

Opting in after the opt-out??

When David Cameron first published his seven-point “wish list” which was to form the basis of his renegotiations of the terms of British membership of the EU if he wins the General Election next year, the fourth of the seven points was:-

UK police forces and justice systems able to protect British citizens, unencumbered by unnecessary interference from the European institutions, including the European Court of Human Rights.

It was not a demand for total repatriation of control of Justice and Home Affairs to the UK (which it should have been) but seemingly a desire for “less Brussels” as far as our policing and judiciary systems are concerned.

The reality is somewhat different. Labour secured an “opt out” from approximately 130 police and criminal justice (PCJ) measures included in the Lisbon Treaty, but the current Government has already committed itself to opting back into 33 of them, including the European Arrest Warrant. Our opt-in begins on 1st December 2014. Such is Cameron’s duplicity over this issue that he banned concerned Tory MPs from forcing a vote on this until the opt-in decision had been made. Our only hope of salvation is that the UK opt-in is subject to the approval of both the European Commission and the Council and Spain, among others, may prove obstructive, seeking some form of concessions over Gibraltar in exchange for agreeing to the opt-in.

However, the 33 opt-ins are not the end of the story. The UK government is also considering whether to join the Prüm Convention, a treaty on the exchange of police information. This treaty, whereby some EU member states have granted each other access rights to their automated DNA analysis files, automated fingerprint identification systems and vehicle

registration data, was not originally an EU measure, but started off life as a separate treaty agreed in 2005 by Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Austria and implemented in 2008.

Now, the EU has adopted the measure as its own, via Council Decision 2008/615/JHA of 23 June 2008. It is one of the 133 provisions from which the UK subsequently decided to opt out and not one we are scheduled to opt back in to on 1st December. No immediate decision is likely, in spite of an article in The Times to that effect. According to Downing Street, "The home secretary has always been clear that the UK is not currently in a position to join Prüm and no further decision will be taken until an impact study has been completed". Hence the government will not be in a position to make a decision until December next year – after the General Election.

However, as Dr Richard North points out, unless we join Prüm, we will not be given access to the Eurodac system. This is a database of fingerprints of applicants who have applied in any member state for asylum, and illegal immigrants who have been picked up within EU member state territories.

This database is an essential tool in making the Dublin Regulation work, without which the UK will have serious difficulty in detecting and then deporting asylum seekers who have already been processed by another EU member state.

Thus, we seem to be in a position where effective cooperation on illegal immigrants and asylum seekers is dependent on the UK signing up to a much wider DNA database, with widespread implications over the entire justice system. We cannot allow ourselves to be blackmailed in this way. The amount of personal information on UK citizens already gathered by our own security agencies is excessive and dangerous, as the revelations of Edward Snowden have shown. To allow any foreign agency or government access to sensitive personal information

in order to make it easier to detect and deport asylum seekers is therefore unacceptable and must be strongly opposed.

To read Dr. North's complete article, see <http://eureferendum.com/blogview.aspx?blogno=85062>