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Documents considered by the Committee on 21 October 2020

Report, together with formal minutes

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Notes

Numbering of documents

Three separate numbering systems are used in this Report for European Union documents:

Numbers in brackets are the Committee's own reference numbers.

Numbers in the form "5467/05" are Council of Ministers reference numbers. This system is also used by UK Government Departments, by the House of Commons Vote Office and for proceedings in the House.

Numbers preceded by the letters COM or SEC or JOIN are Commission reference numbers.

Where only a Committee number is given, this usually indicates that no official text is available and the Government has submitted an "unnumbered Explanatory Memorandum" discussing what is likely to be included in the document or covering an unofficial text.

Abbreviations used in the headnotes and footnotes

AFSJ	Area of Freedom Security and Justice
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
ECA	European Court of Auditors
ECB	European Central Bank
EEAS	European External Action Service
EM	Explanatory Memorandum (submitted by the Government to the Committee) *
EP	European Parliament
EU	European Union
JHA	Justice and Home Affairs
OJ	Official Journal of the European Communities
QMV	Qualified majority voting
SEM	Supplementary Explanatory Memorandum
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union

Euros

Where figures in euros have been converted to pounds sterling, this is normally at the market rate for the last working day of the previous month.

Further information

Documents recommended by the Committee for debate, together with the times of forthcoming debates (where known), are listed in the European Union Documents list, which is published in the House of Commons Vote Bundle each Monday, and is also available on the parliamentary website. Documents awaiting consideration by the Committee are listed in "Remaining Business": www.parliament.uk/escom. The website also contains the Committee's Reports.

*Explanatory Memoranda (EMs) and letters issued by the Ministers can be downloaded from the Cabinet Office website: http://europeanmemoranda.cabinetoffice.gov.uk/.

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Contents

1 EU Farm to Fork Strategy[1]

This EU document is politically important because:

- it suggests future changes to several pieces of legislation to which Northern Ireland must remain aligned; and
- confirms that the Government is seeking to monitor EU publications and announcements regarding future legislative changes.

Action

- Report to the House.
- Draw to the attention of: the Environment, Food and Rural Affairs Committee; the Committee on the Future Relationship with the EU; and the Northern Ireland Affairs Committee.

Overview

1.1 The EU's 'Farm to Fork' Strategy seeks to address the challenges of sustainable food systems, proposing a series of policy changes including amendments to legislation with which Northern Ireland (NI) must maintain alignment under the terms of the Ireland/Northern Ireland Protocol annexed to the Withdrawal Agreement. The affected legislation includes initiatives covering: pesticides; agricultural product marketing standards; animal welfare; and food labelling.

1.2 We set out details of the Strategy in our Report[2] of 3 September 2020, following which we wrote to the Minister for Farming, Fisheries and Food (Victoria Prentis MP) expressing disappointment at the quality of the Government's analysis, notably concerning the possible impact upon Northern Ireland.

1.3 The Minister's comprehensive response, dated 9 October, is summarised below. While noting that the aspirations of the Strategy may change following consultation with Member States, the Minister acknowledges that — based on what is currently known about the Strategy in its current form — it is likely that all of the legislation that we cited in our letter to her could be impacted over the next few years. She is clear that this should not be considered an exhaustive list.

Potential legislative amendments affecting Northern Ireland

1.4 The Minister goes on to comment in broad terms on some of the themes in the Strategy. She says, for example, that animal welfare legislation may be amended, with changes needing to be applied in Northern Ireland. Any such changes might, for instance, affect livestock transporters, slaughterers and inspection arrangements.

1 Commission Communication: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system; 8280/20, COM(20) 381; Legal base: —; Department: Environment, Food and Rural Affairs; Devolved Administrations: Consulted; ESC number: 41271.

2 Nineteenth Report HC 229–xv (2019–21), chapter 3 (3 September 2020).

1.5 The Minister considers that legislation on "food contact materials" (such as packaging and containers, kitchen equipment, cutlery and dishes) is likely to be amended in line with the Strategy. Any such amendments to the Regulation on food contact materials[3] would apply to Northern Ireland under the terms of the Protocol. The Minister explains that the Commission has been considering these changes for some time, and the Government is aware that progress is being made.

1.6 On potential changes to rules on pesticides, the UK will put in place arrangements to keep track of the EU pesticides Regulations which are listed in the Protocol[4] and, as part of that, will monitor the implications of any related initiatives. That might include changes to the Sustainable Use of Pesticides Directive[5] (as suggested in the Commission's Strategy) insofar as any changes affected implementation of the pesticides Regulations.

1.7 Concerning agricultural marketing standards, the Minister reports that the Commission made several attempts to update the legislation governing marketing standards for agricultural products prior to the UK's withdrawal from the EU, but there was no consensus between Member States on the direction of travel. The Minister says that it is now generally accepted that parts of the poultry meat standard could usefully be updated.

Monitoring of EU legislative changes relevant to Northern Ireland

Turning to the process by which the European Commission is obliged under the Northern Ireland Protocol to 'inform' the UK 'about planned Union acts', the Minister notes that the UK and EU are in the process of agreeing the Rules of Procedure for the Joint Consultative Working Group (JCWG). Once the JCWG is established, says the Minister, it will consider future governance processes and provide the UK with a forum to monitor and oversee planned EU legislative changes that directly affect the Protocol.

1.8 The UK also actively seeks to monitor EU publications and announcements regarding future legislative changes, but no longer has access to EU meetings and policy development discussions.

Our assessment

1.9 We are satisfied with the Minister's response, which provides a helpful analysis of how the policy outlined in the Strategy could be relevant to the United Kingdom's obligations under the Ireland/Northern Ireland Protocol annexed to the Withdrawal Agreement. It is regrettable that the Minister only provided this information when prompted by us and did not volunteer it initially as we consider it quite clearly of interest to Parliament.

1.10 We accept, and agree with, the Minister's caveat that the aspirations of the Strategy may change following consultation between the Commission and Member States. It is important, though, to have identified the potential for legislative developments relevant to Northern Ireland.

3 Regulation 1935/2004 on materials and articles intended to come into contact with food.
4 Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market, and Regulation (EC) No 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin.
5 Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides.

1.11 In that light, we welcome the information from the Minister that the UK's approach to monitoring ongoing EU policy initiatives is twofold: unilateral; and through the Joint Consultative Working Group.

1.12 Action

1.13 We report the Minister's response to the House for information and draw it to the attention of: the Environment, Food and Rural Affairs Committee; the Committee on the Future Relationship with the EU; and the Northern Ireland Affairs Committee.

2 Northern Ireland Protocol: application of tariff rate quotas and other import quotas[6]

This EU document is legally and politically important because:

- it is intended to prepare for the end of the post-exit transition period and concerns the implementation of EU customs laws in Northern Ireland under the Protocol on Ireland/Northern Ireland.

