



The primary purpose of the House of Lords European Union Select Committee is to scrutinise EU law in draft before the Government take a position on it in the EU Council of Ministers. This scrutiny is frequently carried out through correspondence with Ministers. Such correspondence, including Ministerial replies and other materials, is published where appropriate.

This edition includes correspondence from 1 January to 30 July 2018

EU HOME AFFAIRS SUB-COMMITTEE

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PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE EUROPEAN AGENCY FOR THE OPERATIONAL MANAGEMENT OF LARGE-SCALE IT SYSTEMS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE, AND AMENDING REGULATION (EC) 1987/2006 AND COUNCIL DECISION /533/JHA AND REPEALING REGULATION (EU) 1077/2011 | 10654/17 ADD 2 29 JUNE (10820/17)

Letter from the Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service, Home Office

Thank you for your letter dated 15 December.

The Government has not yet sought the opinions of other Member States on a new Council Decision. We will do so in due course in order to find out if there would be any particular objections and to confirm what our options are. As I said in my letter of 1 December though, we consider that even without a Council Decision we would be able to participate in eu-LISA's management of the systems that we take part in or have opted in to.

The Government's future partnership paper on security, law enforcement and criminal justice published in September outlines how we are seeking a post-Brexit relationship with the EU that provides for practical operational cooperation; facilitates data driven law enforcement; and allows multilateral cooperation through EU agencies. We value the capability we currently have to share information with EU countries, a capability currently provided by tools like SIS II and Eurodac, which are managed by eu-LISA. The exact details of our future relationship will need to be agreed in the course of negotiations, however, and it would be wrong to set out unilateral positions on particular measures now.

Finally I can confirm that, as I anticipated in my letter of 1 December, the JHA Council agreed a general approach on the text at the 8 December JHA Council. The UK abstained as the proposal has not cleared Parliamentary Scrutiny in either House. We expect negotiations between the Council and European Parliament to begin in the New Year. I will, of course, continue to send updates as the negotiations progress

12 January 2018

Letter from the Chairman to the Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter received on 12 January 2018 about the proposed Regulation for the operational management of large-scale IT systems (eu-LISA), which the Home Affairs Sub-Committee of the EU Select Committee considered at a meeting on 24 January.

I am grateful for the information provided in your previous letter. I note that negotiations on the proposal are ongoing and that some issues are yet to be fully clarified, and would therefore ask that you continue to keep us updated on the progress of the negotiations.

In the meantime we will continue to hold this document under scrutiny and look forward to hearing from you in due course.

24 January 2018

Letter from Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service

I write to provide an update in respect of the ongoing discussions regarding the above proposal for a regulation and the Bulgarian Presidency's timetable for agreement.

The Bulgarian Presidency aims to have the trilogue process completed by the end of their June term and for the text to be confirmed - likely via political agreement at COREPER - at the end of June.

Additionally, as you are aware, the Government undertook to explore the prospects of agreeing a Council Decision to confirm our full participation in eu-LISA while we are EU members. We are confident we will resolve this issue before the regulation enters into force.

We will endeavour to give as much notice as possible to you on the version of the text which will go for agreement to enable your Committee to consider clearing the measure from scrutiny. I will keep you updated on further progress on this dossier.

30 May 2018

Letter from the Chairman to the Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter of 30 May 2018 about the proposed Regulation for the operational management of large-scale IT systems (eu-LISA), which was considered by the EU Home Affairs Sub-Committee on 27 June 2018.

I note that negotiations on the proposal are ongoing, and that some issues are yet to be fully clarified. I would therefore ask that you continue to keep us updated on the progress of the negotiations.

In particular, we have several times raised the question of whether the UK would need a Council Decision to authorise to participate fully in the Regulation, and the views of other Member States on this issue. You have yet to provide a conclusive answer on this and I would be grateful if in your next letter you could clarify what resolution you are seeking or expect to achieve.

We look forward to receiving your response to this letter within ten days. In the meantime we continue to hold this document under scrutiny.

27 June 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON STANDARDS FOR THE QUALIFICATION OF THIRD-COUNTRY NATIONALS OR STATELESS PERSONS AS BENEFICIARIES OF INTERNATIONAL PROTECTION, FOR A UNIFORM STATUS FOR REFUGEES OR FOR PERSONS ELIGIBLE FOR SUBSIDIARY PROTECTION AND FOR THE CONTENT OF THE PROTECTION GRANTED AND AMENDING COUNCIL DIRECTIVE 2003/109/EC OF 25 NOVEMBER 2003 CONCERNING THE STATUS OF THIRD-COUNTRY NATIONALS WHO ARE LONG-TERM RESIDENTS (11316/16)

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PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATE RESPONSIBLE FOR EXAMINING AN APPLICATION FOR INTERNATIONAL PROTECTION LODGED IN ONE OF THE MEMBER STATES BY A THIRD-COUNTRY NATIONAL OR A STATELESS PERSON (8715/16)

PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN STANDARDS FOR THE RECEPTION OF APPLICANTS FOR INTERNATIONAL PROTECTION (RECAST) (11318/16)

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A UNION RESETTLEMENT FRAMEWORK AND AMENDING REGULATION (EU) NO.516/2014 OF THE EUROPEAN PARLIAMENT AND THE COUNCIL (11313/16)

Letter from Rt Hon Caroline Nokes MP, Minister of State for Immigration, Home Office

I am writing as the newly appointed Minister of State for Immigration. I write to you to provide an update on the progress negotiations for reforming the Common European Asylum System (CEAS), which are currently under scrutiny and in reply to your Committee's letter of 14 September 2017. By way of update, I can inform you that discussions are progressing on each of the measures of the CEAS package, although at varying paces. I will provide an update on each measure in turn.

On the Asylum Procedures Directive, as you will be aware, the UK applies the first version of this Directive and has not opted into the recast. The Estonian Presidency progressed to the end of the second reading of this text and the Bulgarian Presidency commenced the third reading at the Asylum Working Group meeting in January.

On the Asylum Qualification Regulation, as you will be aware, the UK applies the first version of this Regulation and has not opted into the recast. Discussions are ongoing and the Council of the European Union has held four political trilogues since 25 September 2017. Some preliminary agreements were found with the European Parliament but many issues remain unresolved such as residence permit length.

On the EU Asylum Agency Regulation, as you are aware, the UK has not opted in. Discussions are ongoing on this measure at political trilogue.

On the Eurodac Regulation, which, as you will be aware, the UK has opted into, political trilogues commenced last autumn. The attached document gives an overview of the progress made to date.

Coreper has been invited to agree on compromise proposals with a view to extending the already granted mandate authorising the Presidency to start negotiations with the European Parliament. The attached document is being provided to the Committee under the Government's authority and arrangements agreed between the Government and the Committee for the sharing of EU documents carrying a *limité* marking. This carries a *limité* marking and, as such, is being shared with you in confidence. It cannot be published, nor can it be reported on in any way which would bring detail contained in the document into the public domain.

In his letter on your behalf of 14 September 2017, Lord Jay of Ewelme asked for further information on the discussions around allowing Europol direct access to Eurodac and the Government's view on this. The letter asked whether Europol would have full access to data held in Eurodac. The Government notes that Article 7 of the current Eurodac Regulation (EU) No 603/2013, applicable from 20 July 2015, already allows Europol to access Eurodac, but indirectly through the National Access Point of a Member State whereas the proposal under negotiation permits direct access. The Government broadly supports the EU's current work to improve interoperability of JHA information systems. In line with this the Government is supportive of Europol having greater access to data stored within Eurodac, as long as this respects data protection requirements and data providers retain ownership of any data that they have provided. Lord Jay also asked whether there would be any implications for the UK's participation in Eurodac if the Government decided not to participate in the proposed Regulation to reform EU-LISA. This question is hypothetical as the Government has decided to take part in the EU-LISA Regulation. We informed the House of that by Written Ministerial Statement on 23 October 2017. As the Minister of State for Policing and the Fire Service explained in his letter of 31 October to you (Lord Boswell), the Government believes it is in the national interest to continue participating in EU-LISA while we are bound by legislation governing some of the IT systems it manages, including Eurodac.

On the Dublin IV Regulation, the European Parliament has recently adopted its position on the file, which includes their view that a Dublin system should include a mandatory redistribution mechanism. Council has continued informal, bilateral discussions. Council continues to discuss the text, currently in an informal configuration. Divisions remain in key areas of the early Chapters of the text discussed to date, for example on the approach taken in the corrective distribution mechanism and the expanded definition of "family member" to include "sibling". We expect Leaders to come back to this issue at March European Council.

On the Reception Conditions Directive, as you will be aware, the UK applies the first version of this Directive and has not opted into the recast. Discussions are ongoing and the Council of the European Union held a first inter-institutional meeting on 12 December 2017 where Articles 3-5 of the recast were discussed. Further discussions are now due at the technical level.

On the Resettlement Regulation, which the UK has not opted into, the Council of the European Union held a first inter-institutional meeting on 13 December 2017 where high level overview of the regulation was given. Political trilogues will take place in due course.

I hope this information assists you in your further scrutiny.

8 March 2018

Letter from the Chairman to Rt Hon Caroline Nokes MP, Minister of State for Immigration

Thank you for your letter received on 8 March 2018 about the Common European Asylum Reform (CEAS) package, which the Home Affairs Sub-Committee of the European Union Select Committee considered at a meeting on 21 March.

I am grateful for the update and for the clarification on Europol's access to Eurodac. I would ask that you continue to keep us abreast of developments as negotiations continue to progress.

We will continue to hold this dossier under scrutiny and look forward to hearing from you in due course.

21 March 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ENISA, THE "EU CYBERSECURITY AGENCY", AND REPEALING REGULATION (EU) 526/2013, AND ON INFORMATION AND COMMUNICATION TECHNOLOGY CYBERSECURITY CERTIFICATION ("CYBERSECURITY ACT") (12183/17)

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE EVALUATION OF THE EUROPEAN UNION AGENCY FOR NETWORK AND INFORMATION SECURITY (ENISA) (12208/17)

**Letter from Margot James MP, Minister for Digital and the Creative Industries,
Department for Digital, Culture, Media & Sport**

Thank you for the letter of 21 December 2017 to Matt Hancock regarding 12183/17 (under scrutiny 12208/17): the Proposal for a Regulation of the European Parliament and of the Council on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526.2013, and on Information and Communication Technology cybersecurity certification ("Cybersecurity Act"). I am pleased to be able to provide a general update on the negotiations and in particular on our position on the subsidiarity implications of the Regulation which you sought in due course.

In our Explanatory Memorandum of 18th October and subsequent letter of 4th December, we outlined the proposals' envisaged role for ENISA, including the role in the context of crisis management where we would look to ensure ENISA retained a supporting function but not a leading one in operational cooperation so that this does not impinge on the role of national intelligence bodies. We are satisfied that the current version of the Regulation makes this clear.

We have also sought reassurance that ENISA's role is clearly defined as one which supports Member States to cooperate at an operational level, with operational tasks themselves being carried out at the national level. We believe that the proposed Regulation therefore complies with the principle of subsidiarity as these tasks remain primarily with Member States, with the EU taking supporting or facilitating action only.

Since our correspondence of the 4th December, we have sought views from a wide range of stakeholders to help inform our position on the Regulation. The main themes of the feedback were: general support for ENISA's strengthened and permanent mandate, insistence on alignment with global standards, a call for further clarity on specific areas of the framework and for more industry involvement in the development of the schemes. We have found this feedback to be generally aligned with our negotiating position and have sought additional references to the involvement of industry in the creation of schemes.

We have looked to ensure reassurance during the negotiations that the references to international standards are in line with global standards which are applied in an open and transparent way. We believe that the current references to standards are in line with these principles.

Our remaining point of concern relates to the inclusion of three 'assurance levels' for all EU certification schemes - basic, substantial or high which were defined as corresponding to a 'degree of confidence' in the cybersecurity qualities and described according to evaluation procedures. Our concerns have related to whether this would provide sufficient flexibility for the range of products and services and whether this would provide sufficient transparency of what security measures have been taken. In line with the Government's work on Secure by Design, we would prefer an approach which gives consideration to the processes by which internet connected products and services are developed.

Some measures have already been taken to provide to increase the flexibility of this framework. We are continuing to work with Member States to develop an agreed approach in relation to the assurance levels to ensure adequate transparency and allow for methodology which tests for conformance against a secure by design approach.

The Presidency's current intention is that they will seek to put this Regulation on the agenda for the EU Telecomms Council on 8th June, although negotiations are ongoing within the Working Group and no agenda has yet been released. If there is a vote on these proposals at Telecomms Council on

the 8th June, the Government's decision to vote in favour will be dependent on reaching a satisfactory compromise in relation to the points noted above on 'assurance levels'.

Request for Scrutiny Waiver

I hope this letter serves as a comprehensive update and that you can look to grant scrutiny clearance/waiver ahead of the Telecomms Council meeting on 8th June.

15 May 2018

Letter to Margot James MP, Minister for Digital and the Creative Industries

Thank you for your letter received on 15 May 2018 about the report on the evaluation of ENISA and the proposal for a Regulation on ENISA, the "EU Cybersecurity Agency" and on cybersecurity certification, which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 6 June.

I note the update on the negotiations, particularly your position on the subsidiarity implications of the proposal. I also welcome the feedback from your stakeholder engagement and ask that you alert us to when the outcomes of that consultation will be made public.

