



HM Government

# EU Exit

## Assessment of the security partnership





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Presented to Parliament  
by the Prime Minister  
by Command of Her Majesty

November 2018



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# Executive Summary

1. The government's Future Security Partnership (FSP) with the EU will provide a framework to support the security of the UK and Europe, and the operational capabilities to keep people safe. The Political Declaration adopted by the UK and European Council on 25 November 2018 establishes the parameters of an ambitious, broad, deep and flexible partnership across law enforcement and criminal justice, foreign policy, security and defence, and areas of thematic cooperation. It will respect the sovereignty of the United Kingdom and the autonomy of the European Union.
2. The purpose of this publication is to assess the cooperation envisaged between the UK and the EU as set out in Part III ('Security Partnership')<sup>1</sup> of the Political Declaration. It draws where relevant on the UK's current cooperation with the EU, using case studies where appropriate to illustrate the nature of that cooperation, and compares the FSP with a no deal scenario. This assessment is based on a number of specific assumptions set out in Section 2.
3. This assessment is not intended to address the immediate risks which would flow from the uncertainty created by a no deal scenario. In particular, the assessment:
  - considers only the potential security impacts that are specific to EU exit. Leaving the EU is one of just many factors which will influence the UK's security relationships and capabilities;
  - touches on cross cutting issues, such as data protection, through the lens of the FSP;
  - does not consider the potential impact of any mitigations that the government would put in place to address the impact of a no deal scenario on the UK's security; and
  - does not make judgements about any future UK government policy decisions or responses and does not consider how EU or other international policy will change in the future including, for example, how EU security policy and practice may evolve.
4. In a deal scenario, the UK will enter an implementation period on 30 March 2019 during which security cooperation will continue on the terms set out in the Withdrawal Agreement. In practice, this means that operational cooperation on security, including law enforcement and criminal justice, will continue largely as it does now for that period. There are some exceptions, for example in relation to the UK's ability to command crisis management operations and missions, and because the UK's involvement in EU institutions will reflect the fact that it is no longer a member state.
5. In a no deal scenario, there would be no implementation period. This assessment assumes that cooperation will continue only on the basis of non-EU international agreements where they exist and have been ratified by EU member states and the UK, and that all domestic and EU member states' legislation is in place to enable this.

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<sup>1</sup> Elements of the Future Security Partnership are also addressed in other areas of ['The Political Declaration setting out the Framework for the future relationship between the European Union and United Kingdom'](#), November 2018

However, no assessment can capture completely the complex way in which the UK's security cooperation could be affected by exiting the EU in a no deal scenario.

6. The UK and the EU will use best endeavours to negotiate the agreements needed to give the FSP a legal form before the end of 2020. The Withdrawal Agreement provides for the possibility of the future relationship in the areas of foreign policy, security and defence to come into effect during the implementation period if agreement is reached.
7. Where the Political Declaration includes an agreement to achieve a specific outcome, it is assumed this is given effect as part of the FSP. Where the Political Declaration includes an agreement to consider further arrangements in specified areas, and hence there is more uncertainty about the precise outcome, this is indicated in that part of the assessment. This assessment recognises the uncertainty in the precise outcome of such arrangements until the legal agreements are concluded. In such cases, provided it is consistent with the Political Declaration, this publication uses as a reference point the government's position set out in the White Paper on the Future Relationship between the UK and the EU.<sup>2</sup>
8. This publication considers the FSP and a no deal scenario in the context of the UK and the EU sharing common threats, as set out in the 2018 UK National Security Capability Review<sup>3</sup> and the EU Global Strategy.<sup>4</sup> These include: the increasing threat posed by terrorism, extremism and instability; resurgence of state-based threats; erosion of the rules-based international order, making it harder to build consensus and tackle global threats; growth in serious and organised crime and its impact on security and prosperity; the impact of technology, especially cyber threats and wider technological developments; and diseases, natural hazards and deliberate biochemical threats.
9. The UK will remain a significant security power and a major global diplomatic, defence and development actor. The UK is a member of the Commonwealth, a permanent member of the United Nations (UN) Security Council, a member of the Commonwealth and a leading member of other international fora such as the G7, G20, International Monetary Fund, World Bank, Organisation for Economic Cooperation and Development (OECD) and Organisation for Security and Cooperation in Europe (OSCE). The UK has the largest defence budget in Europe and the second largest in the North Atlantic Treaty Organisation (NATO), after the US.<sup>5</sup> The UK is the only European country that meets both the NATO target of spending 2% of gross domestic product (GDP) on defence, with 20% of this on equipment, and the UN target of spending 0.7% of gross national income (GNI) on international development.<sup>6</sup> The UK will continue to promote global security and prosperity, and to hold to account those who seek to do the UK and its partners harm.

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<sup>2</sup> [‘The Future Relationship between the United Kingdom and the European Union’](#) HMG, July 2018

<sup>3</sup> [‘National Security Capability Review \(NSCR\)’](#), Cabinet Office, March 2018

<sup>4</sup> [‘A Global Strategy for the European Union’s Foreign And Security Policy’](#), European Commission, June 2016

<sup>5</sup> [‘Defence expenditure of NATO countries \(2010-2017\)’](#), NATO, June 2017 and [‘General Government Expenditure by Function’](#), Eurostat, March 2018

<sup>6</sup> [‘General Government Expenditure by Function’](#), Eurostat, March 2018 and [Net Official Development Assistance \(Indicator\)](#), OECD, 2017

## Law Enforcement and Judicial Cooperation in Criminal Matters

10. The Political Declaration provides a basis for comprehensive, close, balanced and reciprocal law enforcement and judicial cooperation in criminal matters with a view to delivering strong operational capabilities for the purposes of the prevention, investigation, detection and prosecution of criminal offences. This partnership should provide:
- mechanisms for effective and swift data exchange;
  - operational cooperation between UK and EU law enforcement and judicial cooperation in criminal matters; and
  - cooperation on anti-money laundering and counter-terrorist financing.
11. This assessment highlights a number of important differences between the operational capabilities available under the FSP and no deal including:
- a. **Passenger Name Records (PNR):** The UK and the EU have agreed to establish reciprocal arrangements for the timely, effective and efficient exchange of PNR data. This will enable the UK and member state law enforcement agencies to work together to detect, identify and track suspected terrorists and serious criminals. In a no deal scenario, there is no existing alternative mechanism for enabling this type of cooperation;
  - b. **Exchange of DNA, fingerprint and vehicle registration data:** The UK and the EU have agreed to establish reciprocal arrangements to exchange this type of data (known as the Prüm system). This capability, once fully implemented by the UK, will help to bring criminals and terrorists to justice. There is no direct non-EU comparator system to Prüm. In a no deal scenario, an alternative in some cases would be to make manual requests through Interpol, which is less efficient and takes longer;
  - c. **Exchange of data on criminal records and wanted persons:** As part of the FSP, the UK and the EU have agreed to consider further how to deliver capabilities that, as far as technically and legally possible, approximate those enabled by EU mechanisms (for example, the Second Generation Schengen Information System (SIS II) and the European Criminal Record Information System (ECRIS)). SIS II supports real time alerts that are made available at the UK border to detect wanted serious criminals. ECRIS enables automated and timely exchange of criminal records to protect the public. In a no deal scenario, like for like replacements for these capabilities would not be available;
  - d. **EU Agencies (Europol and Eurojust):** The UK and the EU have agreed, as part of the FSP, to work together to identify the terms for the UK's cooperation via Europol and Eurojust. Cooperation with these agencies assists the fight against serious cross-border crime and terrorism. In a no deal scenario, the UK would have no formal relationship with Europol and Eurojust with a loss in cross-border operational capability;

