



HOUSE OF LORDS

Select Committee on the European Union

Home Affairs Sub-Committee

Corrected oral evidence: Brexit: the proposed UKEU security treaty

Wednesday 7 March 2018

10.30 am

[Watch the meeting](#)

Members present: Lord Jay of Ewelme (Chairman); Baroness Browning; Lord Crisp; Baroness Janke; Lord Kirkhope; Baroness Massey of Darwen; Lord O'Neill of Clackmannan; Baroness Pinnock; Lord Ribeiro.

Evidence Session No. 1 Heard in PublicHeard in PublicQuestions Questions1 - 9

Witness

I: Rob Wainwright, Executive Director, Europol.

Examination of witness

Rob Wainwright.

Q1 **The Chairman:** Good morning. You are extremely welcome. Thank you very much for giving evidence to us today. Your distinguished time at Europol is coming to an end but has not yet come to an end, so you are still formally in charge. We recognise that. We are starting an inquiry into the proposed UKEU security treaty. We were very keen to get some initial evidence from you at the very beginning, because it seemed to us that was a good way to start. We know you have an hour, so we will try to be brief. There is quite a lot to ask you, so it may not always work out. We will see how far we get by 11.30.

Could you give us your view of where Europol is now, its direction of travel and how you see things evolving over the next few years or so? That would be a good scenesetter for us.

Rob Wainwright: Thank you very much for the invitation; it is a pleasure to be here again. After almost nine years, my time at Europol is indeed almost coming to an end. I am slightly long in the tooth in this job now, but it at least gives me a certain perspective on how the threat from crime and terrorism has evolved over that period.

The general dimensions of that, as I am sure members are only too aware, are that threats have become more complex and more challenging across the cyberterrorism domain, especially the enormous criminal exploitation of the migration problem that we have had in Europe over the last three years. That is just one example of how international crime operates these days.

Within that framework, and given Europol's unique mandate to interconnect law enforcement capabilities across Europe—and indeed beyond, now—it has been a very positive development. I know I say that from a biased perspective, but some of the trends and figures speak for themselves. We have doubled the operational casework in the last three years, not just in numbers but in the size and complexity of the cases.

A seminal case for us was giving significant support to the investigation into the Paris terrorist attacks that we saw. That was the first time Europol was invited by such an important member state to provide such significant support in an investigation of a major terrorist attack. It was a gamechanger for us, and since then we have gone from strength to strength on terrorism. It is similar with cybercrime, on which we do even better work. We are running around 200 very highlevel investigations a year that go right across Europe, and we increasingly work with Americans as well. Generally, we also tackle the largest cybercriminal syndicates that are operating.

That increased engagement for Europol actually reflects the nature of the threat that I described in my opening remarks. The demand is there; it is selfmade. Of course, we still have to meet that demand. We have done that by gradually building trust, which is such an important commodity in

this field, and by modernising our ability to handle data especially, to cope with this increased demand. That is the key commodity in our work.

We are connecting 1,200 law enforcement agencies. We are consuming and exchanging 11 terabytes of data every week. That is an enormous amount of live police data relating to criminal investigations across 40plus countries. We then apply advanced analytics to that large amount of data to see the crossborder dimensions of crime and terrorism. That is really the oil in our system that allows us to do the work I have been describing. For the first time in 2017 we passed the 1 million mark in the number of intelligence reports that were exchanged on our platform, which again is a number that has doubled in the last three years.

The challenges for us are therefore about coping with the scale of our work and the growing complexity of the problem, particularly given how technology is such an enabling instrument for crime and terrorism. Common to law enforcement agencies here in the United Kingdom, we share the challenges in trying to get a better grip on how criminals are making very enterprising abuse of modern technology.

Our co-operation challenges are on a much better footing. As I said, there has been a huge improvement in the last few years in the field of terrorism and in the engagement of the private sector, which is great to see. On cybercrime and financial crime, we have exemplary engagement with, for example, the global banks, including many of the leading ones based here in London. Our transatlantic co-operation is also now of a different order than some time before.

That is a general overview of how I see it. It may be a subjective view. None the less, it is one that to a certain extent speaks for itself.

