Dear Bob,

EU Exit – Criminal Justice Cooperation

I write further to my evidence to the Committee on 2 April 2019. I endeavoured to provide information to the Committee in regard to Mr Hanson’s question about a contribution in the event of maintaining access to Eurojust and the European Arrest Warrant.

The Political Declaration reflected agreement between the UK and EU that our future relationship should span cooperation in each of these areas and that there is consensus on key elements of our future internal security partnership. The text recognised the need to ensure close cooperation in this area given the shared threats we face, our geographical proximity and our mutual interest in protecting citizens.

The Declaration sets a high bar for our future cooperation arrangements, noting that operational capabilities should as far as possible be maintained at current levels (to the extent this is technically and legally possible and in the interests of both parties).

All of the capabilities the UK would wish to cooperate with the EU on in future are within scope of the categories we have agreed to cooperate across (data exchange; operational cooperation between law enforcement authorities and judicial cooperation in criminal matters) and key capabilities are explicitly referenced in the text.

As a Member State, the UK currently indirectly pays for access to EU internal security tools such as Prum and SIS II via our contributions to the EU budget. If we continue to participate in such tools in future then we would expect to have to make a contribution to their operation. Clearly such a contribution would have to be appropriate to the operational value of the cooperation on offer, and the details will obviously be a matter for the negotiation.

Yours ever,

Robert

PS. My thanks to you and the Committee for hearing my evidence.