

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

12 January 2022

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Changes to cross-border police cooperation in the EU: implications for the UK

The Committee recently considered a package of measures proposed by the European Commission in December 2021 to establish an EU ‘Police Cooperation Code’.¹ Although the measures would not apply in the UK, they may affect law enforcement cooperation under the EU/UK Trade and Cooperation Agreement (TCA). We are therefore seeking further information on the Government’s position on the changes proposed and their potential implications for the UK.

Cross-border information exchange: changes to ‘Prüm’

The Commission has proposed a revision of the EU rules governing the automated exchange of DNA profiles, fingerprints, and vehicle registration data as part of a criminal investigation (‘the Prüm system’). The changes would establish a central router for exchanging biometric data, allow automated searches of facial images and police records, and include Europol and its databases in the Prüm system. The UK continues to participate in Prüm on the terms set out in Title II of Part Three of the TCA. These provisions anticipate that the TCA may need to be formally amended if the underpinning EU laws are “substantially” amended. The decision to request a formal amendment of the TCA, and the timing of any request, would rest exclusively with the EU.

With this in mind, we ask whether the Government:

- Supports the proposed changes, in particular, the inclusion of two additional data categories (facial images and police records), the creation

¹ [Proposal for a Council Recommendation on operational police cooperation; proposal for a Directive on information exchange between law enforcement authorities of Member States; proposal for a Regulation on automated data exchange for police cooperation \(“Prüm II”\)](#).

of a central router (to replace multiple bilateral connections between national databases), and an enhanced role for Europol in the Prüm system.

- Do you consider that the changes (if agreed) would substantially amend the current EU rules governing Prüm exchanges and as such would be likely to require a formal amendment of Title II, Part Three of the TCA?
- How would the Government approach a request by the EU to amend these provisions of the TCA and how would you ensure that the views of interested stakeholders, including Parliament, are taken into account in deciding how to respond?
- What cost implications would there be for the UK in adapting or upgrading its current IT systems to connect to the new router and (if the UK also wishes to have automated access to police records) to the European Police Records Index System?

We note that the EU can initiate consultations on a formal amendment of the relevant TCA provisions while the underpinning EU law is “in the process of being amended substantially”. We ask you to inform us if the EU notifies the UK that it intends to seek such an amendment.

Operational police cooperation

One of the objectives of the proposed Council Recommendation on operational police cooperation is to step up joint operations around the Schengen Area’s internal borders to prevent and detect unauthorised movements of irregular migrants, making it less likely that they will be able to attempt perilous journeys across the Channel or North Sea to the UK. Do you think that the cooperation envisaged will be effective? Are there additional measures you have asked the EU to take to discourage such crossings by boat and how has it responded?

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 and Donald Harris in the Cabinet Office.

CHAIR