

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

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Baroness Williams of Trafford
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Changes to cross-border police cooperation in the EU and to the Prüm rules: potential implications for the UK

Thank you for your letter dated 25 July 2022 concerning proposed changes to EU rules on cross-border police cooperation (“Prüm”) and the Government’s efforts to strengthen cooperation with the EU and its Member States on illegal immigration.

You helpfully indicate that the EU Council and European Parliament are unlikely to agree changes to the current Prüm rules until spring 2023 at the earliest. Under the EU/UK Trade and Cooperation Agreement (TCA), the EU can notify the UK that it is seeking a formal amendment of the Agreement while the Prüm rules are “in the process of being amended substantially”, making the timing of any requested changes to the TCA unpredictable. We welcome your assurance that the Government will inform the Committee as soon as the EU notifies the UK that it considers formal amendment of the TCA to be necessary so that we can consider any changes proposed and their operational implications for UK law enforcement.

You state that the UK and Belgium are in the process of negotiating a law enforcement cooperation agreement. The TCA envisages that the UK and individual EU countries may conclude bilateral agreements to enhance the sharing of operational information provided that “Member States act in compliance with Union law”. It is unclear what this limitation means in practice or how it might affect the scope of any bilateral agreements on law enforcement which the UK seeks to negotiate. We would therefore welcome further information on:

- the scope and content of the law enforcement cooperation agreement being negotiated with Belgium and the arrangements for parliamentary scrutiny before the agreement is formally concluded; and

- other EU countries with which the Government wishes (or has started) to negotiate similar bilateral law enforcement cooperation agreements and how the Government envisages consulting Parliament ahead of (or during) negotiations.

Finally, you state that the Government is seeking to secure “effective readmission arrangements with the EU” to tackle illegal immigration. While the TCA does not include provisions on illegal migration and returns/readmission, a Joint Political Declaration agreed at the same time by the EU and the UK takes note of “the United Kingdom’s intention to engage in bilateral discussions with the most concerned Member States to discuss suitable practical arrangements on asylum, family reunion for unaccompanied minors or illegal migration, in accordance with the Parties’ respective laws and regulations”. We would welcome an update on the progress being made by the UK in securing “effective readmissions arrangements” with the EU and the scope for entering into separate bilateral readmission agreements with individual EU agreements in the absence of an EU-wide agreement.

We look forward to receiving your response by the end of September 2022.

I am copying this letter to the Chair (Rt Hon Dame Diana Johnson MP) and Clerk (David Weir) of the Home Affairs Committee; the Chair (Sir Robert Neill MP) and Clerk (Rob Cope) of the Justice Committee; the Chair (the Earl of Kinnoull) and Clerk (Nick Boorer) of the Lords European Affairs Committee; Andrew Englefield of your Department; and Les Saunders in the Cabinet Office.

CHAIR