Post Brexit criminal justice cooperation: UK selection from an EU menu or UK cooperation through the complete EU system?

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Topics (1)

1. A caveat and general considerations
2. The European Arrest Warrant
3. Information sharing (a) systems, (b) Data Protection and (c) funding
5. Cross-jurisdictional issues(criminal/commercial / family law)
6. Transition and the longer-term relationship between UK domestic courts and CJEU
7. Flexibility and other jurisdictions
8. Conclusions: UK selection from an EU menu or UK cooperation through the complete EU system?
Topics (2): Standard approach to topics 2-6

I shall try to approach these topics from what I hope will be a different perspective in Mr Benedict Leonard’s paper and I (TJW) shall avoid commenting on EU criminal justice (CJ) institutions and Member State liaison arrangements. I shall adopt a standard approach:

1. Discussion (with Francis FitzGibbon QC, the Chair of the Criminal Bar Association (CBA) (FF) and Michael Gray (MG), the Chair of the Criminal Law Solicitors’ Association (CLSA)) with the House of Commons Justice Committee (JCD) (10.01.17)

2. Some commentary on the UK Government policy outlined in The United Kingdom’s exit from and new partnership with the European Union (WP) (18.01.17)

3. HoC Justice Committee’s report Implications of Brexit for the legal system (JCR) (22.03.17)
1. A caveat and general considerations

• Being absolutely truthful:
  ‘We have absolutely no idea what the outcome [of Brexit] will be.’
Saker Nusseibeh, CEO of Hermes Investment Management (FT 27.03.17)

• Nusseibeh is a key player in an industry:
  – with £24bn of annual revenues of which (according to the LSE), a quarter of which are derived from EU related business
  – that risks 15,000 job losses (LSE) from a badly negotiated Brexit
1. A caveat and general considerations

• Pascal Lamy (ex WTO) Brexit is like ‘separating an egg from an omelette’
  – Outside the Single Market and customs union (hence, power to limit migration) no tariffs – could be relatively easy to negotiate
  – More challenging: anti-dumping, state aid, public procurement, competition rules, climate change and technical standards equivalence ....

• Substantial evidence to Westminster Parliament:
  – UK financial services (fiscal income equivalent to 10-20% of cost of NHS in England) at risk
  – English commercial law firms might cease to remain at a global/European hub
  – and law and cj/security cooperation will require (a) legal and (b) data protection equivalence, (c) mutual recognition of judicial decisions and (d) an effective relationship between UK courts and CJEU.
1. A caveat and general considerations

- FT (27.03.17) has suggested that the UK Government /Mrs May is beginning to recognise the complexity, cost and high risks of a ‘clean break’. But will the ultras allow her to escape her earlier rhetoric?
1. A caveat and general considerations

Recovering the lost art of **Kremlinology**
- ‘a stealth prime minister’
- Pursuing a strategy that puts migration control ahead of prosperity, but values *cj/security cooperation*
- Nationalistic, protectionist and hostile to anything that threatens her control....
- ‘no one seriously thinks she is at risk’ *(Perkins, 2017)*

• But potential blind spots: growing health/social care crisis, quasi-federalism/Good Friday Agreement and, *possibly, the City?* These may affect the size of the Government’s majority *etc.* after the 8th June Election.

• Mr George Soros is not so sure that she will last the course.
1. A caveat and general considerations

Three/ Four major internal and external risks or potential causes of further shocks/set backs:

1. Who will be the key TEU Art. 50 decision makers in the Council by September?

2. How stable is the EU, especially with the interaction of € induced tensions and the right – wing populism of the Visegrád Group (HU, CZ, SK and PL)?

3. High probability of external shocks: terrorism, Trump, Putin and North Korea ......

4. Misunderstandings resulting from socio-cultural/legal differences might unravel negotiated compromises
1. A caveat and general considerations

*WP* 5.4 ... the Free Movement Directive will no longer apply ...

*WP* 5.2 We welcome the contribution that migrants have brought and will continue to bring to our economy and society. That is why we will always want immigration, including from EU countries, and especially high-skilled immigration...

