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OFFICIAL REPORT

European Committee B

EUROPEAN AGENDA ON SECURITY

Tuesday 19 April 2016

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The Committee consisted of the following Members:

Chair: MR ANDREW TURNER

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| † Brokenshire, James (<i>Minister for Immigration</i>) | † Hopkins, Kelvin (<i>Luton North</i>) (Lab) |
| † Champion, Sarah (<i>Rotherham</i>) (Lab) | † McGinn, Conor (<i>St Helens North</i>) (Lab) |
| † Chapman, Douglas (<i>Dunfermline and West Fife</i>) (SNP) | † Morton, Wendy (<i>Aldridge-Brownhills</i>) (Con) |
| † Davies, Chris (<i>Brecon and Radnorshire</i>) (Con) | O'Hara, Brendan (<i>Argyll and Bute</i>) (SNP) |
| † Elphicke, Charlie (<i>Lord Commissioner of Her Majesty's Treasury</i>) | † Shah, Naz (<i>Bradford West</i>) (Lab) |
| † Ghani, Nusrat (<i>Wealden</i>) (Con) | † Whittaker, Craig (<i>Calder Valley</i>) (Con) |
| † Green, Damian (<i>Ashford</i>) (Con) | Joanna Welham, <i>Committee Clerk</i> |
| | † attended the Committee |

European Committee B

Tuesday 19 April 2016

[MR ANDREW TURNER *in the Chair*]

European Agenda on Security

2.30 pm

The Chair: Before we begin, I will briefly outline the procedure. First, a member of the European Scrutiny Committee may make a five-minute statement about the decision of that Committee to refer the document for debate. The Minister will then make a statement of no more than 10 minutes. Questions to the Minister will follow. The total time for that statement and the subsequent questions and answers is up to an hour. Once questions have ended, the Minister moves the motion on the Order Paper and debate takes place upon that motion. We must conclude our proceedings by 5 o'clock. Does a member of the European Scrutiny Committee wish to make a brief explanatory statement?

Damian Green (Ashford) (Con): It is always a pleasure to serve under your wise guidance, Mr Turner.

The Commission published its communication, "The European Agenda on Security", in May 2015. It sets out a shared agenda for the period 2015 to 2020, to support member states in fulfilling their "front line responsibility for security,"

with a focus on organised crime, terrorism and cybercrime. The proposed agenda is intended to replace the EU's first internal security strategy, which expired at the end of 2014. Although they broadly welcomed the communication, the Government made it clear that the renewed EU internal security strategy would be owned and implemented by the Council and based on a number of key strategic aims set out in conclusions agreed by the Justice and Home Affairs Council in December 2014 and June 2015.

The European Scrutiny Committee considered the Commission communication last July at its first meeting of the new Parliament and recommended that it should be debated before the Commission brought forward further measures to implement its European agenda on security. Despite that clear request for a timely debate, it has taken the Government nine months to schedule one. During the intervening period, there have been two devastating terrorist attacks in Paris and Brussels, which have resulted in the loss of 160 lives. At the same time, conflict and crisis in the EU's neighbourhood have generated unprecedented migratory flows to the EU and undermined confidence in the security of the EU's external borders. A number of member states have responded by reintroducing temporary internal border controls. How member states and EU institutions and agencies work together to manage security at their external borders, respond humanely to the refugee crisis and tackle the terrorist threat is the most important challenge facing the EU today.

How have the EU and member states responded to those threats to internal security and stability? Since July, the Council and European Parliament have concluded

negotiations on a directive on passenger name record data and a new Europol regulation, a counter-terrorism centre has been established within Europol and new data protection rules have been agreed. The UK is participating in a revamped Schengen information system and has also decided to re-join the so-called Prüm measures, which provide for the exchange of DNA profiles, fingerprints and vehicle registration data to combat terrorism and other serious cross-border crimes. In addition, the Commission has put forward proposals to strengthen existing EU terrorism laws, tighten the rules on civilian firearms and expand the European criminal records system.