The Chairman: You will not be there, but if you look forward over the next five years or so, do you see the same sort of growth over the next five years as you have had over the last five years? Is Europol going to be changing and adapting quite radically? Therefore, in whatever way Britain is related to it—we will come on to that—will that have to change, too?

Rob Wainwright: Yes. It depends on the nature of Britain's relationship. It is such an important part of the story I have been creating. That aside, the trend is pretty clear. We have been on this trend for the last three to five years at least. There has been an exponential rise, particularly in data exchange and analysis.

There is what the tech industry calls the data network effect, which we are effectively leveraging. We are building a platform and trying to attach as many users to that platform as possible. That allows us to collect the maximum amount of data, which in turn allows us to improve our understanding of crime and our operational service, which in turn attracts even more users, which in turn provides more data. There is this virtuous cycle that is driving our business. The challenge for us is whether we can cope with the dimensions of the information that we are consuming.

Provided that we can apply very modern machine learning and other datascience concepts, I would expect us to continue.

The other point to make, of course, is that I see no diminution ahead in the demand for Europol's services, even to the point where more and more capabilities and responsibilities are being placed on the shoulders of the organisation by the EU institutions. That is likely to continue.

Q2 Lord Kirkhope: Good morning. In prefacing my questions to you, can I just say how much I appreciated your work when I was in the European Parliament? Britain has done extremely well out of having you in Europol. You have always been extremely positive and helpful. You have put the right sort of approach across in the dealings that I and others have had with you in the European Parliament. That is something I always remember.

I want to look now at the Government's statement that in future it is important to have the closest possible co-operation between the UK and the other European countries post Brexit. I am looking at that in the context of two things. One is the evidence you gave a year ago, to the day, to the House of Commons Committee, and to the new regulation for Europol, which came into effect in May last year and which you referred to in your evidence as having some effect on the nature of that future co-operation.

Can you elaborate slightly on how one could achieve this "close as possible co-operation"? What are the elements in it? What are its characteristics? Would we need some separate treaty? Looking ahead, how do you actually see this?

Rob Wainwright: First of all, thank you for your kind remarks. I always valued our relationship when you were in the European Parliament.

In an ideal world, there would be no change to the UK's current arrangements. I say that because, as a community of security partners in the European Union, we have worked very hard over the past three decades, as you know, to build a very closely integrated model of police co-operation. It is as close and effective as you will see anywhere in the world across any region. The reality is that the United Kingdom has been a significant driver in that process over the last 30 years. It has been in the front line of investing considerable intellectual resources and actual resources in terms of information and operational capabilities.

In an ideal world, all through this process we would fully preserve the benefits of what that means for the United Kingdom and the rest of the EU. But that is the ideal world; it is not realistic. The Commission has already said very clearly that there has to be some difference between the status of those who are EU members and those who are not.

One can assume, therefore, although I am not party to the negotiations, that the Commission will somehow insist on some change. That is most likely to be felt in the level of strategic influence, at least directly, which the UK will have in the future.

The analogy is that the UK will sit at fewer tables, or at least in a less prominent role, and will therefore be less able to drive the bus as it has been doing over the last few years. We should not underestimate the level of indirect influence which the UK can still enjoy through its very close partnerships around Europe, but there will clearly be some change in formal status that will be felt at levels of strategic influence.

For me, the most important element here is that we preserve as much as possible the operational co-operation that UK law enforcement services have with their partners through EU mechanisms: the key mechanisms of Europol, Eurojust, the European arrest warrant, the Schengen Information System and perhaps the European Criminal Records Information System. Along with maybe one or two others, these are the essential tools with which law enforcement agencies in the United Kingdom do their everyday business, and they are an essential part of the way the UK and the EU have formed this extremely symbiotic and close relationship.

What does "close as possible co-operation" look like? There are different models, of course. There is the special agreement, which we might discuss later, that Denmark now enjoys with Europe, although that does not really apply because Denmark is still an EU member state. Norway and Switzerland are close colleagues or partners in the EU security framework, but of course they are Schengen states. Especially in the last three years, as I said, the United States has really grown its interface with the EU, but even that is dwarfed in scale compared to what the UK does today.