Action

- Write to the Parliamentary Under-Secretary of State for Trade (Ranil Jayawardena MP) asking him to clarify the Government's position on the proposed Regulation and to express a view on the appropriate mechanism for it to apply in Northern Ireland after transition.
- Draw to the attention of the Committee on the Future Relationship with the EU, the International Trade Committee and the Northern Ireland Affairs Committee.

Overview

2.1 The proposed Regulation concerns the treatment of EU tariff rate quotas and other import quotas under the Protocol on Ireland/Northern Ireland ("the Northern Ireland Protocol") which forms part of the EU/UK Withdrawal Agreement).[7] It is intended to resolve possible ambiguities in the interpretation and application of the Protocol arising from the fact that Northern Ireland remains part of the UK's customs territory but, unlike the rest of the UK, is bound to apply EU customs laws as if it were part of the EU's customs territory when the post-exit transition period ends on 31 January 2020.[8]

2.2 As we explained previously in our Twenty-second Report,[9] under World Trade Organisation (WTO) rules, each WTO member (or, in the case of the 27 EU Member States, the EU) has its own set of legally binding tariffs and market access commitments which are set out in its Schedule of goods agreed under GATT (the General Agreement on Tariffs and Trade). The Schedule includes import tariffs as well as import quotas and tariff rate quotas which take the form of "concessions" and allow certain goods below the specified quota to enter the market at a lower than normal tariff. The EU's Schedule of Concessions on goods applies to the UK until the end of 2020.[10]

6 Proposal for a Regulation on the application of Union tariff rate quotas and other import quotas; Council number: —; COM(20) 375; Legal base — Article 207(2) TFEU, ordinary legislative procedure, QMV; Dept — International Trade; Devolved Administrations — consulted; ESC number 41467.

7 Treaty Series No.3 (2020), Command Paper 219.

8 Article 4 of the Northern Ireland Protocol states that Northern Ireland is part of the customs territory of the United Kingdom. Article 5(3) of the Protocol provides that EU customs laws apply "to and in the United Kingdom in respect of Northern Ireland".

9 Twenty-second Report HC 229–xviii (2019–21), chapter 3 (24 September 2020).

10 See the Government's communication to the WTO Secretariat on the UK's Withdrawal from the EU.

2.3 Article 4 of the Northern Ireland Protocol states that "Nothing in this Protocol shall prevent the United Kingdom from including Northern Ireland in the territorial scope of its Schedules of Concessions annexed to the General Agreement on Tariffs and Trade 1994" once it no longer applies the EU's Schedule. Building on this, the proposed Regulation seeks to make clear that the tariff rate quotas and other import quotas set out in the EU's Schedule should only apply to goods imported and released into free circulation in the territory of the EU which, for these purposes, means the territory of the EU's 27 Member States—it does not include Northern Ireland. The proposed Regulation also states that it would (if adopted) apply "to and in the United Kingdom in respect of Northern Ireland", citing Articles 5(3) and (4) and 13(3) of the Protocol,[11] and would take effect on 1 January 2021.

2.4 In his Explanatory Memorandum of 4 September 2020, the Parliamentary Under-Secretary of State for Trade (Ranil Jayawardena MP) confirmed that the EU's Customs Code would apply "to and in the UK in respect of Northern Ireland in accordance with the Protocol" and said that the proposed Regulation would "clarif[y] the relationship between the EU and third countries in relation to EU tariff rate quotas and other import quotas". He made clear that Northern Ireland businesses would benefit from preferential tariffs in the same way as the rest of the UK after transition but added that the full implications of the proposed Regulation for UK trade would not be known "until the wider negotiations on the implementation of the Protocol have concluded".

2.5 In our letter of 24 September 2020, we asked whether we were right to infer that the Government welcomed the proposed Regulation, given that it appeared to be consistent with the position set out in the Government's Command Paper on The UK's Approach to the Northern Ireland Protocol[12] which made clear that Northern Ireland would remain an integral part of the UK's customs territory after transition and benefit from any preferential tariffs and quotas negotiated by the UK with third countries. In his response of 8 October 2020, the Minister says that such an inference would not be justified:

> There are ongoing wider discussions on the implementation and application of the Northern Ireland Protocol at the Withdrawal Agreement Joint Committee (WAJC) and, as I am sure you will appreciate, I cannot provide my full consideration until after these discussions have concluded.
>
> As we leave the EU, it is important to make sure traders around the world are aware of Northern Ireland's (NI) place in [the] United Kingdom's customs territory. We will publish further guidance on the Protocol as we move towards the end of the Transition Period.

2.6 We asked the Minister to explain why the full implications of the proposed Regulation for UK trade would only be known once "the wider negotiations on the implementation of the Protocol" had concluded and whether, by this, he meant the decision yet to be taken by the EU/UK Withdrawal Agreement Joint Committee determining which goods brought into Northern Ireland from outside the EU would be "at risk of subsequently being moved into the Union" and thus subject to EU customs duties.[13] He confirms that this is the case. We also asked whether he anticipated that the application of the criteria agreed by

11 See recital (10) of the proposed Regulation.
12 Command Paper 226, The UK's Approach to the Northern Ireland Protocol.
13 See Article 5(2) of the Protocol.

the Joint Committee to "at risk goods" would create additional administrative burdens for trade in goods between GB and Northern Ireland which have been imported from a third country. The Minister says only that the Government is "committed to securing arrangements that do not create unnecessary burdens for traders and we are determined to continue to engage in the WAJC discussions constructively, with the aim of finding a satisfactory outcome for both sides".

2.7 We noted that in preparing his Explanatory Memorandum the Minister had consulted the Devolved Administrations but gave no indication of their views on the proposed Regulation. We suggested that the Northern Ireland Executive in particular would be interested in any impact on goods imported by Northern Ireland and on trade in those goods between Northern Ireland and GB and Northern Ireland and the EU, as well as the implications for consumers and businesses in Northern Ireland. We requested further information on their position and on the Government's reasons for deciding against a wider stakeholder consultation.

2.8 The Minister tells us that the Northern Ireland Executive (NIE) has been informed of developments, adding:

> We recognise that collaborative working is essential in preserving the integral role of the NIE in this work and reflecting our support for the power sharing administration. NIE will have a seat at the table in meetings where NI is being discussed and the Irish Government are present.
>
> We have already published guidance for businesses on the NI Protocol and further guidance for businesses will be published once the wider negotiations with the EU have concluded. I can assure you that we are committed to ensuring that NI's businesses and producers enjoy unfettered access to the rest of the United Kingdom and that, in the implementation of the Withdrawal Agreement, we will maintain and strengthen the integrity and smooth operation of our internal market.

2.9 Finally, we asked the Minister to clarify the legal basis on which the Regulation (if adopted) would apply "to and in the United Kingdom in respect of Northern Ireland", noting that recital (10) of the proposal referred to Article 5(3) and (4) and Article 13(3) of the Protocol. These provisions establish that EU customs laws (including measures supplementing or implementing the EU Customs Code) and EU acts listed in Annex 2 to the Protocol (including EU acts amending or replacing them) apply automatically in Northern Ireland after transition by a process of dynamic alignment.

