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In the evidence session regarding the 3rd pillar opt outs on 4 March, I informed the Committee that Karen Bradley MP, Home Office Minister for Organised Crime and Modern Slavery, had offered to visit Edinburgh in order to discuss the UK Government's decision. We subsequently arranged for Ms Bradley to visit Scotland on 15 May but unfortunately, she had to cancel her visit due to unexpected commitments in other areas of her portfolio. In order to ensure that Scottish Government is updated at this critical juncture in the UK Government's 3rd Pillar negotiations, I had a telephone call with Ms Bradley on 19 May. My officials have also since been in contact with their counterparts in the Home Office. The purpose of this letter is to relay the contents of the call to the Committee and our wider engagement regarding the opt out.

Ms Bradley used the call to give me an update on the progress of negotiations between the UK Government, the European Commission and other Member States with respect to the 35 3rd pillar measures that the UK Government wishes to opt back into on 1 December. UK Government officials are now meeting regularly with Member States to discuss the Schengen-building measures and with the Commission to discuss the non-Schengen measures. The UK Government has since stated that negotiations were progressing well with both groups, and there was appetite from all parties for a swift conclusion to the negotiations. I underlined to Ms Bradley that the Scottish Government has a direct interest in the majority of the 3rd pillar measures, with reference to devolved justice and policing matters, and that it is crucial that the UK Government keeps us updated both about the progress of the negotiations and any transitional arrangements.

I also raised the concerns expressed by Committee members and by the wider legal and law enforcement community in Scotland about any potential operational gap on 1 December, which would affect live judicial processes. Ms Bradley noted that the progress of negotiations gave her no reason to believe that planning for an operational gap would be required.

Regarding specific measures, I also stated again our view that the European Judicial Network (EJN) should be included on the opt-in list and cited examples of how the EJN

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positively benefits the Scottish Criminal Justice system. The UK Government asked us to provide further written evidence regarding EJM use in Scotland. I have spoken to the Lord Advocate about this, who wrote to Ms Bradley regarding the EJM on 29 May. Given that the European Police College (CEPOL) will shortly be removed from the 3rd pillar and recast onto the Lisbon Treaty base, I hope that this should make a space for the UK Government to include the EJM on the list of 35 measures it seeks to opt back into.

I relayed to Ms Bradley that the Scottish Government, Scottish Parliament and wider legal and law enforcement community have found the UK Government's engagement on this matter unsatisfactory. I reminded her that the UK Government was negotiating on behalf of more than one different justice system within the UK and that engagement with the devolved administrations on this issue was of high importance. Ms Bradley commented that further information on the state of the negotiations would be provided as soon as it could be shared.

As we are not directly party to the negotiations, I have instructed my officials to maintain close contact with their counterparts in the Home Office on the progress of the negotiations. I welcome further discuss with you on this matter and my officials will keep you updated with more information as and when we receive it.

If individual Committee members, or other MSPs, would wish any further information about the 3rd Pillar opt out or opt-back-in negotiation process, I would be happy to offer a private briefing with officials.

Roseanna Cunningham