



HOUSE OF LORDS

Select Committee on the European Union

Home Affairs Sub-Committee

Corrected oral evidence: Brexit: Future UK-EU Security and Policing Co-operation

Wednesday 26 October 2016

10.15 am

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Members present: Baroness Prashar (Chairman); Baroness Browning; Lord Condon; Lord Cormack; Lord Jay of Ewelme; Baroness Massey of Darwen; Baroness Pinnock; Lord Soley; Lord Watts.

Evidence Session No. 5

Heard in Public

Questions 38 - 49

Witness

I: Ms Helen Ball, Deputy Assistant Commissioner, Metropolitan Police Service

Examination of witness

Ms Helen Ball.

Q38 **The Chairman:** Good morning, and thank you for your time this morning. As you know, this session is being televised. You will get a transcript of what you say to us for correction. If, after the session, there is anything you wish to add, please feel free to do so. Perhaps you would start by telling us a little about your job and making any introductory comments.

Ms Helen Ball: Thank you very much indeed, and thank you for seeing me. I am here today as deputy to Assistant Commissioner Mark Rowley, who leads for the National Police Chiefs' Council on counterterrorism policing. Counterterrorism policing is a collaboration by police forces. It has extra government funding and is co-ordinated nationally, but in fact every chief constable retains the responsibility to deal with the threat from terrorism and extremism in their local area. Because of that national co-ordination, CT policing really can work at neighbourhood, regional, national and international level—that collaboration works very well. We also have a very strong relationship in the UK with the Security Service MI5, and that is one of the bedrocks of the UK's approach.

CT policing has been deploying police overseas for 30 years. We have always recognised the value of embedding British police officers alongside their foreign counterparts. Sometimes the relationships between police forces overseas and their own security and intelligence agencies are not as strong as those in the UK. Police-to-police relationships can make a real difference and give extra security. Our counterterrorism police liaison officers work throughout the world. Sometimes they work alongside police forces and sometimes they are part of the UK's diplomatic mission. In Europe, we have at the moment eight counterterrorism and police liaison officers, including one attached to Europol, and we are increasing that number to 11. You have seen how the threat has changed; attacks have come closer to the UK and have happened in Europe, and we are taking the opportunity to increase the number of UK CT police liaison officers abroad. Is that okay to open with?

The Chairman: Yes. That is very helpful indeed. From your point of view, what are the priorities for counterterrorism post-Brexit? What are the essential issues for the purposes of counterterrorism?

Ms Helen Ball: The referendum came at the same time as we were seeing the threat change and come much closer to us in Europe. Our threat level has been at severe for over two years, which means that an attack is highly likely. As we saw attacks come closer to home in Europe, we were already working to increase our relationships with European police forces, to work more jointly together and share more information. That has proved extremely valuable. We would want anyway, driven by the threat, to continue that. We are all safer if we can share information

widely and act on that information by making disruptions and arrests. Sometimes that information will be from people's criminal background and behaviour, not just their terrorism or extremism behaviour. We are safer if we can track people and suppress the guns or other weapons that they might use to make an attack; if we can protect vulnerable people who are manipulated by terrorists to carry out acts themselves; and if we recognise the way in which we are all interdependent.

Going forward, we want to prioritise the very swift and effective passing of information and intelligence among police forces in Europe—our ability to work together. The intelligence I am thinking of might be things such as financial intelligence, which has no border and can be very valuable, or our ability to work together to freeze and seize people's financial assets; the ability to understand who is travelling through borders and to make the most of the opportunities that a border provides; and the ability to share information and work together to suppress the weapons that people might seek to use in an attack.

The Chairman: It would be helpful if you could list for us the tools and structures that you think are necessary for you to exchange information and work in greater co-operation.

Ms Helen Ball: Yes. The way I have described it in my answer is to stress the capabilities that we need to seek to retain. Some of those are contained in certain current tools and structures; recently, when you saw my colleagues David Armond and Steve Rodhouse, they described some of them. For example, they talked about Europol, the European arrest warrant, access to the Schengen information system and access to European criminal records information, and I know they went through all of those with you. Although in CT policing our usage of much of that is less in volume, it is nevertheless very useful to have those structures and mechanisms operating. If we were no longer to have access to them, we would still seek the ability to share information and intelligence across Europe and to do the things I have described.

