



Library Note

Leaving the European Union: Foreign and Security Policy Cooperation

On 20 October 2016, the House of Lords will debate the implications of the EU referendum for foreign and security policy cooperation with European countries. Theresa May and members of her Cabinet have stated that they intend for the UK to continue to cooperate closely with EU partners on areas such as security, defence, law enforcement and counter-terrorism after leaving the EU, although it is not yet clear exactly what form such cooperation may take.

The UK works inter-governmentally with its EU partners to adopt common positions and diplomatic approaches, undertake joint actions and deploy military and civilian missions under the Common Security and Defence Policy (CSDP). The Iran nuclear deal framework agreed in 2015 is an example of an issue where coordinating negotiations and sanctions through the EU helped the UK in one of its top foreign policy priority areas. However, EU foreign policy has been less successful in responding to recent challenges such as terrorism and migration, and divergences have been noted between member states about priorities and resources for pursuing EU foreign and security policy. Non-EU member states can align themselves with EU common positions and participate in sanctions on a voluntary basis, but since they have no formal influence over the formulation of the policy, it is not clear to what extent the UK would seek to do this in the future.

The UK has participated in a number of military and civilian CSDP missions since 2003, and is currently supporting naval operations in the Mediterranean and Somalia. Sir Michael Fallon, the Secretary of State for Defence, has said that the UK's withdrawal from the EU should not inhibit future cooperation with missions that are in the national interest, although he has not elaborated on what form such cooperation would take. Non-EU member states have contributed to almost all CSDP missions in varying formats. The UK could continue its defence cooperation with European partners through NATO, through continued participation in EU structures and operations as a third country nation, or through bilateral relations with EU partners.

The UK has opted in to a number of police and criminal justice measures which facilitate cooperation on intelligence sharing, security and counter-terrorism, such as the European Arrest Warrant, Europol and various EU-wide databases. There are precedents for arrangements which allow non-EU member states to participate in some of these measures, although not always with the same level of access or influence as member states. Commentators agree that it would be of mutual benefit for the UK and its European partners to cooperate on intelligence, security and counter-terrorism, but it has been argued that bilateral and informal cooperation play an important role in this area alongside formal EU mechanisms.

Table of Contents

- 1. Introduction 1
- 2. Common Foreign and Security Policy..... 2
 - 2.1 Development..... 2
 - 2.2 Current Cooperation..... 2
 - 2.3 Future Prospects 4
- 3. Common Security and Defence Policy 6
 - 3.1 Development..... 6
 - 3.2 Current Cooperation..... 7
 - 3.3 Future Prospects 10
- 4. Security and Police Cooperation 16
 - 4.1 Development..... 16
 - 4.2 Current Cooperation..... 16
 - 4.3 Future Prospects 18

I. Introduction

In her speech to the Conservative Party conference on 2 October, the Prime Minister, Theresa May, outlined her “ambitious vision for Britain after Brexit”.¹ As part of her “vision of Global Britain”, Mrs May said that the UK would “play our full part in promoting peace and prosperity around the world”, and would “with our brilliant armed forces and intelligence services—protect our national interests, our national security and the security of our allies”. She explained that she sought to reach a deal with the EU that would “reflect the kind of mature, cooperative relationship that close friends and allies enjoy”, and said that she wanted it to include “cooperation on law enforcement and counter-terrorism”. However, she also argued that the UK’s new relationship with the European Union should “make us think about our role in the wider world”, and give the country the “self-confidence and freedom to look beyond the continent of Europe and to the economic and diplomatic opportunities of the wider world”.

David Davis, Secretary of State for Exiting the EU, has expressed similar sentiments. In his first statement to the House of Commons in his new role, he said that the referendum vote did not mean that the UK would be “ending our relationship with Europe”, but rather would be “starting a new one”, in which he hoped to “maintain or even strengthen our cooperation on security and defence”.² At the Conservative Party conference he repeated that “we will not turn our backs on Europe”.³ He said the UK would continue to play its part in rebuilding the Balkans, standing up against a “belligerent” Russia and helping to tackle the migrant crisis in the Mediterranean, and argued that as “one of the strongest defenders of Europe’s freedom and security” it made “perfect sense for us to have the strongest possible ties after we leave the EU”.

This briefing examines the prospects for continued foreign and security policy cooperation between the UK and its European partners after the UK leaves the EU. It covers the Common Foreign and Security Policy (CFSP), the Common Security and Defence Policy (CSDP), and intelligence, security and counter-terrorism cooperation through justice and home affairs measures. It gives a brief outline of the development of EU structures in each policy area and provides examples of recent or current UK participation in EU foreign policy and security initiatives. It sets out what Theresa May’s Government has said so far about future policy for working with European partners in these areas. It also considers what precedents already exist for cooperation between the EU and non-member states in CFSP, CSDP and police and criminal justice matters.

It does not cover the implications of UK withdrawal from the EU on wider external relations matters, such as the UK’s future trade relationships with other countries in and outside the EU, or the impact on overseas development policy. Nor does it consider the impact of leaving the EU on the UK’s future role on the world stage in areas such as its relationship with the US, its influence within the UN or its global soft power. Both the House of Commons Library briefing on [Brexit: Impact Across Policy Areas](#) and the House of Commons Foreign Affairs Committee report on [Implications of the Referendum on EU Membership for the UK’s Role in the World](#) cover these kinds of questions.⁴

¹ Conservatives, ‘[Prime Minister: Britain After Brexit: A Vision of a Global Britain](#)’, 2 October 2016.

² [HC Hansard, 5 September 2016, col 38](#).

³ Conservatives, ‘[Davis: Speech to Conservative Party Conference 2016](#)’, 2 October 2016.

⁴ House of Commons Library, [Brexit: Impact Across Policy Areas](#), 26 August 2016; House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK’s Role in the World](#), 26 April 2016, HC 545 of session 2015–16.

2. Common Foreign and Security Policy

2.1 Development

In 1992, the Maastricht Treaty established a three-pillar system for the European Union. The second pillar, the Common Foreign and Security Policy (CFSP), provided a basis for the first time for intergovernmental cooperation among the EU's member states on a range of foreign and security policy issues. It gave member states, voting by unanimity, the ability to adopt common positions and take joint actions in the field of common foreign and security policy. The Lisbon Treaty, which came into force in December 2009, abolished the EU's pillar structure, and the EU's competence to act externally in the area of CFSP is now set out in Title V of the Treaty on European Union (TEU). In its review of the balance of competences between the UK and the EU, the Coalition Government noted that action under the CFSP is "intertwined with external action under non-CFSP competences", such as development assistance and trade, where powers and decision-making procedures are set out in the Treaty on the Functioning of the European Union (TFEU).⁵

The Lisbon Treaty also made some institutional changes intended to strengthen the CFSP policy area.⁶ It upgraded the post of High Representative for CFSP (originally created by the 1997 Treaty of Amsterdam) to be both EU High Representative for Foreign Affairs and Security Policy and a Vice President of the European Commission (HR/VP). As High Representative, the office-holder oversees all CFSP activity, chairs the Foreign Affairs Council and represents CFSP externally.⁷ As Commission Vice President, he or she oversees the Commission's activity in external relations. The first holder of this post, from 2009 to 2014, was Baroness Ashton of Upholland. The Lisbon Treaty also created the European External Action Service (EEAS), a diplomatic service for the EU. The EEAS operates 139 delegations round the world and is staffed by officials from the Commission and Council Secretariat, diplomats seconded from the 28 EU member states and local staff in countries around the world.⁸ Since 2010, 20 UK diplomats from the Foreign and Commonwealth Office and eight UK civil servants from other government departments have undertaken secondments to the EEAS.⁹

2.2 Current Cooperation

The way that EU member states work together on external affairs depends on whether they are working intergovernmentally on CFSP matters (governed by the TEU), or whether the EU as an entity is acting internationally in areas where it has full or partial competence to do so, such as the common commercial policy (trade) or humanitarian aid (governed by the TFEU). The House of Commons Foreign Affairs Committee summarised the different modes of working as follows:

Decision-making in CFSP/CSDP is intergovernmental. This system applies primarily to 'traditional' aspects of foreign policy, such as adopting common positions and diplomatic approaches, undertaking joint actions, and dispatching military and civilian CSDP

⁵ HM Government, [Review of the Balance of Competences Between the United Kingdom and the European Union: Foreign Policy](#), 22 July 2013, p 5.

⁶ European Union, '[Foreign and Security Policy](#)', accessed 5 October 2016.

⁷ HM Government, [Review of the Balance of Competences Between the United Kingdom and the European Union: Foreign Policy](#), 22 July 2013, p 24.

⁸ *ibid*; and European External Action Service, '[Who We Are](#)', accessed 5 October 2016.

⁹ House of Commons, '[Written Question: European External Action Service: Secondment](#)', 6 June 2016, 38409.

operations. Decisions in this field are made by unanimous agreement in the Council of Ministers, and are carried out by the HR/VP and EEAS according to a framework set by member states. The European Parliament is limited to a ‘consultative role’, and the European Court of Justice is also excluded. Because of the requirement for unanimity, the EU as a whole cannot undertake any actions in CFSP/CSDP if even one member state dissents. Member states are also free to pursue their own foreign policies outside the EU.

