

EN

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Answer given by President von der Leyen  
on behalf of the European Commission  
(10.3.2021)

The United Kingdom (UK)'s choice to leave the EU and be a non-Schengen third country means that it also left the EU's area of freedom, security and justice. Therefore, this legal framework, including on access to databases, ceased to apply to the UK as of 1 January 2021.

The Trade and Cooperation Agreement with the UK<sup>1</sup> (TCA) establishes a new, unique framework for law enforcement and judicial cooperation in criminal matters, allowing for strong cooperation between national police and judicial authorities. It covers the following areas in its Part Three: exchanges of DNA, fingerprints and vehicle registration data; transfer and processing of passenger name record data; cooperation on operational information; cooperation with Europol and Eurojust; surrender; mutual assistance; exchange of criminal record information; anti-money laundering and counter terrorist financing; and freezing and confiscation.

The TCA provides for close, specific relations between the EU and the UK. In areas outside the TCA, the UK is treated like any other third country. During an interim period of maximum six months, data flows to the UK are treated in a similar way as data flows to other third countries (the European Economic Area/European Free Trade Association countries) that apply similar rules as those of the EU data protection acquis. Under the TCA, the UK undertook to essentially continue to apply the rules of the General Data Protection Regulation and the Law Enforcement Directive and not to exercise certain autonomous powers during that interim period. This interim regime<sup>2</sup> will cease to apply on 30 June 2021 at the latest, whether or not the adequacy decisions have been adopted<sup>3</sup>.

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<sup>1</sup> 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, OJ L444 of 31 December 2020, p.14.

<sup>2</sup> See Article FINPROV.10A of the Agreement (FN 1).

<sup>3</sup> The Commission launched the process towards the adoption of two adequacy decisions for transfers of personal data to the United Kingdom, one under the General Data Protection Regulation ([https://ec.europa.eu/info/files/draft-decision-adequate-protection-personal-data-united-kingdom-general-data-protection-regulation\\_en](https://ec.europa.eu/info/files/draft-decision-adequate-protection-personal-data-united-kingdom-general-data-protection-regulation_en)) and the other for the Law Enforcement Directive, on 19 February 2021 ([https://ec.europa.eu/info/files/draft-decision-adequate-protection-personal-data-united-kingdom-law-enforcement-directive\\_en](https://ec.europa.eu/info/files/draft-decision-adequate-protection-personal-data-united-kingdom-law-enforcement-directive_en)).