- e. **Extradition:** The UK and the EU have agreed to establish arrangements based on streamlined procedures and time limits to enable the UK and the EU to surrender suspected and convicted persons efficiently and expeditiously with the possibilities to waive the requirement of double criminality, and to determine the applicability of these arrangements to own nationals and for political offences. In a no deal scenario, the UK would rely on the 1957 Council of Europe Convention on Extradition. Without a surrender agreement as proposed in the Political Declaration, requests would be subject to a longer and more complex process, and extraditions would be more difficult;
- f. **Other operational capabilities:** The UK and the EU have agreed to consider further arrangements appropriate to the UK's future status for practical cooperation between law enforcement authorities and judicial authorities in criminal matters, for example in relation to joint investigation teams, with a view to delivering capabilities that, as far as technically and legally possible, approximate those enabled by relevant EU mechanisms. In a no deal scenario, there would be no formal relationship between the UK and the EU, including the use of these mechanisms; and
- g. **Cooperation on anti-money laundering and counter-terrorist financing:** The UK and the EU have agreed that the UK will continue to support international efforts to prevent and fight against money laundering and terrorist financing, particularly through compliance with the Financial Action Task Force (FATF) standards and associated cooperation. In a no deal scenario, law enforcement and supervisory cooperation through formal EU channels would stop, which would have an adverse impact on efforts to detect suspicious financial activity, recover criminal assets and prosecute cross-border money laundering and terrorist financing crimes.

## Foreign Policy, Security and Defence

- 12. The Political Declaration sets out a framework for cooperation that will enable the UK and the EU to work together in support of European and international security, and remain able to respond effectively to crises and other global developments. This includes:
  - a. **Consultation and cooperation:** The UK and the EU have agreed to establish structured consultation and dialogue mechanisms to enable discussion on foreign policy issues, including in multilateral fora and in third countries. The mechanisms are designed to be flexible so that they can be intensified in times of crisis. In a no deal scenario, there would be no formal arrangements for UK and EU institutional consultation and coordination;
  - b. **Sanctions:** As part of our cooperation on foreign policy, the UK and the EU have agreed to consultation on sanctions, with the possibility of adopting measures that are mutually reinforcing, given the increased effectiveness of sanctions when **implemented** in concert with partners. This cooperation will be underpinned by the exchange of information. In a no deal scenario, there would be no formal arrangements for the exchange of information or consultation mechanisms to enable the UK and the EU to cooperate on sanctions;

- c. **Operations and missions:** The UK and the EU have agreed that the UK will be able to participate in EU crisis management missions and operations. UK participation will be decided on a case by case basis. The UK will consider contributions to future EU missions and operations where we judge that this would be in the UK's interest. In a no deal scenario, the UK would not have that choice and would have to withdraw from EU missions and operations - both military and civilian;
- d. **Defence capabilities development:** The UK and the EU will preserve their respective autonomy while collaborating on projects to promote the effectiveness of their armed forces. This may include research and industrial cooperation through the European Defence Agency (EDA), European Defence Fund (EDF) and Permanent Structured Cooperation (PESCO). In a no deal scenario, the UK would not be able to participate in projects through these frameworks. The UK will continue to work to support its defence industrial base irrespective of the outcome of negotiations with the EU;
- e. **Space:** The UK and the EU note the growing importance of space technology for their mutual prosperity and security and will continue to cooperate in this area, where it is in their shared interests. The UK is exploring options for a national satellite navigation system to meet its security and industrial requirements; and
- f. **Development cooperation:** The UK and the EU have agreed to establish a dialogue on development cooperation. This will allow for the design and delivery of complementary programmes and strategies where these are in the UK's strategic interest, recognising the UK's policy to maximise the impact of each pound spent to improve the lives of the world's poorest and most vulnerable people. The partnership in this area could also consider whether and how the UK could contribute to the EU's development instruments given their respective roles as global development actors. In a no deal scenario, the UK would still be able to programme alongside the EU on a case by case basis. However, collaboration is likely to be on a smaller scale in the absence of appropriate oversight and strategic cooperation arrangements.

## Thematic Cooperation

13. The UK and the EU have also agreed to cooperate on a number of thematic issues as part of the FSP. This includes:
- a. **Cyber security:** The UK and the EU have agreed to exchange information on a voluntary, timely and reciprocal basis on cyber-incidents, techniques and origins of attackers, threat analysis and best practice. This should include close collaboration with the Computer Emergency Response Team (CERT-EU) and, subject to formal negotiations on the legal text, participation in certain activities of the European Network and Information Security Agency (ENISA) and the Network and Information Systems (NIS) Cooperation Group. In a no deal scenario, the UK's ability to cooperate on cyber with the EU would be less certain and would depend on the continued willingness of all partners to share information, exchange best practice, and work together to identify evolving threats;
  - b. **Civil protection:** The UK and the EU have agreed to cooperate on tackling natural or man-made disasters by enabling the UK to work with the EU's Civil

Protection Mechanism (CPM) as a participating state, if it chose to do so. In a no deal scenario, the UK would not have the automatic right to cooperate as part of the CPM and the benefits this brings, including strengthened domestic resilience and access to international specialist skills;

- c. **Health security:** The UK and the EU have agreed to cooperate on health security in line with the existing EU arrangements with third countries. Areas of cooperation may include the Health Security Committee, European Centre for Disease Prevention and Control (ECDC), European Monitoring Centre for Drugs and Drug Addiction and associated networks, systems and databases. In a no deal scenario, the UK would have a reduced capability to cooperate with the EU systems on health security threats with no formal arrangement;
  - d. **Counter terrorism (CT) and countering violent extremism (CVE):** Beyond the operational capabilities provided by the FSP, the UK and the EU have agreed to sharing best practice, cooperation between intelligence analysis bodies and establishing a strategic dialogue to support counter terrorism and countering violent extremism. In a no deal scenario, it would be harder for the UK and the EU to work strategically to tackle these evolving threats; and
  - e. **Illegal migration:** Recognising it is in our mutual interests, the UK and the EU have agreed to cooperate to tackle illegal migration, including its drivers and consequences, whilst recognising the need to protect the most vulnerable. This will include: operational cooperation with Europol to combat organised immigration crime; working with the European Border and Coastguard Agency; and dialogue on shared objectives and cooperation, to tackle illegal migration upstream.<sup>7</sup> In a no deal scenario, effective and collaborative action with the EU on illegal migration would be more difficult with no formal arrangements in place for doing so.
14. A no deal scenario would not provide the same levels of capabilities envisaged in the deal scenario - many of which would require formal agreements with the EU - and would risk increasing pressure on UK security, law enforcement and judicial authorities.

## Classified and sensitive non-classified information

15. The UK and the EU have agreed to conclude a Security of Information Agreement (SoIA), which will enable the exchange of classified information. The UK and the EU may also agree provisions to enable the exchange of sensitive non-classified information, should there be such a requirement. In a no deal scenario, the UK assesses that the EU institutions would not be able to share freely classified information with the UK as this would be subject to an ad-hoc release procedure. The UK would be able to share UK classified information with the EU without a SoIA on an ad hoc basis, if there was a need to.

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<sup>7</sup> As set out in [Section 17 of the European Union \(Withdrawal\) Act 2018](#), the UK will seek to negotiate an agreement with the EU under which, subject to the terms of the agreement, unaccompanied asylum-seeking children in the EU will be able to join parents, grandparents, siblings, spouses and aunts and uncles lawfully resident in the UK, and vice versa.

