

Police and judicial co-operation in the context of the United Kingdom's withdrawal from the European Union

As you know, the United Kingdom is unconditionally committed to Europe's security and justice now and after our withdrawal from the EU. As Home Secretary, the value of our co-operation in the field of police and judicial co-operation specifically is abundantly clear to me and I know that is a view you share. My colleague the UK Justice Secretary, on whose behalf I also write, has asked me to emphasise the value we attach to continuing to work together to uphold the rule of law, deliver justice, and protect the rights of all citizens.

The shared benefits of our current co-operation are why, as part of a broader future Security Partnership, the UK has proposed an ambitious and legally binding agreement on internal security, covering police and judicial co-operation mechanisms.

It remains the Government's firm intention to achieve a negotiated outcome that satisfies both sides. However, as Ministers responsible for the protection of our citizens, I believe we must prepare for all eventualities, including a 'no deal' scenario where we must be ready to operate alternative non-EU co-operation mechanisms should that become necessary.

Contingency planning

Task Force 50's recent slides on *Brexit Preparedness on police and judicial co-operation* outline the Commission's thinking on the non-EU fall-backs that are available in place of current measures. Whilst it is very much not our preferred outcome, the UK has developed similar, detailed plans to minimise operational disruption in a scenario where we do not enter a transition period in March 2019. These are outlined at [Annex A](#) to this letter.

Broadly speaking, these plans involve making more use of Interpol, Council of Europe Conventions and other bilateral forms of co-operation. We are aware that the Commission and individual Member States have also been planning and preparing for this eventuality as reflected in the Task Force 50 slides.

As you will be aware, moving co-operation to these alternative mechanisms would require changes in how our operational partners work together, and the alternative forms of co-operation would in general be more manual and less efficient. Accordingly, in the UK we are preparing to increase staffing levels in parts of the UK system, as well as passing secondary legislation to, for example, adjust our domestic legal framework to reflect that we would be operating the 1957 European Convention on Extradition with EU Member States. I am conscious that similar changes may be required domestically in your Member State.

In particular, the extent of the operational gap that arises from transitioning from SIS II to Interpol channels has been consistently and publicly highlighted by operational partners. We are planning for this

transition domestically on a contingent basis, and I can reassure you that our operational agencies are making preparations to ensure UK-issued information which would today go out through SIS II will be issued via Interpol channels. If your Member State has connected to SIS II, I would be particularly grateful if you could ensure that your operational partners are as well-placed as possible to revert to using Interpol channels, should that become necessary. This will ensure that the UK can continue responding to important operational alerts raised by Member States via Interpol instead of SIS II.

As referenced in the Task Force 50 slides, there is no non-EU fall-back mechanism to enable the transfer of Passenger Name Record data from British airlines to your Passenger Information Units (PIU) and from EU airlines to the UK's PIU. Accordingly, we are looking to engage directly with the Commission to safeguard our mutual interest.

Next steps

Whilst I am very clear that our preferred outcome is a transition period that maintains existing arrangements, followed by a comprehensive and dynamic future partnership, I wanted to write to you now to ensure readiness for the alternative contingency arrangements should that become necessary. We must do all we can to minimise operational disruption in this vital area.

Policy and operational experts from relevant UK departments and agencies will continue to liaise with their counterparts in Member States to ensure that we are collectively as well-prepared as possible.

I would be very grateful for confirmation that you are ready to operate the relevant contingencies with the UK in the event of a no deal scenario, and for reassurance that your officials stand ready to work together with mine on plans and preparations.

I know this means planning for an outcome that none of us wants to see happen, but I hope you will agree that it is nonetheless in all our interests to prepare. Nothing matters more than keeping our citizens safe. I believe the public in every country would expect us to continue to cooperate on these matters as much as possible.

I am writing in similar terms to our counterparts in the other Member States, and am sending a copy to David Gauke (UK Justice Secretary), Dimitris Avramopoulos (Commissioner for Migration, Home Affairs and Citizenship), Vera Jourova (Commissioner for Justice, Consumers and Gender Equality) and Sir Julian King (Commissioner for the Security Union) for information.

Rt Hon Sajid Javid MP
Home Secretary

Annex A – Police and Judicial Co-operation

Tool	Proposed fallback
Data and operational police cooperation	
Second generation Schengen Information System (SIS II)	<ul style="list-style-type: none"> • Interpol channels
Passenger Name Record Data	<ul style="list-style-type: none"> • Requires discussion with the Commission - no non-EU alternative
Europol (EU law enforcement agency)	<ul style="list-style-type: none"> • Moving UK Liaison Bureau to British Embassy in The Hague • Posting additional UK officers to EU capitals to support increased bilateral cooperation
Swedish Initiative and Article 39 of the Schengen Convention (information exchange)	<ul style="list-style-type: none"> • Interpol channels • Existing bilateral channels
Prüm (DNA exchange)	<ul style="list-style-type: none"> • Implementation pending – fall back on Interpol channels to handle any live requests as of March 2019, as well as continuing pre-implementation approach to cooperation (G8 network, informal exchange via UKCA)
EU Financial Intelligence Units	<ul style="list-style-type: none"> • Egmont Group Egmont Secure Web System • Egmont Secure Web System
Asset Recovery Offices (national central contact points)	<ul style="list-style-type: none"> • Camden Asset Recovery Inter-Agency Network (CARIN) • Egmont Secure Web System
Cooperation on Football Disorder (national information points)	<ul style="list-style-type: none"> • Council of Europe Conventions – Integrated Safety, Security and Service approach at football matches and other sports events, 2016 <i>or</i> Spectator Violence at Sports Events and in Particular Football Matches, 1985
False and Authentic Documents Online	<ul style="list-style-type: none"> • Interpol i/24/7 Dial-doc • EdisonTD • Public Register of Authentic Travel and Identity Documents Online (PRADO)

Annex A – Police and Judicial Co-operation

Tool	Proposed fallback
Judicial cooperation	
European Arrest Warrant (extradition)	<ul style="list-style-type: none"> • Council of Europe Convention on Extradition, 1957
European Investigation Order (cross-MS judicial cooperation on exchange of evidence)	<ul style="list-style-type: none"> • Council of Europe Convention on Mutual Legal Assistance in Criminal Matters, 1959
Mutual Recognition of Asset Freezing Orders and Confiscation Orders (recognition/execution of orders issued in another MS)	<ul style="list-style-type: none"> • Council of Europe Conventions on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and the Finance of Terrorism, 1990 and 2005
Prisoner Transfer (transfer of convicted prisoners to EU country of nationality or other country where they have close ties)	<ul style="list-style-type: none"> • Council of Europe Convention on the Transfer of Sentenced Prisoners, 1983 and its Additional Protocol
European Criminal Records Information System, incl. Minimum Standards Legislation on Child Sexual Exploitation (Article 10)	<ul style="list-style-type: none"> • Council of Europe Convention on Mutual Legal Assistance in Criminal Matters, 1959
Joint Investigation Teams	<ul style="list-style-type: none"> • Continued UK participation in JITs under the 1959 Council of Europe Convention on Mutual Legal Assistance in Criminal Matters or the relevant UN conventions
Eurojust and European Judicial Network (judicial cooperation agency and network of contact points)	<ul style="list-style-type: none"> • Moving UK Eurojust desk to British Embassy in The Hague to maintain cooperation
Mutual Recognition of Financial Penalties	<ul style="list-style-type: none"> • None available
Article 40 of the Schengen Convention	<ul style="list-style-type: none"> • Article 17 of the Second Protocol to the Council of Europe Convention on Criminal Matters, 1959