



Home Office

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Sir William Cash MP  
Chair, European Scrutiny Committee  
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London  
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Dear Sir William,

### **Changes to cross-border police cooperation in the EU: implications for the UK**

Thank you for your letter of 12 January concerning a package of measures proposed by the European Commission in December 2021 to establish an EU 'Police Cooperation Code' and their potential impacts on law enforcement cooperation under the UK-EU Trade and Cooperation Agreement (TCA). I apologise for the delay in replying.

#### Cross-border information exchange: changes to 'Prüm'

As you note, in December the European Commission proposed a suite of significant changes to the operation and infrastructure of the Prüm data sharing system. These include the introduction of new data categories such as the exchange of facial images and police records, a central router to replace bilateral connections and an enhanced role for Europol in facilitating wider data sharing. You ask whether the Government supports these changes and whether they would substantially amend the current EU rules governing Prüm exchanges such as to require a formal amendment of Title II, Part Three of the TCA.

The EU proposal for next generation Prüm is aimed at modernising and strengthening the existing legal framework which underpins data exchange between EU Member States, and which is largely mirrored in TCA. The Prüm Council Decisions have remained unchanged since they were adopted in 2008. These new measures reflect the latest developments in forensic science and biometric technologies and are aimed at increasing the ability of law enforcement agencies to tackle cross-border criminality through improved technology and enhanced cooperation.

Negotiations on the proposals within the EU are at a very early stage and the text may be expected to change significantly before it is adopted and incorporated into EU legislation. It is therefore too soon for us to assess whether the UK should seek to participate in next generation Prüm and what that might mean for the arrangements under the TCA. Our current working assumption is that the text might be adopted sometime next year.

We do, however, consider that the envisaged technical changes as proposed are substantive in nature as they include new data categories, such as the exchange of facial images, which is not yet supported by a technical or legal framework. Assuming the EU negotiations on the proposals do not remove those substantive changes, we might therefore anticipate having to revisit the relevant provisions in the TCA. If so, we would expect formal notification from the EU via the governance structures established in the TCA (the Specialised Committee for Law Enforcement and Judicial Cooperation); Article 541 of the TCA provides for a nine-month consultation process from the moment of notification of intent to amend the provisions.

It will be a matter for the Government and interested parties to consider this fully in due course, once we have a better understanding of the proposed changes and timescales for adoption, as well as the scale of technical change required and any associated cost implications. As you are aware, discussions on Parliamentary scrutiny arrangements for EU-related business have not yet concluded but the Government's proposals include a range of approaches to ensuring Committees are kept informed of decisions made under the TCA governance structures.

### Operational police cooperation

You also ask about the proposed Council Recommendation on operational police cooperation and whether it will be effective in tackling small boat journeys across the Channel or North Sea to the UK, and secondly whether there are additional measures being considered by the EU to deter migrant crossings.

The UK has a common interest with the EU and its Member States in defending their borders, just as we seek to defend our own borders. We welcome cooperation with and between our European partners to tackle the issue of illegal migration. However, the Council Recommendation does not provide sufficient detail on the type of cooperation or the extent of joint operations to comment definitively as to whether it will be effective.

The UK is clear that we have a shared responsibility to prevent any further loss of life, to break the business model of organised crime groups and make illegal routes and exploitation unviable. It is vital that we continue to work closely together with our European partners to achieve this. We are keen to increase our efforts with the EU and its Member States through joint initiatives and enhanced cooperation arrangements and are in discussions to progress this work.

I am copying this letter to the Chair (Dame Diana Johnson) and Clerk (Elizabeth) of the Home Affairs Committee; the Chair (Sir Robert Neill MP) and Clerk (David Weir) of the Justice Committee; and the Chair (the Earl of Kinnoull) and Clerk (Nick Boorer) of the Lords European Union Committee; George Wilson, Clerk to your Committee; Andrew Englefield (Home Office Deputy Parliamentary Clerk); and Les Saunders in the Cabinet Office.

Yours,



**Damian Hinds**  
Security Minister