The policy- and decision-making processes are different in areas such as international trade and EU development policy. In these fields, member states are not free to pursue alternative policies of their choice, because legal competence rests partially or entirely with the EU. All bilateral or multilateral trading agreements with non-EU countries are negotiated solely by the European Commission, on the basis of a mandate agreed and granted by the Council. These arrangements are then subject to the normal EU decision-making procedures, including Qualified Majority Voting in the Council and consent from the European Parliament. Member states cannot negotiate their own trade deals.¹⁰

Economic sanctions (‘restrictive measures’ in EU terminology) are a hybrid measure that require action under both the CFSP and the TFEU.¹¹ First, the Council must agree unanimously to a framework for sanctions, then the Commission and the HR/VP draft more specific proposals for the Council to agree by QMV.¹² The Government noted in February 2016 that it generally adopts sanctions against countries, terrorist groups and individuals at the EU level rather than domestically.¹³

In a paper published prior to the referendum, the Conservative Government under David Cameron cited the Iran nuclear deal framework agreed in 2015 as an example of an issue where coordinating negotiations and sanctions through the EU had helped the UK in one of its top foreign policy priorities:

The EU played a central part in securing the deal, and the UK was one of the leaders of the EU’s efforts. To begin with, the EU as a coordinated block imposed economic sanctions on Iran [...] It was the economic pressure from sanctions that brought Iran to the negotiating table. And it was the UK that led the EU, by proposing these strong sanctions.

The deal itself was secured through negotiations between Iran and the E3+3 (UK, France and Germany, with the EU High Representative, plus the US, Russia and China). The EU played a central role as coordinator of the E3+3.¹⁴

The House of Lords European Union Committee suggested in a February 2016 report that the EU’s foreign and security policy was most likely to be successful when it combined the ways and

¹⁰ House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK’s Role in the World](#), 26 April 2016, HC 545 of session 2015–16, p 12.

¹¹ HM Government, [Review of the Balance of Competences between the United Kingdom and the European Union: Foreign Policy](#), 22 July 2013, p 102.

¹² House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK’s Role in the World](#), 26 April 2016, HC 545 of session 2015–16, p 13.

¹³ HM Government, [The Process for Withdrawing from the European Union](#), February 2016, Cm 9216, p 20.

¹⁴ HM Government, [The UK’s Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 9.

means at the disposal of the Commission—partnership agreements, trade and development—with those exercised by member states themselves—hard power, diplomatic resources, international standing and political guidance.¹⁵ It viewed the Iran deal as a good example of this, where political engagement at the member state level through the E3+3 had been accompanied by EU instruments such as restrictive measures.¹⁶ Similarly, the Committee noted that the February 2015 Minsk Agreement was brokered by Germany and France negotiating with Russia and Ukraine, and its political goals were supported by the use of EU instruments such as economic sanctions against Russia and trade preferences offered to Ukraine.

The Committee identified such ad hoc groupings as a “very promising” way in which the EU might “improve the execution of its foreign policy”.¹⁷ This points to shortcomings in the EU’s current foreign and security policy cooperation. The Committee noted that current challenges facing the EU, such as terrorism and the refugee crisis, “have been unexpected and have caught the Union unprepared”.¹⁸ The refugee crisis in particular had “demonstrated polarisation among member states and the inadequacy of the Union’s crisis management capacities”.¹⁹ The Committee noted a number of “critical divergences” between member states, namely: divisions over whether the EU should be a geopolitical actor at all; differing geographical outlooks between member states about whether the EU should focus on Russia and the eastern neighbourhood, on Africa and the Near East, or more globally; and differing capacities and appetite for foreign policy.²⁰ The Committee concluded that member states had “not always formulated the necessary collective positions on key foreign policy dossiers, provided the necessary strategic direction, or awarded the requisite resources to the EU”.²¹

The House of Commons Foreign Affairs Committee reached a similar conclusion on the achievements of the EU’s foreign policy. It noted that “for all the EU’s alleged potential to combine a range of instruments in pursuit of policy goals, its record in using these coherently is somewhat poor”.²² It pointed particularly to the “weakness” of the EU’s policies toward the countries in its immediate region, given recent and ongoing events in countries such as Libya, Syria and Ukraine.

2.3 Future Prospects

Boris Johnson, the Foreign Secretary, said in his speech at the Conservative Party conference on 2 October 2016 that the Government would “remain committed to all kinds of European cooperation—at an intergovernmental level” such as “maintaining sanctions against Russia for what is happening in Ukraine”, although he maintained that in future the UK would be able to “speak up more powerfully with our own distinctive voice”.²³

The EU allows non-member states, such as EU candidate countries, to align themselves with EU common positions, although they do not have any input into formulating them.²⁴ Norway and

¹⁵ House of Lords European Union Committee, [Europe in the World: Towards a More Effective EU Foreign and Security Strategy](#), 16 February 2016, HL Paper 97 of session 2015–16, p 38.

¹⁶ *ibid*, p 39.

¹⁷ *ibid*, p 4.

¹⁸ *ibid*, p 13.

¹⁹ *ibid*, p 15.

²⁰ *ibid*, pp 18–9.

²¹ *ibid*, p 19.

²² House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK’s Role in the World](#), 26 April 2016, HC 545 of session 2015–16, p 24.

²³ Conservatives, [‘Johnson: How British Values Help to Make the World Richer and Safer’](#), 2 October 2016.

²⁴ Hylke Dijkstra, [‘UK and EU Foreign Policy Cooperation after Brexit’](#), RUSI Newsbrief, 5 September 2016.

Switzerland have aligned with EU foreign policy positions, including implementing sanctions against Russia and Iran; Norway has participated on this voluntary basis in more than 90 percent of EU sanctions.²⁵ However, Ian Bond, Director of Foreign Policy at the Centre for European Reform, cautioned that without the ability to attend the Foreign Affairs Council and without British staff seconded to the EEAS, the UK would be less able to “influence EU foreign policy priorities”.²⁶ He argued that: “As countries like Norway or Canada could testify, even third countries with very similar values and perspectives to those of EU members have to work very hard to have any impact on EU foreign policy”. Writing in the Royal United Services Institute (RUSI) *Newsbrief*, Dr Hylke Dijkstra argued that it would be “strange if the UK, as a major diplomatic actor, were meekly to align itself post hoc with EU positions that had been debated and agreed in its absence”.²⁷ He suggested that the Foreign Secretary could continue to attend the Foreign Affairs Council on occasion, either on an informal basis, or with the Council meeting in an ‘EU+ format’, including EU and EFTA member states as well as the UK. He also suggested that British diplomats could continue to be invited to EU foreign affairs coordination meetings around the world, and to be seconded to the EEAS as this would be “mutually beneficial”.

The UK would also have to consider whether and how to replace the international agreements to which it is party because of its membership of the EU. The EU has entered into a variety of international agreements, across the spectrum of policy areas. The Centre for European Policy Studies has calculated that the EU has concluded over 1100 bilateral and multilateral agreements with third parties, covering matters as wide-ranging as trade, development, aviation, energy, fisheries, visas and human rights.²⁸ Where the subject of an international agreement falls solely within the EU’s exclusive competence, for example a classic free trade agreement, the EU and the third party(s) are the sole signatories. Some agreements cover areas of both exclusive EU competence and of member state competence. These are known as ‘mixed’ agreements, and in this case, the EU, its member states and the third party(s) are all signatories to the agreement.

The European Neighbourhood Policy, through which the EU engages with sixteen countries in North Africa, the Middle East and Eastern Europe, is governed by international agreements with the countries concerned—Association Agreements, which remove or reduce customs in bilateral trade, or Partnership and Cooperation Agreements, which provide a general framework for bilateral economic relations without eliminating or reducing customs tariffs—coupled with Commission-run financial instruments to encourage political and economic reform.²⁹ Association agreements are almost all mixed agreements.³⁰

The House of Commons Foreign Affairs Committee heard from witnesses (prior to the referendum) that all the EU’s international agreements, whether mixed or not, “would, in practice, cease to apply after Brexit”, and that the UK would have to renegotiate successor

²⁵ HM Government, [Alternatives to Membership: Possible Models for the United Kingdom Outside the European Union](#), March 2016, pp 18 and 27.

²⁶ Ian Bond, ‘[Brexit and Foreign Policy: Divorce?](#)’, Centre for European Reform, 18 July 2016.

²⁷ Hylke Dijkstra, ‘[UK and EU Foreign Policy Cooperation after Brexit](#)’, RUSI *Newsbrief*, 5 September 2016.

²⁸ Guillaume Van der Loo and Steven Blockmans, ‘[The Impact of Brexit on the EU’s International Agreements](#)’, 15 July 2016.

²⁹ House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK’s Role in the World](#), 26 April 2016, HC 545 of session 2015–16, p 17; European Commission, ‘[Agreements](#)’, accessed 11 October 2016.

³⁰ Guillaume Van der Loo and Steven Blockmans, ‘[The Impact of Brexit on the EU’s International Agreements](#)’, 15 July 2016.

agreements from scratch if it wanted to replace them.³¹ In the case of the European Neighbourhood Policy, the Foreign Affairs Committee commented that although “it has hardly been an unqualified success”, given events in the region, “it remains an important way for the EU to support fragile economies” and “establishing new agreements and frameworks for UK relations with these states after a ‘Brexit’ would be a matter of urgency”.

