



Stephen Kinnock
Member of Parliament for Aberavon

Prime Minister
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30th March 2017

Dear Prime Minister,

During your Article 50 Statement to the House yesterday you will recall that we had the following exchange:

Stephen Kinnock (Aberavon, Lab):

In her letter to Donald Tusk, the Prime Minister says:

"If...we leave the European Union without an agreement...we would have to trade on World Trade Organisation terms. In security terms a failure to reach agreement would mean our cooperation in the fight against crime and terrorism would be weakened."

Is she really saying that the security of our country will be traded like a bargaining chip in these negotiations?

The Prime Minister:

"We will not be trading the security of our country, but we have a relationship with the European Union. There are certain elements of the European Union, in justice and home affairs, of which we are currently members and of which, on leaving the European Union, we would not be members. We need to negotiate what our future relationship will be. It is very simple and very pragmatic: the aim will be to ensure co-operation on these matters."¹

I believe that your answer failed to properly address the question that I asked, and the purpose of this letter is therefore to seek some further clarification.

Your letter to Donald Tusk clearly indicates that, in the event that the Brexit negotiations do not conclude to the satisfaction of your government, you would be prepared to instruct British ministers, officials and law enforcement officers to

¹ House Of Commons, Article 50 Ministerial Statement, Hansard, Volume 624, Column 274, 29 March 2017: <https://goo.gl/Rr1Zso>



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withdraw from, compromise and/or limit the long-established co-operation that currently takes place between the UK and the rest of the EU in the fight against crime and terrorism.

However, it is unclear what this would mean in practice, and your answer to my question yesterday provided no further detail. I would therefore be grateful for your responses to the following questions:

1. By "failure to reach an agreement", do you mean if no privileged partnership agreement whatsoever is concluded, and the UK leaves the EU on WTO terms? Or does this mean that cooperation would be withdrawn or limited (and our security thereby weakened) if the Article 50 negotiations were to fail to produce a deal that, in the words of the Secretary of State for Exiting the European Union, delivers the "exact same benefits" as the UK currently enjoys?
2. What would you consider to be a sufficient trigger for the United Kingdom to withdraw from / weaken cooperation on crime, terrorism and other justice and home affairs issues?
3. Which cooperation measures on security, crime, counter-terrorism and other justice and home affairs matters are you are considering withdrawing / weakening? Is your government prepared to withdraw from and/or weaken cooperation with: i) The European Police Office (Europol); ii) The European Defence Agency; iii) The European Institute for Security Studies; iv) The European Union Agency for Law Enforcement Training (The European Police College); v) Eurojust; vi) The European Union Agency for Network and Information Security; vii) The European Border and Coast Guard Agency (Frontex); viii) Body of European Regulators of Electronic Communications; ix) The European Union Satellite Centre; x) any other related agencies and/or bodies such as the European Cybercrime Centre (a Europol body) and agreements such as the European Arrest Warrant, the passenger name records (PNR) directive, The European Criminal Records Information System, financial intelligence units, the prisoner transfer framework, SIS II, and joint investigation teams, Prüm?²

² These are all agencies that you cited in your 25 April 2016 Speech: The UK, EU and our place in the world: <https://www.gov.uk/government/speeches/home-secretarys-speech-on-the-uk-eu-and-our-place-in-the-world>



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4. Is your government prepared to withdraw from and/or weaken cooperation with the updated Europol intelligence-sharing framework, something the UK signed up to in November 2016?
5. Do you support the comment made in the media today by the Home Secretary, with regard to Europol, that "if we left then we would take our information with us"? And would this same approach be applied to the other aforementioned agencies?
6. If co-operation on the fight against crime and terrorism is withdrawn or weakened, what implications would this have on a) NATO cooperation in Europe; and b) on the "Five Eyes" agreement?

As you said on 25 April 2016, continued membership of the European Union "means we will be more secure from crime and terrorism". However, the UK is leaving the EU, and I share your stated intention to ensure that Brexit serves the national interests of our country.

As you yourself have conceded, withdrawing from or weakening cooperation on security, counter-terrorism, crime, criminal justice and other intelligence and home affairs issues would compromise and weaken our own national security, as well as that of our European neighbours and partners. This would be in nobody's interests, and as you stated in your letter to Mr. Tusk, "We want to make sure that Europe remains strong and prosperous and is capable of... defending itself from security threats" with the United Kingdom as a "special partner", playing "its full part in achieving these goals".

Moreover, you state that your first principle for the Article 50 discussions/negotiations is that "We should engage with one another constructively and respectfully, in a spirit of sincere cooperation."

I fail to see how making thinly veiled threats with regard to matters of life and death can possibly serve to position you as a principled or constructive negotiating partner. And I fear that rather than increasing your government's leverage, your decision to use security as a bargaining chip has served only to diminish the credibility of our country at the very moment at which our sole focus should be upon building trust and understanding with our European partners.

I would therefore strongly encourage you to clarify your views on this matter, in the hope that some transparency may at least help to mitigate the damage that has already been done, and to this end I look forward to receiving your response.



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In light of the high degree of interest, engagement and concern that your approach to this matter has provoked I shall be making an electronic copy of this letter available to the public.

Yours sincerely,

Stephen Kinnock
Member of Parliament for Aberavon