In short, much useful work has been done at European level and by Ministers, and it is important that we recognise and applaud the good work that has been done by both the British Government and our European partners. However, at a time of heightened terrorist alerts in many member states, does the Minister agree with the European Scrutiny Committee that the renewed EU internal security strategy merits the exposure and scrutiny of a debate? If he does, what justification can there be for the nine-month delay in scheduling such a debate?

I reiterate the request made by the European Scrutiny Committee last July for an explanation of the key differences between the renewed EU internal security strategy agreed by the Council last June and the Commission communication. The Commission's communication identifies greater

"transparency, accountability and democratic control"

as a key principle underpinning "The European Agenda on Security". The conclusions agreed by the Council last June make no reference to the role of national parliaments. What assurance can the Minister give us that Council ownership of the renewed EU internal security strategy will promote transparency and openness? What are the Government doing to promote greater transparency, accountability and democratic control by this Parliament of EU internal security policies and laws, including through the timely scheduling of debates? Finally, will the Government tell us what progress has been made since last June to implement the renewed EU internal security strategy, what role is being played by the Standing Committee on Operational Co-operation on Internal Security—the so-called COSI committee—on which senior member state officials sit, and how our national Parliament is being informed of that committee's work, as required by the EU treaties?

2.35 pm

The Minister for Immigration (James Brokenshire): It is a pleasure to serve under your chairmanship, Mr Turner. I am grateful for the opportunity to take part in this debate and I hope I am able to assist the Committee in its scrutiny of these important documents.

The subject matter of the debate could not be more relevant to the current challenges that we and our European partners face. The dreadful recent terrorist attacks in Paris and Brussels underline that in the starkest way possible, and I am sure the Committee will join me in expressing our determination to overcome these challenges. The Government are clear that we need to work closely with our European partners to

ensure that all our law enforcement agencies have the right tools and mechanisms to do their jobs and protect all our citizens.

It is against that backdrop that we must consider the Commission communication, “The European Agenda on Security” and the Council’s internal security strategy. While the Government are clear that security is primarily a matter for individual member states, we are also clear that there are areas in which the European Union can provide genuine added value by harnessing the benefits of joint working, particularly in relation to operational co-operation and information sharing. For example, the UK co-operates with law enforcement authorities in all EU member states through Europol.

As set out in our explanatory memorandum, the communication aims to detail how the Commission believes the EU can bring added value to support member states in ensuring internal security. It outlines the need to “work better together” before calling for stronger EU action in three areas: better information exchange, increased operational co-operation and supporting action including training, funding, research and innovation. The communication also identifies three main priorities for European security for the coming five years: tackling terrorism and preventing radicalisation, disrupting organised crime and fighting cybercrime.

The Government welcome the focus throughout the communication on the implementation of existing measures and on strengthening co-operation. As the Committee is aware, we are also broadly supportive of the key themes identified in the communication. Clearly, as my right hon. Friend the Member for Ashford has indicated, much has happened in the sphere of European security since the publication of the communication last May, but we believe it represented a sensible contribution to the debate and are confident that the Commission is fully seized of the need to make rapid progress in this area.

Before I outline our current key objectives in enhancing security in the European context, I should make clear the relationship between the Commission’s communication and the Council’s internal security strategy, the ISS. In June 2015, the Justice and Home Affairs Council agreed conclusions that renew the ISS for the next five years. The renewed ISS is owned by and will be implemented by the Council, reflecting the Council’s primacy in this field. While the Council’s conclusions welcome the Commission’s communication—the agenda on security—they do not endorse the communication wholesale. Rather, they are clear that the renewed ISS consists of the two relevant sets of Justice and Home Affairs Council conclusions, based on the broad principles identified in the communication: tackling terrorism and preventing radicalisation, disrupting organised crime and fighting cybercrime—principles that we support.

The conclusions also invite the Council’s committee on internal security—COSI—to lead on developing an operational implementation plan and to monitor its progress. The Government fully support the role of COSI in taking forward the implementation of the new ISS, which further protects the Council’s remit to set the political direction in the field of justice and home affairs.

The Government are determined to tackle the immediate and pressing security threats that we face. Working with our European partners is critical if we are to be successful.

