

Brexit: UK Government Prepares No Deal Scenario

Thomas Wahl

News

The British government has tabled “Regulations” that contain legislative amendments and regulatory measures in the area of security, law enforcement, and criminal justice. They “will provide legal and operational certainty.” by ensuring that the UK’s statute book continues to function effectively should the UK leave the EU without an agreement end of March 2019. The Regulations will address any failure of retained EU law to operate effectively or address other legislative deficiencies arising from the UK’s withdrawal from the EU.

The instrument deals with the entire array of security, law enforcement, and criminal justice issues, such as:

- Counter-terrorism;
- Cross-border surveillance;
- Eurojust;
- Europol;
- European Judicial Network;
- ECRIS;
- The exchange of information and intelligence between law enforcement authorities and disclosure in foreign proceedings;
- Extradition;
- Mutual legal assistance in criminal matters;
- Joint Investigation Teams;
- Passenger name record data;
- Prüm cooperation;
- Schengen Information System;
- Proceeds of crime;
- Serious crime and fraud.

[An Explanatory Memorandum](#) describes the following topic by topic: (1) what did any relevant EU law do before Brexit day, (2) why is it being changed, and (3) what will it now do.

Further explanations on the legal context and policy background detail the impact of the regulations in case of “no deal” and give an overview of whether EU rules will continue to apply or will be revoked. This includes the fact that the UK will no longer be a party to Europol and Eurojust, for instance.

As regards extradition, the Regulations will provide the legislative underpinning for the UK to transition its cooperation with Member States to a non-EU mechanism. This means that the UK will no longer operate the European Arrest Warrant after Brexit at the end of March 2019 without a transitional agreement. Lawyer [Re-](#)

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

ISSN: 1862-6947

<https://eu crim.eu>



becca Niblock from Kingsley Napley analysed the regulations in relation to extradition in the “Lexology” blog. According to Niblock, the chosen option of falling back on the 1957 European Convention on Extradition poses numerous problems.

About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and “criministrative” law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the Union Anti-Fraud Programme (UAFP), managed by the European Anti-Fraud Office (OLAF).



**Co-funded by
the European Union**