



The Lord Boswell of Aynho
Chairman of the European Union Committee
House of Lords
SW1A 0PW

Dear Lord Boswell,

2014 Decision: Points of clarification following the evidence session on the 13 February

Thank you for the opportunity to give evidence to your Committee's Inquiry into the 2014 decision on 13 February. Following that evidence session, we would like to clarify two points .

Firstly, we would like to provide further information about our engagement with interested parties prior to the announcement of the Government's current thinking on 15 October 2012. The Committee expressed concern that our position asserting that operational partners and the devolved administrations had been involved in discussions prior to the October Statement was inconsistent with evidence received from those parties. However, we can confirm that discussions took place on a case by case basis with operational partners and the devolved administrations as work was undertaken to consider each of the measures in the scope of the decision.

As you are aware, our current thinking is based on an initial analysis of all measures subject to the 2014 decision. In conducting that analysis our officials engaged with operational partners on a measure by measure basis. The operational partners consulted varied from measure to measure and included, but were not limited to, the Serious Organised Crime Agency (SOCA), the Crown Prosecution Service (CPS), the Association of Chief Police Officers (ACPO), and the Metropolitan Police Service.

Officials also spoke to officials in the Scottish and Northern Ireland Executives, again to inform the initial analysis of individual measures. Our officials met with their counterparts from both Executives in March last year to discuss the approach being taken on the initial analysis of the measures. That was followed by regular contact at official level by phone and e-mail to discuss the decision. The Scottish and Northern

Ireland Executives were given the opportunity to feed into the initial analysis of the individual measures and we understand that operational partners in Scotland and Northern Ireland were consulted via the Executives at that stage. Officials have also been speaking to counterparts in Gibraltar throughout the analysis of the measures.

This work helped to inform the Government's current thinking. However, as we explained during the evidence session, we felt that it was important to set out the Government's current thinking to Parliament when we did so in order to enable scrutiny of that position to take place. Following the announcement to Parliament we have been able to hold more detailed conversations with operational partners and the Devolved Administrations at Ministerial level.

Specifically, representatives from a number of operational organisations, including Europol and Eurojust, have met with the Chief Secretary to the Treasury, the Minister for Government Policy and the Minister for Security. Last month we met again with representatives from ACPO, SOCA, the Metropolitan Police, Her Majesty's Revenue and Customs (HMRC), the National Crime Agency and the Security Service. This month we have met with the Director of Public Prosecutions and representatives from the Serious Fraud Office and the Crown Prosecution Service. The Attorney General was also at this meeting.

We wrote to both Minister David Ford and Cabinet Secretary Kenny MacAskill immediately following the statement to Parliament in October. As set out in our letter to you of 1 February, we followed that with Ministerial level engagement, including a visit by the Minister for Security to both Edinburgh and Belfast. The Justice Secretary has also had discussions on the 2014 decision in Belfast.

Turning to the second point, we undertook to clarify the figures concerning Eurojust. I would like to confirm that the UK National Desk registered 151 new cases at Eurojust in 2011 and 2012, amounting to 5% of the total new cases registered in that period. Over the same period, the UK National Desk was approached by other National Desks to be involved in 387 other cases. This relates to 13% of the total new cases registered in that period. Therefore the percentage of new cases at Eurojust in 2011 and 2012 involving the UK was around 18%.

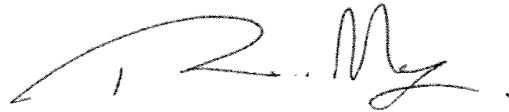
In relation to cases registered to the UK, the figure of 7% supplied by Eurojust to your Committees in their written evidence, and to the Home Office to inform our oral evidence, was not an analysis of the actual number of new cases opened at Eurojust. Rather, it was an analysis of the total number of requests, where the multi-national nature of Eurojust's work means that requests are often opened to more than one Member State. By considering actual cases rather than requests the UK was invited to be involved in 13% of the caseload in addition to its own 5%.

We are grateful for the opportunity to clarify these points and we look forward to further engagement with your Committee.

We are copying this letter to Lord Bowness, Chairman of Sub-Committee E; Lord Hannay, Chairman of Sub-Committee F; Mr. William Cash MP, Chair of the European Scrutiny Committee; Sir Alan Beith, Chair of the Justice Select Committee; Rt. Hon Keith Vaz, Chair of the Home Affairs Select Committee; Dr. Hywel Francis, Chairman of the Joint Committee on Human Rights; Sarah Davies, Clerk to the Commons Committee; Paul Hardy, Legal Adviser to the Commons Committee; Les Saunders (Cabinet Office); Deborah Maggs, Departmental Scrutiny Coordinator (Home Office); and Patricia Zimmermann, Departmental Scrutiny Coordinator (Ministry of Justice).



Rt. Hon Chris Grayling MP



Rt. Hon Theresa May MP