We want to see action taken by Europe to address the threat from terrorism as a result of the situation in Syria and Iraq. We need to counter the Daesh brand and remove online terrorist and extremist propaganda to prevent further recruitment.

A key issue on which urgent progress is required is enhancing information sharing with our European partners. Effective information sharing is our first line of defence in a world of increasingly mobile threats. We are making good progress, and I am pleased to note that the European Parliament agreed the passenger name records directive last week. The Home Secretary and I have always been clear about the importance of PNR and last week’s vote represents a pivotal action in the ongoing fight against terrorism and serious crime. The processing of PNR information is a proven way to identify previously unknown individuals who pose a threat to the safety of the public here and abroad. At the same time, the directive clearly takes account of operational needs, the protection of personal data and individuals’ fundamental rights. We will now begin implementing the directive, establishing our network of interoperable passenger information units—we have the national border targeting centre here in the UK—and working with our European partners to target travel related to terrorism and organised crime.

But there is much more to do. In particular, we need to ensure the systematic and consistent use of EU criminality information, such as criminal conviction data, which are currently available through the European criminal records information system. Thanks to the second-generation Schengen information system, sometimes known as SIS II, information about people wanted under European arrest warrants is now available at the border. We now need to do the same for criminal convictions data to allow routine checks to be made against those data. We also need to ensure that all countries are entering foreign fighter data systematically on to SIS II.

On firearms, we are working hard to agree an effective directive. We are pressing for a ban on the most dangerous semi-automatic weapons across the EU to protect our citizens, but legislation alone is not enough. We are also working to develop better intelligence on the threat posed by firearms, so that we are better able to intercept them before they get into the hands of organised criminals and terrorists. We need to gather that intelligence effectively, share it and act on it.

Continuing to strengthen global aviation security is a further priority for action. We are building capability through multilateral support of priority third countries and are keen to co-ordinate activity with partners to maximise our collective efforts.

Finally, I stress the importance that the Government place on delivering effective de-radicalisation and disengagement programmes, building on existing best practice. We are working with our European partners to increase our efforts and upgrade our capability to respond to and outpace extremist propaganda used to radicalise individuals online, ensuring a robust response.

The Government will continue to play a key role in driving the implementation of the internal security strategy. We are clear that working with other countries as part of the European Union is the best way to ensure the security of the British public and that together we can tackle these threats, leaving dangerous criminals and terrorists with nowhere to hide.

The Chair: We now have until 3.35 pm for questions to the Minister. I remind members of the Committee that those questions should be brief. Subject to my discretion, it is open to a member to ask related supplementary questions.

Sarah Champion (Rotherham) (Lab): It is a pleasure to serve under your chairmanship, Mr Turner, and I thank you for your guidance on the protocol of the Committee. Will the Minister provide some information about how the British Government were involved in drafting “The European Agenda on Security”?

James Brokenshire: Obviously, the agenda is a Commission document, but as I indicated in my opening remarks, we see it as being led by the Council. These issues were debated at meetings of the Justice and Home Affairs Council and they continue to be debated; we have a further extraordinary meeting of the Justice and Home Affairs Council later this week. Through that mechanism, issues of security, what the right processes are and how we work together were addressed; the UK made interventions at Council meetings; and the internal security strategy—the Council-led document that I referred to—was created. Obviously, COSI, which is now implementing the strategy, reports back to the Council.

Sarah Champion: I thank the Minister for that answer. Taking it to the next step, will he provide clarity on the steps that the Government will take to implement the agenda once it is adopted and what plans the UK has to help tackle common EU security threats?

James Brokenshire: As I have indicated, the internal security strategy, which was renewed by member states in June of last year, sets out a clear agenda. It contains much of what is in the Commission’s communication, although the Council very much leads on it: the strategy is being implemented by the Council and that implementation is being led by COSI. We welcome that, as it ensures that member states are clearly in the driving seat of the agenda’s implementation and will get regular feedback on it. As has been indicated, a Europol counter-terrorism centre was established in January of this year, in response to a call from the Justice and Home Affairs Ministers at Council on 20 November. That new centre, which acts as a platform for member states to increase information sharing, is a good example of how the agenda is being implemented.