# Section 1 - Introduction

## 1.1 Shared security context

16. The UK and the EU share an assessment of common threats, as set out in the 2018 UK National Security Capability Review<sup>8</sup> and 2016 EU Global Strategy.<sup>9</sup>
- a. **The increasing threat posed by terrorism, extremism and instability.** The threat of Islamist terrorism, demonstrated in attacks across Europe, is expected to continue for the foreseeable future. Extreme right-wing terrorism also continues to be a growing threat. Protracted conflicts, including those ongoing in the Middle East, Sahel and Sub-Saharan Africa, have destroyed basic social infrastructure, stalled education, created large-scale humanitarian and development need and hampered economic growth. This drives illegal migration, with criminals exploiting the vulnerable through human trafficking and modern slavery;
  - b. **The resurgence of state-based threats.** There is pattern of state-based aggression and disruption, for example Russia's indiscriminate use of nerve agent on British soil, alongside a sustained campaign of cyber espionage, including the attempted attack on the Organisation for the Prohibition of Chemical Weapons (OPCW) in the Hague. More recently, there are reports that Iranian agents were involved in assassinations and a bomb plot on European soil;
  - c. **The erosion of the rules-based international order, making it harder to build consensus and tackle global threats.** This is most clearly evidenced by the repeated stalemates in the UN Security Council on the use of chemical weapons in Syria;
  - d. **The ongoing growth in serious and organised crime and its impact on security and prosperity.** Serious and organised crime is inherently transnational and many of the threats the UK and the EU face within Europe emanate from overseas. Organised crime groups have a daily, corrosive impact on public services and infrastructure. The same forces that benefit legitimate business, globalisation and technological change, make organised criminal networks and markets more resilient;
  - e. **The impact of technology, especially cyber threats and wider technological developments.** Malicious cyber activity crosses international boundaries and has grown in terms of intensity, complexity and severity over the course of the last year. There are several established and capable state programmes that seek to target and exploit UK and European networks and devices to gather intelligence or intellectual property. These indiscriminate and disruptive incidents cost billions in damage to Europe's economy; and
  - f. **Diseases, natural hazards and deliberate biochemical threats.** No country is immune to an infectious disease in another part of the world. The Ebola outbreak in 2014 is just one example of this threat.

<sup>8</sup> ['National Security Capability Review \(NSCR\)'](#), Cabinet Office, March 2018

<sup>9</sup> ['A Global Strategy for the European Union's Foreign And Security Policy'](#), European Commission, June 2016

17. The FSP will provide a framework for cooperation that will reflect the shared threats to citizens across Europe, including the 3.5 million EU citizens living in the UK (excluding Irish nationals)<sup>10</sup> and approximately 800,000 UK nationals living in the EU.<sup>11</sup>

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<sup>10</sup> [‘Population of the UK by country of birth and nationality’](#), Tables 2.1, ONS, May 2018

<sup>11</sup> [‘Living abroad: British residents living in the EU: April 2018’](#), ONS, April 2018

## Section 2 - Approach and assumptions

### 2.1 Scenarios

18. This is an assessment of the implications of the Future Security Partnership (FSP), as provided for in the Political Declaration, compared to a no deal scenario. It does not consider how UK, EU or other international policy will change in future, including, for example, how EU security policy and practice may evolve. This assessment does not consider the potential impact of any mitigations that the government would put in place to address the impact of a no deal scenario on the UK's security.
19. The scope of this document is limited to the FSP, as provided for in the Political Declaration, which will cover the UK's future relationship with the EU and its institutions on issues such as law enforcement and criminal justice cooperation, foreign policy, defence, development, and a series of thematic security issues. This assessment touches on cross cutting issues, such as data protection, through the lens of the FSP.
20. As set out in the Political Declaration, the future relationship should provide for appropriate exceptions regarding security; national security is the sole responsibility of EU member states and the UK respectively.

#### 2.1.1 Future security partnership scenario

21. The deal scenario is based on the following assumptions:
  - a. The agreement between the UK and the EU on a FSP as set out in the Political Declaration adopted at the European Council on 25 November;
  - b. The Political Declaration establishes the parameters of an ambitious, broad, deep and flexible partnership across law enforcement and criminal justice, foreign policy, security and defence and wider areas of cooperation;
  - c. This new relationship will come into effect following the implementation period during which time security cooperation will continue as set out in the Withdrawal Agreement. There is provision for an agreement on foreign and security policy, which may come into effect during the implementation period, as provided for by Article 127.2 of the Withdrawal Agreement if agreement is reached to do so;<sup>12</sup>
  - d. In setting out the framework of the future relationship between the UK and the EU, it is the clear intent of both the UK and the EU to develop in good faith agreements giving effect to this relationship and to begin detailed negotiations on the legal text as soon as possible after the UK's withdrawal from the EU, such that they can come into force by the end of 2020; and
  - e. Personal data: free flow of personal data would continue between the UK and the EU, with continued strong data protection standards and cooperation between data protection authorities.

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<sup>12</sup> ['Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and European Atomic Energy Community'](#), Department for Exiting the European Union, November 2018

22. The government has reached agreement with the EU on the framework of the future relationship between the United Kingdom and the European Union. Where the Political Declaration includes an agreement to achieve a specific outcome, it is assumed this is given effect as part of the FSP. Where the Political Declaration includes an agreement to consider further arrangements in specified areas, and hence there is more uncertainty about the precise outcome, this is indicated in that part of the assessment. In such cases, and ahead of the formal negotiations on the legal text, provided it is consistent with the Political Declaration, this publication uses as a reference point the UK's position set out in the White Paper on the Future Relationship between the UK and the EU.<sup>13</sup>

### 2.1.2 No deal scenario

23. The no deal scenario assumed in this document is based on the following:
- a. The UK leaves the EU on 29 March 2019 without a Withdrawal Agreement or Political Declaration. There will be no implementation period and no agreement on the future relationship;
  - b. There will be no agreements in place on how to wind down or conclude UK-EU cooperation such as those set out in Part III of the Withdrawal Agreement;
  - c. The UK will not have negotiated any new agreements (legal or otherwise) with the EU, or its member states;
  - d. Cooperation will continue only on the basis of non-EU international agreements where they exist and have been ratified by EU member states and the UK, and that all domestic and EU member states' legislation is in place to enable this;
  - e. The UK will no longer be part of, or able to access EU databases, systems and networks;
  - f. The UK will not participate in, have access to, or form agreements with EU agencies, bodies or institutions of the EU;
  - g. Restrictions on the exchange of personal data would make data flows between the UK and the EU more difficult and add administrative costs, including due to reduced cooperation between UK and EU data protection authorities; and
24. In a no deal scenario, there would not be an implementation period. This means that any operational cooperation that relies on EU tools and instruments at the point of exit, would stop. This would create immediate legal and operational uncertainty with the risk of operational disruption and potential security implications. These issues are not addressed in this assessment.
25. The government would seek to mitigate the effects of a no deal scenario on the UK's security. This assessment does not consider the potential impact of any mitigations.

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<sup>13</sup> [‘The Future Relationship between the United Kingdom and the European Union’](#) HMG, July 2018.

26. This assessment applies to the whole of the UK, including Scotland, Wales and Northern Ireland. Although foreign policy and defence are reserved matters, Scotland and Northern Ireland have devolved responsibilities with regard to areas of security including justice and policing. Some areas of thematic security are devolved, including health security. The UK government is working collaboratively and in partnership with the devolved administrations in these areas.
27. This assessment also applies as is relevant to each Crown Dependency and Overseas Territory, including Gibraltar. For the Crown Dependencies and Overseas Territories, the UK will be seeking a future partnership that takes into consideration their current relationship with the EU on security cooperation, noting that the UK is responsible for the defence and international relations of each territory.

