



Plugging in the British: EU justice and home affairs

by Camino Mortera-Martinez

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It is not yet clear how the UK and the European Union will work together on justice and home affairs (JHA) after Brexit, but it is unlikely that Britain will enjoy the same level of co-operation that it has had as a member of the bloc. That is the conclusion of a new research paper '[Plugging in the British: EU justice and home affairs](#)' by the Centre for European Reform think-tank. It examines the EU's agreements with other non-EU security partners, like Norway and the US, and finds none of these options are as efficient as the UK's current arrangements in vital areas from extradition, to data sharing and interaction with agencies like Europol.

The UK has indicated it wants a bespoke JHA treaty with the EU that will give it a closer relationship than any other third country after Brexit. But while it is in both side interests for the UK and EU to continue working hand in hand, there are significant legal, political and practical obstacles. The EU wants to ensure third countries do not get a better deal than member-states, and it is keen to avoid a deal with Britain that might upset relations with other non-members. For the UK's part, Prime Minister Theresa May's Brexit negotiating red lines, in particular the plan to remove Britain from the jurisdiction of the European Court of Justice, make co-operation with the EU on crime and justice matters harder.

Brexit has major implications for crime-fighting arrangements in Britain. It will not be able to retain the European Arrest Warrant, which is exclusive to EU member-states and allows for the swift extradition of criminal suspects within the bloc. As a third country, it is also likely that Britain will be denied direct access to important EU criminal databases, like the Schengen Information System, although it should stay plugged in to non-Schengen records for example on air passengers. Britain should be able to carry on working with Europol, but with less access to its databases.

"It is very unlikely that the UK and the EU will be able to work as seamlessly on justice and home affairs after Brexit. That is bad news for everybody – except perhaps the criminals that benefit from a less efficient cross-border policing and judicial regime. The winners will range from Eastern European people traffickers to British crooks looking to revive Spain's infamous 'Costa del Crime'", said Camino Mortera-Martinez, CER research fellow and Brussels representative, and author of the paper.

'[Plugging in the British: EU justice and home affairs](#)' is the third and final paper in a series of publications from a joint project with the Konrad-Adenauer Stiftung that explores how the EU co-operates with partners outside the bloc in areas other than trade, with a view to informing Britain's Brexit options. The first paper focused on [foreign policy](#) and the second on [defence](#).

Note for editors:

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