The Centre for European Policy Studies (CEPS) painted a more complex picture regarding the application of the EU’s international agreements once the UK left the EU. It agreed that international agreements concluded by the EU alone would “no longer be applicable to the UK from Brexit-day onwards”, and that the ‘EU-only’ elements of mixed agreements would also cease to apply to the UK.³² However, it argued that the UK could, if it wanted to, and if the other parties agreed, remain bound by the ‘mixed’ elements of mixed agreements as they were “signed and ratified by the UK as a contracting party in its own right”. The CEPS suggested that given the difficulties of swiftly negotiating successor agreements with third parties, “there may be good reasons for the UK to remain a contracting party to most of the EU’s mixed agreements”. However, it cautioned that doing so would probably require formalisation through a legal instrument that would have to be ratified by the EU, its 27 member states, the third party and the UK, and it was “highly unlikely that the EU and the UK will find one magic formula that can be applied to all the EU’s international agreements”.

It is difficult to predict with certainty the future direction of the EU’s foreign policy, and therefore to what extent the UK would continue to want to align with it. Federica Mogherini, the current HR/VP, told the House of Commons Foreign Affairs Committee prior to the referendum that:

It is extremely difficult today to imagine, first, what EU foreign policy will be without the UK, because today the UK shapes EU foreign policy a lot. Foreign policy will need to be revised and reviewed somehow, in a way that is quite impossible for me to predict, because the UK is a fundamental part of it. It is also very difficult today to say what kind of relation or interaction there could be between a different EU foreign and security policy and a UK that is outside the European Union, because that situation is extremely far from the reality of today, when the UK’s contribution is at the heart of our daily work.³³

3. Common Security and Defence Policy

3.1 Development

The Common Security and Defence Policy (CSDP) is an integral part of the EU’s Common Foreign and Security Policy. The Maastricht Treaty of 1992 included language specifying that:

The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.³⁴

³¹ House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK’s Role in the World](#), 26 April 2016, HC 545 of session 2015–16, p 17.

³² Guillaume Van der Loo and Steven Blockmans, [The Impact of Brexit on the EU’s International Agreements](#), 15 July 2016.

³³ House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK’s Role in the World](#), 26 April 2016, HC 545 of session 2015–16, p 22.

³⁴ Official Journal of the European Union, [Treaty on European Union, signed at Maastricht on 7 February 1992](#), Article J.4.

The Treaty of Amsterdam, which was signed in 1997 and came into force in 1999, incorporated the so-called ‘Petersberg Tasks’, outlining the purposes for which the EU could deploy military units, namely humanitarian and rescue tasks; peacekeeping tasks; and tasks of combat forces in crisis management, including peace-making.³⁵ The Lisbon Treaty later expanded this by adding additional tasks to the list: conflict prevention; joint disarmament operations; military assistance and advice tasks; and post-conflict stabilisation tasks.

In December 1998, the British and French governments agreed bilaterally to create the European Security and Defence Policy (later renamed the Common Security and Defence Policy) which aimed to enable EU member states to prevent or intervene in conflicts where NATO as a whole chose not to become involved.³⁶ This became known as the St Malo Declaration. At the June 1999 European Council meeting in Cologne, EU heads of state and government agreed that the EU must “have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to NATO”.³⁷ EU member states agreed in Cologne on the need to set up institutional arrangements for the analysis, planning and conduct of military operations, such as the Political and Security Committee (PSC, consisting of ambassador-level representatives with political/military experience), an EU Military Committee (military representatives that make recommendations to the PSC), and an EU Military Staff, including a Situation Centre.

It was agreed that deployable forces would be drawn either from NATO assets or from a pool of national or multinational contributions by EU member states. In 2003, the Berlin Plus Agreement was finalised, setting out arrangements to allow the EU to make use of NATO assets and capabilities for EU-led crisis management operations.³⁸

In general under CSDP, decision-making is by unanimity in the Council.³⁹ The requirement for unanimity in decisions to launch CSDP missions or operations, and over their mandate, means that the UK has an effective right of veto.⁴⁰ The Lisbon Treaty allowed for the possibility of ‘permanent structured cooperation’, where a decision can be taken by qualified majority for a group of willing member states to undertake closer defence cooperation by aiming to achieve certain levels of defence spending, aligning their equipment and force interoperability, filling capability gaps and undertaking joint procurement. Member states do not have a veto over permanent structured cooperation, but unwilling member states would not be required to take part.

3.2 Current Cooperation

There are six ongoing military CSDP missions/operations and eleven ongoing CSDP civilian missions across Europe, Africa and Asia. The EU has also completed six military and eleven civilian missions.⁴¹ Altogether the missions have ranged from rule of law strengthening missions

³⁵ European External Action Service, [‘Shaping of a Common Security and Defence Policy’](#), 8 July 2016.

³⁶ House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK’s Role in the World](#), 26 April 2016, HC 545 of session 2015–16, p 11.

³⁷ European External Action Service, [‘Shaping of a Common Security and Defence Policy’](#), 8 July 2016.

³⁸ *ibid.*

³⁹ HM Government, [Review of the Balance of Competences between the United Kingdom and the European Union: Foreign Policy](#), 22 July 2013, p 18.

⁴⁰ HM Government, [The UK’s Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 9.

⁴¹ European External Action Service, [‘Military and Civilian Missions and Operations’](#), 3 May 2016.

to peace implementation to counter-piracy and aviation security missions. As of 2014, the UK had provided five heads of mission to civilian CSDP missions and had 83 staff deployed in civilian CSDP missions, making it the seventh highest contributor of personnel to civilian CSDP missions in the EU.⁴² At the same period, the UK was providing 323 military personnel in support of CSDP military operations in Somalia (both a military training mission and Operation Atalanta to combat piracy off the coast of Somalia), Mali, Bosnia and Herzegovina, and the Central African Republic.⁴³

As of June 2016, the UK had around 120 service personnel deployed on five EU missions, principally on Operation Sophia, the EU's naval operation countering migrant smugglers in the central Mediterranean.⁴⁴ HMS Enterprise has been deployed since 4 July 2015 (with a Merlin helicopter between July and October 2015), and she was joined by HMS Richmond for October and November 2015.⁴⁵ The UK also contributed five staff officers in the Operational Headquarters. Earl Howe, Minister of State at the Ministry of Defence, said in May 2016 that UK ships had picked up almost a third of the total number of migrants rescued under Operation Sophia; by July 2016, more than 16,400 lives in total had been saved by the operation.⁴⁶

The UK has also made a significant contribution to Operation Atalanta, a counter-piracy operation off the coast of Somalia, providing the Operation Commander, Operation Headquarters Facilities (OHQ) at Northwood, and on average 70 members of OHQ staff (approximately 60 percent of the total OHQ).⁴⁷ The UK also provided a frigate for five months in both 2009 and 2011 and two Royal Fleet Auxiliary vessels for a month each in 2013. The Government has described the mission as “successful”—between 2008 and 2011 over 130 vessels were taken by pirates and many more attacked in the area, but since May 2012 there has not been a successful pirate attack.⁴⁸

Further details of the UK's contributions of personnel, resourcing and funding to military and civilian CSDP missions between 2007 and 2015 are given in Appendix 5 of the House of Lords European Union Committee's report [Europe in the World: Towards a More Effective EU Foreign and Security Strategy](#).⁴⁹

The UK has also participated in initiatives within the CSDP intended to improve the military assets and capabilities of EU member states, such as the European Defence Agency (EDA) and EU Battlegroups. The EDA was established in 2004 as an agency of the Council of the European Union. All EU member states except Denmark participate. Its mission, as set out in the 2004 founding Council Decision, is to “support the member states and the Council in their effort to improve European defence capabilities in the field of crisis management and to sustain the European Security and Defence Policy as it now stands and develops in the future”.⁵⁰ The EDA

⁴² Stabilisation Unit, [Working in European Union Common Security and Defence Policy Missions—Deployee Guide](#), October 2014, p 15.

⁴³ House of Commons, [‘Written Question: EU Common Foreign and Security Policy’](#), 1 December 2014, 214602. The officer deployed to the Central African Republic mission was based at the mission headquarters in Greece.

⁴⁴ House of Commons, [‘Written Question: Armed Forces: Deployment’](#), 6 June 2016, 38800.

⁴⁵ House of Lords, [‘Written Question: Mediterranean Sea: Human Trafficking’](#), 9 May 2016, HL 7998.

⁴⁶ *ibid*; and [HC Hansard, 12 July 2016, col 158](#).

⁴⁷ HM Government, [The UK's Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 10.

⁴⁸ *ibid*.

⁴⁹ House of Lords European Union Committee, [Europe in the World: Towards a More Effective EU Foreign and Security Strategy](#), 16 February 2016, HL Paper 97 of session 2015–16.

⁵⁰ European Defence Agency, [‘Mission’](#), accessed 10 October 2016.

has four major capability programmes, endorsed by the European Council in December 2013, aimed at “addressing critical shortfalls and at supporting the European defence industry”.⁵¹ These are: air-to-air refuelling, remotely piloted aircraft systems; governmental satellite communications; and cyber defence.