As you requested, I am granting a scrutiny waiver for the proposed Regulation. I look forward to hearing from you within 10 working days on the outcome of Telecommunications Council meeting on 8 June, with confirmation on how the Government voted.

6 June 2018

Letter from Margot James MP, Minister for Digital and the Creative Industries

Thank you for your letter of 9 March about the proposed amendments to the European Agenda on Migration (Document 12702/17), which the Home Affairs Sub-Committee considered at their meeting on 28 March 2018.

We are content to clear this document from scrutiny and we do not require a response.

11 July 2018

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON THE DELIVERY OF THE EUROPEAN AGENDA ON MIGRATION (12702/17)

Letter from Rt Hon Caroline Nokes MP, Minister of State for Immigration, Home Office

Thank you for your letter of 15 December 2017.

You asked how changes in Commission reporting of progress on the European Agenda on Migration may affect the UK's parliamentary scrutiny process. Explanatory Memoranda 14473/17-15574/17 explained the changing format of reporting ahead of the December European Council and how it is not yet clear what format the Commission will use in the future. We wait to see what the Commission will publish as a basis for discussion at the March European Council. In the meantime, we will continue to report to Parliament on legislative negotiations in the usual manner.

You also sought insights into the UK's future approach to engagement with the EU on migration issues. As it currently stands, the UK continues to support a comprehensive approach and we have, alongside our European partners, renewed efforts to stand together as an international community to tackle this issue. This is an area where the UK and the EU will continue to share a great deal of common interest after the UK's exit from the EU. The exact nature of our future relationship with the EU on these issues is a matter for negotiation.

8 March 2018

Letter to the Rt Hon Caroline Nokes MP, Minister of State for Immigration

Thank you for your letter of 9 March about the proposed amendments to the European Agenda on Migration (Document 12702/17), which the Home Affairs Sub-Committee considered at their meeting on 28 March 2018.

We are content to clear this document from scrutiny and we do not require a response.

4 April 2018

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ACTION PLAN TO SUPPORT THE PROTECTION OF PUBLIC SPACES (13489/17)

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ACTION PLAN TO ENHANCE PREPAREDNESS AGAINST CHEMICAL, BIOLOGICAL, RADIOLOGICAL AND NUCLEAR SECURITY RISKS (13484/17)

Letter from Ben Wallace MP, Minister of State for Security, Home Office

Thank you for your letter received on 21 December 2017 about the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Action Plan to support the protection of public spaces (Document No. 13489/17) and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Action Plan to enhance preparedness against chemical, biological, radiological and nuclear security risks (Document No. 13484/17), which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 24 January 2018.

Your description of how the two Communications relate to each other was helpful. While we recognise that at this stage in the EU Exit negotiations it is difficult for you to discuss future cooperation between the UK and EU on the matters covered by the EMs, the Sub-Committee intends in its future work to consider what form such cooperation might take. In the meantime we would be grateful if you could provide us with any updates, as and when the Communications come before Council working groups. We shall therefore hold the documents under scrutiny for the time being.

24 January 2018

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL PROGRESS REPORT ON THE EUROPEAN AGENDA ON MIGRATION (14473/18)

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL COMMISSION CONTRIBUTION TO THE EU LEADERS' THEMATIC DEBATE ON A WAY FORWARD ON THE EXTERNAL AND THE INTERNAL DIMENSION OF MIGRATION POLICY (15574/17)

Letter from the Chairman to Rt Hon Caroline Nokes MP, Minister of State for Immigration, Home Office

Thank you for your Explanatory Memorandum (EM) received on 22 January 2018 about the Report from the Commission to the European Parliament, the European Council and the Council: Progress report on the European Agenda on Migration (Document No. 14473/17) and the Communication from the Commission to the European Parliament, the European Council and the Council:

Commission contribution to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy (Document No. 15574/17), which the Home Affairs Sub-Committee and the External Affairs Sub-Committee of the Select Committee on the European Union considered at their respective meetings on 21 February and 8 February 2018. Given the considerable external affairs aspects of both documents, I am also copying this letter to Sir Alan Duncan, Minister for Europe and the Americas.

The Communication covers an important area of policy in which coordination with the EU will continue to be necessary post-Brexit. However, while the EM suggests that the Government is broadly supportive of the Commission's proposals, it gives no indication of the extent to which the UK might engage with the proposed structures once it has left the EU.

On 13 December 2017 we wrote to your predecessor, Rt Hon Brandon Lewis MP, for more information about whether the Government thought that the Commission's proposal to produce consolidated reports on the European Agenda on Migration would affect the parliamentary scrutiny process, but we are yet to receive a response.

We understand that the combination of the internal and external dimensions of migration in such EU documents poses challenges to the Government in producing Explanatory Memorandums. Our concern is, however, that this consolidation has now led to your depositing an EM that is outside the remit of the EU Home Affairs Sub-Committee, and indeed outside the remit of the Home Office. Would the Government consider allocating the documents to either the Home Office or the Foreign and Commonwealth Office on a case-by-case basis, based on the focus of their content, or the provision of a joint EM on such reports?

We have a number of questions about the content of the report (14473/17), to which we would be grateful for your response, as below.

First, the progress report states that under the EU-Turkey Statement, the pace of returns to Turkey "remains very slow, with only 1,969 returns since March 2016", and 11,354 people have been resettled from Turkey since 4 April 2016 to 15 Member States (MS). What were the benchmark goals for (1) returns to Turkey and (2) resettlement from Turkey?

Second, the report says that the EU Border Assistance Mission (EUBAM) Libya will participate "in the planning for an Italian-led fact-finding mission to the South of Libya this autumn which fully involves Libyan border guard authorities and focuses on border management and migration issues." Please provide us with further information about this mission, its objectives, and whether the UK is considering participating.

Third, the progress report refers to a €46.3 million programme to reinforce border and migration management capacities of the Libyan authorities, which was approved and expected to be contracted in November. Sir Alan Duncan, in a letter to me dated 27 October 2017, told us that the programme "includes thorough assessment of the current situation on the southern Libyan border before undertaking projects". Please provide us with further information about the programme, its current status, whether the UK is considering participating in it, and how it complements the actions of EUBAM Libya.

Fourth, the report provides an update on training for the Libyan coastguard. What further training packages are planned, and what is your assessment of the effectiveness of the monitoring system in place so far?

Fifth, your EM states that "the UK stands ready to assist the EU-AU-UN Taskforce". What would such assistance look like in practice?

Sixth, the progress report mentions an immediate funding gap of €110 million in the North Africa window of the EU Trust Fund for Africa. The UK has not pledged any further financial assistance to fill the gap— what assessment underpins this decision?

Seventh, your EM states that "the UK will be launching a communications project in Nigeria – to highlight the methods used by abusers to exploit vulnerable people". Please provide us with further information about the project, its planned duration, and its cost.

Eighth, your EM affirms that the UK "remains committed to resettling 23,000 [refugees] from the Middle East and North Africa region". What is the timeframe of this commitment?

Ninth, your EM refers to the Prime Minister's £75 million migration package, which was announced in June 2017. Please provide us with an update on progress made since this announcement. Sir Alan Duncan told the Committee on 2 November 2017 that "the aim is to sign programme agreements and make initial payments before the end of the year." What programme agreements have been signed to date?

Tenth, on future co-operation between the UK and the EU, your EM says: "The UK's longer term aim is to ensure that the UK's deepening of our international bilateral engagement can continue to be an active and constructive part of EU led regional dialogues, which currently involve non-EU European partners to ensure we are effectively addressing root causes at source ... for Africa the Valletta Action Plan gives us the framework to continue doing this". Could you please elaborate on the UK's planned participation in the Valletta Action Plan after Brexit?

We would welcome clarification on these points. We look forward to hearing from you within 10 working days. In the meantime, we will hold the documents under scrutiny.

27 February 2018

Letter from the Rt Hon Caroline Nokes MP, Minister of State for Immigration

Thank you for your letter of 27 February 2018. I apologise that my replies to your letters on a range of EMs and further correspondence, including on 12702/17, did not issue. This was rectified on 8 March.

You also asked how changes in Commission reporting of progress on the European Agenda on Migration may affect the UK's parliamentary scrutiny process. The Committee makes a reasonable suggestion. Migration will not be a dedicated item at the March European Council but the Commission has published the next progress report package, once again as a combined report. Be reassured that all Departments responsible for the policy are involved in the scrutiny process, and my officials will explore handling with the relative Departments and discuss this with the Committee Clerks. We aim to ensure that the Committee receives updates on the various work streams in the most appropriate way.

Regarding the content of 14473/17, you asked a number of specific questions on a range of issues, many of which are led by other Government Departments. I am therefore also writing on behalf of my Ministerial colleagues.

You asked for the benchmark goals for returns and resettlement from Turkey under the EU-Turkey Statement. As part of the Statement, the EU and Turkey agreed that: 1. All new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey; and 2. For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU. We continue to support the EU towards the full implementation of the Statement.

You requested further information on the EUBAM Libya mission, including its objectives and if the UK will be participating. In a related question, you asked for further information on the €46.3m programme to reinforce border and migration capacities of the Libyan authorities, including whether the UK is participating and how it complements the EUBAM Libya.

The EU Trust Fund for Africa (EUTF)'s €46.3 million programme 'Support to Integrated border and migration management in Libya (T05-EUTF-NOA-LY-04)' seeks to support the Commission's Action Plan to address migratory flows on the Central Mediterranean Route. The main focus is to support the Libyan Coast Guard's efforts to tackle irregular migration and rescue migrants. As part of this programme a pilot project on land borders was agreed, designed to improve legal alternatives to smuggling, increase surveillance for Libyan Border Guards, create a regional hub for Border Guards, and work with IOM and UNHCR to create standard operating procedures and training for Guards in rescuing migrants and tackling smuggling and trafficking networks.

The Italian Ministry of Interior agreed to take forward this action on behalf of the EUTF. Under Activity 4 of this action a joint Italian-EU assessment mission will visit the southern border to evaluate how best to take forward this pilot activity. Due to security conditions on the southern border this assessment mission has been delayed. This mission complements EUBAM that also focuses on support to coastal border management. Coordination with EUBAM is a critical element of the programme to

avoid duplication. The UK has not received a request for direct support to this mission. However, at the December European Council the Prime Minister announced the UK's intention to provide an additional €3 million to the EUTF.

You asked what further packages of training are planned under Op Sophia for the Libyan coastguard, and what the UK's assessment of effectiveness and monitoring is to date. Training packages are planned for 2018 in Italy, Spain, and Greece. These will cover seamanship, search and rescue, and human rights. Since "Package 2" (training in EU Member States) has not yet been completed, it is too early to assess fully the effectiveness of the training. However, early indications are positive and trainers have noted the enthusiasm of the Libyan trainees. There has also been an increase in the numbers of migrants that the Libyan Coastguard has rescued at sea. A monitoring mechanism to assess the effectiveness of the Libyan Coastguard has also been established.

You asked what assistance the UK is providing to the EU-AU-UN Taskforce. The UK supports the aim of the EU-AU-UN Taskforce to save and protect the lives of migrants and refugees along migration routes and particularly inside Libya; but there have been no specific requests for assistance from the UK by the Taskforce. The work includes accelerating assisted voluntary returns to countries of origin, and the resettlement of those in need of international protection. We have therefore offered to resettle up to 100 vulnerable refugees, evacuated from Libya, to the UK as part of our existing commitments under the Gateway Scheme. This builds upon our previously funded work through the International Organisation for Migration (IOM) to enable 1,400 voluntary returns from Libya in 2016-17.

Given the €110 million gap in the North Africa window of the EUTF, you asked why the UK had not pledged more money and what assessment underpins that decision. The shortfall of funds under the EUTF's North Africa window was the subject of discussion at the December European Council. As already stated, the Prime Minister announced the UK's intention to provide a further €3 million in funding to support joint European efforts in North Africa under the EUTF. Officials are now working with the Commission on the transfer of those funds.

You asked for further information on the communications project in Nigeria, including planned duration and cost. The Nigeria communications project looks to inform potential victims, and enablers (parents, communities etc) of the risks of modern slavery, the reality of false job-offers and the methods used to recruit young girls into domestic servitude. The aim of this project is to help individuals make better informed choices before accepting a potential false job-offer in the UK and Europe and therefore reduce the number of victims entering modern slavery in source countries. This is a pilot project that will run for four months and will cost £375k. The project does not have any government branding to maintain credibility of the messaging among the audiences we are communicating with.

On resettlement, you sought clarity on the timeframe for the 23,000 commitment. The UK commitments are already on public record. 20,000 refugees who have fled the conflict in Syria and are in need of protection will be resettled by 2020 through our Vulnerable Persons Resettlement Scheme (VPRS). And through our Vulnerable Children's Resettlement Scheme (VCRS), our aim is to resettle up to 3,000 unaccompanied children by 2020. I am pleased to say that the UK has reached an important milestone in this work, as we have now resettled over ten thousand (10,538) vulnerable refugees who have fled the Syrian crisis since the VPRS began in 2014.

You asked about progress made to date on the £75 million migration programme. The programme is currently in its inception phase, with rigorous analysis taking place to further refine project activities. We have now signed a programme agreement with IOM to provide humanitarian assistance and protection services for migrants along the route from West Africa via the Sahel to Libya.

