Part Three of the Agreement: Law Enforcement and Judicial Cooperation in Criminal Matters: 2021 *Official Journal of the European Union* C117 I/11.

25 *Ibid.*

26 Working Arrangement between Eurojust and the Home Office, on behalf of the competent authorities of the United Kingdom of Great Britain and Northern Ireland implementing the Trade and Cooperation Agreement between the European Union and the European

Home Office and Eurojust.²⁷ This detailed WA was concluded in line with the relevant provisions governing third-country arrangements in the Eurojust Regulation,²⁸ in particular those related to the handling of personal data with third countries.²⁹

The WA aims to ensure effective judicial cross-border cooperation in criminal matters between the parties by providing the practical, administrative and operational details for that cooperation on serious and organised crime and terrorism, including: the modes of co-operation (e.g., the British Liaison Prosecutor to Eurojust as well as the relevant UK contact points)³⁰; the provision of office space and other facilities³¹; participation in various Eurojust meetings³²; and the exchange of information and use of personal data (e.g., rights of data subjects, data security and confidentiality)³³.

Lastly, although not a legal-binding instrument, Eurojust published in January 2021 a Note for judicial practitioners on future cooperation with the United Kingdom.³⁴ This Note provides practitioners with up-to-date and readily usable information on judicial cooperation with the United Kingdom and contributes to ensuring continuity of business between the parties despite the changed legal landscape. Its main aim is to provide a simple, brief and immediate response to the questions and needs of competent authorities through treatment of the main themes in this continuing cooperation, viz.: surrender; mutual legal assistance (“MLA”); exchange of criminal record information; freezing and confiscation; and transfer of sentenced persons.

3. CONTINUED COOPERATION POST BREXIT

Despite the change in legal and working arrangements between the UK and the EU in the field of judicial cooperation in criminal matters following Brexit, both parties have nevertheless remained committed to working intensively

Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland (“WA”), https://www.eurojust.europa.eu/sites/default/files/assets/2021_11_10_eurojust_wa_final_rev.pdf, 12 April 2025. The WA came into force on 17 Dec. 2021.

27 Eurojust, “Eurojust and UK Home Office sign Working Arrangement”, *Press Release*, 20 Dec. 2021, <https://www.eurojust.europa.eu/news/eurojust-and-uk-home-office-sign-working-arrangement>, 12 April 2025.

28 See, e.g., Art. 585(7) TCA (Liaison Prosecutor); Art. 586(2) TCA (Liaison Magistrate); Art. 593 TCA (Exchange of classified and sensitive non-classified information); and Art. 594 TCA (Working arrangement).

29 Arts. 47(3) and 56(3) of the Eurojust Regulation.

30 Arts. 3-5 WA.

31 Art. 6 WA.

32 Arts. 7-10 WA.

33 Arts. 11-17 WA.

34 Eurojust, “Judicial cooperation in criminal matters between the European Union and the United Kingdom from 1 January 2021”, *Note*, 1 Feb. 2021, The Hague, https://www.eurojust.europa.eu/sites/default/files/assets/judicial_cooperation_in_criminal_matters_eu_uk_from_1_january_2021.pdf, 12 April 2025.

together in such an important field of security. From the British side, this has been manifested in the ways in which the UK authorities have used the tools at their disposal as a third country in order to continue to pursue an active and leading participation in cross-border cooperation and investigations. Based on the *Annual Reports* of Eurojust and closely following their scheme, it was possible to compile a chart indicating the main types of cooperation involving the British participation in Eurojust activities for the period 2020-2023:

Table 1: UK Participation in Eurojust activities 2020-2023

Year	Cases initiated by the UK National Desk			UK participation in cases initiated by other National Desks			Participation in joint activities/meetings		
	New (in year indicated)	No. of countries involved		Ongoing from previous years	New (in year indicated)	Ongoing from previous years	Coordination meetings	JITs	Action Days
		2	3 or more						
2020	47	41	6	19	434	646	64	65	-
2021	71	63	8	-	324	724	64	19	-
2022	47	41	6	54	268	712	79	29	4
2023	30	24	6	64	245	661	71	29	2

Source: Eurojust, Annual Reports, 2020-2023

From Table 1 above, it is possible to discern both the UK’s continuing active participation and commitment despite its transformation into a third country as well as the types of cooperation in which it has been involved. The centrality of cooperation between Eurojust and the competent British authorities may be discerned from the *Annual Reports* of Eurojust.³⁵ These support the contention that the UK maintains a leading role with Eurojust.³⁶ According to the last two published *Annual Reports*, the UK was the third country that participated in the highest number of cases, involving itself in 315³⁷ and 275³⁸ cases respectively. This is also more cases than the majority of EU Member States opened in 2022 and 2023³⁹.