The EDA’s general budget for 2016 is €30.5 million, unchanged from 2015.⁵² Member states contribute to the budget according to a formula based on their gross national product.⁵³ The UK’s contribution in 2014–15 was £3.319 million.⁵⁴ The EDA describes itself as operating an “à la carte approach”, meaning that member states can decide whether or not to participate in EDA projects according to national needs.⁵⁵ The Conservative Government under David Cameron stated that the UK has “long pressed the Agency to ensure that its activities lead to tangible improvements to what the member states’ armed forces can do”, rather than being “too thinly spread, too ambitious or too bureaucratic”.⁵⁶

In 2010, the UK reviewed its membership of the EDA following the Strategic Defence and Security Review. Liam Fox, the then Secretary of State for Defence, recommended that the UK should remain a member of the EDA, with a stocktake after two years.⁵⁷ In February 2013, Philip Hammond, then Secretary of State for Defence, announced that the UK would remain a member “at the present time”, following a review of the Agency’s progress “since 2010 against identified shortfalls”.⁵⁸ He noted that the EDA had “made some progress in areas requiring reform”, but that there was “more to be done to improve its operational effectiveness”, and so “the case for continued membership remains finely balanced”. According to the Government, a review in 2015 of the UK’s membership of the EDA by Cranfield University concluded that it “enables the UK to influence coherent capability development across member states, 22 of which are also in NATO”, and brought “the ability to influence European defence industry initiatives”, which helped contribute to reducing the cost of defence capability.⁵⁹

In 2004, the UK and France, supported by Germany, put forward the ‘Battlegroup Concept’, intended to ensure the EU had the capability to deploy forces rapidly.⁶⁰ The concept provides for two Battlegroups at a time to be on stand-by for deployment as a rapid reaction force. Each Battlegroup consists of around 1,500 personnel combined from multinational forces.⁶¹ They are intended for rapid deployment in response to a UN request to provide robust peace enforcement on a limited scale, complementing the capabilities of NATO’s Response Force to undertake a wider range of missions with a larger number of personnel.⁶² A Battlegroup is led by a Lead Nation on stand-by for six month periods. The UK was a Lead Nation from July to December 2013, and is currently on rotation as Lead Nation from July to December 2016.⁶³

⁵¹ European Defence Agency, ‘[Capability Programmes](#)’, accessed 10 October 2016.

⁵² European Defence Agency, ‘[Finance](#)’, accessed 10 October 2016.

⁵³ European Defence Agency, ‘[Member States](#)’, accessed 10 October 2016.

⁵⁴ House of Commons, ‘[Written Question: European Defence Agency](#)’, 18 December 2015, 20110.

⁵⁵ European Defence Agency, ‘[Member States](#)’, accessed 10 October 2016.

⁵⁶ HM Government, *[Review of the Balance of Competences between the United Kingdom and the European Union: Foreign Policy](#)*, 22 July 2013, p 18.

⁵⁷ House of Commons, ‘[Written Statement: European Defence Agency Membership Review](#)’, 12 February 2013.

⁵⁸ *ibid.*

⁵⁹ House of Commons, ‘[Written Question: European Defence Agency](#)’, 18 December 2015, 20110.

⁶⁰ Anna Barcikowska, *[EU Battlegroups—Ready to Go?](#)*, European Union Institute for Security Studies, November 2013, p 1.

⁶¹ HM Government, *[Review of the Balance of Competences between the United Kingdom and the European Union: Foreign Policy](#)*, 22 July 2013, p 61.

⁶² Anna Barcikowska, *[EU Battlegroups—Ready to Go?](#)*, European Union Institute for Security Studies, November 2013, p 2.

⁶³ House of Commons, ‘[Written Question: EU Battlegroups](#)’, 28 June 2016, 40712.

The total number of UK personnel involved is 2,330; they remain under national control and direction at all times. When on the EU Battlegroup roster, the UK uses multipurpose stand-by forces.⁶⁴ In answer to a parliamentary question, the Ministry of Defence stated that it had not provided any funding specifically for EU Battlegroups in any year since 2010.⁶⁵

Although the Battlegroup Concept has been fully operational since January 2007, an EU Battlegroup has never been deployed. In a paper for the European Union Institute for Security Studies, Anna Barcikowska summed up criticisms of the implementation of the Battlegroups Concept, arguing that the lack of a deployment raised “serious doubts about the viability of the overall initiative and its future usefulness”.⁶⁶ She continued:

While the BG concept *per se* offered the potential to spur the development of European expeditionary capabilities (and improved interoperability through joint planning, training and exercises, and ultimately, deployment), it quickly ran into stumbling blocks which have considerably hindered its successful execution. If the EU member states really want the Battlegroups to be Europe’s flagship military rapid response tool, they may have to address the challenges—particularly resource constraints and lack of political will and commitment—that continue to plague the BGs’ credibility and effectiveness.⁶⁷

There have been long-running debates as to how much benefit the UK has derived from participation in the CSDP. When it conducted the review of the balance of competences between the UK and the European Union, the Coalition Government noted that evidence was “unanimous” that the delivery of CSDP could be improved; many contributors to the review were of the opinion that EU member states lacked sufficient political will to deploy their personnel and to invest in capabilities.⁶⁸ The Coalition Government concluded that “a majority of the evidence submitted argued that the UK, on balance, gets more out than it puts in, although the achievements are often modest”.

3.3 Future Prospects

In a speech on 21 July 2016, Sir Michael Fallon, the Secretary of State for Defence, laid out the three key themes of the Government’s approach to defence under Theresa May’s premiership: defending the UK’s values of democracy, the rule of law and freedom; ensuring a stronger NATO for a stronger defence; and the US-UK partnership.⁶⁹ He said that leaving the EU meant the UK would be “working harder to commit to NATO and our key allies”. In his speech to the Conservative Party conference in early October 2016, Sir Michael suggested that the UK would remain a key player in European defence, but through the prism of NATO:

Leaving the EU does not mean we are stepping back from our commitment to the security of our continent.

⁶⁴ HM Government, [Review of the Balance of Competences between the United Kingdom and the European Union: Foreign Policy](#), 22 July 2013, p 62.

⁶⁵ House of Commons, ‘[Written Question: EU Battlegroups: Finance](#)’, 26 May 2016, 37739.

⁶⁶ Anna Barcikowska, [EU Battlegroups—Ready to Go?](#), European Union Institute for Security Studies, November 2013, p 2.

⁶⁷ *ibid.*

⁶⁸ HM Government, [Review of the Balance of Competences between the United Kingdom and the European Union: Foreign Policy](#), 22 July 2013, p 76.

⁶⁹ Ministry of Defence, ‘[Speech: Britain’s Global Role: Stepping Up](#)’, 22 July 2016.

We will continue to have the biggest defence budget in Europe—meeting the 2 percent NATO spending target.

And we will lead in NATO—the cornerstone of our defence—putting troops on to its eastern border next year.

But we will go on blocking an EU army, which would simply undermine NATO.

We will step up, not away from, our global responsibilities.⁷⁰

Sir Michael also explained to the House of Commons Defence Committee in mid-July 2016 that it would be in the UK's strategic security interests to continue to work with the EU on defence issues:

[...] cooperation with the European Union will remain important to our shared security interests. Those interests have not changed, and we also have a continuing interest—perhaps even more of an interest—in a closer relationship between NATO and the European Union, which is reflected in the [NATO Warsaw Summit] communiqué. It has been a long-standing British preoccupation that these two organisations should work better together, should avoid duplicating each other wherever possible and should complement each other's strengths.

Finally there are number of interlocking missions in Europe, so far as migration in the Mediterranean itself is concerned. There is a NATO mission in the Aegean and a European Union mission in the central Mediterranean. They are both, in essence, doing the same thing: trying to break the smuggling models and to rescue those at sea whose lives are at risk. We are contributing Royal Navy ships to both operations.

[...] we participate in these missions because there is a British national interest in these missions; we don't just do it because we want to be good Europeans. We have a trading interest in suppressing piracy off the Horn of Africa, for example. We have a very strong interest in trying to curb illegal migration from the African littoral into Europe. We have an interest in those particular missions. We have invested blood and treasure [...] in bringing peace in the Balkans. We have an interest in making sure that EU mission is successful. I myself don't see the British interest in some of those missions diminishing. Of course, we will not be members of the European Union, and we will not be participating in the same way, but we will certainly have a national interest in the success of those missions, because if they are not successful, our trade, security and immigration will be affected.⁷¹

He would not speculate on whether Britain would be involved in particular CSDP missions after leaving the EU, but he argued that there was “no reason” that the UK's withdrawal from the EU “should inhibit future cooperation with missions that are in our direct interest”.⁷²

Non-EU member states have been present in almost all CSDP missions and operations since the first EU Police Mission in Bosnia-Herzegovina in 2003, although they have contributed with

⁷⁰ Conservatives, ‘Fallon: Our Armed Forces—Delivering Security and Opportunity’, 4 October 2016.

