

EU-UK Trade and Cooperation Agreement (TCA)

Third meeting of the Specialised Committee on Law Enforcement and Judicial Cooperation (LEJC)

Brussels & virtual, 19 June 2023 | 14:00 to 16:00 CET

Minutes of the Meeting

Review of TCA implementation and operation

The Parties reaffirmed their shared assessment that the agreement continues to operate effectively with significant mutual operational benefit. They agreed to work together to address a small number of ongoing operational issues and, in particular, adherence to timelines set in the agreement, including through discussion at technical level in follow-up to this meeting.

Mutual Legal Assistance

- a. Adoption of standard form (Article 635 TCA)**
- b. Mutual assistance on traffic offences (Article 640(7) TCA)**

The Parties adopted the standard form for Mutual Legal Assistance (MLA) requests agreed pursuant to Article 635 TCA. The form will become mandatory for all MLA requests between the UK and EU from 1 September 2023. Both Parties welcomed the progress made and noted the operational efficiencies that would result from use of the form.

The Parties noted the provision in Article 640(7) TCA that the Specialised Committee shall undertake, within three years of the entry into force of the Agreement, to set time limits for MLA requests concerning certain road traffic offences, taking into account the volume of requests. They agreed to hold further discussions at technical level.

Passenger Name Record data – update and expiration of derogation on Article 552(4)

The UK provided an update on progress in transforming the United Kingdom's Passenger Name Record (PNR) data processing systems into systems that would enable PNR data to be deleted in accordance with Article 552(4) TCA. The UK confirmed this remained on track to be implemented by 1 January 2024 when the interim period for derogation from this obligation ends in accordance with Article 552(11) TCA. The EU underlined that, as no further extension is possible, it is essential that the necessary technical adjustments to the UK's PNR systems are completed in time in order for the UK to comply with its obligations under the TCA. The UK agreed to provide the EU with information, including confirmation when the necessary change to UK law at the end of the interim period would be completed.

The EU explained that, while having no bearing on the TCA, it will share information on the implementation of the judgment of the CJEU in case C-817/19 at the

opportune time, to the extent that it also concerns PNR data transferred from outside the EU.

Anti-Money Laundering – beneficial ownership registers (Article 654 TCA)

The EU set out its assessment of the consequences of CJEU ruling in joined Cases C-37/20 and C-601/20-concerning public access to beneficial ownership registers of legal persons. The UK reaffirmed its commitment to its domestic publicly accessible beneficial ownership register for companies and to promoting beneficial ownership transparency globally. The EU clarified that the AML Directive, in its version in force following the Court's judgement, allows access to beneficial ownership information for any member of the public with legitimate interest, consistent with its commitment to a high level of beneficial ownership transparency, both at the EU and global level.

Exchanges of DNA, fingerprints and vehicle registration data under Title II of Part Three of the TCA (akin to intra-EU "Prüm") – update

The UK provided an update on progress in making DNA and fingerprint connections with EU Member States.

The Parties also discussed the current status of work to implement the vehicle registration data component of Title II of Part Three of the TCA. The UK reaffirmed its aim to go forward with the procedure to start the evaluation later this year.

The Parties noted that the EU's internal Prüm II legislation might be of relevance and the UK suggested that it should be discussed after the finalisation of the legislative negotiations on the EU side.

Conclusion and forward look to future meeting agendas

The Parties agreed that a fourth meeting of the Specialised Committee should take place at an appropriate point in 2024 where it will further review the implementation and proper functioning of the Law Enforcement and Judicial Co-operation Part of the TCA.

Annex 1: Participants of the third meeting of the Specialised Committee on Law Enforcement and Judicial Cooperation (LEJC)

EU delegation (42)

- EU Co-Chairs of the Specialised Committee on LEJC
- European Commission Officials
- Delegation of the European Union to the UK Officials
- Representatives of EU Member States

UK delegation (17)

- UK Co-Chair of the Specialised Committee on LEJC
- UK Government Officials from Home Office, Foreign, Commonwealth and Development Office, HM Treasury and UK Mission to the European Union
- Scottish Government EU Office Official
- Northern Ireland Department of Justice Official