Kelvin Hopkins (Luton North) (Lab): The right hon. Member for Ashford drew attention to the fact that temporary internal border controls have been erected in a number of EU countries inside the Schengen area. Does the Minister agree that we are seeing the breakdown of Schengen and those temporary internal border controls are likely to remain permanently?

James Brokenshire: Clearly, the UK is not part of Schengen and therefore the actions that are being taken by individual EU member states in concordance with the arrangements underpinning Schengen are a matter for them. The UK’s focus is on seeing a strong external Schengen border and ensuring that, although we are outside Schengen, we support other EU member states through the mechanisms of Frontex and other bodies.

We will continue to work with other member states to assist them in securing the external EU border, given the direct relevance of that to our own security.

Kelvin Hopkins: Going beyond that, does the Minister agree that it would actually be sensible for countries inside Schengen to impose permanent border controls? That would frustrate the movement of terrorists and serious criminals across borders and make the job of the police and whoever much easier.

James Brokenshire: That is a matter for the EU member states that are part of Schengen. Our focus is on better communication of criminal record information. Indeed, I commented on the second-generation Schengen information system. We must ensure that data are put on that system so we can benefit from them at our border and have better intelligence and information on people who may wish to come to the UK. The Government have sought to underline that practical co-operation to get better data sharing and, in so doing, enhance our own domestic security.

Kelvin Hopkins *rose*—

The Chair: I call—

Sarah Champion *rose*—

The Chair: Order. I can only call those who are standing. Only one Member was standing at that moment, and that was Kelvin Hopkins.

Kelvin Hopkins: I apologise to my hon. Friend. Fortunately, we are not in Schengen and we take our borders seriously—but perhaps not seriously enough. There have been reports this week that people enter Britain clandestinely via beaches using rubber dinghies across the North sea. Does the Minister not think that we ought to have stronger border controls and a bigger border force to ensure that that sort of thing does not happen?

James Brokenshire: The Government take their border security responsibilities seriously. We check 100% of scheduled passengers arriving at the border. Every year, millions of passengers pass through the border in that way. That is why I made the point about having better data at the border to assist those checks through our partnerships and co-operation with other EU member states. In respect of the general maritime sector, we have invested in intelligence and a field intelligence officers network, which has resulted in the successful interdiction of suspect vessels, disruption of people smugglers and significant seizures of class A drugs. We must work with our European partners as well. The action that the French, Dutch or Belgian Governments may take in stopping vessels leaving their shores is a powerful way of ensuring our own domestic security and underlines the need for good, practical co-operation.

Naz Shah (Bradford West) (Lab): Looking at the immediate future, has the Minister considered the implications of Brexit for the UK’s security and our ability to tackle heinous crime?

James Brokenshire: It is important to recognise that national security is a member state competence. In other words, the lead responsibility for determining a country's national security policy rightly lies with that member state. We guard that very clearly, but it is also important to recognise that EU membership gives UK police forces and law enforcement authorities automatic access to a broad range of tools and databases that help combat transnational crime. Those include Europol; the Prüm Council decisions on fingerprint and DNA exchange—when fully operational, those will allow DNA exchanges in 15 minutes, which simply is not possible through other mechanisms—Eurojust, the EU's judicial co-operation unit, in which we participate; the European Criminal Records Information Sharing System; data on passenger name records; the second-generation Schengen information system; and, of course, the European arrest warrant.

That combination of mechanisms that is available to law enforcement authorities would be difficult to replicate. Those mechanisms would all need to be reassessed and negotiated, and alternative arrangements would need to be put in place. That would be challenging. We clearly benefit from those structures at the moment in guarding our domestic security and confronting transnational crime, which does not respect borders, and we therefore need to continue to work closely with our European partners and use the most effective mechanisms to protect our citizens.

Sarah Champion: This is my final question. The right hon. Member for Ashford highlighted the fact that the Commission document was drafted before the Paris terror attack in November 2015 and the events that followed in Brussels. Have the Government given further consideration to whether any additional steps are now needed?