If we take our experience at Europol, five times as much information is exchanged between the United Kingdom and Europol as between the US and Europol, and the US is already a big partner. That gives you a sense of the scale of operation that we have and the way in which the UK is one of the top three member states that are investing so much.

As I said, it is essential that we preserve as much of that operational co-operation as possible. I am afraid that I do not directly influence the exact modalities, and I cannot possibly predict them.

Q3 Lord Kirkhope: You mentioned the scale. I am rather more interested in something other than the scale. Of course, it can be argued that we have more of the people they want than they have people who we want, and therefore they are bound to do a deal. I am interested in the quality of the information that is exchanged and the speed at which that information is exchanged. That is one of my concerns. Would that inevitably be affected post Brexit without something very specific in place?

Rob Wainwright: In the context of Europol, certainly what is likely to be a significant issue in the negotiations, depending on what they result in and the implementation of them, is the fact that currently no nonEU member states have direct access to our database. That is the point you

are making. If that does not change, that of course could be an impediment to the speed and quality of service and exchange.

Even in that area it is a significant issue for Europol to absorb the significant resource burden that would come with acting as this sort of gateway for the UK, as it does at the moment for Norway and Switzerland, for example, because the volumes are so much higher. That places an enormous resource burden on Europol. There are interests on both sides here, which I am sure the European Commission will also take account of.

Beyond that, there are the rather obvious challenges ahead of keeping the United Kingdom engaged in the other instruments of police co-operation that I mentioned. Currently, no non-EU member states access the European arrest warrant, and no non-EU, non-Schengen states access the Schengen Information System. For the UK to continue to rely on essential police instruments, a precedent will have to be found, although that is always possible in politics, as you all know. That is the position we are in.

Baroness Massey of Darwen: Welcome. Thank you again for coming to this meeting.

Are you concerned that the UK will lose influence by not having chairmanships of committees or influencing committees, as it has had significantly? Will it matter?

Rob Wainwright: It will lose influence and, yes, it does matter. Today, the United Kingdom is the lead member state in a number of important projects that co-ordinate the activities of many member states, Europol and others in the field of modern slavery, for example, which is close to the Prime Minister's heart, among others, and in combating certain forms of large-scale fraud and cocaine-trafficking. The UK is in the driving seat in co-ordinating highly complex, large-scale multinational operations.

The United Kingdom is currently the chair of the so-called counterterrorist programme board at Europol, a post that is currently held by a senior officer of the Metropolitan Police. In any event, it has been one of the primary architects for the development and refinement of our police co-operation systems in the EU. Will its status change? It is axiomatic that the UK will be in a less direct position to continue to have that influence. That will happen.

From a UK perspective, again using Europol as an example, over the last 10 years and certainly in the last two years, Europol has become the primary channel for how a law enforcement authority does its operational business with a European power. In the past—I have some direct experience of managing this work—national agencies here in the UK relied more on bilateral networks of liaison officers in certain capitals. Over time, it has reduced the size of that and increased instead the work that it channels through this multilateral platform at Europol. It does that not least because it saves a significant amount of money.

There are currently 23 British liaison officers at Europol. They are a very large body from seven different agencies. Every day, they rub shoulders and do operational work with 200 other colleagues from 40 countries. That is a unique centre point for how a law enforcement authority does its work. In fact, it is unique in the world. There is a lot for the UK to lose in those terms. I have already referred to the other instruments.

Lord O'Neill of Clackmannan: You refer to liaison personnel. In our briefing was a distinction that I did not quite understand between liaison personnel and officers. What is the difference between the two?

Rob Wainwright: We have approximately 40 British nationals, who, like me, are directly employed by Europol. Those 40 are under my authority and direction. We also have some officers who are seconded to us, so they do not work directly for us but they are still under my day-to-day authority. They include many experts from the UK.

The 23 I mentioned are liaison officers, so they are under the authority of their home administrations in the United Kingdom. Their pay and rations come from London, not from my budget, and I have no direct authority over them. Therefore, the officials at Europol—there are some 600 or so—must be EU nationals. Unless a new precedent is found when the UK leaves, in the future at least there will be no more direct employees of Europol from the UK. I am certain that I will be the first and last British director.