You sought insights into the UK's future approach to engagement with the EU on migration issues, including the Valetta Action Plan. As it currently stands, the UK continues to support a comprehensive approach and we have, alongside our European partners, renewed our commitment to stand together as an international community to tackle this issue. The UK's departure from the EU will not affect our commitment to working with our partners to ensure we continue to address the shared challenges posed by illegal migration together. This includes efforts to tackle drivers at source. The Valetta Action Plan brings together EU Member States, associated countries (Iceland, Norway and Switzerland) and African countries to address migration issues. It provides a ready-made forum to take forward our shared agenda.

3 April 2018

Letter from Lord Boswell to the Rt Hon Caroline Nokes MP, Minister of State for Immigration

Thank you for your fulsome response dated 3 April 2018 regarding the above documents. This was considered by the External Affairs Sub-Committee on 26 April 2018 and by the Home Affairs Sub-Committee on 9 May 2018. Given the considerable external affairs aspects of both documents, I am also copying this letter to Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas.

We appreciate your reassurance that Government Departments are coordinating closely on the scrutiny process and we are looking forward to further cooperation with officials on this matter.

Your letter answered most of our questions, and we have decided to clear the documents from scrutiny.

We do, however, have three outstanding questions.

First, the progress report states that under the EU-Turkey Statement, the pace of returns to Turkey “remains very slow, with only 1,969 returns since March 2016”, and 11,354 people have been resettled from Turkey since 4 April 2016 to 15 Member States (MS). Could you please provide us with a figure to put into context the “very slow” pace of returns? How many persons are still waiting to be returned under the statement, or are waiting to be resettled? What number would you have hoped to have been resettled in this period?

Second, your letter provides us with the information that the UK aims to resettle up to 3,000 unaccompanied children by 2020. How many of them have been resettled to date?

Third, your letter states that under the Prime Minister’s £75 million migration package, which was announced in June 2017, a programme agreement has been signed with the International Organisation for Migration (IOM) “to provide humanitarian assistance and protection services for migrants along the route from West Africa via the Sahel to Libya”. What is the cost and duration of this programme?

We look forward to your response in the usual 10 working days.

10 May 2018

Letter from the Rt Hon Caroline Nokes MP, Minister of State for Immigration

Thank you for your letter of 10 May 2018.

You asked for figures that demonstrate the Commission’s assertion that the pace of returns to Turkey under the EU-Turkey Statement “remains very slow”. Hellenic Police figures indicate that in the relevant years there were:

2016 - 801 returns

2017 - 683 returns; and

2018 until 10 May - 127 returns.

We have been informed that Greece conducted a further returns operation to Turkey on 31 May but we have not yet received information on the numbers involved.

You asked how many persons are waiting to be returned or resettled under the Statement and you also asked for the UK’s expectations on the pace of returns under the EU-Turkey Statement.

As part of the Statement, the EU and Turkey agreed that all new irregular migrants crossing from Turkey to the Greek islands after 20 March 2016 will be returned to Turkey. According to the Greek authorities, the total number of refugees/migrants on the islands (as of 29 May 2018) is 16,800. However, many have made asylum applications, which is one reason why accelerated asylum procedures are necessary here because they can quickly identify those that should be returned to Turkey under the terms of the Statement. We continue to support Greece to increase their asylum claim processing capacity, especially on the islands, and encourage Greek work with Turkey on returns.

You asked how many unaccompanied children have been resettled (to the UK) to date. As of December 2017, 570 at-risk children and their family members had been resettled under the Vulnerable Children's Resettlement Scheme. The scheme is accessible to all 'children and adolescents at risk' as defined by UNHCR, which encompasses unaccompanied children as well as those in families or with care-givers (an adult who UNHCR is satisfied has assumed legitimate responsibility for the child). Provisional data shows that of those refugees resettled in the UK under any of our schemes in 2017, 3,092 were children (under 18 years old), an increase of 21% on the previous year.

In relation to the £75 million migration package, which was announced in June 2017 by the Prime Minister, you asked about the cost and duration of the programme agreement with the International Organisation for Migration (IOM). The IOM has been allocated £27m of that total over the next three years.

8 June 2018

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMITTEE OF THE REGIONS STRENGTHENING EU DISASTER MANAGEMENT: RESCUE SOLIDARITY WITH RESPONSIBILITY (14883/17)

PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DECISION NO 1313/2013/EU ON A UNION CIVIL PROTECTION MECHANISM (14884/17)

Letter from the Chairman to Oliver Dowden MP, Minister for Government Resilience and Efficiency Cabinet Office

Thank you for your EM received on 11 December about the Communication on strengthening EU disaster management and the proposal for a Decision amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism, which the Home Affairs Sub Committee of the Select Committee on the European Union considered at a meeting on 17 January 2018.

Your objection to the proposal is made quite clear in the EM. Given the extent of what is being proposed and the importance of the issue being addressed, I would echo the Government's concern over the lack of an Impact Assessment. Are other Member States also calling for an Impact Assessment, and do you see any opportunity to push for an Impact Assessment to be carried out before this proposal progresses?

The Commission's EM explains at some length that the current Union Civil Protection Mechanism is failing to deliver expected results and that it is currently unable to meet the demand. While noting your objections to the current proposal, I would ask what your assessment is of the UCPM and whether you see the need for a proposal to amend Decision 1313/2013/EU at all?

On the implications for Brexit, I was unclear what you meant in the EM when you noted that the "structure for the UK's future cooperation with the EU on civil protection will be influenced by the outcome of the current legislative proposals". I would invite you to explain further what this means and what impact the proposal would have on the Government's ambition for future cooperation with the EU on civil protection if the proposal were passed as drafted.

In the meantime, we will hold both these documents under scrutiny. I look forward to hearing from you within 10 working days.

17 January 2018

Letter from Oliver Dowden MP, Minister for Government Resilience and Efficiency

Thank you for your letter of 17 January regarding the Explanatory Memorandum (EM) on the proposed changes to the Union Civil Protection Mechanism (UCPM) legislation by the European Commission. I am grateful for the Committee's assessment on this proposal, and for the additional time you have granted to reply. I apologise for the delay in responding.

Your letter asked whether other Member States are calling for an Impact Assessment. The UK and other Member States including Germany, the Netherlands, Denmark, Austria and Sweden have also raised concerns about the lack of Impact Assessment for the proposals, and have called on the Commission to undertake one before the proposals are agreed. The Government position is that the UK should not support any proposals to change the UCPM budget or funding rules, or granting of additional powers to the Commission to operate assets, without completion of an Impact Assessment. To this point in the negotiations, the Commission have held firm to their position that, because the proposal has political agreement by the College of Commissioners, they will not undertake a full Impact Assessment.

Your letter asks for the Government's assessment of the UCPM. We believe the Mechanism has contributed positively to resilience and security across the world. It has supported sharing of best practice in risk and crisis management, and to some extent has allowed the Participating States to act as critical friends in how they are protecting the safety and security of citizens. The Commission's recent analysis including the Court of Auditors special report on the UCPM and UCPM Interim Evaluation supports this assessment.

The UCPM has provided a useful pooling mechanism for assistance sent either inside or outside of Europe, and has provided the UK an alternative source of information on developing emergencies around the world, beyond our global Embassy network. It has allowed UK resilience professionals from the emergency services and other responder agencies to train alongside European counterparts and to deploy to emergencies around the world to share their expertise and learn from others. The UK benefitted from around €15m of Commission co-financing between 2013/2017, to make taxpayer's money go further in assisting our friends and allies in times of need, and to finance cooperative projects and exercises between the UK's local authorities and emergency services and their European counterparts.

We do support the Commission's commitment to improving the Mechanism, and recognise that there would have been negotiations starting in 2018 on the UCPM in any event, as the existing regulation will need to be renewed ahead of the next Multiannual Financial Framework (MFF) period.

Your letter asked whether the Government sees any need for an amendment to the current Decision. Aside from the need for new legislation (in light of the link in the Decision to the current MFF period), there are areas we support iterative improvements to the Mechanism. For instance, the current proposals include an amendment to financing regulations, which will mean the Commission will not have its 'hands tied' in terms of which pots of money it can use to fund emergency responses. Previously, once a decision had been made that a particular emergency would be dealt with as a civil protection or a humanitarian assistance issue, the Commission could only use certain funding instruments in response. The proposals also place a greater focus on risk prevention and preparedness as a fundamental aspect of risk management – including the ability for the Commission to require a greater level of detailed work to be shared with them from countries calling on EU resources for crisis response.

On the UK's future relationship with the UCPM, the Government's Explanatory Memorandum set out our public position on Civil Protection. The Government's Security, Law Enforcement and Criminal Justice Future Partnership Paper, published in September 2017, states that "There are clear benefits for both the UK and the EU in coordinating efforts to protect citizens by making best use of resources and ensuring that complementary action is taken in areas with common objectives, such as... civil protection". This is reiterated in the Future Partnership paper on Foreign Policy, Defence and Development. The positions established in those papers were based on Civil Protection arrangements – including the UCPM – as they stood at the time, which include the ability for non-EU countries to participate in the Mechanism through an existing treaty-based route defined in the UCPM legislation. If the current set of proposals change the Mechanism, it would be necessary to reflect whether those changes affect the Government's policy position. I hope that clarifies the Government's position and intent to the Committee's satisfaction, while the UK's future relationship with the EU remains a live and developing issue.

17 April 2018

Letter from the Chairman to Oliver Dowden MP, Minister for Government Resilience and Efficiency

Thank you for your letter received on 17 April 2018 about the Communication on strengthening EU disaster management and the proposal for a Decision amending Decision No 1313/2013/EU on the Union Civil Protection Mechanism (UCPM), which the Home Affairs Sub-Committee of the European Union Select Committee considered at a meeting on 2 May.

I note in your letter some of the benefits of the UCPM, such as its provisions that would enable UK resilience professionals to train alongside European counterparts and to deploy to emergencies around the world. I note also that the UK has benefitted between 2013-2017 from Commission co-financing of cooperative projects and exercises between the UK's local authorities and emergency services and their European counterparts.

I would be grateful if you could expand more on the activities that the UK engages in under the UCPM, and on the costs of those activities. I would also appreciate a further update on the progress of the negotiations.

We will continue to hold these documents under scrutiny, and look forward to hearing from you within 10 working days

4 May 2018

Letter from Oliver Dowden MP, Minister for Government Resilience and Efficiency

Thank you for the assessment on the proposal to amend the legislation underpinning the Union Civil Protection Mechanism (UCPM) by the European Commission and for your response to my letter on 17 April.

Your letter asks for additional information on the activities that the UK engages in under the UCPM and the costs of those activities. As previously mentioned, the UK benefits from the training programme provided by the UCPM, which allows UK resilience professionals from the emergency services and other responder agencies to train alongside European counterparts and to deploy to emergencies around the world to share their expertise and learn from others. The UK has trained over 200 experts under the UCPM over the last ten years. The cost of UCPM training is borne by the European Commission.

The UK engages in activities to share best practice in risk and crisis management. The UK recently (March 2018) participated in the Commission-led Civil Protection Forum to exchange best practice on protecting the safety and security of citizens, providing speakers, participants and a roadshow stand from the Emergency Planning College.

The UCPM partly funds (55% and up to 85% in exceptional cases) the transportation costs of deployment of assets and personnel during disasters. Between 2013 and 2017, the UK benefitted from around €15m of Commission funding for transportation costs during deployments, including the UK's response to the Ebola outbreak in West Africa. The UCPM also finances cooperative projects and exercises between the UK's local authorities and emergency services and their European counterparts. For example, London Fire Brigade ran "Exercise Unified Response" in

017, which benefitted from EU co-financing of €1m and the involvement of Cypriot, Romanian and Italian search and rescue teams in the exercise. A number of UK organisations benefit from project financing from the Commission, such as the ongoing "Uscore2" project involving Greater Manchester and the University of Manchester, which aims to design and test a peer review tool for cities looking to make themselves more resilient to disasters. Between 2014 and 2016, UK organisations benefitted from €2m of direct funding for projects and exercises, and around €2m more through collaborating in projects and exercises run by other European countries.

As one of the biggest contributions to the UCPM, the European Commission also benefits from UK participation in the UCPM. Between 2013 and 2017, DFID undertook 226 movements of people and equipment. The UK provided more than 5,000 tonnes of assistance items, worth nearly €50m; and sent more 1200 experts to assist in emergencies on the ground. This supported the EU in responding to disasters swiftly and effectively.

The Committee also requested for an update on the progress of negotiations. Negotiations are currently progressing at the official-level Working Party on Civil Protection. Member States are working on a potential compromise including proposing text amendments to the proposals, which are in line with their national positions on civil protection. The UK maintains a positive and constructive approach throughout the negotiations and will continue to work with Member States and the European Commission to reach a suitable compromise.

To date, MEPs have been broadly supportive of the proposals to improve the UCPM, however some have expressed scepticism over the Commission's proposal to own specific civil protection assets. MEPs have also shared concerns about the potential impact of the proposals on State sovereignty when dealing with natural disasters within their own borders. The proposals for legislative change are subject to the co-decision procedure in the European Parliament (ENVI committee). The Committee is expected to vote on the Commission's proposals to amend the UCPM on 16/17 May. Following this, the next stage will be either inter-institutional negotiations or a plenary for a vote of the whole European Parliament.

I hope this information is satisfactory for the Committee.