2.10 The Minister does not set out his view on the correct mechanism for applying the Regulation (if adopted) in Northern Ireland, observing only that he will do so "after the wider negotiations with the EU have concluded".

Action

2.11 In the preface to his letter, the Minister says he has sought to address our questions "as directly and as clearly as possible at this time". In some cases, however, the Minister indicates that he will only be able to provide a substantive response "once the wider negotiations with the EU have concluded" without explaining why this should be so. We

therefore ask him to clarify the Government's position on the proposed Regulation, given the possibility that it may be adopted before wider negotiations have been concluded, and to express a view on the appropriate mechanism for applying the Regulation in Northern Ireland after transition.

Letter to the Parliamentary Under-Secretary of State (Ranil Jayawardena MP), Department for International Trade

Thank you for your letter of 8 October 2020 responding to the questions raised in our Twenty-second Report[14] and our letter of 24 September 2020 concerning a proposed Regulation on the application of EU tariff rate quotas and other import quotas under the Withdrawal Agreement Protocol on Ireland/Northern Ireland.

It is disappointing that you are unwilling to form a view on some of the questions we have raised with you until "wider negotiations with the EU have concluded". Does this mean that you expect the proposed Regulation will only be adopted after these wider discussions have concluded, or might it be agreed sooner? If the latter, it is important for us to understand the Government's position on the proposed Regulation and, in particular, whether you consider it to be consistent with the approach set out in the Government's Command Paper on The UK's Approach to the Northern Ireland Protocol[15] which makes clear that Northern Ireland will remain an integral part of the UK's customs territory after transition and benefit from any preferential tariffs and quotas negotiated by the UK with third countries.

You indicate that you cannot form a view on the correct mechanism for the Regulation (once adopted) to apply "to and in the United Kingdom in respect of Northern Ireland" until "wider negotiations with the EU have concluded". We ask you to explain why. The provisions of the Northern Ireland Protocol cited in the proposed Regulation—Article 5(3) and (4) and Article 13(3)—are not, as far as we are aware, a matter for negotiation within the Withdrawal Agreement Joint Committee or part of the wider future relationship negotiations. We can therefore see no reason why you cannot express a view on their application in this case, given that you recognise in your Explanatory Memorandum on the proposed Regulation that it will affect the way in which the EU Customs Code is implemented and that the Code will continue to apply in Northern Ireland after transition.

We look forward to receiving the further details we have requested on the Government's position within 10 working days.

14 Twenty-second Report HC 229–xviii (2019–21), chapter 3 (24 September 2020).

15 Command Paper 226, The UK's Approach to the Northern Ireland Protocol.

3 Cross-border police cooperation: the automated exchange of DNA and fingerprint data under Prüm[16]

These EU documents are legally and politically important because:

- they are the trigger for a decision taken by the Government in June 2020 to change its policy on the DNA profiles and fingerprints held in the UK's national DNA and fingerprint databases that may be searched by EU partners under the Prüm data sharing arrangements to tackle cross-border crime;
- the decision alters the basis on which Parliament (after a debate and Resolution agreed in December 2015) determined that the UK should take part in Prüm; and
- the documents concern an area of cooperation which the EU and the UK wish to maintain after the transition period ends on 31 December 2020.

Action

- No further action on these documents but write again to the Minister for Security (Rt Hon. James Brokenshire MP) to reiterate our deep concern at the Government's side-lining of Parliament in carrying out its policy review and requesting more meaningful engagement on the future relationship negotiations with the EU and prospects for an agreement on criminal justice and law enforcement cooperation to take effect from 1 January 2021.
- Draw to the attention of the Committee on the Future Relationship with the EU, the Home Affairs Committee, the Justice Committee, the Joint Committee on Human Rights, and the Science and Technology Committee.

Overview

3.1 These two Council Implementing Decisions concern the operation of the Prüm system—an EU-wide legal framework for cross-border police cooperation—in the UK.[17] A core feature of Prüm is a mechanism for the rapid automated searching of DNA profiles, fingerprint and vehicle registration data held in the national databases of EU Member States (there is no central EU database) to support the prevention and investigation of cross-border crime. The UK notified the EU of its decision to participate in Prüm in January 2016.[18] The decision followed a debate in the Commons on 8 December 2015

16 (a) Council Implementing Decision (EU) 2019/968 on the launch of automated data exchange with regard to DNA in the UK; Council document —; Legal base: Article 33 of Council Decision 2008/615/JHA on the stepping up cross-border cooperation, particularly in combating terrorism and cross-border crime, QMV, EP consultation; Department: Home Office; Devolved Administrations: consulted; ESC number 40679.

(b) Council Implementing Decision on the launch of automated data exchange with regard to dactyloscopic data in the UK; Council document 14247/19, —; Legal base: Article 33 of Council Decision 2008/615/JHA on the stepping up cross-border cooperation, particularly in combating terrorism and cross-border crime, QMV, EP consultation; Department: Home Office; Devolved Administrations: consulted; ESC number 41121.

17 See Council Decision 2008/615 JHA and Council Decision 2008/616/JHA.

18 See details of the notification in the European Judicial Network Library archive.

in which the House insisted on certain safeguards, the main one being that searches against the UK's DNA and fingerprint databases would be limited to "a subset" of data relating to individuals who had been convicted of a criminal offence. Searches would not be run against the DNA profiles and fingerprints of criminal suspects.[19] The Government indicated that this safeguard would be set out in legislation.[20]

3.2 Both Council Implementing Decisions under scrutiny have been adopted, the first in June 2019, the second in August 2020. The first Council Implementing Decision authorised the UK to take part in the automated exchange of DNA profiles from 14 June 2019 but set a deadline of 15 June 2020 for the UK to "complete a review of its policy of excluding suspects' profiles from automated DNA data exchange", failing which the Council would "re-evaluate the situation with regard to the continuation or termination of DNA data exchange with the UK".[21] The Government announced in June 2020 that it had completed its policy review and had decided to begin sharing the biometric data of criminal suspects through Prüm because of the "important public safety benefits".[22] The second Council Implementing Decision authorised the UK to begin the automated exchange of fingerprint (dactyloscopic) data from 11 August 2020. Our Fifteenth Report and our Nineteenth Report of Session 2019–21 provide further background on UK participation in Prüm and the two Council Implementing Decisions.[23]

3.3 In his letter dated 7 October 2020, the Minister for Security (Rt Hon. James Brokenshire MP) informed us that the UK had started to exchange fingerprint data with Germany through the Prüm network on 5 October 2020 (with other EU Member States to follow), building on the DNA exchanges via Prüm which had begun in July 2019 and had "already delivered public protection benefits". He anticipated that "expanding UK law enforcement capabilities by enabling the exchange of fingerprints [would] further enhance the ability of UK law enforcement to match UK unsolved crime scene 'stains' with EU datasets".