## Section 3 - Assessment of the Future Security Partnership between the UK and the European Union

### 3.1 Law Enforcement and Judicial Cooperation in Criminal Matters

28. The Political Declaration provides a basis for comprehensive, close, balanced and reciprocal law enforcement and judicial cooperation in criminal matters with a view to delivering strong operational capabilities for the purposes of the prevention, investigation, detection and prosecution of criminal offences. This partnership should provide:
  - a. Mechanisms for effective and swift data exchange;
  - b. Cooperation between UK with EU law enforcement and judicial cooperation in criminal matters; and
  - c. Cooperation on anti-money laundering and counter-terrorist financing.
29. The Future Security Partnership (FSP) will reflect the fact that the UK has left the European Union and is not a member of the Schengen Area. It will respect the sovereignty of the United Kingdom and the autonomy of the European Union. The scale and scope of future arrangements will need to achieve an appropriate balance between rights and obligations - the closer and deeper the partnership, the stronger the accompanying obligations including the commitments the UK is willing to make that respect the integrity of the Union's legal order such as the role of the European Court of Justice in the interpretation of EU law.
30. The FSP will be underpinned by the UK and the EU's long-standing commitments to the fundamental rights of individuals. The Political Declaration states that continued adherence and giving effect to the European Convention on Human Rights as well as the adequate protection of personal data are both essential prerequisites for enabling the cooperation envisaged by the UK and the EU. The FSP will also be underpinned by the transnational *ne bis in idem* principle and procedural rights, and will reflect the Union's and its member states' commitment to the Charter of Fundamental Rights of the European Union.
31. In a no deal scenario, the UK would no longer be able to cooperate with the EU using EU law enforcement and criminal justice mechanisms, and would rely instead on alternative, non-EU mechanisms where they exist. These mechanisms, which include Interpol and Council of Europe Conventions, would not provide the same level of capability as those envisaged in a deal scenario, and risk increasing pressure on UK security, law enforcement and judicial authorities.

### 3.1.1 Swift and effective data exchange

32. The Political Declaration recognises that effective and swift data sharing and analysis is vital for modern law enforcement and criminal justice. The FSP will enable the UK and the EU to exchange data for this purpose. For example, the UK and the EU have already agreed the need for specific capabilities for the exchange of Passenger Name Records (PNR), fingerprints, DNA and vehicle registration data (Prüm).
33. In the event of no deal, the UK would no longer have any access to EU data platforms, or have guaranteed channels for obtaining law enforcement information such as PNR.

#### Passenger name records

34. The Political Declaration states that the UK and the EU should establish the timely, effective and efficient exchange of PNR data from air carriers travelling between the UK and the EU member states and the results of processing this data.
35. In the absence of a future relationship the UK could lose access to information that helps its Border Force Officers, and police to detect and prevent security threats.

#### **Passenger Name Records (PNR)**

**PNR** capability in the EU is still under development. As more and more EU member states set up their passenger information units and PNR coverage increases, the collective ability of the UK's law enforcement to anticipate, identify and take action against security threats will increase.

A routine sniffer dog inspection at a UK airport led to the detection and seizure of a significant amount of cash from an outbound travelling EU national. UK officers analysed that individual's passenger information to identify a number of individuals with matching travel arrangements. All individuals had used the same EU travel agency to book flights and were put on the UK watchlist as suspected criminal associates. This led directly to three further hits at other UK airports and detection and seizure of another two significant amounts of cash. Without analysis of PNR data and targeting of individuals in this way, large amounts of criminal cash could have been moved internationally, from the UK to the EU and beyond.

#### **DNA, fingerprints and vehicle registration data**

36. The UK and the EU have agreed to establish reciprocal arrangements to exchange this type of data (known as the Prüm system). This capability, once fully implemented by the UK, will help to bring criminals and terrorists to justice. There is no direct non-EU comparator system to Prüm but in a no deal scenario, an alternative in some cases would be to make manual requests through Interpol, which is less efficient and takes longer.

#### **Prüm**

The **Prüm** system automates DNA matching to produce hit results within 15 minutes. This speed of information exchange helps the early stages of an investigation, particularly where forensic evidence is involved, in order to prevent destruction of evidence and identify suspects before they have a chance to commit further crimes or evade justice.

UK police forces sent 69 DNA profiles abroad in 2014-15 using Interpol, whereas 9,931 profiles were sent in less than six months during a pilot of the Prüm system. Those

numbers would likely be even higher once the system is fully implemented in the UK.<sup>14</sup> As part of the broader pilot process 2,500 DNA profiles from scenes of unsolved serious crimes in the UK including rape, sexual assault and burglary, were sent to France, Germany, Spain and the Netherlands, resulting in 118 ‘matches’ with police actively pursuing the suspects identified.<sup>15</sup>

Following the terrorist attacks in Paris in November, French authorities worked with a wide range of law enforcement agencies in other countries. One of the tools French authorities found most effective was the Prüm mechanism. French authorities exchanged DNA and fingerprint data with their Belgian counterparts, and it was thanks to Prüm – and other co-operation and data exchange tools available to European countries - that they were able to identify quickly one of the attackers, Salah Abdeslam.

### Other EU data exchange mechanisms

37. As part of the FSP, the UK and the EU have agreed to consider further arrangements appropriate to the UK’s future status for data exchange, such as exchange of information on wanted or missing persons and objects and of criminal records. These capabilities are currently provided by the Second Generation Schengen Information System (SIS II) and the European Criminal Records Information System (ECRIS). SIS II supports real-time alerts that are made available at the UK border to detect wanted serious criminals and terrorists. ECRIS enables automated and timely exchange of criminal records to protect the public. The exact nature of future cooperation on this type of data sharing will be determined by the formal negotiations on the legal text. In a no deal scenario, the UK would not have access to EU information systems, networks and databases.

### **Second Generation Schengen Information System (SIS II)**

**SIS II** contains almost 76.5 million alerts in relation to people and objects wanted for law enforcement purposes.<sup>16</sup> SIS II circulates millions of law enforcement alerts in real time across all participating countries, including information on wanted and missing persons, and information on suspected criminals and terrorists. In 2017, the UK checked SIS II over 500 million times in relation to searches for people and objects wanted for law enforcement purposes.<sup>17</sup> In the same year, there were over 9,000 UK hits on non-UK alerts and over 16,000 non-UK hits on UK alerts.<sup>18</sup> These ‘hits’ are generated at the border or by law enforcement officers, allowing critical information to be relayed to the investigating EU member state in real time.

UK authorities issued a SIS II alert in April 2016, marking the individual as a suspected criminal. Less than three months later, the subject was stopped in Spain driving a motor vehicle which generated a hit on the alert. Spanish authorities conducted discreet checks and passed information back to UK authorities regarding an address and place of work. The real-time information exchange through SIS II meant that this absconder was traced, located, arrested and surrendered to face trial for serious drug offences, all within the space of six months.