17 May 2018

Letter from Oliver Dowden MP, Minister for Government Resilience and Efficiency

Thank you for your letter received on 17 May 2018 about the Communication on strengthening EU disaster management and the proposal for a Decision amending Decision No 1313/2013/EU on the Union Civil Protection Mechanism (UCPM), which the Home Affairs Sub-Committee of the European Union Select Committee considered at a meeting on 6 June.

I welcome the response to our last letter and the information about the UK's participation in the UCPM. I would ask that you keep us updated on the progress of the negotiations, and especially how the UK's concerns about subsidiarity are being taken into account.

We will continue to hold this document under scrutiny. I look forward to hearing from you in due course.

6 June 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) NO 726/2004 AS REGARDS THE LOCATION OF THE SEAT OF THE EUROPEAN MEDICINES AGENCY (15263/17)

Letter from the Chairman to Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health, Department of Health and Social Care

Thank you for your EM dated 15 December about the proposal to amend Regulation (EC) 726/2004 on the location of the seat of the European Medicines Agency (EMA), which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 17 January 2018.

I agree that including in the Commission's Explanatory Memorandum the budgetary implications of relocation and a reference to the EU's negotiating guidelines are not necessary for the amendment being proposed. Given that the objection is with the Commission's EM and not with the substance of the proposed amendment, what steps, if any, does the Government intend to take to register its objection, and what might be achieved by objecting?

We will hold this document under scrutiny and look forward to hearing from you within 10 working days.

17 January 2018

Letter from Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health

Thank you for your letter of 17 January 2018 regarding the Explanatory Memorandum on the European Medicines Agency (ref ST-15263-2017-INIT-EN), deposited for Parliamentary scrutiny on 15 December 2017, and considered by the Home Affairs Sub-Committee of the Select Committee on the European Union. I apologise for not responding within the 10 days as requested.

The Sub-Committee asked what steps, if any, does the Government intend to take to register its objections on the Commission's Explanatory Memorandum, and what might be achieved by objecting. As set out in the Explanatory Memorandum deposited on 15 December last year, the UK Government made its point by abstaining from the vote which took place at COREPER on 11 December 2017 and secured the Commission's agreement with our position that the consideration and adoption of the relevant legislative proposals will be without prejudice as referenced in the 8 December Joint Report. In addition, while the location of the European Union's agencies, including the European Medicines Agency, is for the European Union to determine, the Government is continuing to discuss with the EU Commission how cooperation and regulation in these areas can best continue.

8 March 2018

Letter from the Chairman to Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health

Thank you for your letter dated 8 March 2018 about the proposal to amend Regulation (EC) 726/2004 on the location of the seat of the European Medicines Agency (EMA), which the Home Affairs Sub-Committee of the European Union Select Committee considered at a meeting on 21 March 2018.

In terms of the steps taken to register the Government's complaint, I can see the value in obtaining the Commission's agreement that the consideration and adoption of legislative proposals will be without prejudice to the Joint Report agreed on 8 December. I am less convinced about the efficacy of abstaining from the vote in COREPER as a means of registering your objection and note further that, although the Government is permitted to vote in COREPER while a dossier remains under scrutiny, it is not in keeping with the spirit of the scrutiny process. I would have expected the Government to abstain on the basis that the document remains under scrutiny, and not because the Government wanted to register its objection to the Commission's EM.

The Committee has noted with interest that the City of Milan and the Italian Government have lodged court cases challenging the legality of the decision to move the seat of the EMA to Amsterdam, and I would ask whether you believe that these cases will have an impact on the progress of this proposal. I would also invite you to keep us updated on any developments.

I note your request to clear this document from scrutiny, but in light of the recent launch of the two court cases, we will continue to hold this document under scrutiny. I look forward to hearing from you in 10 working days.

22 March 2018

Letter from Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health

Thank you for your letter of 21 March 2018 regarding the consideration given by the Home Affairs Sub-Committee of the European Union Select Committee to my letter of 8 March, which provided additional advice in response to questions the Sub-committee had previously raised.

I note that the sub-committee observed the Italian Government's legal challenge on the decision made by the remaining 27 Member States by vote in the margins of the General Affairs Council meeting last November to relocate the European Medicines Agency (EMA) to Amsterdam and you asked if this would impact on progress.

We continue to respect their decision and I believe the Italian's legal challenge is a matter for the EU27. I can update the Committee in due course regarding progress on the EMA's relocation if that's helpful.

29 March 2018

Letter from Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health

I am writing further to my letter of 29 March with an update on the progress in the relocation of the European Medicines Agency. This follows the interest expressed by the Home Affairs Sub-Committee with regards to discussions in the European Parliament about the relocation and the Italians' legal challenge on the decision made by the EU27.

I can advise the Committee that the trilogue discussions have not resulted in significant changes to the text which remains focused on the relocation of the seat of the EMA to Amsterdam and there have been no suggestions to make references to relocation costs in the discussions, which was the UK's key concern. The main focus of the discussions has been the European Parliament's concern that it was not sufficiently involved in the process of deciding the location of Amsterdam. We understand that a statement has been proposed that this process sets no precedent in terms of the future location of Agencies. We have no comment on this text as it is an issue for the EU27.

With regards to the Italians' case against the European Commission, I am not able to comment on the impact on progress because this is a legal matter between them and the decision made by the EU27 at the November General Affairs Council on the relocation of the EMA.

Given there are no substantive issues for the UK on the text or the Italians' legal case, I would therefore ask that you and the Home Affairs sub-Committee consider lifting scrutiny on the file.

3 July 2018

Letter from the Chairman to Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health

Thank you for your letter received on 3 July 2018 about a proposal to amend Regulation (EC) 726/2004 on the location of the seat of the European Medicines Agency (EMA) which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 18 July.

We are content to clear this document from scrutiny and do not require a response.

18 July 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ESTABLISHING A FRAMEWORK FOR INTEROPERABILITY BETWEEN EU INFORMATION SYSTEMS (POLICE AND JUDICIAL COOPERATION, ASYLUM AND MIGRATION). (15729/17)

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ESTABLISHING A FRAMEWORK FOR INTEROPERABILITY BETWEEN EU INFORMATION SYSTEMS (BORDERS AND VISA) AND AMENDING COUNCIL DECISION 2004/512/EC, REGULATION (EC) NO 767/2008, COUNCIL DECISION 2008/633/JHA, REGULATION (EU) 2016/399 AND REGULATION (EU) 2017/2226 (15119/17)

Letter from the Chairman to Nick Hurd MP, Minister of State for Policing and the Fire Service, Home Office

Thank you for your EM received on 25 January 2018 about the proposal for a Regulation on establishing a framework for interoperability between EU information systems for police and judicial cooperation, asylum and migration (police cooperation proposal) and the proposal for a Regulation on establishing a framework for interoperability between EU information systems on borders and visas (borders and visas proposal), which the Home Affairs Sub-Committee of the European Union Select Committee considered at a meeting on 21 February.

In your EM, you provide useful information about the Government's opt-in/opt-out considerations but make no mention of the significant complexities around how this proposal fits in with the timetable

for leaving the EU or the Government's ambitions for UK-EU cooperation in the field of police and security cooperation post-Brexit. Nor is it clear how the UK's potential participation in the proposal fits alongside the Government's proposal to withdraw from the Charter of Fundamental Rights, what the legal basis might be for participating in such databases once the UK is no longer a member of the EU, or how participation in these proposals would fit with the Government's red line on leaving the jurisdiction of the CJEU. I would ask you to provide further information about these issues.

I would welcome an update on the opt-in and opt-out deadlines for these proposals as soon as they are available.

I look forward to hearing from you within 10 working days. In the meantime we will hold both documents under scrutiny.

23 February 2018

Letter from Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter of 23 February 2018.

We have now received the last language version of the proposal on establishing a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration). The deadline by which the Government needs to inform the EU of its decision to opt in to the proposal is 21st May 2018. The eight week period for the Committee to provide an opinion on the proposal ends on 16 April. Our EM of 25 January 2018 set out the considerations the Government will take into account in order to make a decision.

In your letter, you asked about how the timetable for this proposal fits with the timetable for the UK leaving the EU. The detailed arrangements for the Implementation Period are a matter for negotiation but as the Prime Minister has said we are keen to keep any implementation period as simple as possible. This would mean maintaining much of our current cooperation including data sharing. We believe this would be in the mutual interests of both the UK and the EU.

You also raised important points regarding how this proposal will fit within the wider security relationship as we depart the EU. The UK has been instrumental in developing the security, law enforcement and criminal justice co-operation tools which the EU has at its disposal. We want this to continue in a way that works for both the UK and for Europe and are committed to ongoing cooperation with the EU on security and law enforcement. Our relationship with the EU will change as a result of our departure and the details of our participation in practical cooperation measures that currently facilitate cooperation including in relation to CJEU jurisdiction and the relationship with the Charter of Fundamental Rights, will be subject to negotiations.

Our security, law enforcement and criminal justice future partnership paper published on the 18th September outlined how we are seeking a relationship that provides for practical operational cooperation; facilitates data driven law enforcement; and allows multilateral cooperation through EU agencies.

16 March 2018

Letter from the Chairman to Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter dated 16 March 2018 about the proposal for a Regulation on establishing a framework for interoperability between EU information systems for police and judicial cooperation, asylum and migration (police cooperation proposal) and the proposal for a Regulation on establishing a framework for interoperability between EU information systems on borders and visas (borders and visas proposal), which the Home Affairs Sub- Committee of the European Union Select Committee considered at a meeting on 28 March.

I welcome the update on the opt-in and opt-out deadlines for these proposals. In my previous letter I asked about how the proposals fit with the Brexit timetable. I am now seeking clarification about whether you expect that these proposals will be adopted during the transition/implementation period, or either before or after that period.

I would also appreciate an indication as to whether the Government has made any assessment of the impact that the establishment of an interoperability framework in police and judicial cooperation, asylum and migration will have at the operational level. We would be grateful to know the results of any consultation you have had with relevant interested parties, or practitioners from the law enforcement community?

I look forward to hearing from you within 10 working days. In the meantime we will hold both documents under scrutiny.

29 March 2018

Letter from Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your further letter of 29 March 2018. I apologise for the delay in getting this response to you.

In your letter, you asked about the timetable for adoption of this proposal. This has been a high priority for Council and the Commission. We understand that the Bulgarian Presidency would like this measure to be adopted in the autumn, within the life of the current EU Parliament. We consider that this is an ambitious timetable on a detailed and complex technical proposal – I understand other Member States also take this position. It is therefore unclear whether the measures will be adopted before March 2019

23 April 2018

Letter from the Chairman to Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter dated 23 April 2018 about the proposal for a Regulation on establishing a framework for interoperability between EU information systems for police and judicial cooperation, asylum and migration (police cooperation proposal) and the proposal for a Regulation on establishing a framework for interoperability between EU information systems on borders and visas (borders and visas proposal), which the Home Affairs Sub Committee of the European Union Select Committee considered at a meeting on 9 May. In our previous two letters about these proposals – dated 21 February and 29 March – the Committee asked for clear information about both the Brexit implications and the operational implications of the proposals, as well as the results of stakeholder discussions. It is disappointing to note that we are yet to receive any of this information. You mentioned in your letter that the Government was gathering a range of views to feed into the opt-in decision. I would welcome more information about the following: (a) who the Government has spoken to, (b) how many stakeholder meetings have taken place, and (c) what the outcome of those discussions has been. I would also like to request more information about the outcome of discussions with external stakeholders, such as the National Crime Agency, on the operational implications of the proposals. Given the upcoming opt-in deadline on 21 May, in your next letter I hope that you will provide an update on the Government's opt-in decision, including details of how the decision was reached. I look forward to hearing from you within 10 working days. In the meantime, we will hold both documents under scrutiny.

11 May 2018

Letter from Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter dated 11 May 2018.

I am writing to inform you that the Government has decided to opt in (under the UK's JHA opt-in Protocol) to a proposal for establishing a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration). and not to opt out (under the UK's Schengen opt-out Protocol) of the EU proposal to the extent it effects the Schengen acquis in which we already participate. I will also address your questions from your most recent letter of 11 May 2018.

The Proposal will allow law enforcement and asylum officials to search all the databases with a single query and will link together matching biometric information. It will also create links between related records, and will alert officials when potential multiple identities have been found. It covers three existing databases (Schengen Information System II, Visa Information System, EURODAC) and three planned databases (European Travel Information and Authorisation System, Entry Exit System, European Criminal Records Information System-Third Country Nationals). The UK participates in SIS II, EURODAC and ECRIS-TCN.

The intended aim of the work is to prevent incorrect or fragmented data amongst JHA databases and improve their efficiency and usage by law enforcement. This should prevent identity fraud and reduce inconveniences to honest travellers due to errors or similarities in biographical information. This will have benefits for UK policing being able to identify Third Country Nationals (TCNs) who are victims, witnesses or suspects to crimes and terrorist incidents. It will also improve the quality and scope of data available to asylum officials. The Government supports the aims of this work and has decided to participate to maximise the benefits to the UK from access to these databases.

The UK's participation also improves the overall system, as the more states that participate and the more information shared the stronger the system will be and the greater increase in security for all. This reinforces the UK's unequivocal commitment to European security, as set out in the Prime Minister's in Munich earlier this year.