35 These may be found on the website of Eurojust, <https://www.eurojust.europa.eu/publications?search=&report=429&criteria=publication&order=DESC>, 12 April 2025.

36 S. Wood, P. Taylor, “The role of Eurojust, and the UK, in tackling international crime”, Criminal Law Blog, Kingsley Napley LLP, 31 May 2023, <https://www.kingsleynapley.co.uk/insights/blogs/criminal-law-blog/the-role-of-eurojust-and-the-uk-in-tackling-international-crime>, 12 April 2025.

37 Eurojust, *Annual Report 2022*, Publications Office of the European Union, Luxembourg, 2023, 59, <https://www.eurojust.europa.eu/sites/default/files/assets/eurojust-annual-report-2022-en.pdf>, 12 April 2025 (“AR 2022”).

38 Eurojust, *Annual Report 2023*, Publications Office of the European Union, Luxembourg, 2024, 73, <https://www.eurojust.europa.eu/sites/default/files/assets/eurojust-annual-report-2023-en.pdf>, 12 April 2025 (“AR 2023”).

39 AR 2022, 12–13; AR 2023, 12–13.

Together with Switzerland, the UK plays a regular leading role in dealing with economic crime cases, including money laundering⁴⁰ and corruption⁴¹. This may indicate its levels of expertise in this area but also the fact that the jurisdiction continues to be a prime target for those involved in cross-border economic crime.

In other fields, British authorities have actively participated. For example, in 2022, the UK also played a key part in establishing and working with a joint investigation team (“JIT”)⁴² which dealt with disrupting a criminal network dealing in human trafficking from Romania⁴³, as well as a role in a major operation targeting migrant smuggling in the English Channel⁴⁴ – indicators of the types of crime cross-border crime often encountered in this jurisdiction – together with drug trafficking.⁴⁵ Such level of commitment from the UK continued in 2023 when it was recognised as the most requested third country to contribute to international investigations in the area of migrant smuggling⁴⁶ and trafficking in human beings.⁴⁷

Overall, then, the United Kingdom has continued its high level of engagement through Eurojust in its cross-border criminal justice activities with EU Member States, even with the limits on such work due to its position as a third country following British withdrawal.

4. MOST COMMON FORMS OF POST-BREXIT COOPERATION

As regards the forms of cooperation considered in Eurojust’s *Annual Reports*, three stand out as being used by British authorities, viz.: (i) Coordination meetings; (ii) Joint investigation teams (“JITs”); and (iii) Coordination centres and Action days. Each of these will now be considered in turn.

4.1. Coordination meetings

Coordination meetings⁴⁸ are organised to facilitate and promote judicial cooperation and coordination in complex cross-border cases. Coordination meetings are attended by the competent judicial and law enforcement authorities of the Member States conducting investigations and prosecutions at national level.⁴⁹ Representatives

40 AR 2022, 31–32.

41 *Ibid.*, 34.

42 For an explanation of JITs, see section 4.2 below.

43 AR 2022, 48.

44 *Ibid.*, 70.

45 AR 2023, 42. The UK shares this distinction together with Albania and Serbia.

46 *Ibid.*, 34. Again, the UK shares such position with Serbia.

47 *Ibid.*, 37–39.

48 Eurojust, *Annual Report 2017*, Publications Office of the European Union, Luxembourg, 2018, 16, https://www.eurojust.europa.eu/sites/default/files/assets/eurojust_2017_annual_report_en.pdf, 12 April 2025 (“AR 2017”).

49 Simultaneous interpretation is provided, which allows direct communication between the participants on legal and practical issues.

from third countries having agreements with Eurojust (like the UK and Serbia), as well as officials from cooperation partners such as Europol,⁵⁰ OLAF⁵¹ and the EPPO⁵² and international organisations such as Interpol⁵³, may be invited to participate.

Coordination meetings are frequently used as an operational tool. Eurojust organises on average at least one coordination meeting per working day, some of which are held outside Eurojust's premises in The Hague, either in one of the EU Member States or in a third country having an agreement with Eurojust. The cases concern almost all areas of serious organised cross-border crime, the most common of which being money laundering, fraud, trafficking in human beings ("THB") and drug trafficking.