<sup>14</sup> [‘Prüm Business and Implementation Case’](#), Page 6, Home Office, 2015

<sup>15</sup> [‘Prüm Business and Implementation Case’](#), Page 6, Home Office, 2015

<sup>16</sup> [‘SIS II - 2017 Statistics’](#), Page 9, EU LISA, February 2018

<sup>17</sup> [‘SIS II - 2017 Statistics’](#), Figure 1, EU LISA, February 2018

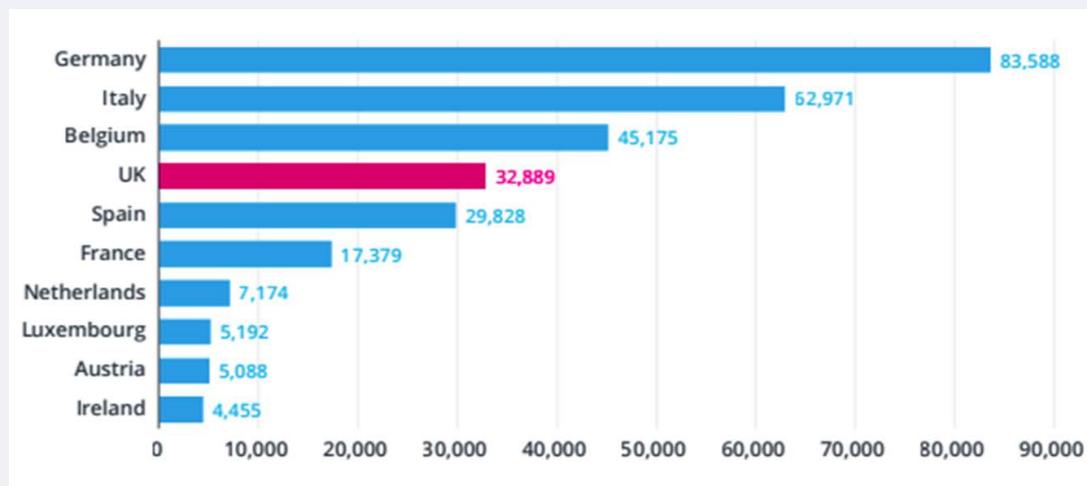
<sup>18</sup> [‘UK-EU security cooperation after Brexit’](#), Home Affairs Committee, March 2018

### **European Criminal Records Information System (ECRIS)**

**ECRIS** is a secure electronic exchange mechanism that allows EU member states to exchange tens of thousands of pieces of information about criminal convictions.

This helps law enforcement to investigate crime, protect the public and manage sexual and violent offenders. The system also allows for requests to be made for employment checks for individuals working with children. As set out in the diagram below, the UK is one of the most active users of ECRIS.

**Figure 1: Top 10 EU member states by number of European Criminal Records Information System (ECRIS) notifications, 2016<sup>19</sup>**



In 2017, the UK sent and received over 163,000 requests and notifications for criminal records. That is over 3,000 a week or 600 requests and notifications to and from the EU per working day.<sup>20</sup>

Information available through ECRIS supports the UK's law enforcement agencies in the effective management of violent and sexual offenders. For example, the UK Criminal Records Office (ACRO) was notified in October 2016 that a UK national convicted in Cyprus for possessing indecent images of children was travelling back to the UK. The offence was added to his UK criminal record and ACRO promptly informed his local police force in the UK who were able to take appropriate action.<sup>21</sup>

<sup>19</sup> ['Negotiating Brexit: policing and criminal justice'](#), Figure 4, Institute for Government, September 2018

<sup>20</sup> ['National Crime Agency supplementary written evidence to EU Home Affairs Sub-Committee inquiry into the proposed UK-EU security treaty after Brexit \(PST0015\)'](#), Home Affairs Committee, July 2018

<sup>21</sup> ['ACRO Criminal Records Office: Annual Report 2016-2017'](#), Page 15, ACRO Criminal Records Office, August 2017

## The flow of personal data between the UK and the EU for security purposes

In a globalised digital economy, data flows envelop all trade in goods and services as well as other business and personal relations. The free flow of personal data between the UK and the EU is also an essential component of the future security relationship, supporting cooperation between law enforcement authorities to combat crime and terrorism.

The UK and the EU are committed to a high level of personal data protection to facilitate the flow of data between them. As set out in the Political Declaration, the EU will assess the UK's standards, endeavouring to adopt Adequacy Decisions by the end 2020 to allow personal data to flow to the UK, including for law enforcement purposes. The UK will take steps to ensure comparable facilitation of personal data flows to the Union in the same time frame. This would avoid an interruption in personal data flows between the UK and the EU and support continued cooperation on law enforcement. This will be supported by appropriate cooperation between UK and EU regulators.

In a no deal scenario, data flows from the EU to the UK, including exchange of personal data to support law enforcement cooperation, would become more difficult. The European Commission have said that the adoption of an Adequacy Decision is not part of their contingency planning for a no deal scenario in March 2019.<sup>22</sup> That is the basis of this assessment. If this position were reviewed once the UK became a third country in a no deal scenario, there would nevertheless be a time during which there would be an impact on the exchange of personal data for law enforcement and criminal justice purposes.

The UK would continue to allow the free flow of personal data from the UK to the EU, in recognition of its unique degree of alignment on data protection at the point of exit, although the UK would keep this under review. For UK law enforcement to continue to receive personal data from EU partners in the absence of an adequacy decision, law enforcement bodies in the EU would have to rely on alternative mechanisms to send data to the UK. While these allow for the continued sharing of data, it would be a more burdensome process. It would require each controller to consider the legal basis for transferring data to the UK, and in some cases to log each time an exchange of data takes place. This risks less data being shared between the UK and the EU, with negative consequences for UK-EU security and law enforcement cooperation.

### 3.1.2 EU law enforcement and judicial cooperation in criminal matters

38. The EU, together with the UK and the EU member states, has developed a range of **operational capabilities** that provide for effective cross-border law enforcement and judicial cooperation, with the aim of bringing more criminals to justice.
39. On **extradition**, the Political Declaration provides for arrangements which are streamlined and include time-limits, for the efficient surrender and transfer of suspected and convicted persons between the UK and the EU member states.
40. In a no deal scenario, the UK and the EU member states would use the 1957 Council of Europe Convention on Extradition, ('the Convention'), as the basis for the extradition of persons wanted for criminal proceedings. Prior to the implementation of

<sup>22</sup> ['Communication of 13 November 2013 "Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019'](#), European Commission, November 2018

the European Arrest Warrant (EAW) in 2004, fewer than 60 individuals a year were extradited from the UK.<sup>23</sup> The absence of provisions in the Convention on mutual recognition of judicial orders (which means that EU member states would not directly recognise and action judicial orders) makes the process lengthy. For example, under the Convention, ten years elapsed between the request to extradite Rachid Ramda, an individual accused of terrorism in France, and his eventual surrender in 2005.

41. During legal negotiations, the UK and the EU will determine arrangements for practical cooperation between law enforcement authorities, and between judicial authorities in criminal matters. One example provided for in the political declaration is joint investigation teams (JITs). There are a number of other examples of practical cooperation, including in relation to the transfer of prisoners. Since the UK commenced use of the EU's Prison Transfer Framework Decision (PTFD) in December 2011, 334 prisoners have been transferred to EU prisons (as of 31 October 2018).<sup>24</sup>
42. In a no deal scenario, the UK would no longer be able to cooperate with the EU in a range of practical cooperation areas using EU mechanisms. The UK would need to fall back on other, often less effective mechanisms. For example, the UK would need to rely on the Council of Europe Convention on the Transfer of Sentenced Persons and its Additional Protocol, under which EU member states have extensive grounds to refuse to take prisoners. This would mean that the UK would transfer fewer prisoners to and from EU prisons which would result in increased capacity and financial pressures on HM Prison and Probation Service.
43. Europol and Eurojust both actively support JITs, which are set up between member states to pursue a specific line of enquiry. The UK is one of the countries with the highest participation in JITs. The UK has set up and participated in teams for both specific operations and for thematic reasons, in order to combat emerging criminal threats. The Political Declaration provides for the UK and the EU to consider further arrangements for the UK's involvement in JITs, during formal negotiations on the legal text. In a no deal scenario, where the UK would be a third country, the ability to use JITs as a means of cooperation would be reduced.