*WP* 5.10 ... There may be a *phased process of implementation* [my emphasis] to prepare for the new arrangements. This would give *businesses and individuals* [my emphasis] *enough time to plan and prepare* for those new arrangements.
1. A caveat and general considerations

The state of immigration law was criticized recently by the Senior President of Tribunals for ‘over complexity and lack of coherence’, leaving Home Office officials, judges and plaintiffs to navigate through:

- 8 immigration statutes enacted during only 12 years (there are currently 14 primary statutes), 3 EU directives and some 30 statutory instruments
- The 648 pages of complex Immigration Rules (changed 97 times in in 12 years) that no longer contain all or indeed most of the policy that the Government is seeking to implement
- ‘rather dense and unconsolidated’ guidance accessible on the Home Office website.
1. A caveat and general considerations

• Looking ahead (Immigration Law Practitioners’ Association):

• ‘If some EU/[EEA and Swiss] nationals are given special post-Brexit privileges, ‘the task will be massive’ potentially, documenting 3 million+ people in a process that will involve deciding their applications. ... ‘The scale of the chaos that it could cause is immense.’

• What if this has to be synchronised with changes in daily immigration enforcement, whereby immigration officers, employers, landlords etc., have to know who has a right to reside and who does not, and what evidence is needed to prove this?
1. A caveat and general considerations

There is no EU crime wave or EAW burden on UK courts. During the year ending March 2016 for individuals wanted by other countries (Wilson et al. additional written evidence to the Justice Committee (WeA):

• The number of EAW arrests was approximately equivalent to 0.13% of the number of defendants proceeded against in all UK jurisdictions
• The number of EAW surrenders was approximately equivalent to 0.09% of individuals found guilty of notifiable and non-notifiable principal offences in all UK jurisdictions
• The comparable figures for individuals wanted by the UK were, respectively, 0.009% and 0.008% of the broadly comparable UK criminal justice system data.

Poor data, but Johnson (2014) indicated that EU nationals from other EU MS accounted for approximately 1% of detected offending (defined as legal proceedings initiated after prosecutor review) in England.
1. A caveat and general considerations

- The UK is an arrival and departure point each year for people moving between countries for different durations of stay - including travelling UK citizens - equivalent to four times its resident population.
- Only a very small proportion of that number will be serious criminals of various kinds who might present a major threat:
  - Reported crime figures, irrespective of A8 and A2 ‘migration’, have continued to show a downward trend in traditional crime
  - Currently a total of some 500 British nationals have been notified to the UK after conviction abroad for a range of sexual offences
1. A caveat and general considerations

National boundaries (even maritime borders) are increasingly irrelevant economically and socially, offering little check to unauthorised entry or protection against transnational offending.

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of vessels</th>
<th>Coastline (miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK (Border Force)</td>
<td>3</td>
<td>7,723</td>
</tr>
<tr>
<td>Italy (Guardia di Finanza)</td>
<td>600</td>
<td>4,722</td>
</tr>
<tr>
<td>Turkey (Coast Guard Command)</td>
<td>107</td>
<td>4,473</td>
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<tr>
<td>Spain (Civil Guard)</td>
<td>147</td>
<td>3,085</td>
</tr>
<tr>
<td>Greece (Hellenic Coast Guard)</td>
<td>240</td>
<td>8,497</td>
</tr>
<tr>
<td>Croatia (Croatian Coast Guard)</td>
<td>9</td>
<td>3,625</td>
</tr>
<tr>
<td>Netherlands (Netherlands Coastguard)</td>
<td>16</td>
<td>280</td>
</tr>
</tbody>
</table>

1. A caveat and general considerations


24. The underlying approach to this Review has been to consider ways of encouraging better communication between the agencies involved in criminal justice, encouraging better communication between the parties to criminal litigation and maximising the opportunities to improve effectiveness and efficiency with the use of modern IT. ..... it will also be important to promote collection of data which is targeted at monitoring effectiveness and efficiency. ....

Efficiency in the Criminal justice System (NAO, 2016)
2. The European Arrest Warrant

**JCD Q83** .... **[Chair]** The European arrest warrant. In a lot of the evidence that has been given to us, it has been stressed as something that is critical—a key thing that people want to try to maintain and that, arguably, the Government should try to maintain.