The significant growth⁵⁴ in the use of coordination meetings since they were first introduced shows that investigators and prosecutors in the Member States are increasingly relying on Eurojust's support, particularly in complex cases. In planning for a coordination meeting, Eurojust, for example, can analyse the state of play of the investigations in all Member States involved and map out the legal obstacles and issues of concern, including possible links with other countries. During the meeting, Eurojust moderates the discussions and offers its advice and expertise on: issuing and completing requests for, and decisions on the use of judicial cooperation instruments (including those on mutual recognition like European Arrest Warrants); on the suitability of setting up a JIT (discussed below in section 4.2); and on a common strategy and coordinated actions (e.g., simultaneous investigative measures in the States involved and related legal aspects). Coordination meetings also provide a forum for exchange of information on the current status of judicial proceedings; as well as exchange of evidence in the framework of MLA.

4.2. Joint investigation teams

A Joint Investigation Team ("JIT")⁵⁵ is an important cooperation tool which enables competent authorities (both judicial and law enforcement) to establish an agreement for a limited duration and purpose to carry out a parallel criminal

50 Regulation 2016/794/EU on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA: 2016 *Official Journal of the European Union* L135/53.

51 Regulation 883/2013/EU, Euratom concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation 1073/1999/EC and Council Regulation 1074/1999/Euratom: 2013 *Official Journal of the European Union* L248/1.

52 Council Regulation 2017/1939/EU implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'): 2017 *Official Journal of the European Union* L283/1.

53 Constitution of the International Criminal Police Organization-INTERPOL, adopted by the UN General Assembly, XXVth session, Vienna, Austria, 7-13 June 1956, <https://www.interpol.int/Who-we-are/Legal-framework/Legal-documents>, 12 April 2025.

54 AR 2017, p. 16.

55 Council Framework Decision 2002/456/JHA on joint investigation teams: 2002 *Official Journal of the European Union* L162/1.

investigation in two or more EU Member States as well as third countries.⁵⁶ JITs are a specific instrument for cross-border legal assistance⁵⁷ that allows direct exchange of information and gathering of evidence within a team without the need for traditional channels for MLA requests and for officers to be present and take part in investigative measures conducted outside their state of origin.⁵⁸ They thus represent one of the most important operational tools that law enforcement and judicial practitioners have at their disposal.

As an EU Member State, the UK had been a prolific user of JITs. Now, as with other third countries, the UK may still participate in JITs. However, under the TCA⁵⁹, regardless of the legal basis of the JIT itself, the relationship between EU Member States within that JIT will be governed by EU law.⁶⁰ In fact, most EU Member States prefer to set up a JIT under EU law as this enables access to Europol funding.⁶¹ However, the UK can itself establish a JIT with EU Member States⁶² on the basis of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters⁶³ to which it is a signatory.

Eurojust plays a particular role in the formation and operation in that it: (i) identifies suitable cases for JITs; (ii) advises and furnishes information on different procedural systems; and (iii) drafts JIT agreements or extensions to those agreements and operational action plans. For example, in 2022, Eurojust provided an updated model agreement that is routinely used when setting up a JIT. Such model offers a common baseline for drafting a JIT agreement enabling practitioners to tailor it to the specific needs of their case.⁶⁴ Moreover, Eurojust provides onsite the

56 G. Davies, H. F. Carrapico, *UK-EU Law Enforcement and Judicial Cooperation in Criminal Matters under Part Three of the Trade and Cooperation Agreement: The Impact on Scotland*, Scottish Parliament Academic Fellowship Report, Edinburgh, Sept. 2024, 22, <https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/research-report-on-the-impact-of-the-uks-exit-from-membership-of-the-eu-on-law-enforcement-and-judic.pdf>, 12 April 2025.

57 Eurojust, *Annual Report 2013*, Publications Office of the European Union, Luxembourg, 2014, 27, <https://www.eurojust.europa.eu/sites/default/files/assets/annual-report-2013-en.pdf>, 12 April 2025 (“AR 2013”).

58 Davies, Carrapico, Sept. 2024, *op. cit.*, 22.

59 Art. 642 TCA.

60 R. Niblock, “Cooperation with EU Agencies and Bodies under the EU-UK Trade and Cooperation Agreement: Eurojust, OLAF and the EPPO”, *New Journal of European Criminal Law*, 12/2021, 277–282, 279.