You asked about Brexit implications of the measure. I would refer you back to my letter 16 March 2018, in which I set out that the UK has been instrumental in developing the security, law enforcement and criminal justice co-operation tools which the EU has at its disposal. We want this to continue in a way that works for both the UK and for Europe and are committed to ongoing cooperation with the EU on security and law enforcement. Our relationship with the EU will change as a result of our departure and the details of our participation in practical cooperation measures that currently facilitate cooperation will be subject to negotiations.

Further to this, our security, law enforcement and criminal justice future partnership paper published on the 18th September outlined how we are seeking a relationship that provides for practical operational cooperation; facilitates data driven law enforcement; and allows multilateral cooperation through EU agencies.

You asked several questions in your letter regarding the process for surveying the views to feed into the opt-in decision. Officials have engaged with policy officials from other government departments, law enforcement agencies, and borders and immigration colleagues with relevant expertise on the issues. This included, for example, consulting directly with colleagues in the UK's SIRENE bureau at the National Crime Agency, responsible for running SIS II. Police colleagues indicated that accessing wider datasets through the interoperability system, particularly Eurodac, could be very useful in supporting TCNs who are victims, aiding investigations and identifying remains.

30 May 2018

Letter from the Chairman to Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter dated 30 May 2018 about the proposal for a Regulation on establishing a framework for interoperability between EU information systems for police and judicial cooperation, asylum and migration (police cooperation proposal) and the proposal for a Regulation on establishing a framework for interoperability between EU information systems on borders and visas (borders and visas proposal), which the Home Affairs Sub Committee of the European Union Select Committee considered at a meeting on 13 June.

We note the Government's decision to opt-in to this proposal. We agree that the proposal will bring operational benefits to UK security forces, and recognise that the Government needs to opt-in to those proposals that it deems beneficial before it loses the right to opt-in to new JHA measures once the UK leaves the EU. We are concerned, however, that the benefits associated with this decision will not continue after the transition period comes to an end without a complementary agreement on data protection. The Committee is currently conducting an inquiry into the proposed UK-EU security

treaty and we note that this opt-in will add a further level of ambition to the proposed security partnership.

Thank you also for your detailed explanation of the stakeholders whom you consulted before the Government reached its decision.

We can now clear this document from scrutiny. However, we request an update on preparations for the implementation of this proposal and the timeline for agreement given the reservations by the Minister of it being adopted before March 2019.

14 June 2018

Letter from Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter of 14 June 2018 about the Interoperability Regulation¹.

As this has been identified as a key issue for Council, Commission and Parliament the aspiration is for this to be adopted before the end of the year. The Bulgarian Presidency has set a pace in keeping with this goal and a general approach was reached on the 14th June, enabling trilogues to begin.

We are supportive of the general approach, however we still have concerns about a number of technical issues with the text that need to be clarified, to enable the legislation to be as effective as it has the potential to be. For example, we believe further clarity is needed on the exemptions for police investigations from data subject access to bring them into line with the safeguards in the Law Enforcement Data Protection Directive. We further consider that the limitations on 3rd party sharing may reduce the effectiveness of the system, or prevent Member States providing information on aliases when there is a clear and present danger of terrorist attack in a 3rd country. The language generally can be tidied and made more consistent throughout. We are also seeking to ensure the reporting process does not unduly burden end users.

Once adopted, which we now expect to take place by the end of 2018, eu-LISA will start developing the components in parallel to the underlying databases under construction. Once they have set out a more detailed plan and settled some of the technical choices, we will then be able to assess our own plan for technical implementation to fit eu-LISA's timings.

28 June 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE ESTABLISHMENT, OPERATION AND USE OF THE SCHENGEN INFORMATION SYSTEM (SIS) IN THE FIELD OF POLICE COOPERATION AND JUDICIAL COOPERATION IN CRIMINAL MATTERS, AMENDING REGULATION (EU) NO 515/2014 AND REPEALING REGULATION (EC) NO 1986/2006, COUNCIL DECISION 2007/533/JHA AND COMMISSION DECISION 2010/261/EU (15814/16)

Letter from the Chairman to the Rt Hon Nick Hurd MP, Minister of State for Policing and the fire Service, Home Office

Thank you for your letter received on 11 December 2017 about the proposal for a Regulation on the use of SIS II in the field of police and judicial cooperation in criminal matters, which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 17 January 2018.

I am grateful for the update provided but remain concerned that the text is not yet as clear as it could be, particularly Article 37(7) on inquiry checks and Article 53(6) on purpose limitation. It will be important to get updates from you on these issues as the negotiations on the proposal progress, and for the Government to continue to push for clarity in these areas.

I note that there was a debate in the House of Commons on Law Enforcement Cooperation and Border Control: Schengen Information System on 19 December and that the House agreed with the

¹ Proposal for a Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information system

Government's decision not to opt-out of this proposal. During that debate several speakers raised concerns about post-Brexit arrangements and sought clarity on whether the Government will be looking to retain full access to SIS II post-Brexit. I know that this is an issue that the European Scrutiny Committee has also raised. With EU exit negotiations about to move into phase two, it would seem a good time to clarify the Government's views on this matter, and I would be grateful if you could outline your position.

We will continue to hold document 15814/16 under scrutiny. We look forward to hearing from you in due course.

17 January 2018

Letter from Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter dated 17 January.

Following agreement of the General Approach in November, formal "trilogue" negotiations between the European Parliament, the Council of the European Union and the European Commission are now under way. We will provide updates, particularly on inquiry checks (Article 37(7)), as the discussions progress. Unfortunately, it is now unlikely that we will secure any changes to Article 53(6) (purpose limitation) as both the Council and European Parliament have agreed the Commission's proposed text with no amendments meaning the issue is unlikely to be discussed in trilogue.

You asked for clarification of the Government's view on post-Brexit SIS II arrangements. The Government stance is set out in the future partnership paper "Security, law enforcement and criminal justice", published in September. We are seeking an overarching agreement with the EU that supports future cooperation on security, law enforcement and criminal justice. We value the capability that is delivered through our current participation in SISII and, as the paper sets out, we are seeking to ensure that future cooperation facilitates data-driven law enforcement, practical assistance to operations and cooperation through EU agencies. By continuing our active participation in the measures and their development now we put the UK in the best possible position to secure a future partnership that works for the UK and the EU. The details of our participation in practical measures that currently facilitate cooperation will be subject to negotiations.

I will of course continue to update the committee in writing with further information as the negotiations proceed.

6 February 2018

Letter from the Chairman to Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter received on 7 February 2018 about the proposal for a Regulation on the use of SIS II in the field of police and judicial cooperation in criminal matters, which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 21 February 2018.

I am grateful for the update provided and ask that you continue to send updates as the negotiations progress, and on your discussions about Article 37(7) on inquiry checks in particular. I would also ask for an update on the timetable of the negotiations, and when you expect the proposal to be formally adopted.

We will continue to hold document 15814/16 under scrutiny. We look forward to hearing from you in due course.

1 March 2018

Letter from the Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter dated 1 March 2018 and your interest in Article 37, which deals with discreet checks, inquiry checks or specific checks. I apologise for the late response.

Whilst the draft text is still subject to agreement by Member States, I am pleased to inform you that the process of conducting 'inquiry checks' as envisaged by Article 37(4) will be subject to the national law of the executing Member State. I hope this allays any concerns the Committee may have on this point. Article 37(6) also states that where inquiry checks are not authorised by national law, a discreet check should instead be undertaken.

In terms of timescales, the Bulgarian Presidency aims to have the trilogue process completed by the end of their June term and for the text to be confirmed - likely via political agreement at COREPER - at the end of June.

Subject to any further information you require, I would kindly request that the dossier clears scrutiny.

30 May 2018

Letter to the Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter of 30 May 2018 on the proposal for a Regulation on the use of SIS II in the field of police and judicial cooperation in criminal matters, which was considered by the EU Home Affairs Sub-Committee at its meeting on 27 June 2018.

I am grateful for the update provided and ask that you continue to send updates as the negotiations progress.

We have cleared this from scrutiny and look forward to hearing from you in due course.

27 June 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON CONTROLS ON CASH ENTERING OR LEAVING THE UNION AND REPEALING REGULATION (EC) NO 1889/2005 (15819/16)

Letter from the Rt Hon Mel Stride MP, Financial Secretary to the Treasury, HM Treasury

Thank you for your letter of 19 December indicating that you are content to clear the proposed changes to the EU Regulation on controls of cash entering or leaving the European Union from scrutiny.

I would like to inform you that European Parliament agreed its position on the proposed regulation last month, allowing discussions to move to trilogue stage. These discussions are due to start later this month. Indications are that this might be a swift process with agreement likely around June 2018. If, as anticipated, this is followed by an implementation period, we could see the proposed regulation coming into force by 2020. I will continue to keep the Committee informed of developments during the trilogue process.

10 January 2018

Letter from the Rt Hon Mel Stride MP, Financial Secretary to the Treasury

In my letter of 10 January 2018 I said I would continue to keep the Committee informed of developments during the trilogue process on the above proposal.

The proposed Cash Controls Regulation is currently in negotiations, with a final trilogue scheduled for 23 May 2018.

The first trilogue, on 6 March 2018, was followed by two technical meetings on 8 and 16 March 2018. The changes provisionally agreed at the first set of meetings were broadly acceptable to the UK. These included amendments to the provisions covering confidentiality, data security and personal data protection, along with minor drafting changes.

The second trilogue took place on 28 March 2018. It agreed that all remaining issues, including those relating to the obligation to declare accompanied cash, exchange of information with third countries

and penalties, other than the date of entry into force, would be dealt with at a technical level. It is expected that this arrangement will provide the basis for a successful final meeting.

The proposal has been refined through debate in the Council to ensure that it is proportionate and workable at the EU's external borders. The proposal strikes an appropriate balance, avoiding undue administrative burdens on border authorities, legitimate trade and people entering or leaving the EU through a risk-based approach to interventions which ensures they are focused on illicit activity.

The UK is broadly content with the compromises that have been reached in the discussions. Nevertheless, we have two areas of interest in those matters still to be resolved:

- The European Parliament (EP) has been pressing for interconnection between the Customs Information Service and the system used by the Financial Intelligence Units of the Member States. We are content to agree in principle that interconnection should be explored in a future evaluation of the Regulation, but we continue to oppose accepting a firm commitment as this may bind Member States to future action without a full impact assessment of the costs and benefits.
- The EP has proposed that Member States shall introduce a co-ordinated set of penalties. Member States are responsible for ensuring that national law provides for penalties which are effective, proportionate and dissuasive, with flexibility to respond to the circumstances of the case at hand. We have therefore opposed such an amendment.

Both matters will be addressed at the next trilogue meeting. We continue to work with a number of like-minded Member States to reach agreement on both proposals that will be acceptable to the UK.

Other issues which have been discussed where the UK has an interest are:

- The EP has recommended an amendment which requests information to be transmitted to a number of organisations, including the European Public Prosecutor's Office (EPPO) and Europol, and for the Commission to carry out a statistical analysis of the information and make this available to the public. We initially opposed this, as the UK is not a member of EPPO, but are now satisfied that the proposal only alters the mechanics of receiving the information.
- The EP wishes to use a delegated act, rather than an implementing act, to address risk management. In our opinion this would give the Commission undue powers in relation to the risk management framework and is at odds with wider Customs legal provisions. The UK, alongside other Member States and the Commission, will continue to oppose this amendment.

Overall, the proposal has not substantially deviated from the mandate issued by COREPER on 28 June 2017. A further mandate will be presented to COREPER on 16 May, ahead of the upcoming trilogue on 23 May 2018. The date of application of the Cash Controls Regulation has not yet been decided, as it is still a matter of negotiations, but we expect it to be between 24-30 months following entry into force. My officials are continuing to liaise with colleagues in DExEU on the implications of these changes.

15 May 2018

Letter from the Rt Hon Mel Stride MP, Financial Secretary to the Treasury

Following my letter of 15 May 2018, I am writing to provide a further update on the proposed Cash Controls Regulation.

The third and final trilogue was held on 23 May 2018 and an agreement on a compromise text was reached between the European Parliament, the Council, and the Commission. The compromise text was examined by the Working Party on Customs Union at its meeting on 13 June 2018 and was supported by a large majority of delegations, including the UK.

In my letter of 15 May, I outlined the principal outstanding areas of interest to the UK that were to be addressed at the third trilogue meeting. In relation to:

- interconnection between the Customs Information Service and systems used by the Financial Intelligence Units of the Member States - the compromise text does not commit Member States to establish interconnection between the two, nor does it bind them to any future action;
- penalties - the European Parliament's proposed amendment introducing a co-ordinated set of penalties has been dropped, preserving Member States' autonomy in this matter;
- use of delegated acts to address risk management - the proposal has adopted the use of implementing acts instead of delegated acts .

As a result, there are no outstanding issues or concerns for the UK. The compromise text has not substantially deviated from the mandate issued by COREPER on 28 June 2017 and is acceptable to the UK.

Given that the proposal has cleared scrutiny, the UK is intending to vote in favour of it, when it is submitted to Council for adoption once the text of the regulation has been finalised. A date for adoption has yet to be indicated, but is now expected to be in the autumn.

Notwithstanding this, the Cash Controls Regulation will enter into force on the 20th day following that of its publication in the Official Journal of the European Union and its date of application will be 30 months after the date of entry into force, other than Article 15 (which covers Implementing Acts), to give Member States time to make the appropriate arrangements.

My officials are continuing to liaise with colleagues in DExEU on the implications of these changes.