**JCD Q87** ... **[TJW]** three general points. One has to look at the European criminal justice co-operation arrangements as a system. .... The arrangements do not engage with substantive criminal law and impact on only a very small proportion of criminal law. .... it is virtually impossible to say that this particular element of something has that impact, because there are so many variables. ....
2. The European Arrest Warrant

- **JCD Q97 Keith Vaz MP**: .... there have been real problems with the EAW. The balance is not in our favour. We tend not to issue many requests—237, on average. .... how do we deal with countries like Poland, who seem to issue their arrest warrants for people stealing bicycles?

- **JCD Q102 [TJW]** We need to respect the characteristics of [other MS] criminal justice system[s]. [Poland is at the extreme end of a continuum between public interest decisions about whether to prosecute .... and the principle of legality, where the prosecutor has very little discretion. ... Polish prosecutors ... say, “We recognise that your system operates differently. ..... where you recognise we are dealing with a serious case, we get a very constructive and speedy response from the UK. We can live with a difference.”
2. The European Arrest Warrant

**WP 11.12** ... encourage joint working across the continent to protect citizens and our way of life ... from 2004 to 2015 we extradited over 8,000 individuals accused or convicted of a criminal offence to other EU countries using the European Arrest Warrant.
2. The European Arrest Warrant

EAW provides criminal intelligence from beyond the EU

UK has effective (judge directed) filters to exclude less serious offences

The nationals being sought from the UK predominantly come from 38 countries

- Top 8 – France, Germany, Hungary, Lithuania, Netherlands, Poland, Romania and Slovakia
- Next 10 – UK, Albania, Belgium, Italy, Latvia, Morocco, Portugal, Serbia, Spain and Turkey
- Next 6 – Algeria, Iraq, Ireland, Russia, Sweden and Ukraine
- Next 14 – Austria, Bosnia-Herzegovina, China, Columbia, Egypt, Estonia, Georgia, Macedonia FYR, Moldova, Nigeria, Pakistan, Syria, Tunisia and Vietnam

Source (WeA)
2. The European Arrest Warrant

UK arrests are for serious offences (WeA quoting Sabbati, 2014)

Previously a lack of confidence in rights Protection by CJEU compared with ECtHR

‘We should not expect the CJEU to become a fully-fledged fundamental rights court. A temptation to do so would provoke strong reactions in some states and their national courts’ (Douglas Scott, 2015)

Joined cases C-404/15 and C-659/15 Aranyosi v Hungary and Căldăraru v Romania [2016] ECLI C -198 seem to show CJEU in a Strasbourg mode but in respect of ‘a real risk of inhuman or degrading treatment within the meaning of ’ Art. 4 of the Charter.
2. The European Arrest Warrant

*WeA* noted an important Irish precedent:

- It had been argued that, at a minimum, there was a real risk that the trial might not occur before the implementation of the decision of the UK to leave EU, thereby negating the guarantee of a fair trial in an English court.

- The surrender under the EAW was upheld by the High Court on the grounds that (a) there was no reason to think that the UK would not adhere to the guarantees it gave in respect of the surrenders which had already taken place under the EAW Framework Decision even if it were to leave the European Union and (b), independently of EU membership, the U.K. is compliant with ECHR.

*Minister for Justice and Equality v A.M.* [2016] IEHC 568 [51 and 58].
2. The European Arrest Warrant

**JCR 7.** The European Arrest Warrant (EAW) is an EU mechanism enabling rapid extradition from one Member State to another, to serve a sentence or in connection with a criminal investigation. ... [Extradition data demonstrates ] substantial gains for justice, and at greater speed than the likely alternative—relying on the 1957 European Convention on Extradition, described by Francis FitzGibbon QC, ... as “cumbersome, awkward and slow”.

**JCR 9 and 10** describe improvements and safeguards made to the operation of the EAW in the UK.
2. The European Arrest Warrant

JCR 14 Professor Wilson characterised the measures above—extradition arrangements, investigative resources and information sharing—as a system that “you cannot disaggregate because, in my view, if you take out elements of the system, you have a less effective system for protecting British citizens on the streets”. The Northumbria Centre for Evidence and Criminal Justice Studies (NCECJS) raises the context of widespread migration and travel, and “the exponential growth of transnational cybercrime”, and claimed “EU arrangements are part of a holistic response to some of the worst negative spillovers from globalisation”.
3. Information sharing (a) systems, (b) Data Protection and (c) funding

**JCD Q87 (TJW)** [With] the investigation of crime with an international dimension, most of what happens, in terms of the effectiveness of finding and dealing adequately with an offender, relates to the jurisdiction where the offence takes place. Probably in most instances, the international co-operation element is quite small, but it might introduce a vital piece of information that may, for example, result in the identification or confirm the identity of a suspect or provide information about their criminal back story... .