61 Eurojust, “JITs funding”, <https://www.eurojust.europa.eu/judicial-cooperation/instruments/joint-investigation-teams/jits-funding>, 12 April 2025.

62 Eurojust, *Guidelines on Joint Investigation Teams Involving Third Countries*, 17 June 2022, <https://www.eurojust.europa.eu/publication/guidelines-joint-investigation-teams-involving-third-countries>, 12 April 2025.

63 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, signed Strasbourg, 8 Nov. 2001, *European Treaty Series*, No. 182. Other crime specific treaties can also form the legal basis of a JIT with EU Member States.

64 Consolidated text of the model agreement on the establishment of a Joint Investigation Team, following the approval of the Council Resolution of 22 December 2021 on a revised Appendix I: 2022 *Official Journal of the European Union* C44/06.

necessary facilities for the work of the specific Secretariat that assists in the operation of the Network of National Experts on Joint Investigation Teams (“the JITs Network”). This was established in 2005 to facilitate the work of practitioners, as well as to encourage the use of JITs and contribute to the sharing of experience and best practice in using this tool.⁶⁵

In addition, Eurojust coordinates action days (discussed below in section 4.3) and supports JITs by means of coordination meetings. In this latter respect, such meetings help determine and monitor the operational goals of JITs and evaluate the joint investigative activities.⁶⁶ Coordination meetings can also determine the next steps to be taken in an investigation that may include: (a) the planning of simultaneous arrests; (b) the issue and execution of European Arrest Warrants (“EAWs”)⁶⁷ or MLA requests to third States; (c) the agreement on measures related to confiscation, and actions to be taken by seconded members of the JIT. Eurojust also facilitates agreements on prosecution strategies between JIT partners, which need to be envisaged as early as possible, as they often have an impact on the development of the investigations themselves.

For JITs involving third countries like Serbia and the UK, the JITs Network Secretariat and Eurojust have jointly formulated specific Guidelines⁶⁸ for EU Member State practitioners. The Guidelines lay down the relevant legal bases and provide guidance on specific factors that the competent national authorities of EU Member States may need to consider when deciding to use a JIT as a tool for cooperation with a third country. Best practices are highlighted and a checklist for practitioners is included.⁶⁹

4.3. Coordination centres and Action days

The third type of cooperation with a third country like the UK comes with Coordination centres and the use of Action days.⁷⁰ Some complex cases need a

65 Council of the European Union, *Document establishing the JITs Network*, No. 11307/05, 8 July 2005, <https://www.eurojust.europa.eu/sites/default/files/Partners/JITs/JITs-Council-document-11037-05-EN.pdf>, 12 April 2025.

66 The first four annual JIT evaluation reports are available via the Eurojust website, <https://www.eurojust.europa.eu/publications>, 12 April 2025.

67 Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States: 2002 *Official Journal of the European Union* L190/1. The EAW is available in all official EU languages and editable formats.

68 *Guidelines on Joint Investigation Teams Involving Third Countries*, *op. cit.*

69 The findings presented are based on information from the JITs Network Secretariat, Eurojust’s casework in the field, and input from Liaison Prosecutors at Eurojust. The document is an updated version of the guidelines published in 2019 by the Council of the European Union as a restricted access document.

70 Eurojust, *Annual Report 2016*, Publications Office of the European Union, Luxembourg, 2017, 17–18, 38–39, https://www.eurojust.europa.eu/sites/default/files/assets/eurojust_2016_annual_report_en.pdf, 12 April 2025.

central hub for real-time exchange of information and for the coordination of the large-scale multilateral actions in the joint execution of judicial and law enforcement measures in different countries (e.g., executing of several arrest warrants or searches of domestic or business premises in several countries). In such circumstances, Eurojust is able to support the national authorities involved through setting up a coordination centre onsite.

While coordination centres are in operation, all participating authorities are linked to each other at all times, by means of dedicated telephone lines and computers, with information being swiftly passed from one authority to another via Eurojust. The joint execution of measures is constantly monitored and coordinated with a view to anticipating and resolving any operational or judicial obstacles that may impact the operation's success. In addition, prior to a coordination centre, Eurojust typically provides all participating authorities with an overview of relevant information concerning all targets subject to the joint actions, including their telephone numbers, locations and bank accounts, if applicable.