19 July 2018

RECOMMENDATION FOR COUNCIL DECISIONS AUTHORIZING THE OPENING OF NEGOTIATIONS FOR AN AGREEMENT BETWEEN THE EUROPEAN UNION AND THE HASHEMITE KINGDOM OF JORDAN (5033/18 + ADD 1), BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF TURKEY (5034/18 + ADD 1), BETWEEN THE EUROPEAN UNION AND THE LEBANESE REPUBLIC (5035/18 + ADD 1), BETWEEN THE EUROPEAN UNION AND THE STATE OF ISRAEL (5036/18 + ADD 1), BETWEEN THE EUROPEAN UNION AND TUNISIA (5037/18 + ADD 1), BETWEEN THE EUROPEAN UNION AND THE KINGDOM OF MOROCCO (5038/18 + ADD 1), BETWEEN THE EUROPEAN UNION AND THE ARAB REPUBLIC OF EGYPT (5039/18 + ADD 1) AND BETWEEN THE EUROPEAN UNION AND THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA (5040/18 + ADD 1) ON THE EXCHANGE OF PERSONAL DATA BETWEEN THE EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL) AND THE COMPETENT AUTHORITIES OF THE NAMED STATES FOR FIGHTING SERIOUS CRIME AND TERRORISM.

Letter from the Rt Hon Nick Hurd MP, Minister of State for Policing and the fire Service, Home Office

Thank you for your EM received on 2 February 2018 about the Recommendation for Council Decisions authorising the opening of negotiations for an agreement between the European Union and the Hashemite Kingdom of Jordan (5033/18 + Add 1), between the European Union and the Republic of Turkey (5034/18 + Add 1), between the European Union and the Lebanese Republic (5035/18 + Add 1), between the European Union and the State of Israel (5036/18 + Add 1), between the European Union and Tunisia (5037/18 + Add 1), between the European Union and the Kingdom of Morocco (5038/18 + Add 1), between the European Union and the Arab Republic of Egypt (5039/18 + Add 1) and between the European Union and the People's Democratic Republic of Algeria (5040/18 + Add 1) on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the competent authorities of the named States for fighting serious crime and terrorism, which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 7 March 2018. I apologise for the lateness of the response – due to an administrative error, this letter was not sent to you in the days after the Sub-Committee considered the EM.

We agree with the requirement to balance the operational necessity to share data with the countries that the EU has chosen with the need to protect the various rights that you list. We urge you to keep a close eye on the proposals as they develop, to ensure that the promised safeguards match the Government's expectations.

The recommendation covers an important area of security cooperation that will continue to be necessary post-Brexit. However, while the EM suggests that the Government is supportive of the Commission's proposals, it gives no indication of the extent to which the UK might engage with the proposed structures once it has left the EU. Given the importance of these mechanisms, we would urge you to provide us with further detail about how the Government is planning for the UK's departure from Europol.

As you are aware, this is an area of policy that we have considered in the Sub-Committee's inquiry into the proposed security treaty between the UK and EU, and we would welcome more information about how you intend to work with or establish a replacement for these important data-sharing agreements once the UK has left the EU. It would also be useful to know the extent to which the UK already shares personal data with the countries covered by this recommendation.

We would welcome clarification on these points. We look forward to hearing from you as soon as possible. In the meantime, we will hold the documents under scrutiny.

18 May 2018

Letter from the Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service

I am writing to respond to your Committee's letter of 18th May relating to the EM on the Council Decisions authorising negotiations between the EU and Jordan, Turkey, Lebanon, Israel, Tunisia, Morocco, Egypt, Algeria to conclude agreements on the exchange of personal data with Europol.

In your letter, you note the House of Lords EU Sub-committee inquiry into the proposed UK-EU security treaty, and you request more information on how the UK is planning for our departure from Europol and related data sharing agreements.

The UK is seeking an ambitious and comprehensive security relationship which preserves mutually important operational capabilities whilst allowing the UK and EU to continue to work together to combat fast evolving security threats. Our Security, Law Enforcement and Criminal Justice Future Partnership paper, published in September last year - as well as the recently published presentation on the 'Framework for the UK-EU Security Partnership' - sets out our ambition for our future relationship with the EU; one which provides for practical operational cooperation, facilitates data-driven law enforcement, and allows multilateral cooperation through EU agencies – including Europol.

In terms of existing UK data sharing with these countries, we have the most bilateral exchanges with Turkey, reflecting its size, proximity and status as a member of NATO. All operational engagement with law enforcement in the relevant countries is risk assessed on a case by case basis.

I understand that an administrative error resulted in a delay in my receiving your letter.

We are now expecting the Council Decisions to be agreed at the June JHA Council on 4-5 June and I would be very grateful for your support in clearing the documents from scrutiny ahead of that meeting.

30 May 2018

Letter from the Chairman to the Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service

Thank you for your letter received on 30 May 2018 about the Recommendation for Council Decisions authorising the opening of negotiations for an agreement between the European Union and the Hashemite Kingdom of Jordan (5033/18 + Add 1), between the European Union and the Republic of Turkey (5034/18 + Add 1), between the European Union and the Lebanese Republic (5035/18 + Add 1), between the European Union and the State of Israel (5036/18 + Add 1), between the European Union and Tunisia (5037/18 + Add 1), between the European Union and the Kingdom of

Morocco (5038/18 + Add I), between the European Union and the Arab Republic of Egypt (5039/18 + Add I) and between the European Union and the People's Democratic Republic of Algeria (5040/18 + Add I) on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the competent authorities of the named States for fighting serious crime and terrorism, which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 11 July 2018.

We are grateful that you informed Parliament of the Government's intention to opt into these proposals. We agree that opting-in provides an opportunity to influence the negotiation of these agreements, and request that you update us about your efforts to ensure that the UK's concerns around human rights are duly reflected.

Your letter went some way to addressing the questions that we posed. We would now request more specific details on if, and how, the UK intends to engage with the data-sharing arrangements envisaged in the proposals once the Brexit transition / implementation period comes to an end; and if not, whether the Government will aim to replicate these arrangements. We are still unclear about whether the UK has any existing data-sharing arrangements with the countries covered by these proposals.

We would welcome clarification on these points. We look forward to hearing from you within 10 working days. In the meantime, we will continue to hold the documents under scrutiny.

11 July 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON HEALTH TECHNOLOGY ASSESSMENT AND AMENDING DIRECTIVE 2011/24/EU (5844/18)

Letter from the Chairman to Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health, Department of Health and Social Care

Thank you for your EM received on 26 February 2018 about the proposal for a Regulation on health technology assessment, which the Home Affairs Sub-Committee of the European Union Select Committee considered at a meeting on 14 March.

I am grateful for the explanation provided in the EM about how this process currently works in England and the Devolved Administrations, and for the list provided of issues that you feel need further clarification. The issues mentioned are of interest to us, and I would therefore welcome updates on them as the negotiations progress.

In addition, I would seek your assurances that this proposal will not result in HTAs that are of less quality than what is currently being delivered by NICE and relevant bodies in the Devolved Administrations. How will you ensure that their quality matches existing assessments? I am aware of reports that other Member States have expressed concerns about this proposal on the basis of subsidiarity. I would invite you to provide more information about their concerns and whether you share them.

We will hold this document under scrutiny, and look forward to hearing from you in due course.

19 March 2018

Letter from Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health

Thank you for your letter of 19 March about the proposal for a Regulation of the European Parliament and Council on health technology assessment and amending Directive 2011/24/EU.

The House of Commons European Scrutiny Committee also wrote directly to me and I will copy you into my reply to them.

This proposal is at an early stage of the process and the Government will continue to focus on a number of issues as negotiations progress. I would be happy to keep you updated on our progress on at least a quarterly basis, or sooner as the nature of negotiations in Council dictate.

In your letter you sought my assurance that this proposal will not result in Health Technology Assessments (HTAs) that are of a lesser quality than what is currently being delivered by the National Institute for Health and Care Excellence (NICE) and relevant bodies in the Devolved Administrations, and asked how I could ensure that the quality of the assessments will be maintained.

The Government will want to be assured that the quality of any procedures and assessments is equivalent to those currently produced in the UK. There are some existing concerns about whether the pan-European procedures currently in place as part of the existing voluntary arrangements for the development of joint assessments could be more rigorous, inclusive of consultation and more transparent. This will be an area that the Government will address in the course of negotiations and where we can offer the benefit of the considerable experience of NICE and the relevant bodies in the Devolved Administrations to other Member States.

You also noted that other Member States have expressed concerns about this proposal on the basis of subsidiarity and asked if I could provide more information about their concerns and whether I shared these. I understand that my policy officials have discussed what information we have about the potential actions of some Member States on this point with the Clerk to the Committee.

As negotiations progress, we will continue to engage in discussions with the European Commission and other Member States to understand the basis for a 'mandatory' approach to clinical assessments and whether the principle of subsidiarity is impacted. There are of course benefits to joint working and sharing expertise on HTAs, and the UK will be keen to support these while ensuring we understand any potential risks to Member States' domestic funding decisions on reimbursement and the delivery of healthcare.

I look forward to constructive discussions on these issues during the Working Group negotiations, which begin in full next month.

29 March 2018

Letter from Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health

I wrote to you on 29 March about the European Commission's proposal for a regulation on health technology assessment (HTAs). In my letter, I noted that the Government was at an early stage of its analysis and that some of the issues would need to be revisited again over the coming months. I said I would be happy to keep you updated on progress on a quarterly basis, or sooner where there were developments.

There have been no significant developments since I wrote to you in April. There have been two working parties so far and a few articles have been discussed but no agreement reached. The proposal was also tabled at the EU's Employment, Social Policy, Health and Consumer Affairs Council (EPSCO), which I attended on 22 June.

Our position remains the same in that we prefer a voluntary approach to joint collaboration. We also continue to stress strongly that any joint reports must be both timely and of high quality. It is also clear that this is the view of a number of other Member States. At EPSCO, the predominant view was supportive of continued discussions on the draft regulation but that a way forward needed to be found to respond to Member States concerns on the mandatory use of assessments.

There are a number of working parties due to take place before the end of the calendar year. I therefore expect to be able to provide you with a further update in September.

2 July 2018

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON ENABLING THE DIGITAL TRANSFORMATION OF HEALTH AND CARE IN THE DIGITAL SINGLE MARKET; EMPOWERING CITIZENS AND BUILDING A HEALTHIER SOCIETY (6451/18)

Letter from the Chairman to Lord O'Shaughnessy, Parliamentary Under Secretary of State for Health, Department of Health and Social Care

Thank you for your EM received on 14 May 2018 about the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions on enabling the digital transformation of health and care in the Digital Single Market; empowering citizens and building a healthier society, which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 13 June 2018.

The Committee welcomes the detailed information that you provided, including the Brexit implications.

It would, however, be helpful to the Committee if you could provide some clarity on the following:

- How will the initiatives outlined in the Communication affect UK citizens living in the EU and accessing health via the SI scheme?
- Will the UK's participation in initiatives such as those involving research and innovation be dependent on the UK first getting a data protection adequacy decision?
- What amendments might be needed to the Networks and Information Systems Directive to reflect the UK's new status, and have they been discussed yet in Government or with other EU Member States?

In the meantime, we will hold this document under scrutiny and look forward to hearing from you within 10 working days.

13 June 2018

PROPOSAL FOR A COUNCIL DECISION AUTHORISING THE COMMISSION TO APPROVE, ON BEHALF OF THE UNION, THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION IN THE AREA OF IMMIGRATION POLICY (7391/18)

PROPOSAL FOR A COUNCIL DECISION AUTHORISING THE COMMISSION TO APPROVE, ON BEHALF OF THE UNION, THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION IN THE FIELD OF DEVELOPMENT COOPERATION (7400/18)

Letter from the Chairman to the Rt Hon Caroline Nokes MP, Minister of State for Immigration, Home Office

Thank you for your EM dated 11 April 2018 about the European Union document Council decision authorising the Commission to approve, on behalf of the Union, the Global Compact for Safe, Orderly and Regular Migration in the area of immigration policy; and on the Council decision authorising the Commission to approve, on behalf of the Union, the Global Compact for Safe, Orderly and Regular Migration in the field of development cooperation, which the Home Affairs Sub-Committee of the European Union Select Committee considered at a meeting on 9 May.

We were grateful to you for outlining clearly your thinking behind whether to opt-in to this measure. In due course we would welcome an update on the opt-in decision, and the negotiations on the Global Compact. In the meantime, we will hold the document under scrutiny.

11 May 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING AN ENTRY/EXIT SYSTEM (EES) TO REGISTER ENTRY AND EXIT DATA AND REFUSAL OF ENTRY DATA OF THIRD COUNTRY NATIONALS CROSSING THE EXTERNAL BORDERS OF THE MEMBER STATES OF THE EUROPEAN UNION AND DETERMINING THE CONDITIONS FOR ACCESS TO THE EES FOR LAW ENFORCEMENT PURPOSES AND AMENDING REGULATION (EC) NO.767/2008 AND REGULATION (EU) NO.1077/2011 (7675/16)

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 2016/399 AS REGARDS THE USE OF THE ENTRY/EXIT SYSTEM (7676/16)

Letter from the Rt Hon Caroline Nokes MP, Minister of State for Immigration, Home Office

I am writing to provide an update on the above proposals on the establishment of an Entry-Exit System for the management of the Schengen Area's external border.