As liaison officers, we have Americans, Norwegians, Australians and even Columbians. We have many jurisdictions represented in that community, but, as I said, they operate in-country, in effect under the local authority of Her Majesty's Ambassador in that case, taking direction from the Metropolitan Police or the National Crime Agency, for example.

Baroness Browning: You mentioned the databases and the possible impact on our ability to access those databases. What is your assessment of what we actually contribute to the databases? I am trying to get at the ongoing quality of information that we contribute to the building of those databases and the updating and upgrading of them. Would that give the 27 countries pause to think, "We really do not want to lose this"?

Rob Wainwright: The data systems themselves are pretty advanced by any law enforcement standards, and Europol has quite a well-developed capability in-house to develop them. There are some British officers involved in that, but not that many. The United Kingdom's real point of engagement in this domain is in how it uses the databases, as well as how it feeds into them.

The UK is in the top three of member states that contribute intelligence each day to the different databases that we have. Although it is a single database, in many respects it also receives data relating to over 20 discrete areas, including heroin trafficking, fraud, terrorism and cybercrime. In some of those fields, the UK is the number-one provider, so it is a significant point of engagement.

On terrorism, the UK has been lower down the league table than perhaps in other areas, but even in the last six months that has also noticeably changed. Yes, it contributes a lot to the common good of building what is a unique European database.

Q4 Baroness Browning: To what extent does the Government's red line on CJEU jurisdiction limit the situation post Brexit and the options available for police co-operation? Given the Prime Minister's speech on Friday when she indicated that there was to be more flexibility in the role of the CJEU post Brexit, I wonder how you read that. Does it give you some hope that, particularly in this whole area and certainly from the Commission's point of view, there is a way through this?

Rob Wainwright: Of course, like others, I take note of the Prime Minister's comments, but I also take note of the position adopted by the European Commission in its paper of January this year where it referred to the importance of having effective enforcement and dispute settlement mechanisms as a necessary safeguard for future co-operation.

It is pretty clear from the point of view of the European Commission that it sees the court as a fundamental part of how it maintains the most effective arrangements here. This is effectively a transition issue, as other experts have referred to. Post that, the jurisdiction of the court does not apply to the way in which Europol engages with United States authorities, for example, but it is certainly a potential issue during the transition.

Beyond that I am encouraged by the apparent willingness of both sides to compromise in this area, but perhaps I should not comment beyond that at this stage.

Q5 Lord Crisp: Good morning. I want to move on to contingency planning. You have set out very clearly some of the risks and so on here and, indeed, the scale of the UK involvement in Europol. Could you set out the various models or contingencies that you, and indeed Europol, are planning for? In particular, could you say something about the possible no-deal position?

Rob Wainwright: As you might expect, we have launched some internal work to consider the implications of the different scenarios from no deal to the fullest possible co-operation. That takes in three broad areas. First, there is staffing. What happens if we lose our British expertise on the spot?

Then, depending on the nature of the negotiation of course, there are legal issues about what right we might have even as an agency to keep the data that has been provided by the United Kingdom in the past. In a no-deal scenario, a narrow legal interpretation of that would be quite an issue for us, because apart from the difficulty of cutting away British data and the complexity of doing that, it would leave quite a hole in our systems.

There is also, of course, perhaps especially, the impact on our operational capabilities. How will we fill the gap which the UK is currently filling in leading some of our operations, including the data that it is exchanging?

In a no-deal scenario, which I am not expecting—not that I have a privileged view—all those things are at risk. As part of our reflection, we are taking note certainly of the precedent that we have at Europol, where we have concluded some co-operation agreements with some 20 non-EU partners. That is quite an exceptional experience across all the police co-operation measures, but at Europol we do indeed have this precedent. There are many ways in which that can be applied to help the cause here.

It is worth pointing out that the procedure for concluding third-country agreements, as we call them, is a new procedure since our regulations changed last year and it has not yet been fully tested in the first case. None the less, it is there, and it is certainly possible to use it to support the negotiations in this case.

The Chairman: Can I just go back a bit to contingency planning? Assuming that we leave on 29 March next year and then there is a transition/implementation period of two years-plus, whatever length of time it is, that is when things are going to remain more or less as they are, but is that the period in which you would also be adapting to a new situation? How do you avoid a really difficult cliff edge at the end of it all? That is the question I am trying to get at. I would have thought it was extremely difficult.