In the fight against organised cross-border crime, coordination centres are essential for the coordination of joint action days.⁷¹ Joint action days involve arrests, searches, interviews of suspects and witnesses, seizures of evidence and freezing of assets that are simultaneously executed in several countries. The coordination centres provide swift judicial responses during joint action days from the preparation phase to the completion of the execution of the judicial request on the ground. In order to fulfil these aims, the coordination centres ensure the timely transmission via the Eurojust national desks and/or liaison prosecutors of the judicial requests needed prior to and during the joint action day. They also monitor the ongoing joint action day and advise on legal and operational issues as well as the need to issue new and/or additional critical judicial instruments as the operations progress. In their role, coordination centres therefore allow for the swift exchange of information and reporting to the competent authorities involved, in a secure environment.

5. FUTURE PROSPECTS

Under Article 776 TCA, every five years, the parties are required to conduct a joint review⁷² of the implementation of the agreement and any matters related to it, with the first slated for 2026. In addition, Article 691 TCA provides a review clause solely for Part Three of the TCA⁷³ that allows for an earlier review of law

71 Eurojust, *Eurojust Consolidated Annual Activity Report 2023*, 2 July 2024, 11–12, <https://www.eurojust.europa.eu/publication/eurojust-consolidated-annual-activity-report-2023>, 12 April 2025.

72 S. Fella, “The UK-EU Trade and Cooperation Agreement: review clauses”, *Research Briefing*, No. 10040, 10 July 2024, House of Commons Library, <https://researchbriefings.files.parliament.uk/documents/CBP-10040/CBP-10040.pdf>, 12 April 2025.

73 There are various other specific provisions within Part Three that also need to be reviewed or examined in carrying out the general review under Arts. 691 and 776 TCA.

enforcement and judicial cooperation in criminal matters at the request of either party and jointly agreed by them. Article 691 TCA further states:

2. The Parties shall decide in advance on how the review is to be conducted and shall communicate to each other the composition of their respective review teams. The review teams shall include persons with appropriate expertise with respect to the issues under review. Subject to applicable laws, all participants in a review shall be required to respect the confidentiality of the discussions and to have appropriate security clearances. For the purposes of such reviews, the United Kingdom and the Union shall make arrangements for appropriate access to relevant documentation, systems and personnel.

3. Without prejudice to paragraph 2, the review shall in particular address the practical implementation, interpretation and development of this Part.

As there has been no indication of any proposed review to be made according to Article 691 TCA (although it may in future circumstances prove useful), its contents do indicate the way in which consideration of the provisions of Part Three of the TCA will be approached within the overall review process in 2026 under Article 776 TCA. In other words, as per Article 691 TCA, the review would concentrate on examining “the practical implementation, interpretation and development” of law enforcement and judicial cooperation in criminal matters rather than as a prelude for opening renegotiation of the TCA, a point supported by the European Commission’s view of the overall review process.⁷⁴

The 2026 review of the TCA⁷⁵ “presents a valuable opportunity to assess the impact of its implementation, address issues within the agreement’s scope, and explore complementary agreements to tackle unresolved challenges”. This quinquennial review is likely to be conducted either by the TCA Partnership Council itself or, more likely, by the SCLEJC under the auspices of that Council due to its competence and experience in the field. While the format, nature and extent⁷⁶

These include: (i) the operation of certain provisions concerning the use of passenger name record (PNR) data (Art. 561 TCA); (ii) and the retention or not of notifications made by either party in relation to surrender/ extradition (Art. 630 TCA).

74 In 2023, Maroš Šefčovič, the Vice-President of the European Commission in charge of relations with the UK, warned: “[The review] does not constitute a commitment to reopen the TCA or to renegotiate the supplementary agreements”: K. Stacey, L. O’Carroll, P. Crerar, “Daring or delusional? Starmer seeks to woo Europe with talk of new Brexit deal”, *The Guardian online*, 19 Sept. 2023, <https://www.theguardian.com/politics/2023/sep/19/keir-starmer-europe-talk-new-brexite-deal-labour-leader-emmanuel-macron-eu>, 12 April 2025.

75 Davies, Carrapico, Sept. 2024, *op. cit.*, 38.

76 J. Reland, J. Wachowiak, *Reviewing the Trade and Cooperation Agreement: potential paths*, UK in a changing Europe, London, 18 Sept. 2023, <https://media.ukandeu.ac.uk/wp-content/uploads/2023/09/UKICE-Reviewing-the-TCA.pdf>, 12 April 2025.

of the review are yet to be finalised,⁷⁷ the effectiveness of such reviews has been criticised:⁷⁸

In practice, most reviews amount to little more than a meeting of a joint committee – or, in the case of the TCA, the ‘Partnership Council’ – and result in officials writing up a report with trade statistics and occasional suggestions for improvements. At best, reviews serve as a guide to establishing a shared agenda for the years ahead and, at worst, they are an exercise in futility.