**JCD Q88 Chair**: Does anybody dissent from the view that, broadly, this a system we need to look at?
3. Information sharing (a) systems, (b) Data Protection and (c) funding

Q127 Keith Vaz MP: The headline point is that the European Union gives us access to Prüm, ECRIS, SIS II and PNR. It is a fantastic bouquet of information sharing that allows us to catch criminals. That is the headline, isn’t it?
3. Information sharing (a) systems, (b) Data Protection and (c) funding

**JCD Q123 (FF)** Unless we can satisfy the Europeans that our data protection is up to their standards, they will not want to co-operate.

**JCD Q124 (FF)** The agencies in the European Union will risk being in breach of European Union law if they disclose information to an institution that does not have the standards that apply to them. They will be prevented by law from doing that, much as they might like to.
3. Information sharing (a) systems, (b) Data Protection and (c) funding

**JCD Q135 (TJW)** .... unless the European Union is able to finance the development of digitalised records in less wealthy countries, the information may be there, mouldering on a shelf somewhere, and no one will be able to access it. That is what happened in the case of Zalkalns, who, you will remember, committed a murder in London. The Metropolitan police arrested the man, but there was no opportunity to trace his back story. Hopefully, as far as Latvia is concerned, with ECRIS and European Union investment a lot of those records will have been digitalised. That will have reduced the risks for British citizens
3. Information sharing (a) systems, (b) Data Protection and (c) funding

**JCD Q154 (MG)** [A related point in terms of EU cooperation as a system is confiscation. ..., if a confiscation order is made in [the UK], we can go into another member state—for example, Spain—and say, “We would like you to enforce this order against that property.” I understand that the member state would take 50% and we would see 50% of the proceeds. That provides benefit to both member states from using those tools. There is healthy mutual recognition of the benefits to both countries in enforcing orders of courts across Europe.]
3. Information sharing (a) systems, (b) Data Protection and (c) funding

WP 8.51 ... As we will no longer be members of the Single Market, we will not be required to make vast contributions to the EU budget. There may be European programmes in which we might want to participate. If so, it is reasonable that we should make an appropriate contribution.

WP 10.14 As we exit the EU, we would welcome agreement to continue to collaborate with our European partners on major science, research and technology initiatives ...
3. Information sharing (a) systems, (b) Data Protection and (c) funding

Table 2: The international convergence of DNA multiplexes

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MULTIPLEX</th>
<th>NUMBER OF MARKERS</th>
<th>OVERLAP WITH UK MULTIPLEX AT THAT TIME</th>
<th>OVERLAP WITH USA MULTIPLEX AT THAT TIME</th>
<th>OVERLAP WITH CHINA MULTIPLEX AT THAT TIME</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>ENGLAND AND WALES</td>
<td>SCOTLAND</td>
<td></td>
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<tr>
<td>1995</td>
<td>UK SGM</td>
<td>7</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>1998</td>
<td>USA ORIGINAL CODIS</td>
<td>13</td>
<td>6</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>1999</td>
<td>UK SGM+</td>
<td>11</td>
<td>N/A</td>
<td>8</td>
<td>N/A</td>
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<tr>
<td>2010</td>
<td>CHINA SINOFLIER</td>
<td>15</td>
<td>9</td>
<td>11</td>
<td>N/A</td>
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<td>2014</td>
<td>UK (ENGLAND AND WALES) DNA-17</td>
<td>17</td>
<td>N/A</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>2015</td>
<td>UK (SCOTLAND) DNA-24</td>
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<td>17</td>
<td>N/A</td>
<td>13</td>
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<tr>
<td>2017</td>
<td>USA CODIS CORE LOCi</td>
<td>20</td>
<td>15</td>
<td>20</td>
<td>N/A</td>
</tr>
</tbody>
</table>

3. Information sharing (a) systems, (b) Data Protection and (c) funding

WP 11.12 ... encourage joint working across the continent to protect citizens and our way of life

• Schengen Information System II ... From April 2015 to April 2016, over 6,400 foreign alerts received hits in the UK, ...