⁷¹ House of Commons Defence Committee, *Oral Evidence: Warsaw NATO Summit and Chilcot Report*, 19 July 2016, HC 579 of session 2016–17, Q17 and Q19.

⁷² *ibid.*, Q22 and Q23.

differing levels of involvement.⁷³ The European External Action Service has described the range of countries participating in CSDP missions as follows:

The United States participates in CSDP missions in Kosovo and Congo. In May 2011 the EU and US concluded a framework agreement facilitating US participation in EU-led crisis management operations. Similar agreements are in place also with Canada, Iceland, Montenegro, Norway, Serbia, Turkey and Ukraine. Special arrangements exist for the involvement of non-EU European allies in EU military operations, in compliance with the EU's decision-making autonomy. Other candidate countries for accession to the EU are also closely involved.

Special frameworks for cooperation on CSDP are also in place for Canada, Russia and Ukraine. So far, 25 partner countries contributed to 16 CSDP missions and operations. At the time of writing twelve countries (Albania, Canada, Chile, Croatia, former Yugoslav Republic of Macedonia, Montenegro, Norway, New Zealand, Switzerland, Turkey, Ukraine, the US) participate in seven of the twelve ongoing CSDP missions and operations.⁷⁴

Some of this cooperation relates to civilian CSDP missions, rather than military ones. For example, due to the US's reluctance to place US troops under non-US command, its framework agreement covers only contributions of civilian personnel, units and assets.⁷⁵ As of 2014, Albania, Canada, the Former Yugoslav Republic of Macedonia, Georgia, Iceland, Montenegro, Norway, Russia, Serbia, Switzerland, Turkey, Ukraine, Argentina, Brazil, Chile, the Dominican Republic, Morocco, South Africa and New Zealand had contributed at some level to military CSDP operations.⁷⁶

In response to a question from Andrew Murrison (Conservative MP for South West Wiltshire) about whether he had had any discussions with members of the EU on the UK's continued participation in areas of the CSDP that might be of "mutual benefit", such as "elements of the European Defence Agency and exercising with EU Battlegroups", Sir Michael Fallon confirmed that until the UK left the EU, "we remain full members of it and committed to the security it adds to that provided through NATO", including participation in EU Battlegroups and in missions such as Operation Sophia.⁷⁷ However, he did not comment further on whether the UK would seek to participate in areas such as the European Defence Agency and EU Battlegroups after leaving the EU.

Non-EU member states can be invited by member states to participate in EU Battlegroups.⁷⁸ For example, Norway contributed 50 troops to the Nordic Battlegroup led by Sweden in the first half of 2015.⁷⁹ In 2014, the Defence Ministers of Poland, Slovakia, Hungary and the Czech Republic invited Ukraine to join the Visegrad Battlegroup for the first half of 2016.⁸⁰

Non-EU member states can also participate in the European Defence Agency. The EDA has signed Administrative Arrangements with Norway (2006), Switzerland (2012), the Republic of

⁷³ Thierry Tardy, *CSDP: Getting Third States on Board*, European Union Institute for Security Studies, March 2014.

⁷⁴ European External Action Service, '*CSDP Structure, Instruments and Agencies*', 8 July 2016.

⁷⁵ Thierry Tardy, *CSDP: Getting Third States on Board*, European Union Institute for Security Studies, March 2014.

⁷⁶ *ibid.*; and European External Action Service, '*Military and Civilian Missions and Operations*', 3 May 2016.

⁷⁷ *ibid.*, col 48.

⁷⁸ European External Action Service, *Common Security and Defence Policy: EU Battlegroups*, April 2013, p 2.

⁷⁹ Swedish Armed Forces, *Nordic Battlegroup*, 2015.

⁸⁰ Ukrinform, '*V4 Invites Ukraine to Set Up Joint Military Unit*', 4 June 2014.

Serbia (2013) and Ukraine (2015) enabling these countries to participate in the EDA's projects and programmes.⁸¹ Administrative Arrangements must be approved at the level of the European Council. Under such an agreement, the UK would no longer have a seat on the EDA's Steering Board, and would not be obliged to pay towards the EDA's common costs, to which the UK has to date contributed between £3m and £4m a year.⁸²

Nick Witney, a former British civil servant and the first chief executive of the EDA, has argued that since EU defence cooperation "has always been, and will continue to be, something undertaken on an entirely voluntary basis, by each member state, to the extent it chooses, as a sovereign nation", no 'leave' principles would be "compromised" by continuing defence cooperation with European partners after the UK's withdrawal from the EU.⁸³ In his view, "some sort of privileged partnership between the UK and EU looks like a reasonable goal", but the difficulties of defining it, embodying it in treaty change, and its relatively lower priority compared to "untangling" economic and migration issues, would mean that such a partnership might not be achieved "for many years".

Since the outcome of the referendum, there has been speculation as to what the UK's withdrawal from the EU could mean for the prospects of further European defence integration and the EU's future relationship with NATO. It has been the UK's longstanding position that "the EU should act militarily only where NATO cannot or chooses not to act, or where it can add particular value".⁸⁴ The UK has therefore sought to ensure that EU defence capabilities and structures complement rather than duplicate those of NATO. However, other member states have taken different views over what the relationship between NATO and the EU should be. Reviewing the relationship between the two organisations in the review of the balance of competences, the Government noted that as the CSDP had evolved, other member states, particularly France, had wanted the EU to achieve "a measure of strategic independence from the US".⁸⁵ In 2015, Jean-Claude Juncker, President of the European Commission, expressed support for the idea of a single European army, which he believed would assist member states in shaping a common foreign and security policy, demonstrate "Europe's leadership in the world" and enable Europeans to "react credibly to any threat to peace in a country abutting on a member state of the EU".⁸⁶ The German Defence Minister, Ursula von der Leyen, also said in 2015 that a European army was Germany's "long-term goal".⁸⁷

The prospect of a future European army received some media attention during the referendum campaign. For example, Lord Guthrie (Crossbench), a former Chief of the Defence Staff, publicly switched his support from 'remain' to 'leave' because of his "anxiety about a growing EU role in defence, leading to a European army", which he feared was "unnecessary duplication" and "Euro vanity" which could "damage NATO".⁸⁸

It has been suggested that the UK's withdrawal from the EU could provide an impetus to those countries seeking closer European defence cooperation or integration. Following the

⁸¹ European Defence Agency, '[Member States](#)', accessed 10 October 2016.

⁸² House of Commons Library, '[Brexit: Impact Across Policy Areas](#)', 26 August 2016, p 170.

⁸³ Nick Witney, '[Brexit and Defence: Time to Dust Off the 'Letter of Intent'?](#)', European Council on Foreign Relations, 14 July 2016.

⁸⁴ HM Government, '[Review of the Balance of Competences between the United Kingdom and the European Union: Foreign Policy](#)', 22 July 2013, p 65.

⁸⁵ *ibid.*

⁸⁶ European Parliament, '[European Defence Cooperation: State of Play and Thoughts on an EU Army](#)', March 2015.

⁸⁷ Jack Doyle, '[Our Goal is an EU Army Says Germany's Defence Chief](#)', *Daily Mail*, 4 May 2015.

⁸⁸ Charles Moore, '[Field Marshal Lord Guthrie: Why I Now Back the Leave Campaign](#)', *Telegraph*, 17 June 2016.

referendum, the French President, François Hollande, and German Chancellor, Angela Merkel, reportedly initiated a joint security initiative in the margins of the NATO summit in Warsaw in July to trigger a “more active and more useful” European defence policy, with proposals to serve “as the basis for considering a relaunch of European defence”.⁸⁹ Frank-Walter Steinmeier, the German Foreign Minister, was quoted as saying that “Brexit had opened the door” for moves towards a common European military.⁹⁰

At an informal summit held in Bratislava in September 2016, the 27 EU heads of state and government—without the UK—agreed to “strengthen EU cooperation on external security and defence”.⁹¹ As a ‘concrete measure’, they agreed that the December European Council would “decide on a concrete implementation plan on security and defence and on how to make better use of the options in the Treaties, especially as regards capabilities”.⁹² It was reported in the press that at the summit, the leaders had discussed a document drafted by Jean-Claude Juncker, and backed by France and Germany, which indicated that the Commission would put forward proposals in December for the EU to establish “permanent, structured cooperation in defence, including the creation of common battle groups to carry out military intervention in crises”, a “single operational headquarters for all EU civilian and military missions to be more efficient and quicker to act” and a “defence fund to boost investment in shared military capabilities”.⁹³ The Bratislava Declaration also contained a commitment to implement immediately the joint declaration between NATO, the President of the European Council and the President of the European Union made at the NATO summit in Warsaw in July.⁹⁴ This joint declaration called for both organisations to “develop coherent, complementary and interoperable defence capabilities of EU member states and NATO allies, as well as multilateral projects”, as well as cooperation on analysis, prevention and detection of threats; at sea and on migration; on cyber security and defence; and on exercises.⁹⁵

At an informal meeting of EU defence ministers held in Bratislava on 27 September, Sir Michael Fallon said that the UK would “continue to oppose any idea of an EU army, or an EU army headquarters which would simply undermine NATO”.⁹⁶ Sir Michael argued that there was “no majority” within the EU for a European army, as there were “other countries who believe with us that that cuts across the sovereignty of individual nation states”.⁹⁷ Eastern European countries such as Estonia, Latvia and Lithuania are reported to have doubts about any plans that would undermine or compete with NATO.⁹⁸ Countries such as Ireland, Austria, Sweden and Finland, which are not members of NATO, are said to fear that “a European military could drag them into armed conflicts” through clauses in the Lisbon Treaty committing member states to mutual defence.⁹⁹ It has been pointed out that although each member state would have a veto over an “EU common defence”, such as a European army, individual member states cannot veto proposals for permanent structured cooperation.¹⁰⁰

⁸⁹ [‘Post-Brexit Vote, France and Germany Plan ‘More Active’ EU Defence’](#), *Guardian*, 10 September 2016.