Moreover, it appears that changes in the current practices between UK authorities and Eurojust are not the focus of the forthcoming TCA Review. Not only do commentators fail to mention it,⁷⁹ neither have the parties viewed it as important enough to be explicitly mentioned in their preparations for the 2026 Review.

For the EU, reports in the media in December 2024⁸⁰ referred to an internal EU discussion document⁸¹, prepared by the Council of the EU Presidency that indicated possible EU positions to be taken in negotiations with the UK. This Report summarised the findings of internal seminars to discuss possible policy positions. It was subsequently considered by the Council of EU Working Party on the UK on 6 December 2024⁸² and then by the General Affairs Council on 17 December⁸³. However, the Report does not represent an official or finalised EU negotiating position but rather a clear indication of the priorities of the EU in resetting relations with the UK – as propounded by the recently-elected Labour Government – and/or in the 2026 TCA Review process.

77 S. Underwood, D. Moloney, “What could the review of the Trade and Cooperation Agreement actually be like?”, *The European Union and the UK*, Open University blog, 6 July 2023, <https://www.open.ac.uk/blogs/EUatOU/index.php/2023/07/06/what-could-the-review-of-the-trade-and-cooperation-agreement-actually-be-like/>, 12 April 2025.

78 A. Spisak, “What approach should Labour take to the 2026 TCA review?”, 6 Sept. 2023, Centre for European Reform, Brussels, <https://www.cer.eu/insights/what-approach-should-labour-take-2026-tca-review>, 12 April 2025.

79 J. Benford, D. Schwarzer, A. Spisak, “Three Priorities for a Meaningful EU-UK Reset”, *Policy Brief*, Bertelsmann Stiftung, 3 Feb. 2025, https://www.bertelsmann-stiftung.de/fileadmin/files/user_upload/PB_EU_UK_Strategic_Reset_2025_ENG.pdf, 12 April 2025; and S. Hale, “EU-turn: Resetting the UK-EU relationship through strategic dynamic alignment”, Resolution Foundation, 9 Oct. 2024, <https://www.resolutionfoundation.org/publications/eu-turn/>, 12 April 2025.

80 See, e.g., K. Verhelst, “Fish, the court and youth access: EU’s demands for Starmer’s reset”, *Politico online*, 14 Dec. 2024, <https://www.politico.eu/article/united-kingdom-europe-keir-starmer-court-fish/>, 12 April 2025.

81 Council of the European Union, *Report by the Presidency on the identification of EU interests for strengthening EU-UK relations*, 16518/24, 3 Dec. 2024.

82 Council of the European Union, Working Party on the UK, Notice of meeting and provisional agenda (PDF), 6 Dec. 2024, <https://data.consilium.europa.eu/doc/document/CM-4561-2024-INIT/en/pdf>, 12 April 2025.

83 Council of the European Union, General Affairs Council – Main Results, 17 Dec. 2024, <https://www.consilium.europa.eu/en/meetings/gac/2024/12/17/>, 12 April 2025.

Nevertheless, according to the Report,⁸⁴ on law enforcement cooperation, “there could be potential improvements in some areas, including on human trafficking and cooperation with Europol, although Schengen rules meant that there some limits regarding access to databases”.

Likewise, the UK side has made no express reference to Eurojust but rather on British cooperation with Europol. In evidence to the Business and Trade Committee on 21 January 2025⁸⁵, Nick Thomas-Symonds, Paymaster General and Minister for the Cabinet Office and responsible for EU relations, said that the government wanted a closer relationship with Europol (the EU Agency for Law Enforcement Cooperation), including the ability to share data in real time. In the House of Commons debate following his statement on 6 February 2025⁸⁶, Mr. Thomas-Symonds said with regards to law enforcement cooperation that the government had already increased the UK National Crime Agency presence at Europol.