• the UK has been a leading proponent of the new EU Passenger Name Records rules, ...

• the UK is the fourth largest user of European Criminal Records Information System (ECRIS).
3. Information sharing (a) systems, (b) Data Protection and (c) funding

**JCR 13.** The EU offers various information-sharing tools. ECRIS (the European Criminal Records Information System) provides access to accurate records of EU citizens’ offending histories. The NCA stated:

Through ECRIS, the UK is able to exchange tens of thousands of pieces of information about criminal convictions each year that help police and other law enforcement agencies to investigate crime, protect the public and manage violent and sexual offenders.

SIS II (the Second Generation Schengen Information System) gives the UK real-time access to all EAWs and other alerts (e.g. on missing persons), containing over 66 million such data...
4. Cross-jurisdictional issues (criminal/civil/family law)

**JCR Recommendation 8.** Continued criminal justice cooperation is a critical justice priority for Brexit negotiations ... Cross-border solutions are required to combat the growth of transnational crimes. Other priorities must include the need to protect vital mechanisms in international commercial law, such as mutual recognition and enforcement of judgments. Failing to do so would lead to unwanted consequences for the national business ecosystem, and the UK economy in turn. ...
4. Cross-jurisdictional issues (criminal/civil/family law)

**JCR Recommendation 8.**

.... Finally, mutual recognition and enforcement in family law can be crucial in, for example, resolving child abduction cases with appropriate haste; we recognise that support for some of these provisions is weaker than their parallels in other areas, but they are preferable to the available alternatives.
5. Transition and the relationship between UK domestic courts and CJEU

**JCD Q122 (TJW)** ... freeze some arrangements, such as criminal justice co-operation, so that we do not move down to inferior types of arrangements for a transitional period. ... perhaps ... [references to] ... a transitional phase ... could put it in the plural. The transitional phase in criminal justice might be of a different length to the transitional phase for the financial services industry, [the aim should be] ... to create a detailed and workable new relationship that is sector specific. [After] ... that transitional phase ... move on to new arrangements for updating the relationship ... and ... some kind of dispute resolution procedure is needed.
5. Transition and the relationship between UK domestic courts and CJEU

WP 12.12 ... in no one’s interests for there to be a cliff-edge for business or a threat to stability, as we change from our existing relationship ... we believe a phased process of implementation .... will be in our mutual interest. ... For each issue, the time we need to phase in the new arrangements may differ; some might be introduced very quickly, some might take longer.....
5. Transition and the relationship between UK domestic courts and CJEU

WP 11.1 and provide strong support in tackling the threat of terrorism. This cooperation has already intensified in the wake of the recent attacks in Paris, Brussels and Berlin. It is in all our interests that we continue our deep cooperation with the EU and its Member States to tackle these threats together.

WP 11.12 ... encourage joint working across the continent to protect citizens and our way of life
5. Transition and the relationship between UK domestic courts and CJEU

**JCD Q131 (FF)** There will surely be too much common interest between us and the European Union to allow the thing to go over a cliff .... . I want to be assured that, if someone lets off a bomb in Berlin and makes his way to London, the police will be able to get hold of the fingerprints of the chap they arrest for double parking, or whatever it is, instantaneously.
5. Transition and the relationship between UK domestic courts and CJEU

**JCD Q159 Chair:** ... Being realistic, while we may advise the Prime Minister that those are things that we want to maintain to keep Britain safe, some of them inevitably involve our adherence to international standards—on data protection, example. ... do you think it will be necessary for us to have some means of following, shadowing or adopting those on our own part—we know not what—and some sort of relationship with what happens in the European Court of Justice ... even though ... no longer bound by it as a state party ... ? It seems to me that you are saying that we will.

**JCD Q161 Chair:** The question is whether, at the end of the day, you want equivalency. You are equivalent at the point at which you leave, but you must have some means of continuing equivalency.
5. Transition and the relationship between UK domestic courts and CJEU

WP 2.3 The CJEU is amongst the most powerful of supranational courts due to the principles of primacy and direct effect in EU law. We will bring an end to the jurisdiction of the CJEU in the UK.

WP 2.4 We recognise that ensuring a fair and equitable implementation of our future relationship with the EU requires provision for dispute resolution....
5. Transition and the relationship between UK domestic courts and CJEU

JCR 33. Witnesses throughout this inquiry drew attention the current and future roles of the CJEU, but these discussions were deepest in connection with commercial law. ...