In CT policing, we are particularly interested in the information contained in passenger name records, which are very valuable for protecting people; in financial information exchange, as I have described; in the ability to understand the movement of firearms and other things, such as how precursor chemicals are moving across Europe and whether they are a threat; and in sharing biometric information—fingerprints, DNA, facial recognition, vehicle information and that kind of thing. We are interested in being able to share all of that.

The Chairman: Thank you very much indeed. We can pursue some of those in detail.

Q39 **Lord Condon:** Could I ask you to elaborate particularly on data sharing? The UK currently has, or expects to have, even more formal access to all the European databases, whether that is Prüm, the PNR, Schengen II—all of those. Could you give us more of a feel for how mission-critical to counterterrorism having formal access to all those databases is and

perhaps, if you can, give us some practical examples, or some of the challenges that you would face practically if you and your colleagues countering terrorism no longer had easy, formal access to all those databases?

Ms Helen Ball: It is mission-critical in protecting both the citizens of the UK and the citizens of Europe that the UK policing effort is able to access that information. I do not say that it has to be through a particular formal mechanism; that is for the negotiations to decide. However, when we consider the way that terrorists are operating—I will stick with terrorists for the time being—all the European countries have had people travel from their countries to Syria to join Daesh, or ISIL, and we face the common problem of the possibility of some of them returning to their countries. We all face the problem of our citizens being manipulated, persuaded to travel, or persuaded to carry out attacks in their country by Daesh, and we are much stronger if we can share throughout Europe information about that—the same phenomenon reaching back to one place. We are much stronger if we have an understanding of what our fellow countries are experiencing. If we know that people are travelling across Europe to reach Syria to join Daesh, being able to track them and prevent that travel is extremely important. That would be both outward and inward travel. That is why I have referenced some of the opportunities at borders and some of the ability we would have to track people's movements as they travel. Accessing that information and intelligence remains mission-critical.

Of course, the fact that MI5 has very strong relationships with security and intelligence agencies in Europe and the fact that Article 4.2 of the Lisbon treaty left national security as a reserved matter, if I can put it that way, means that there are strong security and intelligence agency relationships that we also rely on and have access to. We have strong bilateral relationships as well with police forces in Europe, which were already formed, and we have more reliance on those relationships than we do on access to the databases. Nevertheless, we would not want to lose access to that information.

Q40 **Lord Condon:** You seem more sanguine about the potential formal loss of access to the databases than, for example, David Armond and the NCA might be. Is that because you feel that the security services can be a proxy for you to get access to all the information you need, via their contacts, rather than through the formal arrangements? We need more sense of how severe a loss access to the formal databases might be, or are you giving us encouragement that you feel that informal arrangements, new arrangements or working through the security services will fill the gap and that there will not actually be a problem?

Ms Helen Ball: The security service relationships are extremely powerful, although they are not a proxy for direct police-to-police relationships. However, they enable us to have an enormous amount of information and intelligence around terrorist travel. If I am sounding sanguine, it is because of our experience of working with European police forces as the threat has changed, and that is mirrored, I think, by the

experience MI5 has had of working with security and intelligence agencies in Europe. Collectively, we recognise absolutely that we will meet that threat much better and protect many more people if we work together and find ways of sharing intelligence. What I am sanguine about, I think, is that that sense of collective effort will endure. In future, the information held in police forces, rather than security and intelligence agencies, will become more and more important. It is already a crucial part of protecting people from terrorism, and that is because many more people have left our communities and have trained, and perhaps fought, and might return. Therefore, the information we hold about them now is very powerful, probably more so than it has been before.

Lord Jay of Ewelme: Could I ask a follow-up question? Could you compare intelligence sharing, or counterterrorism intelligence sharing, and so on, within EU institutions and with countries that are outside—the situation in which we might find ourselves in a few years’ time—say, Turkey and Norway? How does co-operation with them compare with the effectiveness of co-operation among the EU states?

Ms Helen Ball: We share intelligence using Europol, particularly as a means of passing such information among police forces. I speak only for policing in this answer. We also have those bilateral relationships, and some trilateral relationships, depending on the particular threat we are dealing with, and we are able to share intelligence with non-EU countries, where it is valuable, under different intelligence-sharing mechanisms. There is a police working group on terrorism, for example, which means that we can share intelligence with some other countries. It goes back to the pragmatic way in which police forces have approached their role in national security throughout Europe, and the way in which we have investigated and carried out proactive and preventive operations together and found ways to share intelligence where it is needed.