## EU agencies

44. As provided for in the Political Declaration, the UK and the EU will work together to identify terms for the UK's future cooperation via Europol and Eurojust. EU agencies provide fora for exchanging expertise, sharing resources, coordinating investigations and developing new methods for cooperation. Having law enforcement officers and legal experts working in close proximity means operations and judicial proceedings can be coordinated quickly, to combat serious and organised crime (SOC), such as drug trafficking, gun smuggling and modern slavery. In 2016 and 2017, the UK was the highest contributor to Europol SOC Analysis Projects making 12.5% of all contributions.<sup>25</sup>

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<sup>23</sup> Annex D to the '[Review of the United Kingdom's Extradition Arrangements](#)', presented to the Home Secretary on 30 September 2011, September 2011

<sup>24</sup> [Prisoners: Repatriation Written Question](#) Answered on 19 November 2018

<sup>25</sup> '[National Crime Agency supplementary written evidence to EU Home Affairs Sub-Committee inquiry into the proposed UK-EU security treaty after Brexit \(PST0015\)](#)', Home Affairs Committee, July 2018

45. Europol is the EU law enforcement agency that aims to strengthen and facilitate cooperation to prevent serious and organised crime and terrorism. EU member state partners as well as non-EU partner states and organisations participate in Europol. The agency itself provides crucial analytical support and houses databases of significant law enforcement data that can be connected to better facilitate intelligence-led investigations.
46. The National Crime Agency estimates that 600 UK investigations were facilitated or supported by Europol in 2017.<sup>26</sup> Europol hosts a number of data platforms and information exchange platforms – principally, the Europol Analysis System, the Europol Information System (EIS) and the secure messaging platform Secure Information Exchange Network Application (SIENA). These databases and systems contain millions of pieces of law enforcement information, contributed by EU member states and third countries. With almost 1.5 million searches undertaken with the EIS in 2016, the UK is a significant partner.<sup>27</sup> This pooling of information allows for links to be made between investigations and supports multilateral cooperation to tackle the most serious and complex crimes. In a no deal scenario, the UK would no longer have a relationship with Europol.
47. Eurojust brings together prosecutors, magistrates and law enforcements officers to investigate and prosecute serious cross-border criminal cases, to the benefit of UK and EU authorities. In a no deal scenario, the UK would no longer benefit from the bespoke expertise and facilities provided by Eurojust, hampering the ability to tackle complex, cross-jurisdictional cases. The UK would also lose the benefit of being co-located with EU member states in Eurojust and Europol headquarters. The overall consequence of this scenario would be a reduction in the quantity and quality of cooperation with EU partners, which risks increasing pressures on UK law enforcement and criminal justice agencies.

### 3.1.3 Anti-Money laundering and counter terrorist financing

48. The Political Declaration states that the UK and the EU will support international efforts to prevent and fight against money laundering and terrorist financing, particularly through compliance with the Financial Action Task Force (FATF) standards and associated cooperation. The UK and the EU have also agreed to go beyond FATF standards including ensuring transparency of beneficial ownership and tackling anonymity enabled by the use of virtual currencies.
49. In a no deal scenario, law enforcement and supervisory cooperation through formal EU channels would stop. Limiting access to financial data for law enforcement would have an adverse impact on efforts to detect suspicious financial activity, recover criminal assets and prosecute cross-border money laundering and terrorist financing crimes.

## 3.2 Foreign Policy, Security and Defence

50. The UK and the EU face a range of evolving security threats. The deal scenario describes the cooperation between the UK and the EU that will be enabled by the

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<sup>26</sup> [‘National Crime Agency supplementary written evidence to EU Home Affairs Sub-Committee inquiry into the proposed UK-EU security treaty after Brexit \(PST0015\)’](#), Home Affairs Committee, July 2018

<sup>27</sup> [‘Europol Review 2016-2017’](#), Europol, January 2018

FSP, as outlined in the Political Declaration. The UK will make independent choices in foreign policy, security and defence. The FSP seeks to ensure that the UK and the EU can continue to work together where it is in our mutual interest in support of European and international security, and will ensure we remain able to respond effectively to crises and other global developments, whilst respecting the sovereignty of the UK and the autonomy of EU decision making.

51. In a no deal scenario, the lack of formal structures would hinder the UK's ability to cooperate and consult with the EU on foreign policy, security and defence.

### 3.2.1 Consultation and cooperation

52. The Political Declaration provides a framework for the UK to engage with the EU and EU member states on foreign policy, security and defence issues in a flexible and collaborative way. This will enable the UK and the EU to work together where they choose, to achieve common objectives.
53. The Political Declaration provides for political dialogues on foreign and security policy issues. It will enable the UK and the EU to cooperate in international organisations, notably the United Nations (UN). The framework will allow the UK and the EU voluntarily to exchange intelligence and information so that they have a shared understanding of the threats to international security. The partnership will allow the UK and the EU to adapt and intensify cooperation, depending on the situations they are facing. This will enable us to develop responses to incidents that impact our collective security. The Political Declaration also provides for cooperation in third countries, including on consular provision and protection.
54. In a no deal scenario, the UK would have no formal agreements with the EU on foreign and security policy cooperation, bringing an end to formal UK-EU dialogue and consultation on foreign and security policy. The UK will still be able to discuss foreign and security policy with EU member states bilaterally and through the UN, Organisation for Security and Cooperation in Europe and other multilateral organisations. However, the absence of a framework for crisis cooperation in a no deal scenario would limit our ability to work together in response to events that affect European security or UK and EU nationals.

### 3.2.2 Sanctions

55. Sanctions are a foreign policy and security tool that impose immigration, trade, financial and transport restrictions on individuals, entities and countries, as part of efforts to maintain international peace and security. The UK has strong sanctions expertise. The Political Declaration will enable the UK and the EU to work together closely to pursue sanctions that are mutually reinforcing. Sanctions are most effective when designed and applied alongside international partners. Of the current sanctions regimes implemented by the UK, around half of these are adopted by the UN Security Council,<sup>28</sup> and the majority of the rest are adopted by the EU.<sup>29</sup> Today, the UK can autonomously implement certain sanctions, for example for counter terrorism purposes. In the Financial Year 2017-18, the UK implemented 29 UN and EU financial

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<sup>28</sup> ['Consolidated United Nations Security Council Sanctions List'](#), United Nations, accessed November 2018

<sup>29</sup> ['Official Journal of the European Union'](#), Council Decisions and Council Regulations for EU sanctions regimes, accessed November 2018

sanctions regimes.<sup>30</sup> The security partnership will enable the UK and the EU to consult each other on the justification, development, implementation and enforcement of sanctions, and exchange of information on sanctions listings and regimes.

56. In a no deal scenario, there would be no formal arrangements for the exchange of sanctions information and analysis with the EU, or to enable the adoption of sanctions that are mutually reinforcing. Under the UK's independent sanctions policy, we would still be able to work through the UN on multilateral sanctions and we could implement autonomous sanctions, which could be complementary to the EU in certain circumstances. However, the lack of early engagement with the EU would limit our ability to apply sanctions in parallel, as well as limit their overall impact.

### 3.2.3 Operations and missions

57. The FSP will allow for future UK contributions to EU crisis management missions and operations on a case by case basis, building on existing frameworks for third country participation. The UK will consider contributions to future EU missions and operations that are open to third countries based on an assessment of in which the UK can provide clear added value and where it meets the UK's strategic objectives. The FSP will enable intensified consultation during the planning phases for missions and operations, depending on the level of the UK's contribution.
58. In a no deal scenario, the UK would have to withdraw from EU missions and operations. The UK would not be able to participate in future EU missions and operations. The UK will continue to act through other multilateral fora, including through the UN and the North Atlantic Treaty Organisation (NATO).