⁹⁰ Bruno Waterfield, ‘EU Army Plan Set Alarm Bells Ringing on NATO’s Front Line’, *Times*, 15 September 2016.

⁹¹ European Council, [The Bratislava Declaration and Roadmap](#), 16 September 2016.

⁹² *ibid.*

⁹³ Deborah Haynes and Bruno Waterfield, ‘Britain to Block EU Army’, *Times*, 17 September 2016.

⁹⁴ European Council, [The Bratislava Declaration and Roadmap](#), 16 September 2016.

⁹⁵ NATO, [‘Joint Declaration by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organisation’](#), 8 July 2016.

⁹⁶ BBC News, [‘Michael Fallon: UK Will Oppose Plans for EU Army’](#), 27 September 2016.

⁹⁷ *ibid.*

⁹⁸ Deborah Haynes and Bruno Waterfield, ‘Britain to Block EU Army’, *Times*, 17 September 2016.

⁹⁹ *ibid.*

¹⁰⁰ See for example, Steve Peers, [‘The EU’s New Defence Plans Don’t Amount to an Army—So the UK Can’t Veto Them’](#), London School of Economics and Political Science Brexit Blog, 28 September 2016.

On the other hand, it has also been argued that the impact of the UK's withdrawal from the EU could weaken the EU's common defence aspirations rather than kickstart the remaining member states to pursue a more coordinated defence policy. Prior to the referendum, the House of Commons Foreign Affairs Committee speculated that it was "possible that the departure of one of the EU's two main military powers could damage the development of a common defence policy—which has in any event stalled in the last decade".¹⁰¹ Without the UK, the EU has fewer capabilities to draw on. The UK's defence budget is the second largest in NATO, after the US, and the largest in the EU.¹⁰² According to NATO figures, the UK is one of only four European countries to meet the NATO guideline of spending 2 percent of GDP on defence, the others being Greece, Estonia and Poland, which spend less in absolute terms than France, Germany, Italy and Spain.¹⁰³ The House of Commons Library has suggested that:

In terms of military power and projection, therefore, the UK's withdrawal is more likely to place the EU at a disadvantage, with fewer assets and capabilities at its disposal. This is particularly true of certain strategic assets such as tactical airlift and intelligence, surveillance and reconnaissance assets. From the UK's standpoint, its ability to project military power would be largely unaffected, and any military shortfalls could be compensated for through bilateral arrangements with countries such as France and Germany.¹⁰⁴

The UK has a history of bilateral defence cooperation with France. The Lancaster House Treaties signed in 2010 set up close cooperation on defence issues between the two countries, both at the operational and industrial levels, with a combined joint expeditionary force and several major industrial projects.¹⁰⁵ The 2015 Strategic Defence and Security Review (SDSR) described the bilateral defence and security relationship as "extremely close", and promised it would be further strengthened.¹⁰⁶ The SDSR also stated the Government's commitment to "work to intensify our security and defence relationship with Germany", including strengthening cooperation on operations, missions and training as well as enhancing interoperability.¹⁰⁷ As part of such closer cooperation, Sir Michael Fallon announced on 7 October 2016 that the Royal Navy's newest helicopter would fly from a German frigate on Mediterranean operations next year.¹⁰⁸

There are, therefore, a range of options that the Government could use to pursue its stated aim of a continued "commitment to the security of our continent"¹⁰⁹—through NATO, through continued participation in EU structures and operations as a third country nation (although the EU's structures and operations may change in response to the UK's withdrawal), and through bilateral relations with EU partners. The balance to be struck between the different models, remains to be seen over the longer term, with regard to the preferences of both the UK Government and its European partners.

¹⁰¹ House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK's Role in the World](#), 26 April 2016, HC 545 of session 2015–16, p 28.

¹⁰² HM Government, [National Security Strategy and Strategic Defence and Security Review 2015](#), November 2015, Cm 9161, p 13.

¹⁰³ NATO, [Defence Expenditures of NATO Countries \(2009–2016\)](#), 4 July 2016.

¹⁰⁴ House of Commons Library, [Brexit: Impact Across Policy Areas](#), 26 August 2016, p 169.

¹⁰⁵ House of Lords EU External Affairs Committee, [Franco-British Cooperation on Defence: More Necessary than Ever](#), 13 July 2016.

¹⁰⁶ HM Government, [National Security Strategy and Strategic Defence and Security Review 2015](#), November 2015, Cm 9161, p 52.

¹⁰⁷ *ibid.*

¹⁰⁸ Ministry of Defence, [UK and Germany Step Up Defence Cooperation on Day of Unity](#), 7 October 2016.

¹⁰⁹ Conservatives, [Fallon: Our Armed Forces—Delivering Security and Opportunity](#), 4 October 2016.

4. Security and Police Cooperation

4.1 Development

The UK has a special status in the Justice and Home Affairs (JHA) policy area, meaning that it can choose to opt in to JHA measures “where the UK determines it is in the national interest to do so”, but is not bound by JHA measures where it does not opt in.¹¹⁰ The House of Commons Library has summarised the history of this special status as follows:

Between 1995 and 2009, the member states of the EU agreed on 130 measures relating to police and judicial cooperation in criminal justice matters. These covered aspects of the substantive criminal law (the definition of crimes); mutual recognition in criminal matters; harmonisation of criminal procedure; exchange of information; and EU law enforcement agencies. These measures, known as the ‘third pillar’ of EU law, were subject to a different legal framework in which the role of EU institutions was more restricted.

The Treaty of Lisbon incorporated these pre-2009 third pillar measures into the main body of EU law, to which the powers of the Commission and EU Court of Justice (CJEU) apply. From this point the UK had the ongoing option of opting in to any new measures in this area, and of opting out of any laws that were adopted before the Treaty.

The UK notified the Council in July 2013 of its decision to opt out of these measures. It immediately sought to opt back in to 35 of the same measures, accepting the enforcement powers of Commission and CJEU jurisdiction with regard to them.

In November 2014 the House of Commons voted to endorse the Government’s formal application to re-join the 35 Home Affairs and Justice and measures by 421 votes to 29.¹¹¹

4.2 Current Cooperation

The UK currently has opted to participate in a number of police and criminal justice measures which relate to security and counter-terrorism, including:

- **European Arrest Warrant (EAW):** a legal framework that facilitates the extradition of individuals between EU member states to face prosecution or to serve a prison sentence for an existing conviction.¹¹² Prior to the referendum, the Government noted that since 2004, the EAW had enabled the UK to extradite over 7,000 individuals accused or convicted of a criminal offence to other EU countries (compared with an average of 60 extraditions a year to all countries around the world prior to 2004). In the same period, the EAW was used to extradite over 1,000 people to the UK to face justice.¹¹³

¹¹⁰ HM Government, [The UK’s Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 1.

¹¹¹ House of Commons Library, [Brexit: Impact Across Policy Areas](#), 26 August 2016, p 115.

¹¹² HM Government, [Alternatives to Membership: Possible Models for the United Kingdom outside the European Union](#), March 2016, p 48.

¹¹³ HM Government, [The UK’s Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 3.

- **Europol:** an EU agency that assists member states' law enforcement agencies in tackling cross-border crime. It carries out over 18,000 cross-border investigations a year to tackle security threats such as terrorism, international drug trafficking and money laundering, organised fraud, counterfeiting and people smuggling.¹¹⁴ Members have access to the Europol Information Service (EIS), a central criminal information and intelligence database covering the areas under Europol's remit. Prior to the referendum, the Government argued that Europol supported UK law enforcement agencies through supporting investigations, providing analytical capacity, processing data, making links between crimes committed in different countries and providing access to law enforcement intelligence from the other EU member states.¹¹⁵ The Government also observed that "the UK uses Europol more than almost any other country".
- **Schengen Information System II (SIS II):** a large-scale database that supports external border control and law enforcement cooperation.¹¹⁶ SIS II enables competent authorities, such as police and border guards, to enter and consult alerts on certain categories of wanted or missing persons and objects. The UK connected to SIS II in April 2015, and in the following year over 6,400 foreign alerts received hits in the UK, and over 6,660 UK-issued alerts received hits across Europe.¹¹⁷ Prior to the referendum, the Government stated that SIS II helped EU member states "tackle the terror threat from foreign fighters from across the EU returning from Syria and Iraq" by tracking their movements across Europe. For example, in March 2016 the UK received 25 hits on foreign alerts in relation to individuals who could pose a risk to national security.¹¹⁸

Participation in further security cooperation measures was also planned prior to the outcome of the referendum:

- **Passenger Name Records (PNR):** information collated by a carrier as part of the travel booking process, which may include details such as how travel was booked and for whom, contact details and travel itinerary.¹¹⁹ In April 2016, the EU adopted a directive on the use of PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Member states have two years from the date of adoption to implement the Directive.¹²⁰ The UK Government had consistently called for this legislation, arguing that once the Directive is fully implemented, it would help all member states to identify terrorist patterns of travel to and from conflict zones, such as Syria, assist in tackling serious crime and in identifying its victims.¹²¹

¹¹⁴ HM Government, [Alternatives to Membership: Possible Models for the United Kingdom outside the European Union](#), March 2016, p 49.