Lord Soley: That is a very helpful answer, but can I ask you this? We will almost certainly, depending a bit on negotiations, be outside some of the organisations that arrange that within the EU. Are there any lessons to be learned from elsewhere, for example, Canada and the United States, where they must have a similar problem of co-operating across the border? Are you aware of the ways they do it that we can learn from? If we have to replace some of the organisations that we work through at present, we cannot just rely on the good relations that you have described so helpfully; we need some structures as well.

Ms Helen Ball: I did not mean to mislead—to suggest that it was simply down to good relationships, although they are critically important. There are some that have a basis in a memorandum of understanding, for example. Yes, a number of the ways in which we share intelligence with police forces in different parts of the world could be examples. I have not brought any here today as a particular example to hold up, but everyone recognises the need to be able to share intelligence across Europe. There are ways of doing it at the moment. If those fall short, there are other

ways of sharing intelligence with different countries, and we will certainly find mechanisms for doing it in future.

Lord Soley: I wonder if we could have some examples sent to us. I am particularly interested in how they do it in Canada and the United States, because they must have a similar problem, must they not?

Ms Helen Ball: Yes, I am sure they do. CT policing is working with the National Crime Agency, wider policing and the Home Office. At the moment, we are looking at what our requirements are and talking to the Home Office, which will, I think, work through how to meet those requirements.

Q41 **Lord Cormack:** I find your calm and measured approach very reassuring. When you gave your opening, very helpful remarks, you referred en passant to the European arrest warrant. On a scale of 1 to 10, how important is that to you in your work?

Ms Helen Ball: In CT policing, as opposed to wider policing, at the moment we have very low usage of the European arrest warrant, and there are good reasons for that. As I look to the future, I suspect we will have greater reason to use it. If I must answer your number question, I would probably say, based on the low usage at the moment, that it would be about an 8 because it is an extremely valuable power to have, and if I look into the future, I would take it to 10. We must not be in a position where a terrorist can think, "Okay, there is a safe haven where it is going to take a very long time for me to be extradited and come to justice". If it were not to be the European arrest warrant, we would want something that meant that we could bring people to justice swiftly. The reason why it may change relates to the way people might have left our local communities and travelled, and might return or go back to a European country. We would want to bring them to justice in the UK using our extraterritorial powers, and there might be cases where we would make greater use of a European arrest warrant in future than we have so far.

Lord Cormack: Would you share my concern, indeed anxiety, that a great deal of ingenuity will have to be exercised to replicate in effectiveness what we have already?

Ms Helen Ball: I live in a world where a great deal of ingenuity is exercised all the time—

Lord Cormack: Often by the wrong people.

Ms Helen Ball: But, and I will touch wood as I say this, also very much by the right people. I think people recognise the importance of being able to achieve this, and I am quite sure ingenuity will be brought to bear to solve the problem.

Q42 **Lord Cormack:** Are there any other EU criminal justice tools—the word "tools" has been used—that you would highlight as especially helpful at the moment, and which you think would need effectively to be replicated, as would the arrest warrant? Are there other things?

Ms Helen Ball: Yes. Without naming the actual section or agreement, I have mentioned that I support the position that Steve Rodhouse and David Armond took when they saw you before. The information contained in passenger name records, combined with the powers of various agencies at our borders, is powerful in preventing the travel of people who are would-be terrorists, in spotting people who might be returning and might be a threat and, crucially, in protecting vulnerable and manipulated people. All of that is of value to us and we would seek to retain it. The ability to share information about financial movement, how money may be passing from our communities, perhaps through institutions, into terrorist hands is absolutely crucial, not just in bringing them to justice but in spotting the way that threat may be building.

Lord Condon: Could I ask how you currently access that financial information? What databases or arrangements enable you to get that sort of important financial information at the moment?

Ms Helen Ball: I am afraid I cannot give the actual sections in the agreements, but one—

Lord Condon: I mean through which sort of agencies or databases. Who do you get the information from?

Ms Helen Ball: It is often direct to police forces.