James Brokenshire: In response to my right hon. Friend the Member for Ashford, I should say that it is always the Government's intention to schedule debates in a timely fashion, although I regret and acknowledge that that was not possible in this case. We continue to take debate recommendations seriously, although I think that we all recognise that there have been opportunities to debate counter-terrorism and security through oral statements on the Floor of the House and other debates. There have been opportunities for right hon. and hon. Members to debate the approach that the UK takes and the context of the broader European security agenda.

I say in direct response to the hon. Lady's questions that we keep these matters under close review. We hold ongoing discussions with our European partners. Following the attacks in Paris and Brussels, we stepped up operational arrangements at the border and we continue to consider with European partners how best to strengthen things further. I touched on work that we want to take forward in Europe on firearms. I have also highlighted work that we continue to press on criminal record information sharing and encouraging other member states to put additional data into ECRIS and the second-generation Schengen information system to benefit the domestic security of the UK and all the other European countries. Europol's ongoing work on taking down propaganda from Daesh and other terrorist organisations effectively mirrors at EU level the work that we do through the counter-terrorism internet referral unit.

We continue to advance practical steps. Clearly, the approval of the passenger name records directive is another important milestone and highlights the need for collaboration, co-operation and continuing to debate, discuss and work with our European partners. We must recognise that member states lead on national security—that is a member state competence—but, equally, that we gain strength from good co-operation.

The Chair: That brings us to the end of the time allocated for questions. I call the Minister to move the motion.

Motion made, and Question proposed,

That the Committee takes note of European Union Document No. 8293/15, a Commission Communication: The European Agenda on Security, and its relationship to the Renewed Internal Security Strategy 2015-2020; and supports the Government's approach of working with other Member States to support our international partners in the area of EU internal security, recognising that national security is a matter for individual nations through their sovereign Parliaments.—(*James Brokenshire.*)

2.55 pm

Sarah Champion: I welcome the opportunity to debate this important matter. I thank the members of the European Scrutiny Committee for their work on examining "The European Agenda on Security".

In the past 15 years, the nature of global terrorism has changed dramatically, with a deadly combination of home-grown terror and sophisticated global networks. Both do their utmost to cause maximum harm to citizens across the world. The current UK terror threat remains at severe, as it does across the majority of the EU. We must give our law enforcement bodies access to the information and methods that they know will work. We must do all we can to work together with our European counterparts to keep our respective populations safe. That is why Labour strongly supports common EU policing measures and a cross-EU response. That is why Labour believes that our membership of the EU makes us stronger and better able to tackle emerging cross-border security threats.

We welcome the focus of the proposed agenda and the five key principles outlined, which build on previous structures that are working well. We welcome the fact that the agenda addresses the terrorist threat that is faced by every EU country. The events of Brussels, Paris and elsewhere have shown us how real the threat is and how irrelevant borders are to those who perpetrate such heinous crimes.

The agenda recognises and identifies rapidly changing crime and security threats, including organised crime, terrorism and cybercrime, in Britain and across the EU. Indeed, cybercrime was only an emerging threat when the 2010 EU internal security strategy was agreed, but it is now a reality and a serious security threat that we all face. "The European Agenda on Security" gives our police and security services the cross-EU integrated response that they need to tackle our common security threats, and that is why Labour is pleased to support its implementation. The agenda's importance to our ongoing national security is clear.

2.56 pm

Kelvin Hopkins: It is a pleasure to serve under your chairmanship again, Mr Turner, as a fellow member of the European Scrutiny Committee.

[Kelvin Hopkins]

Britain was very wise not to join the Schengen agreement and to retain a significant degree of border control. What has happened recently on the continent of Europe demonstrates that point. The porous border between France and Belgium was clearly an assistance to those who committed the outrages in Paris and in Brussels. One would hope that there is a move towards restoring more effective border constraints within the European Union. Regrettably, some countries have already put up barbed wire fences, which is a hostile act, but if border controls had been tighter, there would not necessarily have been such a problem.