¹¹⁵ HM Government, [The UK's Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 3.

¹¹⁶ HM Government, [Alternatives to Membership: Possible Models for the United Kingdom outside the European Union](#), March 2016, p 51.

¹¹⁷ HM Government, [The UK's Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 7.

¹¹⁸ *ibid.*

¹¹⁹ HM Government, [The UK's Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 5.

¹²⁰ Council of the European Union, 'Council Adopts EU Passenger Name Record (PNR) Directive', 21 April 2016.

¹²¹ HM Government, [The UK's Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 5.

- **Prüm Decisions:** EU Council Decisions which embed into EU law a pre-existing Convention between several EU member states, providing mechanisms to exchange information between member states on DNA, fingerprint and vehicle registration data for the prevention and investigation of cross-border crime and terrorism.¹²² In 2015, Parliament approved the Government’s recommendation for the UK to re-join the Prüm legal framework, and the UK expects to be connected to Prüm from 2017 onwards.¹²³ Prior to the referendum, the Government noted that the French authorities had been able to identify one of the attackers in the terrorist attacks in Paris in November 2015 partly thanks to data obtained from the Belgian authorities through the Prüm mechanism.¹²⁴

Sir Julian King, the UK’s new European Commissioner, was appointed to the role of Commissioner for the Security Union in September 2016, following the resignation of Lord Hill of Oareford, the UK’s previous Commissioner, the day after the referendum.¹²⁵ The Security Union portfolio is a new one, created by Jean-Claude Juncker, the President of the European Commission.¹²⁶ Mr Juncker has tasked Sir Julian with “ensuring the swift implementation of the steps needed to build an effective and genuine Security Union”, including responsibilities to identify where the EU can “make a real difference in fighting terrorism” and to improve information and intelligence sharing, including through initiatives to upgrade Europol’s European Counter Terrorism Centre into a stronger structure.¹²⁷ A spokesperson for the UK Government said that it welcomed Mr Juncker’s decision.¹²⁸

4.3 Future Prospects

Amber Rudd, the Home Secretary, said in her speech to the Conservative Party conference in October 2016 that the “clear lesson” from the attack in Nice in July 2016 was that “international cooperation and intelligence sharing must continue, and continue to improve”.¹²⁹ Noting the UK’s “strong cooperation with our European partners”, she said she had spoken to her counterparts in other countries and “we are in agreement that there cannot be any let up in pursuit of those people trying to ruin our way of life—or the freedom that defines our society”. David Davis, Secretary of State for Exiting the EU, told the House of Commons in early September 2016 that “the whole justice and home affairs stream is being assessed even as we speak, and the aim is to preserve the relationship with the European Union on security matters as best we can”.¹³⁰ He explained that the Government was “aiming to maintain” the decision made in 2015 “which laid aside about 100 measures that we did not want to be part of, but kept some others, including the European Arrest Warrant and one or two others”.

However, even before the outcome of the referendum, there was a lack of clarity about the basis of the UK’s future participation in Europol. The current legal framework governing

¹²² HM Government, [Alternatives to Membership: Possible Models for the United Kingdom outside the European Union](#), March 2016, p 51.

¹²³ HM Government, [The UK’s Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 5.

¹²⁴ *ibid.*

¹²⁵ European Commission, ‘[Commissioner \(2016–19\) Julian King](#)’, accessed 11 October 2016.

¹²⁶ European Commission, ‘[President Juncker Consults the European Parliament on Sir Julian King as Commissioner for the Security Union](#)’, 2 August 2016.

¹²⁷ European Commission, ‘[Mission Letter from Jean-Claude Juncker to Julian King](#)’, 2 August 2016.

¹²⁸ Florian Eder, ‘[Juncker Makes UK Commissioner Julian King EU’s Anti-Terror Tsar](#)’, *Politico*, 3 August 2016.

¹²⁹ Conservatives, ‘[Rudd: Speech to Conservative Party Conference 2016](#)’, 4 October 2016.

¹³⁰ [HC Hansard, 5 September 2016, cols 45–6.](#)

Europol was set out in a Council Decision in 2009.¹³¹ The terms of the Lisbon Treaty required a new legal framework for Europol to be established on the basis of a Regulation. The European Commission proposed a draft Regulation in March 2013, an amended version of which was adopted by the Council and the European Parliament in May 2016. This is due to come into force in May 2017.¹³² The Regulation is subject to the UK's opt-in, meaning that the UK would only be bound by it if it decided to opt in.¹³³ The Government did not opt in to the Commission's original proposal as it was concerned that strengthening the obligation on member states to share law enforcement information with Europol and to initiate a criminal investigation when requested by Europol might threaten the operational independence of the UK's law enforcement authorities.¹³⁴ However, by October 2015, the Government had indicated that its most serious concerns had been averted by amendments to the proposed Regulation, and that it intended to opt in to the Regulation, once adopted, if it could succeed in securing its negotiating objectives.¹³⁵

In September 2016, Amber Rudd told the House of Commons Home Affairs Committee that it was “too early” for her to confirm whether the Government would opt in to the Regulation to remain a full member of Europol in the interim period between May 2017 and the UK's departure from the European Union.¹³⁶ The House of Commons European Scrutiny Committee stated in September 2016 that it was “unclear” whether the UK would continue to be able to participate fully in Europol unless it opted in to the new Regulation before May 2017.¹³⁷ The Committee called on the Government to produce an assessment of the arguments for and against opting in while the UK remained a member of the EU, including an explanation of whether it would be possible for the UK to remain a full member of Europol if it decided not to opt in to the new Regulation. Sir Julian King warned during his confirmation hearing before the European Parliament that if the UK did not opt in, it could lose access to Europol's databases from May 2017.¹³⁸ He said that one of the points he would make in his discussions with the UK was that “surely it is in everybody's collective interest to avoid such a gap opening up”.

At this stage, the Government has said little about possible models for future police and criminal justice cooperation after the UK has left the EU. James Brokenshire, the then Minister for Security and Immigration, noted in July 2016 that although tools developed under the EU's legislative framework—such as SIS II, Europol and the European Arrest Warrant—enabled “practical cooperation and information sharing, which is of value”, much intelligence sharing, counter-terrorism and national security cooperation “sits outside of EU structures”.¹³⁹ He pointed to fora such as the Five Eyes community (the UK, US, Australia, Canada and New Zealand) which he described as “the closest international intelligence sharing arrangement in the world” and the Counter Terrorism Group (CTG), “a cooperation forum between the

¹³¹ [Council Decision of 6 April 2009 Establishing the European Police Office \(Europol\)](#).

¹³² [Regulation \(EU\) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation \(Europol\) repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA](#).

¹³³ House of Commons European Scrutiny Committee, [Seventh Report of Session 2015–16](#), 6 November 2015, HC 342-vii of session 2015–16, p 64.

¹³⁴ *ibid*, p 65.

¹³⁵ *ibid*, pp 65 and 67.

¹³⁶ House of Commons Home Affairs Committee, [Oral Evidence: The Work of the Home Secretary](#), 7 September 2016, Q 44.

¹³⁷ House of Commons European Scrutiny Committee, [Eleventh Report of Session 2016–17](#), 20 September 2016, HC 71-ix of session 2016–17, p 102.

¹³⁸ Tamsin Rutter, ‘[UK's Last EU Commissioner Promises Continued Security Cooperation](#)’, Global Government Forum, 16 September 2016.

¹³⁹ House of Commons, ‘[Written Question: Terrorism](#)’, 13 July 2016, 41545.

security services of EU member states plus Norway and Switzerland, which sits outside EU law”.

Diana Johnson (Labour MP for Kingston upon Hull North) asked a series of parliamentary questions about the Government’s policy on future UK participation in the EU cybersecurity strategy, Europol, the European Arrest Warrant and SIS II.¹⁴⁰ Robin Walker, Parliamentary Under Secretary at the Department for Exiting the European Union, responded in September 2016 that:

We are leaving the EU but cooperation on security with our European and global allies will be maintained. We will do what is necessary to keep our people safe—our aim will be to continue cooperation where it is in the national interest to protect the public. We are about to begin these negotiations and it would be wrong to set out unilateral positions in advance.¹⁴¹

With regard to membership of Europol, Brandon Lewis, Minister of State for Policing at the Home Office, replied to Ms Johnson that:

Europol, like all the other EU measures, will be subject to the wider UK and EU negotiations on post-Brexit arrangements. The Government will consider all available options for cooperation arrangements with Europol once the UK has left the EU, but it is too early to speculate on what those arrangements may be.¹⁴²

There are some precedents for non-EU member states having arrangements which allow them to participate to some degree in the EU’s police and criminal justice cooperation measures. For example, Norway and Iceland have agreed an extradition agreement with the EU with broadly similar terms to the European Arrest Warrant, although it includes the option for countries to refuse to extradite their own nationals.¹⁴³ Negotiations for this agreement began in 2001 and it has not yet come into force. The Conservative Government under David Cameron argued prior to the referendum that there was “no guarantee that the UK could secure a similar agreement outside the EU given that we are not a member of the Schengen border-free area” (Norway and Iceland are both Schengen members).¹⁴⁴ The House of Commons Foreign Affairs Committee took the view (prior to the referendum) that the UK “would be able to replace” the EAW “albeit at some cost in terms of negotiating effort” with a bilateral agreement with the whole EU or with individual agreements with each member state should it wish—noting that “there is some debate as to the merits of the EAW system for UK security”.¹⁴⁵

¹⁴⁰ House of Commons, [‘Written Question: Europol’](#), 5 September 2016, 43706; [‘Written Question: Cybercrime: EU Action’](#), 12 September 2016, 45273; [‘Written Question: Europol’](#), 16 September 2016, 45269; [‘Written Question: European Arrest Warrants’](#), 16 September 2016, 45271; and [‘Written Question: Police: Cross Border Cooperation’](#), 16 September 2016, 45272.

¹⁴¹ House of Commons, [‘Written Question: Europol’](#), 16 September 2016, 45269; [‘Written Question: European Arrest Warrants’](#), 16 September 2016, 45271; and [‘Written Question: Police: Cross Border Cooperation’](#), 16 September 2016, 45272.

¹⁴² House of Commons, [‘Written Question: Europol’](#), 5 September 2016, 43706.

¹⁴³ HM Government, [The UK’s Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, p 3.

¹⁴⁴ *ibid.*

¹⁴⁵ House of Commons Foreign Affairs Committee, [Implications of the Referendum on EU Membership for the UK’s Role in the World](#), 26 April 2016, HC 545 of session 2015–16, p 22.

Europol has operational cooperation agreements with 14 non-EU member states and strategic cooperation agreements with a further four.¹⁴⁶ There are a number of differences between what Europol provides to third country (non-EU member state) operational cooperation partners and what it provides to EU members:

- EU member states may directly submit data and conduct searches in EIS [the Europol Information Service database]. Third countries must ask Europol to do so on their behalf.
- EU member states are automatically connected to Europol's SIENA [Secure Information Exchange Network Application, the main conduit for passing operational information to and through Europol]. To connect to SIENA, third countries need an additional bilateral agreement, following the conclusion of the cooperation agreement.
- EU member states sit on Europol's Management Board, which sets the strategic and operational development of the organisation. Third countries do not sit on the Management Board.
- EU member states have a liaison bureau at the Europol Headquarters. Third countries may only establish a liaison bureau subject to the terms of their cooperation agreement and to the agreement of the Europol Management Board.¹⁴⁷

Rob Wainwright, the Director of Europol, and a former MI5 officer, said that if the UK left the EU, he was “sure” that it would “negotiate some form of access to Europol in the same way as Norway and Iceland”, but that this would mean:

[...] being a second-tier member of our club—still useful but not, for example, having direct access to our database, not being able to lead any of our operational projects, not having the influence in our organisation that they do at the moment.¹⁴⁸

Mr Wainwright also warned that it could take years to negotiate the “historic first” of access to the SIS II database for the UK as a non-EU, non-Schengen country, as “whatever the willingness of the other countries to make sure that such an important partner, such as Britain was still involved, the practicalities of doing so are enormous”.¹⁴⁹ Currently, only countries which are members of either the EU or Schengen or both are members of the Schengen Information System.¹⁵⁰ As an example of the sorts of practicalities that might be involved, Steve Peers, Professor of Law at the University of Essex, noted in evidence to the House of Lords EU Home Affairs Sub-committee that to access EU databases, the UK would have to ensure that its data protection laws remained equivalent to those of the EU.¹⁵¹

¹⁴⁶ Europol, ‘[External Cooperation](#)’, accessed 7 October 2016. The operational cooperation agreements are with: Albania, Australia, Canada, Colombia, Former Yugoslav Republic of Macedonia, Iceland, Moldova, Montenegro, Norway, Republic of Serbia, Switzerland, Liechtenstein, Monaco and the US. The strategic cooperation agreements are with: Bosnia and Herzegovina, Russian Federation, Turkey and Ukraine.

¹⁴⁷ HM Government, [The UK's Cooperation with the EU on Justice and Home Affairs, and on Foreign Policy and Security Issues](#), 9 May 2016, pp 4–5.

¹⁴⁸ Jennifer Rankin, ‘[Europol Chief Says Brexit Would Harm UK Crime-Fighting](#)’, *Guardian*, 22 June 2016.

¹⁴⁹ *ibid.*

¹⁵⁰ European Commission, ‘[Schengen Information System](#)’, updated 16 December 2015.

¹⁵¹ House of Lords EU Home Affairs Sub-committee, [Brexit: Future EU-UK Security and Police Cooperation—Oral Evidence](#), 14 September 2016, Q5.

While there is widespread agreement among commentators that the UK and its European partners will continue to want to cooperate on security and counter-terrorism, there has been some debate on the importance of formal EU mechanisms for this kind of cooperation. Writing prior to the referendum, Sir Richard Dearlove, a former Chief of MI6, described the European and Brussels-based security bodies in which the UK participates—including formal EU arrangements such as Europol, and informal European multilateral arrangements such as the Club de Berne—as “of little consequence [...] little more than forums for the exchange of analysis and views”.¹⁵² He indicated that “with 28 members of vastly varying levels of professionalism in intelligence and security [...] the larger powers cannot put their best intelligence material into such colanders”. Rather, he maintained, “the crucial practical business” of counter-terrorism and counter-espionage was “conducted, even in Europe, through bilateral and very occasionally trilateral relationships”. In his view, the UK’s departure from the EU would not substantially change its intelligence and security relationships with other countries in Europe. He argued that other countries had both a self-interest and a moral motivation to continue working with the UK:

Britain is Europe’s leader in intelligence and security matters and gives much more than it gets in return. It is difficult to imagine any of the other EU members ending the relationships they already enjoy with the UK. Furthermore, counter-terrorist and counter-espionage liaison between democratic allies is driven as much by moral considerations as political ones. If a security source in Germany learns that a terrorist attack is being planned in London, the Bundesamt für Verfassungsschutz, Germany’s domestic intelligence service, is certainly not going to withhold the intelligence from MI5 simply because the UK is not an EU member.¹⁵³

However, in an article written before the referendum, Sir John Sawers, another former Chief of MI6, and Lord Evans of Weardale (Crossbench), a former Director General of MI5, described the European Arrest Warrant and the agreement on the exchange of passenger name records as being “of real value”.¹⁵⁴ They explained that “intelligence work today relies on the lawful and accountable use of large data sets to reveal the associations and activities of terrorists and cyber attackers”. They argued that as an EU member, the UK could “push for the right balance between security and privacy” in EU data-sharing agreements, but outside the EU the UK would have little influence over the terms for data sharing and would have to “accept what data we were offered”, on potentially more restrictive terms, which “could undermine our ability to protect ourselves”. Baroness Manningham-Buller (Crossbench), another former Director General of MI5, also expressed similar views prior to the referendum.¹⁵⁵

The House of Lords European Union Home Affairs Sub-committee has launched an inquiry into what aspects of police and security cooperation between the UK and EU the UK may wish to maintain after it leaves the EU and to examine the practicalities of doing so.¹⁵⁶

¹⁵² Richard Dearlove, ‘[Brexit Would Not Damage UK Security](#)’, *Prospect*, 23 March 2016. The Club de Berne is an intelligence-sharing forum consisting of EU member states plus Norway and Switzerland, outside formal EU structures. The Counter Terrorism Group is an offshoot of the Club de Berne (Harvard Law School, ‘[Counter Terrorist Group, aka Bern Club, aka Club de Berne](#)’, accessed 6 October 2016).

¹⁵³ Richard Dearlove, ‘[Brexit Would Not Damage UK Security](#)’, *Prospect*, 23 March 2016.

¹⁵⁴ Jonathan Evans and John Sawers, ‘The EU Can’t Dictate to Us on Security But Staying In It Can Keep Us Safer’, *Times*, 8 May 2016.

¹⁵⁵ Ewan MacAskill and Matthew Weaver, ‘[Leaving EU Would Undermine Britain’s Security—Ex-MI5 Chief](#)’, *Guardian*, 11 May 2016.

¹⁵⁶ House of Lords EU Home Affairs Sub-committee, ‘[Brexit: Security and Police Cooperation Inquiry Launched](#)’, 6 September 2016.

House of Lords Library Notes are compiled for the benefit of Members of the House of Lords and their personal staff, to provide impartial, politically balanced briefing on subjects likely to be of interest to Members of the Lords. Authors are available to discuss the contents of the Notes with the Members and their staff but cannot advise members of the general public.

Any comments on Library Notes should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to purvism@parliament.uk.