3.4 In a further letter dated 9 October 2020, the Minister responds to concerns raised in our earlier Reports and set out in our letter of 3 September 2020. These centred on the Government's side-lining of Parliament when carrying out its review of the benefits and risks of sharing the biometric data of criminal suspects in the UK's exchanges with other Prüm partners, and more specifically, its apparent disregard for the terms on which the House of Commons had agreed to UK participation in Prüm in December 2015. We noted that the Government's decision to allow other EU Member States participating in Prüm to search against the DNA profiles and fingerprints of criminal suspects held in the UK's national databases meant that more data, with fewer safeguards, would be shared now that the UK had left the EU than had been the case when the UK itself was a Member State, and considered that this required further explanation. Our questions, and the Minister's response, are set out in the following paragraphs.

19 See Hansard, 8 December 2015, col 963.

20 See p.79 of the Government's Prüm Business and Implementation Case (published as Command Paper 9149 in November 2015).

21 Council Implementing Decision (EU) 2019/968 was adopted on 6 June 2019. See our Seventy-second Report HC 301–lxx (2017–19), chapter 3 (17 July 2019).

22 See the Written Statement issued on 15 June 2020 by the Minister for Security (Rt Hon. James Brokenshire MP) and his letter of the same date to the Chairman of the European Scrutiny Committee (Sir William Cash MP).

23 Fifteenth Report HC 229–xi (2019–21), chapter 5 (2 July 2020) and Nineteenth Report HC 229–xv (2019–21), chapter 9 (3 September 2020).

3.5 Turning first to the safeguards debated in the chamber and included in the Resolution voted on by the House in December 2015, we asked why the Government had not delivered on its promise to "write into law" that data made available by the UK via Prüm would be strictly limited to the DNA profiles and fingerprints of convicted criminals, not criminal suspects (as had been envisaged in the draft legislation proposed by the Government in Annex J of Command Paper 9149 and reiterated by the then Home Secretary during the debate). The Minister's response does not address this specific point, instead explaining why the Government decided not to introduce legislation before beginning DNA exchanges in July 2019. On this, he says that legislation was not necessary and would have taken up parliamentary time, adding that the Government's focus has been to "ensure the effective operation of Prüm, including continued adherence to the important and effective safeguards set out in the Prüm Decisions and the additional safeguards the UK Government introduced, so that we can guarantee that UK citizens' data is protected".

3.6 Since the Minister had previously told us that no changes to UK law were necessary to allow the sharing of criminal suspects' biometric data, we asked what practical means had been taken to implement to give effect to the Government's change in policy. He indicates that there were "initial technical process changes" and that the Government had taken "a phased approach […] to preserve the integrity of the data and the systems within which the data is held", adding:

> Operational agencies across England and Wales and the Devolved Administrations have been consulted on the practical steps required and continue to work closely with us to make the remaining changes.

3.7 We asked whether the Government had considered the need for a data protection impact assessment under section 64 of the Data Protection Act 2018 (which requires an assessment "where a type of processing is likely to result in a high risk to the rights and freedoms of individuals") before proceeding to the exchange of criminal suspects' biometric data with EU partners. The Minister says only that "ensuring that the relevant data protection Impact Assessments are adequate is a matter for data owners in England and Wales and in the Devolved Administrations".

3.8 We were interested to hear whether the Biometrics Commissioner and other stakeholders had been consulted on the Government's policy change (before it had been agreed) and how, in broad terms, they had responded. The Minister tells us:

> The decision to update our policy on sharing suspects' data was discussed at the Forensic Information Database Service (FINDS) Board which provides independent oversight of the UK's operation of Prüm and the use of data held on the National DNA Database and the National Fingerprint Database (IDENT1). Both the Information Commissioner and Biometrics Commissioner sit on the FINDS Board and were therefore made aware of this change. Other relevant operational partners, including the Devolved Administrations, also attend the Board and were made aware. The Office of the Biometrics Commissioner was also consulted separately on this issue and raised no significant objections.

3.9 We noted in our earlier Report that Guidance issued by the Forensic Information Database Service (FINDS) Strategy Board[24] on International DNA and fingerprint exchange policy for the UK in June 2019 stated that, in the UK, Prüm exchanges of biometric data were "wholly limited" to data obtained from convicted criminals. We asked whether this guidance had been updated to reflect the Government's change in policy. The Minister tells us that guidance is "currently being reviewed to include several important updates, including the decision to share suspects' data in the shareable UK Prüm dataset" and that "the review is set to publish an updated policy by the end of December 2020".

3.10 Finally, we asked the Minister why the Government had considered it appropriate to announce by Written Ministerial Statement a policy change which overturned the assurances accepted by Parliament in a Resolution of the House agreed in December 2015 without further recourse to and consultation of Parliament (through a debate and vote). The Minister responds:

> In my view it was appropriate to inform Parliament of the change in policy by issuing a Written Ministerial Statement. Parliament voted overwhelmingly in favour of joining Prüm in 2015 as, like this Government, it recognised the clear public safety benefits in the automated exchanges of DNA, fingerprint and vehicle registration data. Indeed, data derived from UK DNA connections since 2019 have underlined this point. Other robust safeguards remain in place and are, I judge, working well in preventing innocent UK citizens getting unnecessarily caught up in prosecutions overseas.

Action

3.11 As we indicated in our previous Report, both Council Implementing Decisions have been adopted and we have no further questions to raise on their substance. The Minister's latest letter does not adequately respond to a number of questions we raised in our earlier correspondence. We therefore write again to underline the need for meaningful engagement with Parliament on document scrutiny and on progress in negotiations for a post-transition agreement with the EU on criminal justice and law enforcement cooperation to take effect from 1 January 2021 when current arrangements end.

Letter to the Minister for Security (Rt Hon. James Brokenshire MP), Home Office

Thank you for your letter of 7 October 2020 informing us that fingerprint exchanges with Germany via the Prüm network began on 5 October and that exchanges with other EU Member States are expected to follow shortly. The European Scrutiny Committee has also considered your further letter of 9 October 2020 responding to concerns we raised in our Nineteenth Report of Session 2019–21 and in our letter of 3 September 2020 about the Government's decision to share the DNA profiles and fingerprints of criminal suspects in its exchanges with other Prüm participating countries, contrary to assurances given to Parliament in December 2015.

24 FINDS is part of the Home Office. It is responsible for the integrity and protection of the data held on the UK's national DNA and fingerprint databases.

We are disappointed that you do not explain why the Government failed to "write into legislation" the specific safeguard set out in the Resolution agreed to by the House that "only a subset" of DNA profiles and fingerprints relating to convicted criminals would be made available for searching by other EU Member States participating in Prüm.[25] We note your commitment to "continued adherence to the important and effective safeguards set out in the Prüm Decisions" but as you acknowledge in your letter, the Government and the House considered that these safeguards needed strengthening. We reiterate our deep disquiet that the central safeguard agreed then—the exclusion from automated Prüm searches of biometric data relating to individuals who have not been found guilty of a crime—has been removed following a policy review without proper scrutiny by Parliament or opportunity for a debate and vote.