Rob Wainwright: In the context of Europol, it might not be that difficult if we are sensible about this, in the sense that the start of that transition period would give us the clarity we need about what the end state looks like. Then we will have to work on only one scenario rather than multiple possible ones. That is already helpful.

Provided that is a constructive scenario, I hope we will not look at removing British data or closing down the UK liaison bureau, for example. That would stay the same, effectively. We might have transitional arrangements such that the existing British staff at least complete their contracts, for example. That would be a very sensible arrangement. It then comes down to the nub of how Britain might directly or otherwise access our data in the future. That might be a new modality that we would have to build.

During that transition period, there is also the important procedural legal issue of how we structure the UK's long-term co-operation with Europol in terms of the legal agreement that is available. That would rely on this so-called adequacy assessment being completed in time, perhaps, and so on. In that scenario, where we have a constructive deal, a two-year transition period is certainly feasible.

Q6 **Lord Ribeiro:** In your evidence to the House of Commons Home Affairs Committee last year, you referred to the Denmark-Europol agreement as being half way between full-member status and third-party status, which

is what the UK will have. You described it as a hybrid arrangement. Could you say a bit more about its main features? Since your evidence last time, as anything changed with the new regulations that have come in?

Rob Wainwright: After the anticipated six-month transition period, this special agreement has been fully implemented since 1 November 2017. We are now running full speed at this. It is a unique agreement to cater for the very special situation of a member state choosing to cease to be a full member of Europol but choosing to remain a full member of the European Union. Therefore, it does not apply to any other case, including that of the UK.

The arrangements are that Denmark essentially pays to play, as it were. It has to make a specific financial contribution to the Europol budget, which no other EU member state does directly at least. In this rather hybrid model, it remains a member of the Europol management board but only in an observer capacity, so it does not have voting rights and therefore has less strategic influence.

There is a hybrid model of accessing our database. The principle of no direct access is maintained, but there is a pragmatic solution of having a dedicated team of Danish-speaking seconded experts essentially being the interface. Our experience of that, frankly, is that it is a really awkward arrangement to operate. It is certainly not as effective as the direct arrangements in place for the other member states. It works, but, as I said, it is not the most effective model.

When one thinks about whether or not that exact modality could be applied to the UK, again I refer to the difference in scale. Seven times more information or data is exchanged between the UK and Europol than is for Denmark. There is seven times the volume. There is 10 times the number of operational cases each year. It is of a different order.

We may see dimensions of that agreement, given the way in which the political will might drive through the conclusion of the agreement in very quick time. That in itself says something about how the system is capable of working when it really needs to. That is encouraging. Some of the modalities of that might be applied in the UK's case.

I am sorry. As I keep saying, I am not part of the process; I am not part of the negotiation. Sometimes it may be even unhelpful of me to speculate.

Lord Ribeiro: Obviously, Denmark made its arrangements under the previous regulations with the 27. But, with the new arrangements that have come in, in your evidence to the Home Affairs Committee you suggested that the UK would have to have a completely new negotiation with them that would not be based on the previous arrangements. How would that affect the nature of the agreement? Would it be third party only, or would they be able to achieve some sort of enhanced hybrid?

Rob Wainwright: That is anyone's guess at this stage, and I do not mean to be evasive. The Prime Minister has made clear that she thinks

that a special security agreement needs to be found. I can understand why she says that; it is because of the unique position in which the UK currently finds itself in terms of the security framework of Europe.

For the moment, the precedent and the modality that we use is applied across those 20 countries I mentioned, with the exception of Denmark, in more or less a uniform way. We are in new territory, because the UK has a special status as it leaves the EU. Also, as you say, this is a new regulatory framework within which we will conclude that agreement.

In those terms, what is most significant is that the responsibility for negotiating on concluding that agreement moves from Europol to the European Commission. That is very relevant to how it might feature in these negotiations.

Lord Ribeiro: You talked about the UK being in the top three in intelligence investment in Europe. If you were a betting man—obviously, I am not suggesting you are—and being pragmatic, would you say that the EU has more to lose from our involvement than we do?