#### **Common Security & Defence Policy (CSDP) missions and operations**

The UK has contributed personnel to 25 of the EU's 35 past or current CSDP missions and operations.<sup>31</sup> As of April 2018, the EU has 16 CSDP missions and operations and the UK participates in ten missions and operations, and provides close to 200 personnel.<sup>32</sup>

The UK has played a leading role in Operation ATALANTA, which was launched by the EU in 2008 to combat piracy off the Horn of Africa. At the height of Somali piracy in 2011, 736 hostages and 32 ships were being held by pirates. By April 2017, that number dropped to no hostages and no ships being held.<sup>33</sup> Since 2008, ATALANTA has had a 100% success rate in providing protection to World Food Programme vessels delivering more than 1.6 metric tonnes of food and aid to the Somali people.<sup>34</sup>

### 3.2.4 Defence capabilities development

59. The FSP will allow for research and industrial cooperation in specific European collaborative projects to facilitate interoperability and to promote the joint effectiveness of sovereign armed forces. The European Defence Agency (EDA) is an agency of the European Union that facilitates cooperation on defence capability development. The

<sup>30</sup> ['Financial Sanctions targets by regime,'](#) HMG, October 2018

<sup>31</sup> ['Written Evidence to House of Lords European Union Committee,'](#) European Institute of Public Administration, January 2018

<sup>32</sup> ['Written Evidence from the Foreign and Commonwealth Office'](#) Written Evidence, Foreign and Commonwealth Office, April 2018

<sup>33</sup> ['European Union Naval Force Operation Atalanta Booklet,'](#) EU NAVFOR, September 2018

<sup>34</sup> ['European Union Naval Force Operation Atalanta Booklet,'](#) EU NAVFOR, September 2018

UK and the EU have agreed to reach a future UK agreement with the EDA, which will enable ad hoc future UK participation in EDA projects, where it is in the UK's national interest to do so. The European Defence Fund (EDF) will provide an EU framework for financial support and incentives to defence research and capability development initiatives. In the future, eligible UK entities may be able to participate in projects supported by the EDF. The EU is also developing programmes under Permanent Structured Cooperation (PESCO); a political framework based on a set of commitments intended to improve the respective military assets and defence capabilities of PESCO participating member states. Negotiations on the regulations for third country involvement in both the EDF and PESCO projects are ongoing.

60. In a no deal scenario, the UK would leave the EDA, and would not be able to participate in future EDA projects. The UK would continue to support our defence industrial base. The UK has the largest defence budget in Europe<sup>35</sup> and the UK's defence market is one of the most open and competitive in the world.

### 3.2.5 Space

61. The Political Declaration states that the UK and the EU should consider appropriate arrangements for cooperation on space. The European Space Agency (ESA) is not an agency of the European Union, therefore the UK will remain an active member of ESA in either scenario.
62. Under the FSP, subject to the conditions in Union law, the United Kingdom and its entities could participate in the EU's earth observation programme (Copernicus), space and situational awareness activity (SSA) and governmental satellite communications work (GOVSATCOM). Decisions on future participation in these programmes would be subject to usual UK value for money assessments.
63. The Political Declaration does not exclude the possibility of UK participation in Galileo, the EU's global navigation satellite system. However, on the basis of the access offered by the EU in negotiations, the UK would cease participation in Galileo at the end of the implementation period, as the programme would not fulfil UK security and industrial requirements.<sup>36</sup> In a no deal scenario, UK participation in Galileo would cease in March 2019. Non-participation would have no immediate implications for UK defence and security capabilities, nor civilian and commercial use of satellite navigation; the encrypted Galileo signal (PRS) is not yet fully operational, and the UK would maintain access to the services of the US Global Positioning System (GPS) and the Galileo 'open' service in any scenario.
64. The provision of resilient position, navigation and timing services by satellite navigation systems is increasingly important for the UK's security and prosperity. In 2015, it was estimated that 11.3% of the UK's GDP was directly supported by global navigation satellite systems.<sup>37</sup> To fulfil the UK's requirement for resilience and freedom of action in satellite navigation, the UK is developing its own satellite navigation system. This is made possible by the expertise and capability of UK industry. The government has allocated £92m to the design and engineering phase for the national

<sup>35</sup> ['Defence Expenditure of NATO countries \(2010-2017\)'](#), June 2017

<sup>36</sup> ['Technical Note: UK Participation In Galileo'](#), HM Government, May 2018

<sup>37</sup> ['Summary Report: The Size and Health of the UK Space Industry'](#) London Economics and UK Space Agency, December 2016

system, and is exploring options for the involvement of close international partners in its development.

### 3.2.6 Development cooperation

65. The UK and the EU will continue to work together to address global development challenges, and share the same commitment to the UN Sustainable Development Goals (SDGs).
66. A continuing UK-EU partnership would help drive coherence across the international development system. The UK and the EU institutions are the third and fourth largest international development donors, respectively.<sup>38</sup> The EU is currently a partner for the UK in fragile states, where the UK and the EU approach on tackling longer-term development issues are closely aligned. The UK and the EU have strong shared interests in the European neighbourhood countries, and believe there is a strong case for collaboration in the areas of peace and security, humanitarian aid and migration.
67. The Political Declaration allows for the establishment of a UK-EU dialogue to enable mutually reinforcing strategies in the programming and delivery of development. It provides for further discussions on whether and how the UK might contribute in future to EU instruments and mechanisms, provided the UK has adequate oversight of its funds and UK organisations are eligible to participate in EU funded programmes. Without strategic oversight of UK funding, the ability to guarantee impact of any activity through the EU consistent with UK objectives would be limited.
68. In a no deal scenario, the UK would still be able to programme alongside the EU on a case by case basis where in our mutual interest. The UK will continue to work with the EU in support of the SDGs and as a partner in the UN and other multilateral fora.

## 3.3 Thematic Cooperation

69. There are a number of areas of thematic cooperation which are addressed in the Political Declaration, including: cyber security, civil protection, health security, illegal migration, Counter Terrorism (CT) and Countering Violent Extremism (CVE).
70. In a no deal scenario, the lack of collaboration with the EU to build networks, share data and provide operational cooperation could hinder the UK's ability to work with the EU across these areas.

### 3.3.1 Cyber security

71. The Political Declaration will enable a partnership that protects joint UK and EU security interests in cyberspace through a new cyber dialogue to promote cooperation, as new threats and opportunities emerge. The FSP will allow for the UK's close cooperation with the Computer Emergency Response Team (CERT-EU) and, subject to the conclusion of a further agreement, participate in certain activities of the Cooperation Group established under the Union's Directive on Security of Network and Information Systems (NIS) and of the EU Agency for Network and Information Security (ENISA).

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<sup>38</sup> ['Total flows by donor'](#), OECD.Stat, data extracted November 2018

72. This will strengthen cyber security resilience in the UK and EU member states, through better understanding of threats and vulnerabilities. Working with the NIS Cooperation Group has facilitated strategic cooperation and the exchange of cyber information on global threats. For example, collaborating with EU cyber authorities has enabled the UK to issue five assessments to the EU on significant cyber attacks over the last year alone. This included a report into the ‘Wannacry’ attack that demanded ransom payments from users and significantly disrupted networks across Europe.
73. In a no deal scenario, the ability to cooperate on cyber with the EU would be less certain and would depend on the continued willingness of all partners to share information, exchange best practice and work together to identify evolving threats.

### 3.3.2 Civil protection

74. The Political Declaration allows for the UK to participate in the next phase of the Civil Protection Mechanism (CPM) as a participating state, if we choose to do so. This will enable the UK to continue to access training, opportunities for international projects and exercises, information sharing platforms for crisis management and networks of influence.
75. Civil Protection covers all work to plan for, prevent where possible, respond to and recover from natural and man-made disasters, including floods, earthquakes and forest fires, either inside or outside Europe. Through the CPM, European countries (including non-EU third countries) cooperate on projects and exercises to improve prevention and preparedness. In-kind assistance and deployment of expert teams are also offered to countries dealing with emergencies. Between 2013 and 2017 the UK sent thousands of tonnes of assistance items and more than 1,200 experts through EU mechanisms to support the response to emergencies.<sup>39</sup> The UK has also worked closely with the CPM in its response to alleviating the impact in the Balkans of the migration crisis.
76. In a no deal scenario, the UK would lose the strengthened domestic capability achieved through participation in CPM training programmes and lose the common training standards for international deployments that enable a better coordinated response. This scenario would also stop formal coordination with the EU, which helps to facilitate quick and efficient action.

### 3.3.3 Health security

77. The UK and the EU have worked closely to ensure that systems and infrastructure are in place to effectively protect citizens from infectious diseases and other health threats which cross borders. The UK and the EU have agreed a partnership that supports close collaboration on health security, in line with existing Union arrangements with third countries. It outlines the intention to cooperate in international fora on prevention, detection, preparation for and response to established and emerging threats to health security in a consistent manner. Areas of cooperation may include the Health Security Committee, European Centre for Disease Prevention and Control (ECDC), European Monitoring Centre for Drugs and Drug Addiction and associated networks, systems and databases.

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<sup>39</sup> [‘National Security Capability Review \(NSCR\)’](#), Cabinet Office, March 2018

78. Health threats arise not only from infectious diseases, but also from chemical, environmental and radiation hazards and can stem from natural sources, accidental releases, or deliberate intent. Health security cooperation supports early alerts, and access to rapid risk assessments and large surveillance datasets of cross-border threats to health. UK-EU cooperation on health security also enables action to tackle infectious disease outbreaks at source, which is important for affected countries and to stop disease spreading.

### **Health security**

A multi-country outbreak of Salmonella has infected over 1,200 people in 15 countries across Europe since 2016.<sup>40</sup> Close cooperation through the ECDC enabled the UK and the EU to deliver a coordinated response to this significant public health threat. Working through the agency enabled experts to identify the likely vehicle of infection through whole genome sequencing, allowing infection control measures to be put in place at potential source sites and supply chain locations across Europe. This reduced the spread of the disease and the number of people infected.

79. In a no deal scenario, the UK would not have access to EU cooperation groups, or tools for information sharing on cross-border threats to health. This could lead to missed or delayed health warnings, with implications for patient diagnosis and treatment as well as prevention of onward transmission. The UK would lose access to the ECDC's secure communication server for confidential patient data, hindering effective infection control practices. Collaboration through epidemiological and microbiology training would also become more restricted.

### **3.3.4 Illegal migration**

80. The UK and the EU have agreed a partnership to tackle the shared challenge of illegal migration, including its drivers and its consequences, whilst recognising the need to protect the most vulnerable. This will cover operational cooperation with Europol to combat organised crime; working with the European Border and Coastguard Agency to strengthen the Union's external border; and dialogue on shared objectives and cooperation, including third countries and international fora, to tackle illegal migration upstream. Beyond the specific areas covered by the Political Declaration, the UK government also remains committed to its legal obligation that a Minister of the Crown must seek to negotiate an agreement with the EU on protecting unaccompanied asylum seeking children.<sup>41</sup>
81. Working together to strengthen the EU's external border, UK Border Force cutters have collaborated with EU maritime operations to save thousands of lives in the Mediterranean and Aegean since 2015. The UK and the EU's collaboration on upstream processes provides greater reach and bolsters our capability through sharing technical expertise and capacity. The FSP will enable the UK and the EU to

<sup>40</sup> ['Epidemiological update: Multi-country outbreak of Salmonella Enteritidis infections linked to Polish eggs'](#), European Centre for Disease Prevention and Control, November 2018

<sup>41</sup> As set out in [section 17 of the European Union \(Withdrawal\) Act 2018](#)

collaborate on EU programmes (including EU upstream migration spending proposed to be around €9BN in 2021-2027).<sup>42</sup>

82. Without a deal, effective UK action with the EU on illegal migration would be more difficult, increasing the risk that more illegal migrants would make dangerous attempts to enter the UK and the EU.

### 3.3.5 Counter terrorism and countering violent extremism

83. The UK and the EU have agreed to cooperate on counter terrorism (CT) and countering violent extremism (CVE) and emerging threats. Recognising the mutual advantage of cooperation, the partnership will support the sharing of best practice; cooperation between intelligence analysis bodies and a strategic dialogue on emerging threats and new capabilities. This will complement other aspects of our security relationship, in particular, cooperation on law enforcement and criminal justice tools and measures.
84. This kind of close cooperation and sharing of best practice has led to advances like the European Internet Referral Unit (IRU), based on the UK's Counter Terrorism Internet Referral Unit. This works in our mutual interest to take down terrorist and extremist content online. In a no deal scenario, there would be no structured, formal means of coordinating our approach with the EU institutions on CT and CVE (although this would not impact upon our strong bilateral and multilateral relationships on CT).

## 3.4 Classified and Sensitive Non-Classified Information

85. The UK and the EU have agreed to conclude a Security of Information Agreement (SoIA), which will enable the exchange of classified information. The exchange of classified information is fundamental to cooperation across the future partnership, especially in relation to security. In addition to classified information, the UK and the EU may agree provisions to enable the exchange of sensitive non-classified information to support areas of the partnership, such as in sanctions cooperation.
86. Without a SoIA, the EU institutions would not be able to share classified information with the UK. The UK would be able to provide UK classified information to the EU without a SoIA on an ad hoc basis, though our preference is to have one in place or there may be restrictions on the provision of such information without the necessary assurances. The absence of a SoIA would therefore likely affect current level of exchanges and would affect the UK's ability to cooperate with the EU.

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<sup>42</sup> ['EU Budget for the Future'](#), European Commission, June 2018; EU Budget for the Future In the Neighbourhood Development and International Cooperation Instrument (NDICI) with a budget of €89.2 billion, cross cutting priorities will be strengthened with horizontal spending targets. This includes a target of 10 per cent to tackle the root causes of illegal migration.

## Glossary of terms

Term	Definition
<b>Adequacy</b>	The EU's established mechanism to allow the free flow of personal data to countries outside the EU.
<b>ACRO</b>	UK Criminal Records Office
<b>CERT-EU</b>	Computer Emergency Response Team - European Union
<b>CFSP</b>	Common Foreign and Security Policy
<b>CPM</b>	Civil Protection Mechanism
<b>CSDP</b>	Common Security and Defence Policy
<b>CT</b>	Counter Terrorism
<b>CVE</b>	Countering Violent Extremism
<b>EAW</b>	European Arrest Warrant
<b>ECDC</b>	European Centre for Disease Prevention and Control
<b>ECHR</b>	European Convention on Human Rights
<b>ECJ</b>	European Court of Justice
<b>ECRIS</b>	European Criminal Records Information System
<b>EDA</b>	European Defence Agency
<b>EDF</b>	European Defence Fund
<b>EIS</b>	Europol Information System
<b>ENISA</b>	European Network and Information Security Agency
<b>FATF</b>	Financial Action Task Force
<b>FEP</b>	Future Economic Partnership
<b>FSP</b>	Future Security Partnership
<b>GNI</b>	Gross National Income
<b>HSC</b>	Health Security Committee
<b>IRU</b>	Internet Referral Unit
<b>NIS</b>	Network and Information Systems
<b>ODA</b>	Official Development Assistance
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>PESCO</b>	Permanent Structured Cooperation
<b>PNR</b>	Passenger Name Records

<b>Term</b>	<b>Definition</b>
<b>Prüm</b>	Data exchange system for fingerprints, DNA and vehicle registration data
<b>PTFD</b>	Prisoner Transfer Framework Decision
<b>SIENA</b>	Secure Information Exchange Network Application
<b>SIS II</b>	Second generation Schengen Information System
<b>SoIA</b>	Security of Information Agreement
<b>Third Country</b>	A state that interacts with the EU that is not an EU member state.





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