



HOUSE OF LORDS

European Union Committee

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Rt Hon Nick Hurd MP
Minister of State for Policing and the Fire Service
Home Office
2 Marsham Street
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6 February 2019

UK's JHA Opt-In Protocol

Dear Minister,

Thank you for your letter dated 15 January 2019 regarding the UK's Justice and Home Affairs Opt-in Protocol. The EU Home Affairs Sub-Committee considered your letter at its meeting on 6 February 2019.

We note that you consider the risk of the UK not being able to opt-in to new JHA measures during the transition period "to be limited". We consider the risk to be at best unknown, in light of the possibility that the transition period could be extended, and of uncertainty around the priorities of the next Commission.

Thank you for the further information on the number of measures that do not include a Title V legal basis where the UK unilaterally asserted that opt-in arrangements apply. We note that the UK unilaterally decided not to opt-into Article 43a of the General Data Protection Regulation. Have you assessed what impact this decision may have on the UK's ability to achieve an adequacy decision on data protection from the EU?

Please respond to this letter within 10 working days.

Yours sincerely

Lord Jay of Ewelme

Chairman of the EU Home Affairs Sub-Committee