JCR 35 (Committee’s emphasis) .... a role for the CJEU in respect of essentially procedural legislation concerning jurisdiction, applicable law, and the recognition and enforcement of judgments, is a price worth paying to maintain the effective cross-border tools of justice discussed throughout our earlier recommendations.
5. Flexibility and other jurisdictions

JCD Q109 (TJW) [In different circumstances] .... we might not have mutual recognition and the European arrest warrant in the form it is in, but that is where the other 27 states are. They have embedded it in their national legislation. ... Having got there, I do not think there is a huge amount of flexibility, and why should [other EU MS] begin to change the system?
6. Flexibility and other jurisdictions

JCD Q109 (TJW) If you look outside the European Union, in a more global context, some people who study the convergence between criminal justice and security say that the Atlantic is bound by two big blocs. There is the US and Canada as a clear bloc; sometimes Mexico comes into the equation. ... On the other side of the equation, you have the European Union. It is rather like trade negotiations or WTO admission negotiations. A lot of these things have to be constructed on a bloc basis, because you cannot do it around lots of different positions. That forms a constraint.
Conclusions: selection from the menu or engagement with the full system?

**JCD** at Q153 *(FF)* Brexit is unlikely to make the outward-facing part of our criminal justice system look much different. Trials and investigations will continue much as they have done. It is the hidden wiring behind them that seems to me to be at risk, for the reasons that we have been discussing today, with potentially dangerous impacts on cases that do not come to court—things that are missed. ..... that is where the problems arise.
Conclusions: selection from the menu or engagement with the full system?

- **JCD at Q158 Keith Vaz MP:** In the overall negotiation that is going to take place, the economy and immigration have been centre stage so far. What you have told us in evidence today, and it has been very powerful evidence, is that there is the hidden wiring. The structure may not change—the courts will still be standing—but the bits behind will make the difference. Do you think that there should be much more emphasis on the justice agenda as far as Brexit is concerned?
Conclusions: selection from the menu or engagement with the full system?

• **WP** at 11.1 and provide strong support in tackling the threat of terrorism. This cooperation has already intensified in the wake of the recent attacks in Paris, Brussels and Berlin. It is in all our interests that we continue our deep cooperation with the EU and its Member States to tackle these threats together.

• **WP** at 11.12 ... encourage joint working across the continent to protect citizens and our way of life
Conclusions: selection from the menu or engagement with the full system?

**JCR Summary (extracts):**
Crime is ever more international. EU mechanisms to combat illegal activities across borders include:

- the European Arrest Warrant, accelerating the extradition of those suspected or convicted of offences elsewhere;
- investigative resources in Europol and Eurojust, supporting police, prosecutors and judges; and
- information-sharing tools, giving rapid access to suspects’ criminal records and biometric information.

We welcome the Government’s signals that it intends to continue to cooperate with the EU on criminal justice. The seriousness of the matter and the degree of mutual interest give weight to the suggestion that this aspect of negotiations be separated firmly from others—it is too precious to be left vulnerable to tactical bargaining.
Conclusions: selection from the menu or engagement with the full system?

**JCR** Summary (extracts):

........ Protecting the UK as a top-class commercial law centre should be a major priority for the Government given the clear impacts on the economy of failure to do so: we recommend that the Government look to replicate existing provisions as closely as possible. Similar provisions in family law provide greater speed in child abduction cases, for example, and represent improvements over their default alternatives. We believe that a role for the Court of Justice of the European Union in respect of these essentially procedural regulations is a price worth paying to maintain effective cross-border tools of justice.

The UK’s legal services sector makes a £25.7 billion annual economic contribution. It relies on openness, and its lawyers’ current rights to practice across EU Member States help small businesses and ordinary people as well as large firms and wealthy individuals. ........
Conclusions: selection from the menu or engagement with the full system?

- So far, NCEJS the CBA and the CLSA have scored well in anticipating/possibly encouraging decision makers, however, the only certainty about the future is to expect huge uncertainty to continue for months.

- Can we as legal professionals and academics working nationally and internationally engage with policy makers to press for UK engagement with the full system of EU legal cooperation after Brexit?
Comments and questions after this evening

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