From the parties to the TCA, then, the present state of cooperation between Eurojust and British authorities is not seen as requiring any particular attention. Nevertheless, depending on the extent and rigour of the TCA Review process, the work of the SCLEJC and the practical experiences of British-Eurojust cooperation are more likely to inform changes beyond Articles 580-595 TCA, thus allowing for a potential supplementary agreement to the TCA or alterations to the Working Arrangement between the UK Home Office and Eurojust. However, even in this respect, change may still be fraught with difficulty as recently alluded to:⁸⁷

The governance structure of the Trade and Cooperation Agreement does not enable the agreement to address these operational deficits, nor to adapt to the future evolution of police and judicial cooperation instruments. The TCA is, in practice, frozen in time. The remit of the Specialised Committee on Law Enforcement and Judicial Cooperation as a body is only to monitor and review the implementation and functioning of the legal text in Part Three of the TCA as it stands.

In this respect, it has been suggested⁸⁸ that the TCA governance structures could be further developed so as to ensure greater transparency and accountability.

84 S. Fella, “Resetting the UK’s relationship with the European Union”, *Research Briefing*, No. 10207, House of Commons Library, 5 March 2025, 43, <https://researchbriefings.files.parliament.uk/documents/CBP-10207/CBP-10207.pdf>, 12 April 2025.

85 House of Commons, Business and Trade Committee, “Oral evidence: Export-led growth”, *Hansard Reports*, HC 649, 21 Jan. 2025, Q6, <https://committees.parliament.uk/oralevidence/15252/html/>, 12 April 2025.

86 House of Commons, “Debate: UK-EU Relations”, *Hansard Reports*, HC Deb 761, 6 Feb. 2025, <https://hansard.parliament.uk/commons/2025-02-06/debates/B8E0F165-9F8C-4F43-8130-E00A869E5280/UK-EURelations>, 12 April 2025.

87 Davies, Carrapico, Sept. 2024, *op. cit.*, 7.

88 G. Davies, H. Carrapico, *Keeping the UK Safe Post-Brexit: The Implementation of the TCA’s section on Law Enforcement and Judicial Cooperation in Criminal Matters*, Independent Commission on UK-EU Relations, Dec. 2024, 7, <https://static1.squarespace.com/>

The introduction of political mechanisms is also advocated that would allow the TCA to evolve over time in parallel with changes to police and judicial cooperation instruments in both the EU and the UK.

One further word of caution need be made: crucially, the TCA also allows for the transfer of personal data, along with limitations on use, restrictions on onward transmission⁸⁹ and liability for unauthorised or incorrect personal data processing.⁹⁰ Consequently, maintaining the present level of UK cooperation with Eurojust remains, at least to some extent, dependent upon the British data protection regime continuing to meet the necessary EU standards.

6. CONCLUSIONS

The UK managed through the TCA to secure its continued involvement with Eurojust that reflected its status as a third country post Brexit, thereby maintaining a close relationship on law enforcement and criminal justice. As a result, the UK has carried on sharing data and expertise together with actively participating in Eurojust's cross-border work but no longer playing any role in its overall management having a say in its strategic direction.

Aside from the agreement with the UK, Eurojust currently enjoys cooperation agreements with other third countries.⁹¹ The provisions of the TCA and the WA – while broadly following the format of other such agreements – appear to envisage a more extensive cooperation⁹² than that of any of those previously concluded, by providing (as noted earlier⁹³) for a greater number of persons to be posted to Eurojust than with any of the others: a liaison prosecutor supported by up to five assistants (“reflecting the volume of cooperation”⁹⁴). Other cooperation agreements allow for, at most, one assistant to the liaison prosecutor.

Nonetheless, the UK remains a third country and, while participation in strategic and operational meetings is provided for, such participation may only take place at the invitation of the President of Eurojust or with the approval of National Members, respectively. It is accordingly not involved in Eurojust's management, nor does it have full access to its case management system,⁹⁵ which had

static/6193d9441f87e0447a3f0803/t/675197958f21fe197cb34311/1733400469515/Police+and+judicial+cooperation+Dec+2024.pdf, 12 April 2025.

89 Arts. 589 and 591 TCA.

90 Art. 592 TCA.

91 Albania, Georgia, Iceland, Liechtenstein, Moldova, Montenegro, North Macedonia, Norway, Serbia, Switzerland, Ukraine and the USA (correct as of 12 April 2024).

92 Niblock, *op. cit.*, 278.

93 See above section 2.

94 Art. 585(3) TCA.

95 European Commission, *Questions & Answers: EU-UK Trade and Cooperation Agreement*, 24 Dec. 2020, https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_2532, 12 April 2025.

been on the UK's wish list during Brexit negotiations.⁹⁶ Moreover, the UK lost the ability to initiate a JIT with an EU Member State.