Lord Cormack: We had the two Ministers before us last week. Have you had a chance to read the record?

Ms Helen Ball: I have, yes.

Lord Cormack: I do not want to embarrass you in any way, but do you feel that the ministerial teams are taking sufficient advantage of the great experience you and your colleagues have? Do you feel that you are really involved, not necessarily directly with Ministers themselves but with their officials, in preparing the ground for negotiations that have not yet started and on which we are not allowed to have a running commentary?

Ms Helen Ball: Yes, in that within CT policing, we have already carried out a prioritisation, and a bit of analysis to look at the mechanisms we are currently using and the effect they give us. We are in the middle of that exercise. The National Crime Agency and wider policing are also doing that exercise, and we are going to come together and pool that work, which will give one view from UK law enforcement about both the mechanisms and the priorities. The Home Office will be the recipient of that and has been involved in that piece of work. I am very confident that we are being listened to by the Home Office and that it will take our needs forward to the negotiations.

The Chairman: Is that document for the purposes of the Home Office only? It will not be made public.

Ms Helen Ball: That is my understanding, yes.

The Chairman: Could we have access to it?

Ms Helen Ball: We are doing it for the Home Office, so it is not for me to give that permission.

Lord Cormack: Presumably it will also be shared with the exit office, as I call it.

Ms Helen Ball: I do not know.

Q43 **Lord Jay of Ewelme:** Baroness Browning and I were members of the main European Union Committee that went to Belfast and Dublin last week. What struck me forcefully from our conversations there on this sort of subject was the importance, both in Belfast and in Dublin, that the different authorities put on the maintenance of the European arrest warrant and Europol for effective counterterrorism in the island of Ireland. That was reinforced yesterday when we had evidence from two former Prime Ministers, John Bruton and Bertie Ahern. From where you are sitting, do you see the same sort of importance in those two things, and perhaps other institutions, for counterterrorism in the island of Ireland?

Ms Helen Ball: I certainly agree with the view of those authorities, and I understand why they are saying it; they are very clear that PSNI and Garda Síochána need to use those mechanisms, particularly when they are looking at people moving across their common border, and I agree with their position. As to the mechanisms such as Europol for the counterterrorism part of PSNI's work, I think they agree with the way I have described it. There is a much closer link between serious organised crime and terrorism in Northern Ireland than we have yet experienced elsewhere in the UK, so the authorities there have a slightly different view, particularly on the effectiveness and importance of the European arrest warrant and Europol. They use those in greater volume than the rest of CT policing uses them.

Lord Jay of Ewelme: In a sense, you are saying that it is even more important for them than it is for you, even though you have described it as being pretty important for you.

Ms Helen Ball: Yes.

Lord Jay of Ewelme: That is very helpful; thank you.

Ms Helen Ball: It is really important for us to have those mechanisms for information sharing and access to intelligence.

Q44 **Baroness Browning:** Advance passenger records are primarily of course for people using airlines. How weak a link is entry, not just to the UK but to the island of Ireland, through passenger ferries, which go into and out of myriad ports around the coastline? I live by the sea, so I am rather conscious of ferry traffic. It often seems to me that that is the easiest way in and out.

Ms Helen Ball: I would not want to show our hand in public, so I will not answer that question directly, if you do not mind, because there are operational implications.

Baroness Browning: That is fine. I understand why.

Ms Helen Ball: Nevertheless, making the most of whatever opportunity a border offers is incumbent on us. There are opportunities to understand both people who are travelling—whether they are threats or whether they need protecting—and commodities that are passing, be that money, guns or ammunition. The more we can make use of those opportunities, the safer we will all be.

Baroness Browning: Should we not be a bit tighter on records of people travelling by passenger ferry?

Ms Helen Ball: Again, it is not for me to say, I am afraid.

Q45 **Baroness Massey of Darwen:** I want to talk about Europol and Eurojust in more detail. You talked earlier about relationships and how important they are. What practical benefits do you see in the UK's current membership of Europol and Eurojust for counterterrorism policing, and if the UK were to seek a bespoke relationship with those agencies after leaving the EU, or when we relinquish full membership of the relevant agency, what features would that relationship need to meet your operational needs?