Rob Wainwright: That is the wrong way of looking at it.

Lord Ribeiro: It tends to be the way it is portrayed.

Rob Wainwright: Yes, but not by me and not by other practitioners on both sides of the channel. The reality of fighting crime, terrorism and cybercrime, especially today, is that we have a collective security interest. The collective security interest of Europe today is simply too big to fail through this process. It is simplistic and unhelpful to characterise it as a trade-off between one and the other. These are genuinely shared interests. Collectively, we have to get the right deal.

Q7 **Baroness Janke:** Could you explain how the new Europol regulation affects third countries that share data with Europol and how this compares to previous practice?

Secondly, are there instances when Europol can share data with a third country that does not have an adequacy agreement? What basis is there for this to happen?

Rob Wainwright: As I said, the main difference is that the responsibility for concluding the agreement has been passed to the Commission. Indeed, as part of that, responsibility for the so-called data-adequacy test was also part of the process that Europol had the main responsibility for in the past, and that also now goes to the European Commission.

You have to understand that this check on the relative standards of data protection between the EU and the third party with which they are negotiating is a very important part of the EU's institutional interest in this area. Data protection is right up there when it comes to the most important things.

As I said, we have not yet applied this new procedure since the new Europol regulation came into force in May 2017. The Commission is

currently in discussion with Council bodies on what the sort of process and modalities might be for that. A priority list of countries is already being drawn up. The process is in hand, but it has not yet been used in any specific cases. The likely content and structure of those agreements will largely be the same as in the past, but the process by which to conclude them will certainly be different.

On data adequacy, because the UK has been a member state for so long and is therefore already applying standards that are consistent with those across the EU, I would not expect there to be any difficulties in admitting the adequacy test which the Commission places on it. If I remember rightly, last year even the British Government expressed their intention already to align themselves in future to EU data protection laws. I do not expect it to be an issue.

On the second part of your question, that regulation allows three possible prerequisites for a Europol co-operation agreement: an adequacy decision, as I explain; an international agreement concluded by the Commission; and a pre-existing international agreement that we have already concluded. Clearly, number three would not apply in the case of the UK; only numbers one and two would.

Beyond that, and in the absence of any of those, the executive director of Europol has the right to authorise data transfers on a case-by-case basis but according to quite restrictive conditions. You can do it where it is essential for the prevention of an immediate and serious threat, for example, to another country. Derogations are specifically excluded for systematic, massive and structural transfers. It is a one-off.

What does all that mean? For us to continue to have a position in which the UK is as engaged, or close to it, with Europol as it is now, we need an agreement, because this exceptional clause will be nothing like it. That said, in the meantime perhaps, if Europol sees any information relating for example to an imminent terrorist attack, it will certainly still pass it to the United Kingdom, but that is not a long-term, structural solution.

Baroness Janke: In terms of any agreement, treaty or bespoke arrangement, given that the UK is one of the top contributors of data and that, as you have mentioned, you have no special arrangements with third countries, rather than thinking of it as a bargaining chip, is it not in the greater interests of all, in the spirit that you mentioned, that there may be special arrangements where these are particularly beneficial? Is that a possibility?

Rob Wainwright: In terms of collective security, the seriousness of this threat and its characterisation is generally well held by all parties. You hear the comments of the British Prime Minister, but the President of the European Commission, Jean-Claude Juncker, also talks about ensuring the continuation of security alignment with the United Kingdom. There is positive language. In some of the language there is also a recognition that this may be a different or more special case, compared to the trade negotiations for example, because lives depends on it, and it is no

exaggeration to say that. That is a very important principle, and it is generally well held. It will ensure that in the end we probably have a constructive agreement. I have no privileged view on that; it is just my expectation.

As part of that constructive arrangement in the future, that is also bound to reflect the nature of the UK's engagement. I do not just mean our previous engagement but the potential for the UK to continue to contribute to the collective European security good. That is bound to be reflected in whatever final arrangement is in place.

The final principle that is important is that the Commission is rather insistent that, whatever those arrangements are, they have to be somehow qualitatively different for a non-EU member state than for the others. In the end it is a balance. It is just a balance of how you satisfy those top principles.