Your assurance that the Information Commissioner and Biometrics Commissioner "were aware" of the policy change because they sit on the Forensic Information Database Service (FINDS) Board, and that the Office of the Biometrics Commissioner was "consulted separately […] and raised no significant objections", provides little comfort. We question whether "being aware" constitutes an adequate degree of oversight and scrutiny of a policy change which we consider to be significant. Your response also suggests that the Biometrics Commissioner did have some concerns which it would have been helpful for you to share with us, even if you do not consider them to be significant.

Finally, you have nothing of substance to say in response to our request for an update on the progress being made in negotiations with the EU on agreeing capabilities similar to those provided by Prüm as part of a future agreement on criminal justice and law enforcement cooperation. Should we infer from this that no progress has been made? Given that all Prüm data exchanges will cease when the post-exit transition period ends on 31 December 2020 and the safety and security of UK citizens is at stake, we expect far more meaningful engagement from the Government in explaining what successor arrangements it expects to apply from 1 January 2021. We repeat our request for a progress report on negotiations, your assessment of the main sticking points, the prospects for reaching an agreement, and the likelihood that it will take effect from 1 January 2021.

25 Hansard, 8 December 2015, cols 914 to 963.

4 UK participation in the European Arrest Warrant[26]

These EU documents are politically important because:

- they examine Member States implementation and use of the European Arrest Warrant ("EAW"), identifying possible deficiencies (including in the UK) which may hinder efforts to agree new arrangements on extradition/ surrender between the EU and the UK to take effect after transition.

Action

- No further action on these documents.
- We reiterate our concern that there is insufficient engagement with Parliament on the progress of negotiations on a future agreement with the EU on law enforcement and judicial cooperation to allow for meaningful scrutiny or accountability.
- Draw to the attention of the Committee on the Future Relationship with the EU, the Home Affairs Committee and the Justice Committee.

Overview

4.1 These European Commission documents concern the implementation and operation of the European Arrest Warrant ("EAW"), an EU-wide mechanism for the arrest and surrender (extradition) of individuals who are wanted for a criminal prosecution or for the execution of a prison sentence or detention order. The EAW has resulted in a substantial reduction in the time taken to return and prosecute serious criminals who might otherwise seek to exploit free movement within the EU to evade justice.[27] Similar arrangements apply (since 1 November 2019) between the EU and Iceland and Norway.[28]

4.2 The first document, a Commission report on Member States' implementation of the EAW, highlights "issues of compliance in some" Member States, citing as examples a requirement for an EAW to be "trial ready" (meaning that there is sufficient evidence to charge and try the subject of an EAW at the time of surrender) and the application of a proportionality test when deciding whether to execute an EAW. Neither, in the Commission's view, is consistent with the Framework Decision establishing the EAW.[29]

26 (a) Report from the European Commission to the European Parliament and Council on the implementation of Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member states; Council number 9339/20, COM(20) 270; Legal base —; Home Office; Devolved Administrations consulted; ESC number 41379.
(b) Commission Staff Working Document: Replies to questionnaire on quantitative information on the practical operation of the European Arrest Warrant—Year 2018; Council number 9341/20, SWD(20) 127; Legal base —; Home Office; Devolved Administrations consulted; ESC number 41383.

27 See the examples cited in Command Paper 8897, published in July 2014, containing an Impact Assessment on the 35 EU police and criminal justice measures the UK proposed to rejoin following its "block opt-out" in December 2014.

28 See the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway and the Notice of entry into force.

29 Framework Decision 2001/584/JHA on the European arrest warrant and the surrender procedures between Member States.

The second document, a Commission staff working document, examines data provided by Member States on the operation of the EAW in 2018 and shows a steady increase since 2015 in the number of EAWs that have resulted in the surrender of the individual sought. Our Nineteenth Report of Session 2019–21 provides further details on the documents, UK participation in the EAW, and the draft legal texts put forward by the EU and the UK to establish a mechanism for extradition to take effect when the post-exit transition period ends on 31 December 2020.[30]

Our questions

4.3 In our letter of 3 September 2020 to the Minister for Security (Rt Hon. James Brokenshire MP), we asked whether the issues of compliance highlighted in the Commission report might hinder agreement on future extradition arrangements between the EU and the UK from 1 January 2021 when the EAW ceases to apply in the UK. The requirement for an EAW to be "trial ready" and the application of the "proportionality principle" are both grounds for the non-execution of an EAW under the UK's Extradition Act 2003[31] and are also included in the UK's draft working text for an agreement on law enforcement and judicial cooperation in criminal matters.[32] Neither ground forms part of the EU's draft legal text, nor are similar provisions contained in the surrender agreement between the EU and Iceland and Norway. We suggested that the EU and UK positions were difficult to reconcile and asked the Minister to clarify:

- his reasons for considering that a "trial readiness" test and a proportionality test were consistent with the EAW Framework Decision;
- the importance he attached to maintaining the same tests in any future arrangements on surrender/extradition agreed with the EU; and
- the progress being made on this aspect of the future relationship negotiations with the EU.

4.4 We noted that the Government had been keen to remain part of the EU's Schengen Information System (SIS II) after transition, not least because of its importance in disseminating EAWs (in the form of "real time alerts") across the EU. We asked whether the EU's decision to rule out continued UK participation in SIS II beyond the end of 2020 had affected the Government's own assessment of the benefits of agreeing new extradition/surrender arrangements with the EU or the compromises the Government might be willing to make.

4.5 The surrender agreement between the EU and Iceland and Norway is the only precedent for a third country agreement offering terms similar to those provided under the EAW Framework Decision. The agreement requires the parties to set up a mechanism for sharing relevant case law of the EU's Court of Justice ("CJEU") and domestic courts in Iceland and Norway, including case law relating to similar surrender instruments (such

30 Nineteenth Report HC 229–xv (2019–21), chapter 8 (3 September 2020).

31 Sections 11 and 12A of the 2003 Act provide that the absence of a prosecution decision is one of the grounds for refusing to execute an EAW. Sections 2(7A) and 21A of the Act require a judge to consider whether extradition based on an EAW would be "disproportionate", taking into account the seriousness of the conduct alleged to constitute the extradition offence; the likely penalty that would be imposed if the requested person was found guilty of the extradition offence; and the possibility of the relevant foreign authorities taking measures that would be less coercive than extradition.

32 See Articles SURR 7 and 8 in Part 4 of the draft text.

as the EAW), with a view to ensuring "as uniform an application and interpretation as possible" of the agreement. We asked the Minister whether such a (or similar) mechanism would address the Government's concern that the CJEU should not have any jurisdiction in the UK after transition.[33]

The Minister's response

4.6 In his response of 9 October 2020, the Minister makes clear that the UK is not seeking to continue participating in the EAW after transition. Rather, "we propose that arrangements with the EU should provide for fast-track extradition, however with significant further safeguards beyond those set out in the EAW Framework Decision". He continues:

> Those reciprocal safeguards are included in the UK's draft legal text and would guarantee a judge in the UK the ability to dismiss a warrant from an EU Member State on the basis that it is a disproportionate interference with the requested person's rights and/or if there has not yet been a decision to charge and try them.
>
> Arrangements in this area will not provide any role for the CJEU, nor will they constrain the autonomy of the UK's legal system in any way.