Ms Helen Ball: I will start with Europol. For CT policing, Europol particularly supports the movement of information and intelligence between police forces that are part of Europol. It offers financial support to joint investigations and supports them being set up. It offers us analysis and other information, and although there is not a high volume of usage, we make use of that information. It is fair to say that there is a two-way relationship; we have contributed to Europol from the UK, perhaps particularly in relation to terrorist and extremist material on the internet, where we have a very good model—a CT internet referral unit that is helping with the removal of some of that material. Europol has set up its own unit and we have worked very successfully together. We have a good two-way benefit from Europol. Many of the things we have discussed this morning, particularly European arrest warrants, do not rely on membership of Europol, so there are different things to consider. If we were not to have the same relationship, we would still want those benefits, in a relationship that meant that, across Europe, we could share information and intelligence, and be supported in setting up a joint investigation team. As I look to the future, I think we will make more use of joint investigation teams in CT policing. We would want the ability perhaps to create and be part of a joint way of working, with a joint policy or procedure across Europe. A new relationship would need those elements.

As regards Eurojust, I think the Director of Public Prosecutions will come before you and she will talk more about that. David Armond said that

Eurojust was a useful mechanism, and I agree. For CT policing, our Crown Prosecution Service colleagues have a direct relationship with Eurojust rather than us having a relationship ourselves, so I would probably defer to the DPP for that answer.

The Chairman: Could I pursue the question of joint investigating teams? At the moment, they work under Europol. How feasible would it be for that to continue? They work because we are part of Europol.

Ms Helen Ball: If they were not part of Europol and they were not called joint investigation teams, we would need to find a way of replicating that ability to work together, and we would find a way to do that. It is going to be very important in the future to work really close to and alongside European police forces. Of course, the bilateral relationships we already had mean that we have been working together in precisely that way.

Lord Condon: It is not really your area, Helen, but do you accept that because Europol and the other member states' police forces and agencies are subject to the European Court, with all that that implies, if we are outside Europe, outside the European Court, and therefore outside the supervision of some things, it may make it very difficult for Europol and our existing partners to be as co-operative with you and your colleagues as they would like to be? I know it is not your area of expertise, but the fact that European Court supervision of all those activities is currently part of the architecture of police co-operation may be a considerable challenge that you and your colleagues may face. In your discussions preparing for Brexit, has that entered your minds at all?

Ms Helen Ball: It has not yet directly been a matter for discussion. If it were, I think it would be for the Home Office to consider how best to approach the changes that would be made by not having European Court oversight, but it is not something we have addressed so far.

Baroness Pinnock: If I may say so, you have given us a master class this morning in how to answer a question without stepping into the political arena, so I am not sure what I shall get from my question, but I am going to try.

Ms Helen Ball: It is kind of you to introduce it in that way. Thank you.

Q46 **Baroness Pinnock:** Do you have any observations you would like to give us about how Brexit might affect our ability as a nation to develop our own policy agenda with our European partners?

Ms Helen Ball: In your introduction, you described a master class and I really do not want you to think I am being evasive; I am genuinely not.

Baroness Pinnock: I was not suggesting that at all. I think that you were being very careful not to step over the line.

Ms Helen Ball: That is great. I was thinking about the answer I am about to give.

The Chairman: It was intended as a compliment.

Baroness Pinnock: It was indeed meant as a compliment.

Lord Cormack: We all endorse it.

Ms Helen Ball: Thank you. It is never right for policing to describe what the outcome should be. It is right for us to say what we are seeking to achieve and what the operational needs are, and for other people, politicians, to take those forward. That is absolutely our position in the whole of this conversation. If I can refer to something I said at the beginning, the referendum was very much at the same time as we were recognising how much closer the threat in Europe was coming. We then, therefore, increased our presence in Europe and our work alongside European police forces. All of that happened at the same time. Yes, there are opportunities for improvement in all our joint working and our intelligence sharing. They come, I think, from our responses to the threat, and would need to be taken even if there had not been a referendum and the result that there was. We have been very careful to focus on what we can do and need to do to mitigate the threat. We might have been asking for some changes anyway, because of that. That is the position we are taking.

Q47 **Lord Soley:** Turning to data protection, data retention and privacy, we are going to lose influence on rulemaking when we come out of the European Union. How concerned should we be about that and what do you think are the dangers that might occur from divergence of quality, with the EU having one approach to data retention, protection and privacy and us having perhaps another?

