

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

3 December 2020

Rt Hon. James Brokenshire MP
Minister for Security
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UK participation in the Schengen Information System (Council documents 6463/20 and 6554/20) (ESC 41107 and 41120)

Thank you for your letter of 17 November 2020 on these documents: the first, a Council Implementing Decision setting out a series of recommendations to address “very serious deficiencies” in the UK’s implementation of the Schengen Information System (“SIS II”); the second, a Commission report examining the progress made by countries currently connected to SIS II (including the UK during the transition period) in preparing for its phased upgrade by the end of 2021.

Our interest in these documents stems from the importance UK law enforcement attach to SIS II as tool for tackling crime which has a cross-border dimension. From the outset of negotiations on the EU/UK future relationship, the EU has been clear that the UK cannot retain access to SIS II after transition because the UK (unlike other third countries with access to SIS II, such as Iceland, Norway, Switzerland and Liechtenstein) will not be part of Schengen and will not allow free movement for EU citizens. The Government nonetheless held out the prospect of agreeing arrangements with the EU, short of direct access to SIS II, which would provide broadly similar capabilities. It seems from your letter that this outcome is now considered to be unlikely and that Interpol will become the primary mechanism for exchanging information and law enforcement alerts. You acknowledge that this will result in a mutual loss of capability for the UK and the EU.

Once negotiations with the EU have concluded and the outcome is clear, we ask you to report back to us with your assessment of the implications that the deal (or a no deal) will have on the operational effectiveness of cross-border law

enforcement cooperation and the sharing of criminal information and intelligence between the UK and EU Member States from 1 January 2021. We have no further questions to raise on the Council Implementing Decision and the Commission report which you may now consider cleared from scrutiny.

I am copying this letter to the Chair (Rt Hon Yvette Cooper MP) and Clerk (Elizabeth Hunt) of the Home Affairs Committee, the Chair (Sir Bob Neill MP) and Clerk (David Weir) of the Justice Committee; the Chair (Rt Hon Hilary Benn MP) and Clerk (Gordon Clarke) of the Future Relationship with the European Union Committee; the Chair (Simon Hoare MP) and Clerk (Nicholas Beech) of the Northern Ireland Affairs Committee; the Chair (the Earl of Kinnoull) and Clerk (Stuart Stoner) of the EU Committee in the House of Lords; Alex Bernal, your Departmental Scrutiny Coordinator; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR