



British-Irish Parliamentary Assembly: Committee B (European Affairs)

SHORT INTERIM REPORT ON EUROPEAN SECURITY COOPERATION AFTER BREXIT

Background to this interim report

As a Committee, we are undertaking an inquiry into European security cooperation after Brexit. The inquiry is considering:

- The potential impact of Brexit on cooperation between the UK and the EU on security matters, including cross-border policing cooperation, the fight against organised crime, counter-terrorism and cyber-security;
- Future security cooperation between the UK and Ireland in the context of Brexit; and
- The future direction of EU security policy, including implementation of the European Agenda on Security, and the implications of these developments for future security cooperation between the UK and EU.

As part of this inquiry, we took evidence in Dublin and Belfast on 4 and 5 October, hearing from a wide range of experts:

- H.E. Marie Cross, Chair of the Future of Europe Group and Co-Chair of the Security Group, the Institute of International and European Affairs (IIEA); former Irish Ambassador to the Czech Republic, Ukraine, and to the Political and Security Committee of the EU;
- Richard Browne, Principal Officer for Internet Policy (including national cyber security), Department of Communications, Climate Action and Environment; and Dr Cormac Doherty, Head of Cyber Security Programmes, Director of the Centre for Cybersecurity & Cybercrime Investigation, University College Dublin;
- Assistant Commissioner John O'Driscoll, Serious Crime Operations, An Garda Síochána;
- John Boylan and Philip Grant, International Security Policy Unit, Department of Foreign Affairs & Trade; and Dermot Woods, Department of Justice;
- Brian Gormally, Director, and Daniel Holder, Deputy Director, Committee on the Administration of Justice Temporary;

- Deputy Chief Constable Stephen Martin and Temporary Assistant Chief Constable Tim Mairs, the Police Service of Northern Ireland (PSNI); and
- Eilís McGrath, Assistant Director – High Court and International Section, Public Prosecution Service for Northern Ireland.

We will produce a full report for this inquiry in due course, outlining the evidence received by these witnesses and our conclusions on a wide range of issues. We are acutely conscious, however, of the fast-moving nature of events, ahead of the UK's departure from the EU at the end of March 2019. This short report offers our interim conclusions on the future of UK-EU security cooperation.

Our interim conclusions

- Witnesses gave us a vivid impression of the deep level of security cooperation between the UK and Ireland, including a number of groups and mechanisms that sit outside EU frameworks, such as the Joint Agency Task Force between An Garda Síochána, the PSNI and other relevant bodies. **We were extremely impressed by the extent of cooperation between the UK and Irish police, and we were reassured that, regardless of the outcome of Brexit, the respective police services will do their utmost to ensure continuity in cooperation at an operational level.**
- The most significant concerns were voiced about the following issues:
 - The future of the European Arrest Warrant, including the possibility that the UK might have to fall back on the 1957 European Convention on Extradition after Brexit;
 - The multitude of Ireland-to-UK extraditions on hold as a result of Brexit, awaiting a ruling by the European Court of Justice regarding the extradition of EU (Irish) citizens to a country which will no longer be an EU country by the end of their sentence of imprisonment; and
 - Data-sharing on criminal matters, including the possibility that UK access to EU databases might be denied, with links to EU data protection law and the jurisdiction of the ECJ.

We urge UK and EU negotiators to prioritise the safety and security of UK and EU citizens, and to do all they can to ensure that close cooperation can continue in future, including speedy and effective extradition arrangements after Brexit.

- Irish experts emphasised the valuable and mutually beneficial contribution that the UK makes to European security and defence cooperation through the Common Security and Defence Policy, including taking a leading role in the combating piracy through Operation Atalanta. **We urge the UK and EU negotiators to ensure that the security and defence relationship is given a central focus in negotiations, so as to ensure that close cooperation on**

matters of common interest can continue and capacity and expertise can be effectively shared.

- Irish experts on cyber-security spoke about the challenges of recruiting and retaining staff, due to competition from the private sector. **We recommend that both UK and Irish Governments scope the possibility of launching a programme enabling the use of cyber-security ‘reservists’ in order to deepen co-operation between the public and private sectors, and which would enable cyber-security experts to be seconded from the private sector to assist government departments in combating threats.**
- The Committee on the Administration of Justice highlighted the many outstanding issues regarding the rights of UK and Irish citizens living in Northern Ireland. People from Northern Ireland have the right to choose their nationality or nationalities, but this currently entails no divergence in human rights or service provision. After Brexit, there is a possibility that Irish citizens will have additional rights as EU citizens which will not be afforded to their British neighbours. **We urge the UK and EU to resolve these issues as a matter of urgency.**
- The Police Service of Northern Ireland (PSNI) referred to funding and workforce pressures: the service currently has fewer officers than Patten envisioned for a benign environment, and continues to operate in a region where the threat of terrorist attacks remains severe. The PSNI has requested funding for an additional 490 people, the vast majority of whom would be officers. Witnesses voiced concerns, particularly around security implications, of an insufficient number of officers to meet the challenges arising from Brexit in the absence of sufficient funding. The collapse of the NI Executive has also hindered forward planning and budgeting. **We urge the UK Government to take immediate action to ensure that the Police Service of Northern Ireland has the resources required to enable it to prepare properly for the implications of Brexit.**