Ms Helen Ball: I am afraid that I cannot give a particularly good answer to a question on data protection and retention, as it is not my field. On biometric data, we would want to continue to be able to share it, and indeed increase our sharing, through Prüm, which I know you have reviewed in this Committee, and to be able to continue to reassure citizens that that data is being effectively handled, managed and protected. As a result of the negotiations, I hope that we would be able to have a process that reassured citizens in that way.

Lord Soley: I am thinking about it, obviously, in relation to security and counterterrorism policy, and I recognise the difficulty of the area for you. It is the rulemaking that is difficult, if they go in one direction and we go in another. I suppose what underpins that question, in a sense, is whether there are ways of avoiding that happening, or at least, if we choose to go in slightly different directions, of making sure that we have the ability to co-ordinate with the European Union. One has to think not just of the separate states of the European Union but of the European Union as an entity, as we might end up having an international agreement, in effect, with the EU.

Ms Helen Ball: I agree that it would be very important to be able to do that. As to how the rules get made, that is for someone else to do, and it is not something for me to have a view on.

Lord Soley: But you would be worried if there was a divergence.

Ms Helen Ball: I would be worried if we lost our ability to share information and intelligence and to work together. If some change meant that that was lessened in any way, I would be both worried and surprised, because people recognise the threat and they recognise the practical importance of police forces across Europe being able to work together.

Lord Soley: To stretch the question a little, if it came to a situation where the European Union was becoming a tighter organisation and Britain was outside it, you would want some clear relationship other than just the informal ones that you have built up very successfully.

Ms Helen Ball: We will always want formal relationships that underpin our ability to work together and share intelligence. I am not advocating a future full of informal relationships; we need to be able to continue to work together and share intelligence with each other, and that will become even more important, but how it is achieved is not a matter for me.

Lord Jay of Ewelme: Earlier, I think you said that among the members of the force who are operating in the EU at the moment there is one who is attached to Europol. Would you expect that to continue, and if we were outside it, would that person have the same sort of access as he or she now has? Do you have any sense of that?

Ms Helen Ball: We are certainly not making any change at the moment. We hope that the regulation is signed and that we remain in Europol, as things stand. We would not decide to change our police officer embedded in Europol until much closer to the time. If it became the case that we had to rethink that, we would, but at the moment we are getting benefit from having somebody in Europol from CT policing.

Q48 **Lord Watts:** You have already answered this, but I will ask it in a more direct way if I can. How heavily do you think that we rely on our partners and EU tools in this area at the present time, and what do you think we stand to lose, both ourselves and our partners, now that we are going to have a diminished role in Europe?

Ms Helen Ball: The way that terrorists are currently operating and the way I see them operating in the future means we have an enormous amount to lose from diminution of our ability to work with European police forces and to share intelligence with them. That is very much a two-way issue; it is interconnected, and we rely on each other to be part of a really strong operational approach to countering terrorism. Different mechanisms are more or less important in that effort. They are more or less important to officers working in counterterrorism roles and officers working in wider law enforcement. Although CT policing may not use, for

example, the European arrest warrant very much, we disrupt terrorists through their criminal behaviour, and our colleagues in wider law enforcement who rely on those mechanisms are extremely valuable in helping to protect us all from the threat. The ability to work together to use some of those mechanisms will continue and, indeed, will become increasingly important in the future.

Lord Watts: Would it be true to say that all the existing tools that we and our partners have are very much appreciated by you and your colleagues and that any diminished elements of those tools would be counterproductive and lead to problems?

Ms Helen Ball: We are all safer because we can work together across Europe and because we can share information with each other. That genuinely helps to keep the citizens of Europe safe, and that includes, of course, the UK. If that were to reduce, I would be worried, but I would also be surprised, because I am absolutely clear that police forces throughout Europe, their Governments and their security and intelligence agencies understand the threat and the way we need to work together to mitigate it.

Lord Watts: You say that Governments understand, and probably the security forces understand, but are you convinced that every Government will have the same sort of priorities that you have just listed and that they have a good grasp? Quite frankly, I think a number of us find it difficult, in our own case, to get the Home Office to understand some of the implications. Are you satisfied that civil servants and Home Office Ministers are aware, and that they are over this problem, in a way that will find a solution to it?