Q8 Lord O'Neill of Clackmannan: You have covered many areas of concern about how the UK and EU will be able to continue to co-operate. In your opening remarks, you mentioned the major role that the United States now plays. One does not get the impression that it would be a shrinking violet at any time. How does it to influence or operate in a non-playing capacity, if I can put it that way? You have said it is pretty active. The Americans tend to be the kind of people who would want to have their voices or their opinions made known. How do they go about it? Would that not necessarily be a slightly more relevant example than a country of fewer than 10 million people such as Denmark?

Rob Wainwright: You are spot-on with that observation. The UK's potential to follow a similar path, and beyond that the UK's and the US's potential as a strategic alignment, to operate in a very close way, could have a significant bearing on the future development of Europol.

To your specific question, yes, of course the US likes to boss a lot of the international work, as we know. That is no different in the law enforcement area—to a certain extent, quite rightly, such as in the FBI. Some of the agencies such as the Department of Homeland Security have extremely strong capability, but they are all very cognisant of the fact they are not full-time, front-line members. I have to say that, to a man and a woman, the 26 liaison officers from the different US agencies are very sensitive to that. I have never seen any evidence of them overstepping the mark in trying to unduly influence what we do.

The lesson to learn from them that I have observed is that once the penny dropped for them about Europol's potential to be a major co-ordination point for their police co-operation with the whole of Europe, it gave them a much more efficient, cost-effective way of dealing with 30 different partners, and they have really fully exploited that. In the last three years, there has been an extraordinary rise in the amount of data and the number of operations coming from the US.

The lesson for us is that when they bring good-quality leads and information, they get to play, and they get to have a very large role. If they have a lot to offer operationally, my experience is that it matters not whether they are an EU member state or not. That is the nature of policing in the end. When you are dealing with front-line officers, if you have something to offer, if you are going to help me, if you are going to add to our party, come on in; we will let you do as much as you can. In fact, so many of our operations are led effectively by the United States, or at least jointly, and that is a model the UK could follow in the future.

The Chairman: Could I just follow that up with one question? Earlier on, you agreed with the proposition that the UK would lose influence in Europol and that it would matter if we did. As I understand it, that was about the management or the organisation of Europol.

You also talked about it being in our joint collective security interest to maintain the sort of links that there are now. Assuming that we leave and that we lose influence of the sort you have mentioned, will there be any kind of adverse effect on the operational side of things—the links or contacts between the UK and the rest of the EU—or will you find some way of ensuring that does not happen? That seems to me to be the key question.

Rob Wainwright: Yes, and of course it is difficult to anticipate what the future looks like in that respect. You are absolutely right: that is one of the key risks that really must be managed through this process. As I said earlier, so much of the architecture, principles and methodology of intelligence-led policing, as we call it, that runs right through the DNA of EU police co-operation measures today has a British footprint. That is because the UK has been in the room; it has been able to have the position of executive director of Europol, however large or small my personal influence has been. The fact that a UK officer has been in that position clearly has benefitted the UK by projecting British influence.

When you take that away and similar opportunities for those positions, when perhaps the UK will have a less formal and observer status or no status at all on the Europol management board, clearly there is likely to be some influence. That said, the health warning on all this is that we do not know what the negotiation might conclude. It might be the status quo, of course. I recognise that.

From the European Union side, the thought leadership, if I can call it that, coming from British policing and the intelligence services community, which rightly has a world-class reputation, is also an asset that benefits the European security sector as a whole. You are right that that is the nub of how to get this right and how large or small the difference will be for both sides.

Q9 Baroness Pinnock: You have probably responded to this question in your answers to previous questions, but I will give you a chance to put it all in one place, if you like. If we leave Europe, and hence Europol, will there be any opportunities to improve the EU's security relationships with

the UK? As the backdrop to that, I thought you gave a very powerful answer to Lord Ribeiro when you talked about the essential ingredient of collective security, which I have to say has lots of historical resonance, not necessarily in policing but certainly in preventing wars and so on.

With that backdrop, outside that collective security, could we improve anything?

