

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

12 May 2021

Kevin Foster MP
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Strengthening Europol's role in operational police cooperation: proposed Regulation (COM(2020) 796) (ESC number 41725)

Thank you for your [letter of 15 April 2021](#) responding to questions we raised about the impact that proposed changes to the 2016 Europol Regulation might have on future cooperation between Europol and UK law enforcement authorities under the EU/UK Trade and Cooperation Agreement.

It is clear from your response that you are satisfied with the level of safeguards in place to underpin UK cooperation with Europol and expect any operational impact from the proposed changes to be minimal. We urge the Government to remain vigilant, given the possibility that poorly enforced safeguards may expose individuals in the UK whose personal data are shared with Europol or entered as an alert in the Schengen Information System to wrongful incrimination or, possibly, arrest and prosecution in a foreign jurisdiction.

The proposal includes new provisions which would allow Europol to receive financial contributions from third countries with which it has an agreement. You indicate that “at this stage” you do not expect these provisions to affect the UK’s relationship with Europol. We ask you to provide a further update if this position changes, or if wider developments in the negotiations on the proposed Regulation as they pass through the EU legislative process have consequences for the UK beyond those set out in your letter.

We are pleased to hear that good progress is being made in agreeing a Working Arrangement between the UK’s National Crime Agency and Europol. We ask you

to provide further details on its form and content once the negotiations have concluded.

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; Andrew Englefield of your Department; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR