



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

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Re. Brexit

At yesterday's meeting of the Justice Committee, members discussed their work programme. It was noted that the UK is, subject to developments at Westminster, set to cease to be a member state of the European Union at the end of this month. The UK will then enter a period of transition, which is set to end by 31 December 2020. The UK Government is currently seeking to negotiate a new agreement with the EU27 after that date.

As the Committee has previously discussed, the UK's exit from the EU and the potential new agreement reached with the EU27 will have an impact on criminal justice and policing matters in Scotland. Some of the potential impacts were set out in our report of 27 June 2019.

The Committee appreciates that the Crown Office and Procurator Fiscal Service will be one of the main organisations affected by any changes. The Committee agreed yesterday to ask you for a written briefing – as we approach the day of the UK's exit from the EU and move into a transition phase – and an update on the following:

- COPFS's plans in 2020/21 staffing, including any budget impacts in order to manage challenges from Brexit;

- The current status of, and next steps for, COPFS's use of EU initiatives such as the European Arrest Warrant and the European Investigation Order. What, if any, are the current impacts of Brexit on these and how may that change at the end of 2020? What is the status of discussions to look at alternatives to these initiatives?
- Similar questions in relation to the European Protection Order, which allows a victim of domestic violence in one Member State to have a restraining order against the abuser transferred to another Member State if the victim moves there.
- The potential impact of Brexit and any future justice/security deal on the recovery of criminal assets and freezing orders, including the status of any discussions to look at alternatives to EU initiatives.
- The current status of, and next steps for, COPFS's use of any EU initiatives for the sharing of criminal intelligence, the Schengen Information Systems (to share and receive law enforcement alerts in real time), the Customs Information System (used in trafficking and drugs cases), the Prüm Decisions (access to police databases on fingerprints, vehicle registration data and DNA) and the European Criminal Records Information System (exchange of criminal records). Are you seeing any impact of Brexit at present, what do you expect in 2020 and beyond?

I look forward to your response.

Best wishes,

Margaret Mitchell MSP
Convener, Justice Committee