4.7 The Minister considers that the UK's current practice in relation to proportionality and trial readiness can be reconciled with the approach taken by the EU in the EAW Framework Decision.

> The Anti-Social Behaviour and Policing Act 2014 amended the Extradition Act to prevent extradition from taking place pursuant to an EAW where it would be disproportionate or where there had not yet been a decision to charge and a decision to try the person concerned.
>
> The EAW Framework Decision provides that it shall not have the effect of modifying the obligation to respect fundamental rights and legal principles as enshrined in Article 6 of the Treaty on the European Union. Article 52(1) of the Charter of Fundamental Rights in turn provides that limitations on rights are subject to the principle of proportionality. An EU Member State may therefore, in certain cases, refuse to execute an EAW on the basis that doing so would constitute a disproportionate interference with the suspect's rights.
>
> It [the EAW Framework Decision] also provides that an EAW may be issued either for the purpose of conducting a criminal prosecution or executing a custodial sentence or detention order. An EAW issued without an underlying decision to prosecute the wanted person, and where no sentence has been imposed, cannot fulfil either of those conditions and is rejected on that basis under the Extradition Act.

33 See p.3 of Command Paper 211, published in February 2020, on The Future Relationship with the EU: The UK's Approach to Negotiations.

4.8 Turning to the Schengen Information System, the Minister acknowledges the "direct link between the use of SIS II and the EAW", with both tools "operating in tandem" to support efforts to detain and extradite wanted persons. He continues:

> As you note, the Commission has stated its view that it is not legally possible for a non-Schengen third country to cooperate through SIS II, and that a future agreement between the UK and the EU need not provide similar capabilities. We regret this—we have always said that there would be a mutual loss of capability if no agreement can be reached. However streamlined extradition arrangements are valuable in their own right and are an important element of the UK-EU negotiations. Indeed, the UK successfully operated the European Arrest Warrant in the absence of connection to SIS II between 2004 and 2015.

4.9 Finally, responding to our request for regular updates on the progress made in securing new arrangements on extradition as the EU/UK future relationship negotiations enter their crucial final stages, the Minister refers us to statements made throughout the negotiating process by the Chancellor of the Duchy of Lancaster (in the Commons) and Lord True (in the Lords).

Our assessment

4.10 The Minister reiterates the Government's position that any future extradition arrangements agreed with the EU "will not provide any role for the CJEU, nor will they constrain the autonomy of the UK's legal system in any way". That, however, is not the question we asked. Rather, we sought the Minister's view on the mechanism set out in the EU's extradition agreement with Iceland and Norway for ensuring "as uniform an application and interpretation as possible of the provisions of the agreement" by means of the regular transmission of relevant case law, including cases decided by the CJEU. The Minister does not indicate whether a similar mechanism in a future EU/UK agreement would be consistent with the Government's position that the CJEU should not have any jurisdiction in the UK after transition.

4.11 We do not accept that "the regular updates" provided by Government Ministers on the future relationship negotiations in any way address the specific request we made for details of the progress made (as well as remaining obstacles) in securing new arrangements on surrender/extradition (as part of a wider agreement on law enforcement and judicial cooperation) to take effect from 1 January 2021. We have repeatedly expressed concern that there is insufficient engagement with Parliament on this aspect of the future relationship negotiations to allow for meaningful scrutiny or accountability.

Action

We have no further questions on the Commission report and Staff Working Document.

5 Northern Ireland Protocol: continued application of EU firearms laws[34]

This EU document is politically important because:

- it concerns an EU law—the Firearms Directive—which will continue to apply in Northern Ireland at the end of the post-exit transition period under the Protocol on Ireland/Northern Ireland; and
- it raises questions about regulatory alignment or divergence in the laws applicable in different legal jurisdictions in the UK from 1 January 2021.

Action

- Write to the Security Minister (Rt Hon. James Brokenshire MP) seeking information on any infringement proceedings brought by the European Commission against the UK; UK participation in the EU's Internal Market Information system after transition; and requesting further details (when available) of the Government's "whole system" coordinated approach to managing the risk of illicit goods entering the UK from 1 January 2021.
- Draw to the attention of the Northern Ireland Affairs Committee, the Home Affairs Committee, and the Committee on the Future Relationship with the EU.

Overview

5.1 This Commission Communication sets out the main elements of the EU Action Plan on Firearms Trafficking for the period 2020–25. The illicit trafficking, distribution and use of firearms increases the threat posed by organised crime and terrorism. The purpose of the Action Plan—which is not legally binding—is to establish a framework for cooperation between the EU and the main source countries for illicit weapons in the EU's neighbourhood (the Western Balkans, Moldova and Ukraine). Our Twenty-second Report provides an overview of the main themes set out in the Action Plan and the specific actions the EU intends to take in the period 2020–25.[35]

5.2 A key priority highlighted in the Action Plan is the correct implementation of the EU Firearms Directive,[36] with the Commission observing that "Member States are notably still far from having fully transposed and implemented the Firearms Directive" and that it will "step up its commitment to ensure that the Firearms Directive and its corresponding delegated and implementing acts are correctly transposed and effectively enforced by all Member States […] using all the powers given by the Treaty to that effect".[37] The Directive forms part of the retained EU law which will continue to apply in the UK under the European Union (Withdrawal) Act 2018.

34 Commission Communication: 2020–2025 EU action plan on firearms trafficking; Council number 10035/20 + ADD 1, COM(20) 608; Legal base: —; Department: Home Office; Devolved Administrations consulted; ESC number 41428.

35 See our Twenty-second Report HC 229–xviii (2019–21), chapter 6 (24 September 2020).

36 Directive (EU) 2017/853 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

37 See p.4 of the Communication.

5.3 In our letter of 24 September 2020, we asked the Security Minister (Rt Hon. James Brokenshire MP) whether he was satisfied that UK domestic law complied fully with the Directive. We also requested further information on:

- the steps the Government intended to take to avoid any unnecessary friction or divergence in the laws applicable in different parts of the UK after transition;
- whether Northern Ireland residents would still be able to request a European Firearms Pass after transition; and
- whether Northern Ireland would continue to participate in the information exchange mechanisms provided for in the Directive—and, if not, what assessment the Government had made of the possible impact on the operational effectiveness of cross-border law enforcement on the island of Ireland.