The regulations were adopted by the European Parliament on 25 October 2017 and by the European Council on 20 November 2017.

The text was published in the EU Official Journal on 9 December 2017 and the new regulation is expected to enter into force on 29 December 2017. The system itself is anticipated to be operational in 2020.

22 January 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON STRENGTHENING THE SECURITY OF IDENTITY CARDS OF UNION CITIZENS AND OF RESIDENCE DOCUMENTS ISSUED TO UNION CITIZENS AND THEIR FAMILY MEMBERS EXERCISING THEIR RIGHT OF FREE MOVEMENT (8175/18)

Letter from the Chairman to the Rt Hon Caroline Nokes MP, Minister of State for Immigration, Home Office

Thank you for your EM received on 10 May 2018 about the proposed Regulation to strengthen the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement, which the Home Affairs Sub-Committee of the European Union Select Committee considered at a meeting on 6 June.

While I note that this proposal is not likely to have much impact on the UK, there appears to be a potentially significant impact on Gibraltar. Could you tell us more about the likely impact that this proposal will have on the management of Gibraltar's border and what might be the financial and resource costs needed to bring Gibraltar's identity card system into compliance with the proposal?

I was also unclear about the meaning of the sentence in the EM stating that "complying with the draft Regulation would also mean complying with the agreed terms of the Withdrawal Agreement for post-2025 as, from that date, it is open to the UK and the EU to only accept identity cards that have 'a chip compliant with the applicable ICAO standards related to biometric identification'". Can you clarify what this means?

We will hold this document under scrutiny, and look forward to hearing from you within 10 working days.

6 June 2018

Letter from the Rt Hon Caroline Nokes MP, Minister of State for Immigration

Thank you for your letter dated 6 June. I am writing in answer to the further information you have requested on the above proposal.

You asked for more about the likely impact that this proposal will have on the management of Gibraltar's border and what might be the financial and resource costs needed to bring Gibraltar's identity card system into compliance with the proposal.

The impact on Gibraltar is still under consideration and we will provide this information when available.

You also asked for clarification on the sentence in the Explanatory Memorandum stating that "complying with the draft Regulation would also mean complying with the agreed terms of the Withdrawal Agreement for post-2025 as, from that date, it is open to the UK and the EU to only accept identity cards that have 'a chip compliant with the applicable ICAO standards related to biometric identification'".

As set out in the Withdrawal Agreement (WA) at Article 13, it was agreed at negotiators' level in March that there will be no change to current entry and exit requirements in terms of travel documents for Union citizens, United Kingdom nationals and their respective family members during the implementation period (29 March 2019-31 December 2020) and for five years afterwards for those covered by the WA, following which, in respect of identity cards, a decision can be taken to only accept those with a chip compliant with the applicable ICAO standards related to biometric identification.

With this in mind, the quoted sentence from the Explanatory Memorandum was intended to convey that if the proposal as drafted becomes a Regulation within the anticipated timeframe, the identity cards of those people covered by the WA would, by 2025, meet the ICAO standards related to biometric identification that are set out in Article 13 of that agreement.

19 June 2018

Letter from the Chairman to the Rt Hon Caroline Nokes MP, Minister of State for Immigration

Thank you for your letter received on 19 June 2018 about the proposed Regulation to strengthen the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement, which the Home Affairs Sub-Committee considered at a meeting on 11 July 2018.

I note that the impact of this Regulation on Gibraltar is still under consideration, and that you have offered to provide this information when available.

We hold this document under scrutiny and look forward to hearing from you in due course about the impact on Gibraltar.

11 July 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE MARKETING AND USE OF EXPLOSIVES PRECURSORS, AMENDING ANNEX XVII TO REGULATION (EC) NO 1907/2006 AND REPEALING REGULATION (EU) NO 98/2013 ON THE MARKETING AND USE OF EXPLOSIVES PRECURSORS (8342/18)

Letter from the Chairman to Ben Wallace MP, Minister of State for Security, Home Office

Thank you for your EM received on 14 May 2018 about the proposal for a Regulation on the marketing and use of explosive precursors, which the Home Affairs Sub-Committee of the European Union Select Committee considered at a meeting on 6 June.

I am grateful for the information provided in the Explanatory Memorandum, which gives a good overview of the Government's position. I would ask that you keep us updated on the progress of the consultation with stakeholders, and that you write to us with details of who is being consulted and the outcome of those discussions. I also look forward to hearing the results of the Government's impact assessment.

I hope to hear from you in due course. In the meantime, we will hold this document under scrutiny.

6 June 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE TRANSPARENCY AND SUSTAINABILITY OF THE EU RISK ASSESSMENT IN THE FOOD CHAIN AMENDING REGULATION (EC) NO 178/2002 [ON GENERAL FOOD LAW], DIRECTIVE 2001/18/EC [ON THE DELIBERATE RELEASE INTO THE ENVIRONMENT OF GMOS], REGULATION (EC) NO 1829/2003 [ON GM FOOD AND FEED], REGULATION (EC) NO 1831/2003 [ON FEED ADDITIVES], REGULATION (EC) NO 2065/2003 [ON SMOKE FLAVOURINGS], REGULATION (EC) NO 1935/2004 [ON FOOD CONTACT MATERIALS], REGULATION (EC) NO 1331/2008 [ON THE COMMON AUTHORISATION PROCEDURE FOR FOOD ADDITIVES, FOOD ENZYMES AND FOOD FLAVOURINGS], REGULATION (EC) NO 1107/2009 [ON PLANT PROTECTION PRODUCTS] AND REGULATION (EU) NO 2015/2283 [ON NOVEL FOODS] (8518/18)

Letter from the Chairman to Steve Brine MP, Parliamentary Under Secretary of State for Public Health, Department of Health and Social Care

Thank you for your Explanatory Memorandum (EM) on the above Proposal, which was considered by our Energy and Environment Sub-Committee at its meeting on 11 July.

We note the UK Government's concern that, by increasing the role of Member States, the European Food Safety Authority (EFSA) may be subject to "increased political involvement" and that Member State participation may be prioritised "over the individual merit of candidates" for the EFSA Management Board. The Commission's Proposal states that it is bringing the EFSA's governance in line with other European agencies (such as the European Chemicals Agency and the European Medicines Agency): are your concerns based on your experience of how these bodies operate? What discussions have you had with the Commission to-date about your concerns, and what reassurances have you received?

We note your concern that the Proposal must be "sufficiently flexible for business operators" and that there may be an increased administrative burden on Member States. Please provide further details of what specific aspects of the Proposal concern you, and what you think the impacts may be. Have you decided whether to challenge the EU decision not to conduct an Impact Assessment? Have you decided whether to conduct a UK Impact Assessment?

You state that "further scrutiny of these proposals is required taking into account the possible implications for EU Exit and any future relationship we may have with EU systems and agencies." Please provide an update on that assessment. If the Regulation is not adopted before the end of the transition period, does the UK Government intend to mirror the changes set out in this Proposal (by publicising, and consulting on, the supporting studies submitted with authorisation applications, for example)? Would you seek to establish a UK register of studies (and, if so, who would manage it), or contribute to the EU one?

We have decided to retain this Proposal under scrutiny, and look forward to a reply to this letter within 10 working days.

11 July 2018

PROPOSAL FOR A COUNCIL DECISION AUTHORISING MEMBER STATES TO BECOME PARTY, IN THE INTEREST OF THE EUROPEAN UNION, TO THE COUNCIL OF EUROPE CONVENTION ON AN INTEGRATED SAFETY, SECURITY, AND SERVICE APPROACH AT FOOTBALL MATCHES AND OTHER SPORTS EVENTS (CETS N°218) (8577/18)

Letter from the Chairman to the Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service, Home Office

Thank you for your Explanatory Memorandum received on 18 May 2018 about a proposal authorising Member States to become party, in the interest of the European Union, to the Council of Europe Convention on an Integrated Safety, Security, and Service Approach at Football Matches and Other Sports Events (CETS n°218) (Document No. 8577/18), which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 11 July.

We are content to clear this document from scrutiny and do not require a response.

18 July 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE CREATION OF A EUROPEAN NETWORK OF IMMIGRATION LIAISON OFFICERS (RECAST) (9036/18)

Letter from the Chairman to the Rt Hon Caroline Nokes MP, Minister of State for Immigration, Home Office

Thank you for your EM dated 5 June 2018 on the recast of the Regulation on the creation of a European network of Immigration Liaison Officers, which the EU Home Affairs Sub-Committee considered at its meeting on 27 June 2018.

We would be grateful for further clarification on a number of issues:

- i. What type of information is exchanged on ILO networks? Can you provide some examples of what information is shared and how it is utilised to achieve the purposes of supporting returns or tackling illegal immigration Article 9(1)(a) says that information shall include relevant documents, reports and analytical products in the area of immigration? It would be helpful to know what is meant by the term “analytical products”.
- ii. Will any of the information shared on the proposed information exchange platform duplicate information that is shared on any other existing or proposed EU databases?
- iii. Will any of the information shared under the terms of the proposal differ from what is shared already via existing ILO networks, including with ILOs from non- EU countries such as US, Canada, Australia and New Zealand?
- iv. What impact will the proposal have on the ability and ease with which the UK currently shares information with ILOs from non-EU countries such as US, Canada, Australia and New Zealand?
- v. The evaluation and subsequent proposal indicate that information sharing with EU agencies is currently lacking. Why in your view are ILO networks not sharing information with EU agencies or the Commission? To what extent will the current proposal address the root causes of this poor standard of information sharing?
- vi. What would be the implications of not participating in this Regulation in terms of access to information of other EU Member States’ ILOs and EU agencies? As an observer, would the UK still have access to the information platform?

In addition, I would ask for a fuller explanation of the two key issues identified in your EM, namely the extent to which the proposals would impinge on a Member States’ ability to task their own staff effectively, without oversight of the Commission, and on their ability to develop bilateral relationships with third countries.

We retain this document under scrutiny and look forward to hearing from you within 10 working days.

27 June 2018

Letter from the Rt Hon Caroline Nokes MP, Minister of State for Immigration

Thank you for your letter of 27 June 2018 on the recast of the Regulation on the creation of a European network of Immigration Liaison Officers, in which you considered the EM dated 05 June 2018 regarding the Commission proposals on the Regulation. You have sought a number of clarifications, which I provide in turn.

Taking each of your questions in turn:

1. What type of information is exchanged on ILO networks? Can you provide some examples of what information is shared and how it is utilised to achieve the purposes of supporting returns or tackling illegal immigration? Article 9(1)(a) says that information shall include relevant documents, reports and analytical products in the area of immigration? It would be helpful to know what is meant by the term “analytical products”.

Currently most information exchange between ILO networks is managed on a local level where ILO networks have been established and consists of sharing analytical information, for example on irregular migration trends, and sharing information on specific cases.; membership of these local networks will include EU and non-EU ILO representatives. For example, irregular migration trends would be discussed at regular anti-fraud meetings; these would cover issues related to both visa and document abuse. Article 2(2) of Reg 377/2004, which is the current Regulation governing the rules relating to ILOs, indicates the type of information shared, such as trends regarding document abuse.

Information exchanges are also permitted under Regulation 377/2004 in relation to establishing the identity of third country nationals and assisting with their return. Information shared will potentially include biometric details (including fingerprints), proof of route taken, previous travel and any documents to establish nationality and identity.

2. Will any of the information shared on the proposed information exchange platform duplicate information that is shared on any other existing or proposed EU databases?

At this time it is unclear how the proposed information exchange platform will tie into existing databases. The UK would look to minimise any duplication and, if participating, would look to ensure full access. The UK understands that proposals do not envisage a duplication of what is already shared via existing EU databases and they do not propose to hold any personal information relating to law or immigration enforcement. Currently ILO officers overseas do not have direct access to any EU databases.

3. Will any of the information shared under the terms of the proposal differ from what is shared already via existing ILO networks, including with ILOs from non- EU countries such as US, Canada, Australia and New Zealand?

The UK does not consider that information being shared with EU Member States should not be shared with non-EU countries, providing legal obligations on data protection are complied with. Details of this are yet to be discussed.

4. What impact will the proposal have on the ability and ease with which the UK currently shares information with ILOs from non-EU countries such as US, Canada, Australia and New Zealand?

The UK does not envisage that current sharing processes with non-EU states would need to change.

5. The evaluation and subsequent proposal indicate that information sharing with EU agencies is currently lacking. Why in your view are ILO networks not sharing information with EU agencies or the Commission? To what extent will the current proposal address the root causes of this poor standard of information sharing?

The evaluation focused on the ILO network sharing information with EU agencies and the Commission, rather than the totality of Member States’ contributions on Migration issues. For the

UK, information gathered locally is disseminated at a local network level, where appropriate, but also back to the UK where it forms part of a richer picture. This national picture would be shared as appropriate with EU agencies such as Frontex and Europol both as part of publication of UK material available to these organisations and in the case of Europol through the use of SIENNA system. The UK network is not designed to create material that it would be appropriate to normally share directly with the EU Commission and we believe many other Member States will be in a similar position. It is currently unclear how the proposal will address this, given the details of web based proposals have yet to be discussed.

6. What would be the implications of not participating in this Regulation in terms of access to information of other EU Member States' ILOs and EU agencies? As an observer, would the UK still have access to the information platform?