Rob Wainwright: In terms of the specificities of the co-operation, I do not see any very big opportunities to improve on what we have now. After all, if there were those opportunities, I guess we would be taking them already within the current framework. Indeed, when you listen to the law enforcement chiefs here in the UK, most of the talk is about preserving as much of the current benefits as possible. Of course, that is language of minimising loss rather than maximising gain. That is the language of the debate, it seems to me, which is quite right.

That said, if one were to be positive about it, we can minimise that loss in this constructive way within the framework of collective security. To elaborate the point made by Lord O'Neill, there is one opportunity for a future model in which I can see the possibility of a strategic alliance between two very formidable security communities: the European Union and the Five Eyes community. That is quite interesting. Those two have not engaged much directly until now, although one is more formal than the other.

Again, in the context of Europol, you have the United States with a growing engagement and influence; you have Australia, which even before the United States was a very positive early contributor. I have very strong admiration for Australian thinking on policing and how they have brought those concepts into Europol. Canada is already there. New Zealand is next on the list to join. The United Kingdom will become part of that status as well.

You will have a Five Eyes club inside Europol, which will become a very powerful block of experience. It will give an opportunity to create something we have not had before between the EU and that special alliance. Most of that alliance work, as it is known, is on intelligence co-operation, which will still largely remain outside the formal institutional framework of the EU. It is also growing in the field of combating criminal threats.

If we want to be positive, there is an opportunity to follow the path that we are being led down by the nature of the threats themselves, which are becoming less national and more international every day. In fact, they are becoming less regional and European and more global. The idea of having a more global framework for this kind of co-operation makes sense. It will be an opportunity in the future.

The Chairman: Let us say that in four or five years' time you had Europol with the UK outside but the UK working as part of a Five Eyes relationship with Europol. Would that be as effective as the present position as far as the UK and the EU are concerned?

Rob Wainwright: Not necessarily, no. It all depends on the modalities of what is finally agreed, but it would not necessarily be as effective, because the US and the UK are still at Europol, albeit with different status. In that role the UK, perhaps more than in its current role, could be that bridge maker between a wider engagement by the Five Eyes community and Europol. It is not necessarily better, but it is an alternative way of looking at how this co-operation could play on a more global level. It is a more positive outlook for understanding this against a general framework where we are in the business of minimising loss.

If one has a negative outlook by disposition in this trade, in which our job is basically trying to stop human misery, you never get the job done, so one has to be positive. In answer to that specific question, that is one opportunity.

Baroness Massey of Darwen: This sound like an incredibly complex operation.

Rob Wainwright: Yes.

Baroness Massey of Darwen: Who co-ordinates all this? Is it your office?

Rob Wainwright: Who co-ordinates what exactly?

Baroness Massey of Darwen: I mean the whole complex operation that you have described.

Baroness Pinnock: Who oversees it?

Rob Wainwright: Do you mean of Europol itself?

Baroness Massey of Darwen: Yes, who oversees it?

Rob Wainwright: Ultimately, it is my responsibility.

Baroness Massey of Darwen: It is you.

Rob Wainwright: Yes, but as you might expect, I have excellent colleagues to help me.

Baroness Massey of Darwen: Who are you accountable to?

Rob Wainwright: I am accountable to a management board, which is formed of senior representatives from each of the member states. In the case of the United Kingdom, that is a senior member of the Home Office. My appointing authority and ultimately the part of the budgetary authority in which I sit is the Council of Ministers, which includes the Home Secretary.

The Chairman: We are very grateful to you. Thank you very much indeed. I should ask whether there is anything that you feel you ought to be telling us that we have not asked you about.

Rob Wainwright: No, but I would just thank you. It is not the first time I have given evidence to such a Committee. I have been invited to give evidence here in the United Kingdom to both Houses more often than any other member state. I do not think that is only because of my nationality. It reflects the way in which this Parliament also takes a very constructive approach to European affairs in a way that many other member states do not.

On behalf of my institution, I also recognise and appreciate the way in which you conduct these inquiries and produce very good reports. We are always grateful for our ability to contribute to that.

The Chairman: Thank you very much. We are very grateful to you, and we wish you the very best of luck in the last few weeks in your present job. We hope we will remain, in one way or another, in contact afterwards. Thank you very much indeed on behalf of all of us.