UK implementation of the EU Firearms Directive

5.4 In his letter of 7 October 2020, the Minister recognises that the UK is under a legal obligation to implement the Directive and that the Commission could bring infraction proceedings against the UK if it considered that UK domestic law was not fully compliant. He continues:

> We responded to the Commission most recently in June setting out the steps we are taking to meet the final requirements of Directive (EU) 2017/853 with a later implementation date of December 2019. We have not heard back from the Commission or received any indication that the transposition measures we notified, which we keep under regular review, fail to meet our obligations.[38]
>
> We have also recently notified transposition of two further implementing Directives 2019/0068 and 2019/0069 which relate to technical specifications for marking firearms and their components and the establishment of technical specifications for alarm and signal weapons—more commonly known as blank firers here—aimed at ensuring that such devices cannot be converted to fire live ammunition. Currently these specifications only apply to Great Britain but Northern Ireland have undertaken to make equivalent regulations as soon as possible using their powers under Paragraph 7 of Schedule 2 to the Violent Crime Reduction Act 2006.

Alignment of law across the UK after transition

5.5 While the UK will be under no legal obligation to keep in step with changes to the Directive made after 31 December 2020 (when the post-exit transition period ends) or to give effect to measures made under it, Northern Ireland will because the Directive is one of the EU laws listed in Annex 2 of the Protocol on Ireland/Northern Ireland ("the Northern Ireland Protocol") which will continue to apply in Northern Ireland after 31 December 2020. We noted in our earlier Report that the Directive does not require full regulatory alignment across the EU as it establishes common minimum rules, leaving Member States free to exceed them by including more stringent provisions in their national laws should

38 Most of the provisions of the Directive had to be given effect in domestic law by 14 September 2018.

they choose to do so. We asked, nonetheless, whether we were right to assume that the Government would wish to maintain close alignment of laws on legally owned firearms across the UK and, whether, as a consequence, domestic firearms laws in the UK would remain in lockstep with the Directive (and changes made to it) after transition to avoid any unnecessary friction or divergence in the laws applicable in different parts of the UK.

5.6 In his response, the Minister notes that firearms law (with the exception of prohibited weapons) is devolved in Northern Ireland so there has always been the possibility of policy divergence from Great Britain. He continues:

> Northern Ireland has historically had its own separate legislation although has tended to align with GB, except in relation to handguns which for historical reasons have been permitted in Northern Ireland. As you recognise, the Directive is essentially a harmonisation measure and under Article 3 Member States can include more stringent provisions in their national laws should they choose to do so. This is a provision which the UK has used on a number of occasions in favour of our own tough controls.
>
> Given it is listed as one of the EU laws included in Annex 2 of the Protocol, Northern Ireland is required to align with the European Firearms Directive and at the end of the Transition Period we will be in a position where the EU, NI and GB will already have harmonised firearms legislation in place. I would broadly agree with your assumption that the Government will wish to maintain close alignment of our domestic laws on the legal ownership of firearms within the UK. That is not to say that domestic firearms laws in the UK will remain in lockstep with the Directive (and any changes made to it) after transition. The UK has historically had stricter controls than other EU Member States and any tightening of EU controls is likely to simply bring EU legislation in line with our own. However, we would wish to consider adopting any proposed measures which would strengthen our respective firearms controls and help preserve security and public safety.

5.7 The Minister concludes:

> Overall, we believe the risks associated with policy divergence from an EU or GB perspective are minimal. Furthermore, the potential illicit flow of illegal firearms from the EU, into NI and onto GB is an aspect of serious organised crime already under consideration as part of ongoing work to mitigate the security risks arising from implementation of the Protocol.

Availability of the European Firearms Pass after transition

5.8 We noted in our earlier Report that the Directive allows individuals lawfully in possession of a firearm to obtain a European Firearms Pass to travel (with their firearm) to another EU country. Guidance issued by the Home Office on 30 October 2019 stated that the European Firearms Pass would not be available when EU law ceased to apply to the UK at the end of the post-exit transition period. The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 remove those parts of the law in Northern Ireland (The Firearms (Northern Ireland) Order 2004) which refer to the European Firearms Pass. We asked the Minister whether it was indeed the case that Northern Ireland

residents would no longer be able to request a European Firearms Pass after transition and that new export control and licensing arrangements would apply when taking a lawfully owned firearm to an EU country, including the Republic of Ireland, from 1 January 2021. We also asked whether the arrangements in Northern Ireland would be the same as in the rest of the UK.

5.9 The Minister confirms that the European Firearms Pass (EFP) will not be available in Great Britain at the end of transition, but says it will remain valid in Northern Ireland under the terms of the Northern Ireland Protocol, adding:

> We are currently working with the Department of Justice to bring forward amendments to reverse/amend the provisions in The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 which would have revoked the relevant provisions of the Firearms (Northern Ireland) Order 2004, so that Order will continue to provide for the issuing and recognition of EFPs. This means that Northern Ireland residents will still be able to request an EFP after transition and to use it to take a lawfully owned firearm to an EU country, including the Republic of Ireland, from 1 January 2021.

Information sharing

5.10 Finally, we noted that recent changes to the EU Firearms Directive had sought to improve systems for exchanging information between EU countries. We asked whether Northern Ireland would continue to participate in these information exchange systems after transition and, if not, what assessment the Government had made of the possible impact on the operational effectiveness of cross-border law enforcement on the island of Ireland.

5.11 The Minister responds:

> The Department for International Trade has requested continued access to the EU's Internal Market Information (IMI) system—the system which governs intra EU movements of firearms —for the purpose of tracking firearms entering into Northern Ireland. As is currently the case, there will continue to be an organised crime threat across the Irish land border. In order to guard against potential abuse of the Protocol arrangements, the Home Office are taking a 'whole system' coordinated approach to manage the risk of illicit goods entering the UK, working closely with the Northern Ireland Office, Devolved Administrations, Police Service of Northern Ireland, Transition Taskforce, HMRC and others.

Action

5.12 Write to the Minister asking him to inform us:

- if the European Commission decides to bring infringement proceedings against the UK *before* (as regards the UK as a whole) or *after* (in relation to the UK in respect of Northern Ireland) the end of the post-exit transition period on the grounds that it considers the UK's implementation of the Directive to be deficient;

- when/if the UK's application to remain part of the EU's Internal Market Information system has been accepted by the European Union and whether it is dependent on the outcome of future relationship negotiations; and
- when further details will be available on the Government's "whole system" coordinated approach to managing the risk of illicit goods entering the UK from 1 January 2021.

Letter to the Minister for Security (Rt Hon. James Brokenshire MP), Home Office

Thank you for your letter of 7 October 2020 which supplements the information you provided in your Explanatory Memorandum of 28 August 2020 on the Commission Communication establishing an EU Action Plan on Firearms Trafficking for the period 2020–25. Your response addresses concerns raised in my letter of 24 September 2020 and our Twenty-second Report agreed on the same date.