Ms Helen Ball: I cannot answer the question in the direct way that you have asked it. I can say that since the threat started to change, including the attacks in Europe that we have seen, we ourselves have increased our presence in Europe, and that has been very much welcomed by our counterparts in Europe. Those police forces have also increased the ways in which they look to work with us. I am positive about a cross-Europe effort to mitigate the threat from terrorists, which exists.

The Chairman: What you are really saying is that, because the threat has increased, there is willingness to work together, and that gives you confidence that, whatever happens, there will be co-operation.

Ms Helen Ball: Yes, I think that is right.

The Chairman: Are you saying that exiting Europe, and not having the same kind of access if we exit Europol, will not have an impact on that co-operation?

Ms Helen Ball: I am not saying that. I am not sure whether we will be exiting Europol. I am not sure what will happen. What I am saying is that we need to—

The Chairman: If we were to do that, what will be the implications?

Ms Helen Ball: If we were to exit Europol without replacing it with at least as good a system for information and intelligence sharing and working together as currently exists, it would be a risk I would be concerned about.

Lord Soley: I fully understand the delicate line between political policy and your position, but what we are after is whether, if we exit and that involves coming out of things like Europol, you would like some formal structure, be it a legal agreement with the European Union, a memorandum of understanding or something that would allow you to continue to have an input into discussions about rules and policies, as well as being able to carry on the existing work you are doing. Does that make sense?

Ms Helen Ball: It makes sense, yes. I think I am saying that for the safety of all our citizens we are safer when we can share intelligence and work together—in shorthand—and, therefore, as the negotiations go forward, I know that what the Home Office is seeking to achieve is to make sure that that ability remains.

Lord Soley: A formal legal agreement or a structure of some type set up by Governments, some recognised way of doing it, is what you would be hoping for and would enable you to carry on doing the work you are doing.

Ms Helen Ball: However that is achieved.

Lord Soley: We would have to choose it, because it is a political choice, but you want some form of structure, whether it is a legal agreement, an international agreement, a memorandum of understanding between Governments, or whatever; you would like that sort of structure to give you more depth to your work.

Ms Helen Ball: I will describe it as a formal structure and go no further, because it is for others to decide what it will be. However, a formal structure gives citizens confidence that information is being properly shared, for example, and that the action taken as a result of it is the right action. For the confidence of citizens in the activities that we are undertaking, yes, I would want to see a formal structure.

Lord Cormack: You have been exemplary in the way you have given evidence to us and we are grateful for that. We are going to have to come out of Europol; that was made quite plain by Ministers last week. I deeply regret that—I speak only for myself—but would I be wrong in inferring from your answers that you believe that the safety of the peoples of Europe depends upon effective combatting of organised international crime and terrorism and that, therefore, if we do not work together, whatever the mechanism is called, we are at greater risk?

Ms Helen Ball: Yes, I think I can say that.

Lord Jay of Ewelme: Would I be right in saying that, whatever we move from Europol to, there would need to be some kind of smooth transition,

and that there is a risk of having some kind of caesura in the arrangements, a risk to security, a risk to counterterrorism, if there is some sort of gap and uncertainty?

Ms Helen Ball: There is so much activity already under way that it will not stop—the activity I have described from our bilateral relationships that already existed and the activity of the security and intelligence agencies. I am absolutely sure that all of that will continue. However, I come back to what I said; as we go forward into the future, we need to retain the ability confidently to share information and intelligence, act upon it and work together.

Q49 **The Chairman:** Could I ask a different question? We have been asking about what you see as the implications if we were to opt out, but do you see any opportunities to improve on the status quo if we were to exit the EU?

Ms Helen Ball: We have been looking at the ways we work together within Europe because of the way that the threat has changed and the way we need to work together to combat it. There are opportunities from that work to make changes and improvements and, as I said, we might have suggested those anyway. This is a useful process for focusing our minds on ways in which we might improve, but I have not brought those with me today, I am afraid.

The Chairman: It has been suggested that the UK's departure could help to ensure that the Court of Justice of the European Union cannot undermine UK legislation. Do you have a view on that?

Ms Helen Ball: No, I do not.

The Chairman: That is all from us. Thank you very much indeed. It has been very helpful to hear your evidence, and we are very grateful to you for your time this morning.

Ms Helen Ball: Thank you very much.