I think there are still problems with border controls in Britain, as I have said to the Minister. If everyone was required to have biometric passports and everyone leaving Britain as well as entering it was required to be checked at borders, we would have more of a handle on movements, which would be beneficial. About six years ago, I was a member of the team from the European Scrutiny Committee who visited Frontex in Warsaw. It was clear that the Frontex official was very nervous about talking about anything that could threaten the shibboleth of free movement. That shibboleth is now looking a bit tattered. Frontex did not have any resources of their own, nor a border force of their own, and in theory they were the administrators, not the enforcers. The current situation is much more worrying.

When will there be a requirement that everyone in Britain has a biometric passport and that all those who leave and enter are properly checked at borders? Even when we travel on holiday, checks should be made to make sure that we are not carrying dangerous weapons and so on in our cars. That may mean that we spend longer at borders, but if that is the price that we must pay for security, I accept that. The Government will have to move in that direction if and when—we hope that it will not ever happen again—we have further outrages. Also, we should not forget criminality. The automatic guns that are used on the streets now are quite terrifying and we should make sure that they are under serious control.

The majority of the population are very concerned about such matters. A Government of any colour would in future be required to ensure that our borders were properly protected and to encourage fellow European Union members to strengthen their border controls between member states. Those are my thoughts; I hope the Minister will take some of them on board.

3 pm

James Brokenshire: I thank you, Mr Turner, and the Committee for the broad support offered for the agenda this afternoon.

It is right that we continue to co-operate practically and collaborate with our European partners, as ultimately that is in the UK's best interest, recognising that terrorists and organised criminals do not respect borders of whatever kind. Therefore, we are better protected and better assured of national security by thinking and planning carefully with our European colleagues, as well as by harnessing the benefits we enjoy through existing relationships—through the “Five Eyes” partnerships with our traditional colleagues—and the strength that

gives us. We have the best of both worlds by having those relationships, together with the combination of the work we do at EU level.

It is right that this Government have placed considerable emphasis on strengthening our borders. We introduced 100% checks on scheduled passengers, which was not something that happened before we came into government. That has been a focus for this Government, albeit at that time under the leadership of my right hon. Friend the Member for Ashford, who did considerable work to ensure that we strengthened our border. I pay tribute to him and others for the work that took place.

I say to the hon. Member for Luton North that we have ambitious plans for taking forward, for example, increasing automation of passenger controls—implementing new technology that will make processes quicker and more secure and changes to working practices, and promoting other services that support all of that, but equally constantly assessing the changing nature of the threat that we face. We do that with our European partners, while clearly having strong assessment of our domestic border arrangements. Also, arrangements with the Government of France and our juxtaposed controls in northern France absolutely aide our own domestic security and strengthen and underpin the close co-operation that has been very important at times—for example, during the migration crisis, which we are obviously seeking to confront.

This is something we keep under review and it is something we take seriously in relation to the external Schengen border. It is right that we see the benefit of pushing out our border much more, which is why data such as advanced passenger information and passenger name records are, equally, an important part of that. Through, for example, the introduction of e-gates, which are much better at detecting things such as proper documentation and at how the photo can be matched to a passport, there are new ways in which we look at that—as well as with things such as biometric residence permits for those who are outside of the EU. So I do recognise the continuing challenges, but that is very much on the Government's agenda, both domestically and as part of the broader agenda within the EU and the internal security strategy, which we have touched on in this sitting.

I thank you, Mr Turner, for the opportunity to discuss these important issues—that relationship between the UK and the EU, which I think benefits this country enormously, those mechanisms that support all of us and how we need to continue that dialogue, discussion and co-operation with our EU partners to ensure that our domestic security is better protected at a time of continuing threat and continuing risk.

Question put and agreed to.

Resolved,

That the Committee takes note of European Union Document No. 8293/15, a Commission Communication: The European Agenda on Security, and its relationship to the Renewed Internal Security Strategy 2015-2020; and supports the Government's approach of working with other Member States to support our international partners in the area of EU internal security, recognising that national security is a matter for individual nations through their sovereign Parliaments.

3.4 pm

Committee rose.