

# European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

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Kevin Foster MP  
Parliamentary Under Secretary of State  
Home Office  
2 Marsham Street  
London SW1P 4DF

## **Eurojust: cooperation with third countries (Council document 13165/20) (ESC number 41735)**

Thank you for the [Explanatory Memorandum of 7 January 2021](#) submitted by the Security Minister (Rt Hon. James Brokenshire MP) concerning a proposed Council Decision which would authorise the European Commission to negotiate a series of bilateral agreements allowing Eurojust—the EU Agency for Criminal Justice Cooperation—to exchange operational personal data with ten countries (Algeria, Armenia, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey). We understand that [the final Decision adopted by the Council in March](#) also authorises negotiations with Argentina, Brazil and Colombia.

As is clear from the Security Minister's Explanatory Memorandum, the Government supports the strengthening of Eurojust's cooperation with third (non-EU countries) and intends to remain a close partner and work constructively with Eurojust in bringing to justice criminals involved in serious transnational crime. While we have no further questions on the mandate for negotiations agreed by the Council in March, we would welcome further information on the progress being made in implementing the provisions in Part Three, Title Six of the EU/UK Trade and Cooperation Agreement on cooperation with Eurojust.

### *Competent authorities and contact points*

We understand that the Government has notified the EU of the UK competent authorities and contact point responsible for ensuring cooperation with Eurojust. They are the Crown Prosecution Service (England and Wales), Crown Office and Procurator Fiscal Service (Scotland), and the Public Prosecution Service of

Northern Ireland. This information has been published in the [EU's Official Journal](#).<sup>1</sup> Please provide us with the relevant sources and links to this information in the UK, as well as details of other notifications required under Part Three of the Trade and Cooperation Agreement. We consider that information of this nature should be routinely provided to Parliament.

### *Conclusion of a working arrangement*

While the Trade and Cooperation Agreement provides the necessary legal base for ongoing cooperation between the UK and Eurojust, including the exchange of personal data, it specifies that “the modalities of cooperation” to implement Part Three, Title Six of the Agreement are to be the subject of “a working arrangement”. The working arrangement will set out the tasks and the rights and obligations of the UK’s Liaison Prosecutor to Eurojust and Assistant Liaison Prosecutors (up to five are envisaged) and of any Liaison Magistrate posted by Eurojust to the UK, as well as details of how the associated costs should be managed. Please explain:

- what progress has been made in concluding a working arrangement with Eurojust;
- whether you will publish details of any working arrangement agreed and how you intend to inform Parliament of the content;
- whether the UK has seconded a Liaison Prosecutor to Eurojust (or, if not, how soon it intends to do so);
- how many Assistant Liaison Prosecutors you have appointed or anticipate will be necessary to ensure effective cooperation with Eurojust; and
- whether Eurojust has posted a Liaison Magistrate to the UK or is expected to do so.

### *Exchanges of personal data*

The exchange of personal data between Eurojust and the UK’s competent authorities is not dependent on the conclusion of a working arrangement but flows from the Trade and Cooperation Agreement itself and is subject to the wider safeguards it contains on the protection of personal data and fundamental rights. The Agreement has applied provisionally in the EU and the UK since 1 January 2021. Can you confirm that there has been no interruption in the exchange of operational data (personal or not) between Eurojust and the competent UK authorities during this period of provisional application of the Agreement?

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<sup>1</sup> Official Journal C117 I/11, 6 April 2021.

### *Transparency and accountability*

Finally, we note that the Trade and Cooperation Agreement allows the UK's Liaison Prosecutor, Assistants, and others from the UK's competent authorities to participate in "strategic" meetings at the invitation of the President of Eurojust and in operational meetings if other EU participants agree. Similarly, EU Member State representatives to Eurojust and Eurojust staff may participate in meetings organised by the UK's Liaison Prosecutor or competent authorities. The frequency of these meetings may be one amongst other indicators of the intensity of ongoing cooperation between Eurojust and investigating and prosecuting authorities in the UK after Brexit. What mechanisms does the Government intend to put in place to record and evaluate cooperation with Eurojust (and other EU Agencies, such as Europol) under the Trade and Cooperation Agreement and how much of this will be open to scrutiny to ensure proper accountability to Parliament?

We look forward to receiving your response within ten working days.

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 Robert Neill MP) and Clerk (David Weir) of the Justice Committee; the Chair (Rt Hon. Harriet Harman QC MP) and the Clerk (Lucinda Maer) of the Joint Committee on Human Rights; the Chair (the Earl of Kinnoull) and Clerk (Simon Pook) of the Lords European Affairs Committee; Alex Bernal of your Department; and Les Saunders and Donald Harris in the Cabinet Office.

**CHAIR**