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Rt Hon Caroline Nokes MP
Minister of State for Immigration

Sir William Cash MP
European Scrutiny Committee
House of Commons
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13 March 2019

Dear Bill,

Connecting the European Travel Information and Authorisation System (ETIAS) with other EU security and migration information systems (5071/19, 5072/19)

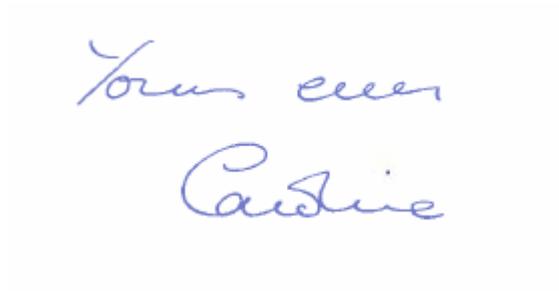
I write further to the Committee's report published on 19 February 2019, regarding its conclusions in relation to the Proposal for a Regulation establishing the conditions for accessing other EU information systems and amending Regulation (EU) 2018/1862 and Regulation (EU)—(the Schengen Information System and the European Criminal Records Information System —ECRIS-TCN). The document number for this proposed Regulation is (40318), 5071/19, COM(19) 3.

The Committee asks what operational benefits participation in the proposed Regulation would bring the UK, given that the UK does not participate in the ETIAS Regulation. Whilst there may be benefits to the EU from ETIAS units having access to UK data on SIS and ECRIS-TCN through this system, there are no obvious operational benefits to the UK from participating in the proposed Regulation.

The Committee also asks whether a decision not to participate in the proposed Regulation would in any way prejudice the UK's participation in the Schengen Information System and ECRIS-TCN during any post-exit transition/implementation period or damage the UK's prospects for securing access to these information systems under a future EU/UK security agreement. The Government does not consider this to be the case. For a measure to be considered inoperable, and for the UK to be at risk of ejection, Article 4a(2) of Protocol (No. 21) to the Treaties requires the non-participation of the UK or Ireland in the amended version of an existing measure to make the application of the amended measure inoperable for other Member States or the Union. The proposal for ETIAS to establish conditions for accessing other EU information systems does not alter the fundamental structure of the Schengen Information System and ECRIS-TCN, or the way that Member States engage with these information systems on its core business. The Government therefore does not consider that by not participating in the amending measure that it would prejudice the UK's participation in the Schengen Information System and ECRIS-TCN during any post-exit transition/implementation period or damage the UK's prospects for securing access to these information systems under a future EU/UK security agreement.

Regarding the confirmation of the three-month deadline for deciding whether to participate in the proposed Regulation, that European Commission and Council Secretariat have now confirmed that the deadline for opting in is 13 April 2019.

I am copying this letter to Lord Boswell, Chair of the Lords European Union Committee; Chris Johnson, Clerk to the Lords Committee; Jessica Mulley, Clerk to your Committee; Les Saunders, Department for Exiting the European Union; and Alejandra Bernal, Departmental Scrutiny Coordinator.

A handwritten signature in blue ink on a white background. The signature consists of two lines: the first line reads "Yours ever" and the second line reads "Caroline".

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