In conclusion, the determination of both parties to forge an agreement to ensure the continuation of their cooperation in cross-border criminal justice matters resulted in the terms of the TCA and WA and in the subsequent active involvement in a large number of such cases of the UK and its Liaison Prosecutor at Eurojust. There is also potential, over time, for the UK's relationship with Eurojust to evolve under the auspices of the SCLEJC. However, there are limits to such developments and, despite an overall optimistic outlook, as already noted⁹⁷, "the current arrangements still mark a significant shift from the relationship the UK enjoyed prior to Brexit. They have resulted in a loss of strategic and operational influence and access to information for the UK".

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⁹⁶ House of Lords, European Union Committee, *op. cit.*, 34–35.

⁹⁷ Davies, Carrapico, Sept. 2024, *op. cit.*, 21.

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COOPERATION BETWEEN EUROJUST AND UK AUTHORITIES SINCE BREXIT – A QUALIFIED SUCCESS IN THE CIRCUMSTANCES?

Summary

With its change of status from EU Member State to a third country, the United Kingdom was determined to retain as high a degree of cooperation through Eurojust as possible, given the terms of its Trade and Cooperation Agreement with the European Union. This work shows that, despite losing the possibility of initiative and management of cross-border criminal justice operations, the United Kingdom nevertheless continues to play a leading role in various methods of police and judicial cooperation in Eurojust. This is especially important in areas of serious crime impacting British national interests including economic crimes (e.g., money laundering and corruption), drug trafficking as well as migrant smuggling and human trafficking.

Keywords: Brexit, Eurojust, Home Office, cooperation in criminal matters, police and judicial authorities.

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САРАДЊА ИЗМЕЂУ ЕВРОЦАСТА И ОРГАНА УЈЕДИЊЕНОГ КРАЉЕВСТВА НАКОН БРЕГЗИТА – КВАЛИФИКОВАНИ УСПЕХ У ДАТИМ ОКОЛНОСТИМА?

Резиме

Променом статуса из државе чланице ЕУ у трећу земљу, Уједињено Краљевство је било решено да задржи што је могуће већи степењ сарадње преко Евроцаста, с обзиром на услове свој Саобраћаја о трговини и сарадњи са Европском унијом. Овај рад показује да, упркос губитку могућности иницијативе и управљања операцијама прекограничној кривичној правосуди, Уједињено Краљевство ипак наставља да игра водећу улогу у различитим методама полицијске и правосудне сарадње у Евроцасту. Ово је посебно важно у

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обласћима озбиљној криминала који ућице на бриџанске нацио-
налне инџересе, укључујући ђривредни криминал (нџр. ђрање новца
и корупџија), ђрјовину дројом, као и кријумчарење миђранайа и
ђрјовину ђудима.

Кључне речи: Бреџит, Евроџаст, Министарство унутра-
шњих послова, сарађња у кривичним стварима, полиџија и пра-
восудни органи.

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СОТРУДНИЧЕСТВО ЕВРОЈУСТА И ВЛАСТЕЙ ВЕЛИКОБРИТАНИИ ПОСЛЕ BREXIT – КВАЛИФИЦИРОВАННЫЙ УСПЕХ В СЛОЖИВШИХСЯ ОБСТОЯТЕЛЬСТВАХ?

Краткое содержание

С изменением статуса с государства-члена ЕС на третью страну Соединенное Королевство было полно решимости поддер-
живать максимально возможную степень сотрудничества через
Евроюст, учитывая условия Соглашения о торговле и сотрудниче-
стве с Европейским союзом. В статье показано, что, несмотря на
утрату возможности инициировать и управлять трансгранич-
ными операциями в сфере уголовного правосудия, Соединенное Ко-
ролевство, тем не менее, продолжает играть ведущую роль в раз-
личных методах сотрудничества полиции и судебных органов в
рамках Евроюста. Это особенно важно в областях серьезной пре-
ступности, затрагивающих национальные интересы Великобрита-
нии, включая экономические преступления (например, отмыва-
ние денег и коррупцию), незаконный оборот наркотиков, а также
незаконный ввоз мигрантов и торговлю людьми.

Ключевые слова: Брексит, Евроюст, Министерство вну-
тренних дел, сотрудничество по уголовным делам, полиџија и
судебные органы.

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