



Home Office

Baroness Williams of Trafford
Minister of State for
Countering Extremism

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

Navin Shah AM
Chair of the London Assembly
City Hall
The Queen's Walk
London
SE1 2AA

DECS Reference: MIN 125963/20

9 February 2021

Dear Mr Shah,

Thank you for your letter of 18 December to the Home Secretary which summarised the London Assembly's views on the importance of security co-operation with European Union Member States. I am replying on behalf of the Security Minister, who has taken a temporary leave of absence for curative surgery. I am very sorry for the delay in responding to your letter.

As you will now know, negotiations with the EU on a Trade Co-operation Agreement have now concluded, and we have been able to secure a deal which includes law enforcement and criminal justice co-operation. The agreement delivers a comprehensive package of capabilities that will ensure we can work with counterparts across Europe to tackle serious crime and terrorism – protecting the public and bringing criminals to justice. It is the first time the EU has agreed such a comprehensive agreement with a third country in this area. Your letter specifically mentions the European Arrest Warrant (EAW), ECRIS, and SIS II. We are no longer part of the EAW. We have instead agreed streamlined extradition arrangements based on the EU's surrender agreement with Norway and Iceland. These new arrangements provide that a warrant issued by an EU Member State that meets the criteria set out in the Agreement, will be recognised by a UK court. The new arrangements also provide stronger protections for individuals, including provisions which make clear that a person cannot be surrendered if their fundamental rights are at risk, extradition would be disproportionate, or they are likely to face long periods of pre-trial detention. They also allow UK courts to refuse a warrant if they believe it has been issued to prosecute someone because of their political views and guarantee rights of access to translation, legal advice and consular assistance for British Citizens arrested abroad.

We have agreed new arrangements for the exchange of criminal records, using shared technical infrastructure allowing us to exchange data in a fast and secure way. The terms of the Agreement mean that the UK is still able to access quickly the criminal records of EU nationals where it is necessary to ensure public protection and to obtain information promptly when a UK national is convicted of an offence in the EU.

The EU took the position throughout that it was legally impossible for them to offer SIS II access to any third country outside the Schengen area. We therefore return to tried and tested mechanisms of cooperation via Interpol and bilateral channels, which we already use with the rest of the world – and which we used with EU Member States until

2015. The agreement with the EU provides an additional legal basis for cooperating bilaterally with Member States on the exchange of law enforcement data, including in relation to wanted and missing persons.

The Trade Co-operation Agreement was signed by the EU and UK on 30 December, and the Future Relationship Act 2020 which gives effect to the Agreement obtained Royal Assent on 31 December.

A handwritten signature in black ink, appearing to read 'Susan', is centered on the page. The signature is written in a cursive, flowing style.

Baroness Williams of Trafford