We note your expectation that the Government will wish to maintain close alignment of the laws applicable in Northern Ireland and in the rest of the UK on the legal ownership of firearms and your openness to adopting any proposed measures which would strengthen firearms controls and help preserve security and public safety across the UK and the EU. We retain a keen interest in developments in this area, both in relation to the rules applicable to the market in legally owned firearms and wider efforts to tackle illegal trafficking. We therefore ask you to:

- inform us promptly if the European Commission decides to bring infringement proceedings against the UK before (as regards the UK as a whole) or after (in relation to the UK in respect of Northern Ireland) the end of the post-exit transition period on the grounds that it considers the UK's implementation of the Directive to be deficient;
- update us on the UK's application to remain part of the EU's Internal Market Information system and whether UK participation is dependent on the outcome of future relationship negotiations; and
- indicate when further details will be available on the Government's "whole system" coordinated approach to manage the risk of illicit goods entering the UK.

We look forward to receiving this information at the earliest opportunity.

6 Documents not raising questions of sufficient legal or political importance to warrant a substantive report to the House

Department for Business, Energy and Industrial Strategy

(41522) — COM(20) 564	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — An EU-wide assessment of National Energy and Climate Plans: Driving forward the green transition and promoting economic recovery through integrated energy and climate planning.
(41525) — —	European Court of Auditors Special Report 2020/18: The EU's Emissions Trading System: free allocation of allowances needed better targeting.

Department for Environment, Food and Rural Affairs

(41544) — COM(20) 583	Proposal for a Council Decision on the position to be taken on behalf of the European Union in the International Coffee Organization Council.
(41545) 11201/20 COM(20) 626	Proposal for a Council Decision on the position to be taken on behalf of the European Union in the framework of the Convention for the Conservation of Salmon in the North Atlantic Ocean as regards the application for accession to that Convention submitted by the United Kingdom and repealing Decision (EU) 2019/937.
(41552) — COM(20) 629	Report from the Commission to the European Parliament and the Council Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (the EU Timber Regulation) Biennial report for the period March 2017 — February 2019.

Ministry of Justice

(41550) 11225/20 + ADDs 1–27 COM(20) 580	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: 2020 Rule of Law Report — The rule of law situation in the European Union.

Annex

Documents drawn to the attention of select committees:

('SNC' indicates that scrutiny (of the document) is not completed'; 'SC' indicates that scrutiny of the document is completed)

Environment, Food and Rural Affairs Committee: EU Farm to Fork Strategy [Commission Communication (SC)]

Committee on the Future of the European Union: Northern Ireland Protocol: continued application of EU firearms laws [Commission Communication (SNC)]; Northern Ireland Protocol: application of tariff rate quotas and other import quotas [Proposed Regulation (SNC)]; EU Farm to Fork Strategy [Commission Communication (SC)]; Cross-border police cooperation: the automated exchange of DNA and fingerprint data under Prüm [Council Implementing Decisions (SNC)]; UK participation in the European Arrest Warrant [(a) Commission Report, (b) Staff Working Document(SC)]

Home Affairs Committee: Northern Ireland Protocol: application of tariff rate quotas and other import quotas [Proposed Regulation (SNC)]; Cross-border police cooperation: the automated exchange of DNA and fingerprint data under Prüm [Council Implementing Decisions (SNC)]; UK participation in the European Arrest Warrant [(a) Commission Report, (b) Staff Working Document(SC)]

Joint Committee on Human Rights: Cross-border police cooperation: the automated exchange of DNA and fingerprint data under Prüm [Council Implementing Decisions (SNC)]

International Trade Committee: Northern Ireland Protocol: application of tariff rate quotas and other import quotas [Proposed Regulation (SNC)]

Justice Committee: Cross-border police cooperation: the automated exchange of DNA and fingerprint data under Prüm [Council Implementing Decisions (SNC)]; UK participation in the European Arrest Warrant [(a) Commission Report, (b) Staff Working Document(SC)]

Northern Ireland Affairs Committee: Northern Ireland Protocol: continued application of EU firearms laws [Commission Communication (SNC)]; Northern Ireland Protocol: application of tariff rate quotas and other import quotas [Proposed Regulation (SNC)]; EU Farm to Fork Strategy [Commission Communication (SC)]

Science and Technology Committee: Cross-border police cooperation: the automated exchange of DNA and fingerprint data under Prüm [Council Implementing Decisions (SNC)]

Formal Minutes

Wednesday 21 October 2020

Members present:

Sir William Cash, in the Chair

Jon Cruddas	Mr David Jones
Allan Dorans	Anne Marie Morris
Richard Drax	Greg Smith
Margaret Ferrier	

Scrutiny Report

Draft Report, proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 6 read and agreed to.

Resolved, That the Report be the Twenty-sixth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[Adjourned till Wednesday 4 November at 1.45 p.m.

Standing Order and membership

The European Scrutiny Committee is appointed under Standing Order No.143 to examine European Union documents and—

a) to report its opinion on the legal and political importance of each such document and, where it considers appropriate, to report also on the reasons for its opinion and on any matters of principle, policy or law which may be affected;

b) to make recommendations for the further consideration of any such document pursuant to Standing Order No. 119 (European Committees); and

c) to consider any issue arising upon any such document or group of documents, or related matters.

The expression "European Union document" covers —

i) any proposal under the Community Treaties for legislation by the Council or the Council acting jointly with the European Parliament;

ii) any document which is published for submission to the European Council, the Council or the European Central Bank;

iii) any proposal for a common strategy, a joint action or a common position under Title V of the Treaty on European Union which is prepared for submission to the Council or to the European Council;

iv) any proposal for a common position, framework decision, decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council;

v) any document (not falling within (ii), (iii) or (iv) above) which is published by one Union institution for or with a view to submission to another Union institution and which does not relate exclusively to consideration of any proposal for legislation;

vi) any other document relating to European Union matters deposited in the House by a Minister of the Crown.

The Committee's powers are set out in Standing Order No. 143.

The scrutiny reserve resolution, passed by the House, provides that Ministers should not give agreement to EU proposals which have not been cleared by the European Scrutiny Committee, or on which, when they have been recommended by the Committee for debate, the House has not yet agreed a resolution. The scrutiny reserve resolution is printed with the House's Standing Orders, which are available at www.parliament.uk.

Current membership

Sir William Cash MP (Conservative, Stone) (Chair)
Tahir Ali MP (Labour, Birmingham, Hall Green)
Jon Cruddas MP (Labour, Dagenham and Rainham)
Allan Dorans MP (Scottish National Party, Ayr Carrick and Cumnock)
Richard Drax MP (Conservative, South Dorset)
Margaret Ferrier MP (Scottish National Party, Rutherglen and Hamilton West)
Mr Marcus Fysh MP (Conservative, Yeovil)
Mrs Andrea Jenkyns MP (conservative, Morley and Outwood)
Mr David Jones MP (Conservative, Clwyd West)
Stephen Kinnock MP (Labour, Aberavon)
Mr David Lammy MP (Labour, Tottenham)
Marco Longhi MP (Conservative, Dudley North)
Craig Mackinley MP (Conservative, South Thanet)
Ann Marie Morris MP (Conservative, Newton Abbot)
Charlotte Nichols MP (Labour, Warrington North)
Greg Smith MP (Conservative, Buckingham)