The UK does not expect local to local information sharing to change if we did not participate in this Regulation, given the intention is to enhance co-operation between ILO networks of all types, as well as improving a common EU approach in tackling irregular migration. At this stage no discussion has been held regarding access to any information platform. However, it is likely that the Commission's initial position would be that access would be limited to EU Member States.

You also sought fuller explanations of two issues identified in the EM:

1. The extent to which the proposals would impinge on a Member States' ability to task their own staff effectively, without oversight of the Commission.
2. On the ability of individual member states to use the ILO networks to develop bilateral relationships with third countries.

To expand on these two points. The proposals talk about establishing a Steering Group in Articles 7 and 8. Questions on the remit of the steering group are yet to be fully discussed, however Article 8(2) envisages that a biannual work programme would be agreed by all Member States that are part of the steering group. This in addition to the ability to "ad hoc" task ILOs (Article 8(3)(b).) could result in a reduction in capability of a Member State to manage its network independently, as a significant level of resource is dedicated to EU-led initiatives. Member States who have taken advantage of funding available through Article 8(4) may find that funding is tied into their willingness to focus on this. The funding mechanism identified is one that the UK does not participate in. The UK funds its ILO network without the support of EU funds, but many Member State's networks are at least partially funded by the EU.

Although the Regulation will not prevent the development of bilateral relationships, the focus of this Regulation is greater EU-level coordination. The Commission taking a more active role in driving the management of the networks at EU level also increases the risk that third countries will wish to deal with a single EU point of contact, rather than individual Member States. That would reduce bilateral opportunities for Member States. The proposals acknowledge Member State primacy on their networks, but they envisage a much more comprehensive common EU approach on tackling illegal migration. The UK is a member of existing EU frameworks on returns (EURINT) and these at present do not impact upon the UK's ability to make bilateral agreements.

I also indicated in my previous correspondence to you that I would let you know when timing of our opt in decision was clarified. As the proposed Regulation constitutes a development of the Schengen acquis in which the UK participates, in accordance with Article 5(1) of Protocol (No 19) on the Schengen acquis integrated into the Framework of the European Union annexed to the Treaty on the Functioning of the European Union, the UK's Schengen opt-out applies to this Regulation. The date of publication of the final language version of these proposals was 02 July 2018 . Therefore, the eight week deadline for the Scrutiny Committees to comment is 31 August 2018 and the deadline for the UK to opt out of the measure in accordance with Protocol 19 is 01 October 2018.

20 July 2018

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ENGAGING, CONNECTING AND EMPOWERING YOUNG PEOPLE: A NEW EU YOUTH STRATEGY (9264/18)

Letter from the chairman to Tracey Crouch MP, Parliamentary Under Secretary of State for Sport and Civil Society, Department for Digital, Culture, Media & Sport

Thank you for your Explanatory Memorandum received on 12 June 2018 about a communication Engaging, Connecting and Empowering young people: a new EU Youth Strategy (Document No. 9264/18), which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 18 July.

We are content to clear this document from scrutiny and do not require a response.

18 July 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) NO 862/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON COMMUNITY STATISTICS ON MIGRATION AND INTERNATIONAL PROTECTION (9307/18)

Letter from the Chairman to the Rt Hon Caroline Nokes MP, Minister of State for Immigration, Home Office

Thank you for your Explanatory Memorandum received on 18 June 2018 about a proposal amending Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection (Document No. 9307/18), which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 18 July.

We are content to clear this document from scrutiny and do not require a response.

18 July 2018

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING 'ERASMUS': THE UNION PROGRAMME FOR EDUCATION, TRAINING, YOUTH AND SPORT AND REPEALING REGULATION (EU) NO 1288/2013 (9574/18)

Letter from the Chairman to Sam Gyimah MP, Minister of State for Universities, Science, Research and Innovation, Department of Education

Thank you for your EM received on 26 June 2018 about the proposed Regulation to establish 'Erasmus': the Union programme for education, training, youth and sport and repealing regulation, which the Home Affairs Sub-Committee considered at a meeting on 11 July 2018.

We note that the Government has indicated that it will continue to participate in the current Erasmus+ programme until 2020. However, there is no indication in this EM of its intentions beyond then. We note that prospective participants may be reluctant to sign up if there is uncertainty about the future of the programme for UK participants beyond 2020. We would therefore welcome more information about whether the UK will seek to continue participation beyond 2020, and about when the Government's position will be announced.

We would also welcome clarification on whether the Government has evaluated the benefits to the UK of continued participation in Erasmus post-2020 and on what findings were made, along with the costs to the UK to participate post-2020 and the expected number of participants.

We will hold this document under scrutiny; I look forward to hearing from you within 10 working days.

11 July 2018

PROPOSAL FOR A COUNCIL DIRECTIVE ESTABLISHING AN EU EMERGENCY TRAVEL DOCUMENT AND REPEALING DECISION 96/409/CFSP (9643/18)

Letter from the Chairman to the Rt Hon Caroline Nokes MP, Minister of State for Immigration, Home Office

Thank you for your Explanatory Memorandum received on 4 July 2018 about the proposed Council Directive establishing an EU Emergency Travel Document, which the EU Home Affairs Sub-Committee considered at a meeting on 18 July 2018.

We note in your EM that negotiations on cooperation in the field of consular affairs will take place as part of the negotiations on the future UK-EU security partnership. In Government evidence to our recent inquiry on the proposed UK-EU security treaty, and in the Government's recent White Paper, there is little detail about the Government's aims for maintaining bilateral agreements with the EU on consular affairs after the end of the transition period. Can you provide further information about how cooperation in this area relates to the negotiations on the future security partnership?

We have cleared this document from scrutiny. I look forward to hearing from you within 10 business days.

18 July 2018

PROPOSAL FOR A COUNCIL DECISION AUTHORISING MEMBER STATES TO SIGN, IN THE INTEREST OF THE EUROPEAN UNION, THE PROTOCOL AMENDING THE COUNCIL OF EUROPE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA (ETS NO. 108) (9765/18)

PROPOSAL FOR A COUNCIL DECISION AUTHORISING MEMBER STATES TO RATIFY, IN THE INTEREST OF THE EUROPEAN UNION, THE PROTOCOL AMENDING THE COUNCIL OF EUROPE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA (ETS NO. 108) (9766/18)

Letter from Margot James MP, Minister for Digital and the Creative Industries, Department for Digital, Culture, Media & Sport

Please find attached the requested Explanatory Memorandum on the proposals for Council Decisions on the signing and ratification of the protocol amending Convention 108. The modernisation of the Convention was brought about due to the desire to update the text and to achieve consistency with the new EU Data Protection Package (The General Data Protection Regulation and Law Enforcement Directive). In addition, it was also felt necessary, on the one hand to better address challenges resulting from the use of new information and communication technologies, and on the other hand to strengthen the implementation of the Convention itself.

Progress on negotiating the text on the Amending Protocol has been slow due to the approach adopted by some Parties. As a result it has taken until May 2018 for the text to finally be agreed by all Parties and adopted by the Committee of Ministers at the Council of Europe. The Protocol will be open for signature on 25 June 2018 in Strasbourg during the 3rd part-session of the Council of Europe Parliamentary Assembly, but only enter into force once Parties have undergone the ratification process.

Due to the late publication of the Council Decisions the timeline leading up to a vote on the Decisions and the signing of the Amending Protocol is quite short. The UK and other Member States

had pushed for an earlier Council Decision to allow more time for national consideration. In order to achieve the objective of Member States signing on opening, the EU will need to agree the proposed Council Decisions at a forthcoming EU Council meeting, possibly at the Economic and Financial Affairs (ECONFIN) Council meeting on 22 June. The UK supports the Council Decision Amending Protocol and will vote in its favour with the intention of becoming a signatory.

I regret this expedited timetable will result in the lack of time for proper consideration for parliamentary scrutiny. I apologise sincerely for this, but I would ask that you recognise the circumstances beyond our control which have led the Government to this position. We are happy to answer the to discuss the test of this proposal in greater detail, should the Committee have any questions.

19 June 2018

Letter from the Chairman to Margot James MP, Minister for Digital and the Creative Industries

Thank you for your letter of 19 June 2018 about the proposed Council Decision for the proposed Amending Protocol for the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, which was considered by the EU Home Affairs Sub-Committee on 18 July 2018.

I note that you were expecting the Council Decisions to be made on 22 June 2018 at the ECOFIN Council meeting. I also note your apologies for the short timeframe.

We understand from the House of Commons European Scrutiny Committee's report on this file that the Council Decision on signing the Convention may have taken place on 26 June, and that the Decision on ratification has been postponed until the European Parliament can consider giving its consent in Autumn. Can you please confirm, firstly, if this is the case, secondly, whether a scrutiny override occurred, and thirdly, if there was an override, how the Government voted on 26 June?

We look forward to receiving your response to this letter within ten days. In the meantime we continue to hold this document under scrutiny.

18 July 2018

Letter from Margot James MP, Minister for Digital and the Creative Industries

I am writing this letter to both Committees in response to the European Scrutiny Committees post meeting report received on the 4th July regarding the Explanatory Memorandum deposited following publication of proposed European Council Decisions providing authorisation for Member States to sign and ratify the protocol amending Convention 108. Further clarification was sought in respect of the vote on the Council Decision on signing, and of the procedure in relation to the Council Decision on ratification. This letter also addresses the questions raised in the Lords Committee's letter of 18 July.

With regards to the Council Decision on signature, I can confirm that the Decision was adopted, subject to European Parliament approval, at the General Affairs Council on the 26th June on an 'A' agenda point following prior approval of the point at Coreper on the 20th under the unanimity voting procedure in light of the common accord amongst all Member States to sign. At Coreper the UK had indicated its intention to support the proposal. Point 'A' agenda items are normally adopted without a vote or discussion at Council meetings. The proposed Council Decision authorising ratification of the amending protocol is being revised and will go to Coreper, and thereafter Council in September once the EP has consented.

The position on EU competence was discussed at Coreper, where it was agreed, following a number of interventions, that the proposed Council Decision on signing would be revised to explicitly reference the fact that the provisions of the modernised Convention 108 cover both activities falling within the scope of Union law and activities outside its scope, such as in national security and defence. On the Council Rules of Procedure and whether they were adhered to in relation to the consideration of the proposed Decision, I am satisfied that the appropriate procedure was indeed followed.

As I set out in the EM, on signature the modernised Convention 108 will automatically continue to apply to the UK beyond March 2019 if the UK ratifies it (and once it comes into force). The proposed implementation period will not change this position. The Amending Protocol will enter into force under two options: (i) when all existing Parties (52 or more) have ratified it; or (ii) a partial entry into force in 5 years (2023) between the Parties who have entered into it, provided 38 Parties have ratified it. Implementation of new EU data protection package means 28 EU Member States can ratify now if they choose, following signature. Another 10 (including new ratifications) will be required by 2023. Entry into force is a condition for the future accession of the EU to the Convention.

I do not consider that the EU becoming a party to the Convention itself in the future will change the position provided the UK is a party to the Amending Protocol. The EU will not become a party to the Convention before or during the implementation period, so I do not consider that the provisions of the Withdrawal Agreement relating to multilateral agreements where the EU is a party are relevant in this case.

The Commons Committee question whether the UK's continued adherence to the Convention will indirectly keep the UK aligned with EU data rules given the EU will be an influential party in the future. In my view if there are any future amendments to the Convention proposed which the UK did not approve of, the UK would be able to refuse to become a party to any such amended Convention and remain a party to the existing one - so would not be obliged to accept the new rules.

Being a Party to the modernised Convention will be looked on favourably by the European Commission in any negotiation as to our future arrangement for EU-UK personal data flows because it sets out safeguards for data protection for matters beyond scope of the EU package. The data protection standards of non-EU third countries, such as accession to Convention 108 will be a factor for the UK when considering its future trade arrangements. Likewise, the UK being a party to the Convention is likely to be a factor considered by third countries seeking data sharing arrangements with UK.

25 July 2018

COMMISSION IMPLEMENTING REGULATION (EU) .../... OF XXX ON TECHNICAL STANDARDS FOR THE ESTABLISHMENT AND OPERATION OF A TRACEABILITY SYSTEM FOR TOBACCO PRODUCTS (UNNUMBERED)

COMMISSION DELEGATED (EU) REGULATION OF XXX ON KEY ELEMENTS OF DATA STORAGE CONTRACTS TO BE CONCLUDED AS PART OF A TRACEABILITY SYSTEM FOR TOBACCO PRODUCTS (UNNUMBERED)

COMMISSION IMPLEMENTING DECISION (EU) OF XXX ON TECHNICAL STANDARDS FOR SECURITY FEATURES APPLIED TO TOBACCO PRODUCTS (UNNUMBERED)

Letter from the Chairman to Andrew Jones MP, Exchequer Secretary to the Treasury, HM Treasury

Thank you for your letter received on 13 December 2017 about the traceability system for tobacco products, which the Home Affairs Sub-Committee of the Select Committee on the European Union considered at a meeting on 17 January 2018.

I am grateful for your clarification on the process for the approval of the Delegated Regulation and acknowledge that this was not a scrutiny override. Thank you also for the answers that you provided to the Committee's questions about the UK's support for the proposals, the measures for ensuring independence from the tobacco industry and the Government's timeline for ratifying the Protocol to the World Health Organisation's Framework Convention on Tobacco Control.

We are now content to clear all three documents from scrutiny. There is no need to reply to this letter.

17 January 2018