



On May 12th, two European stories dominated the BBC news in Britain. The first concerned a series of statements from Conservative cabinet ministers and grandees that Britain should leave the EU unless it negotiated new terms of membership. The second reported that Spanish police had captured Andrew Moran – a notorious, machete-wielding UK convict – and would return him from his Benidorm hideout to face justice at home.

How are the two stories linked? Moran is the 50th high-profile British criminal that Spain has surrendered since 2007 under the European arrest warrant (EAW). The EAW is the cornerstone of a package of 130-odd European laws that has revolutionised police and security co-operation between EU countries over the last decade. Hitherto, Britain's most wanted criminals lounged in sunny Southern Spain, secure in the knowledge that judicial red-tape or political points-scoring over Gibraltar would keep them from the reach of the UK authorities.

Despite these successes, the EAW and accompanying agreements on the sharing of criminal intelligence are now caught up in Britain's noxious European debate. Prime Minister David Cameron is under intense pressure from over 100 Conservative backbenchers to "get a better deal on Europe", especially after the UK Independence Party (UKIP) won 23 per cent of the votes in local council elections in May. But Cameron's chances of securing radical changes to the terms of British membership are slim, given that most other EU member-states have

no intention of allowing Britain to opt out of significant policy areas.

However, the Union's rules on policing and justice, including the all-important EAW, appear to offer Cameron some relief. Uniquely, Britain has the right to 'repatriate' such powers before the end of 2014, thanks to a clause that the previous Labour government inserted into the EU's Lisbon treaty. This gave Britain the right to opt out of all such co-operation agreed before December 2009, and then negotiate with the European Commission, and other EU governments, on opting back into the bits it finds most useful. Cameron could claim a rare political success in the EU by exercising the opt-out and thus help shore up his leadership before the 2015 general election.

Britain's parliament will vote on the justice opt-out before May 2014. But the deputy prime minister, Nick Clegg – who leads the Conservatives' coalition partner, the Liberal Democrats – says that his party will not support a deal that means leaving the EAW. Reluctantly, the Conservative leadership has agreed to this

condition so long as other EU countries agree to alter the warrant so that it can be used only for the most serious crimes.

But this fragile agreement on Europe between the coalition partners seems doomed. First, hard-line eurosceptics are particularly hostile to the arrest warrant because it allows the EU a major role in criminal justice. Hence Cameron's own MPs may well reject whatever agreement is painstakingly reached by UK negotiators in Brussels. Second, other EU governments are anyway extremely unlikely to renegotiate the EAW. They resent UK attempts to cherry-pick police co-operation – especially a surprised and aggrieved Madrid – and fear re-opening the acrimoniously negotiated arrest warrant.

Cameron's hand is further weakened because nobody in Britain, apart from eurosceptic politicians, seems to want to exercise the opt-out. In April, a report from the House of Lords concluded that "the government has not made a convincing case for exercising the opt-out ...opting out would have significant adverse consequences for the internal security of the UK". The administrations of Scotland and Northern Ireland are equally unenthusiastic. According to Kenny MacAskill, Scotland's justice secretary: "The Scottish government does not support the UK government's preferred position to opt out of these measures or how this decision has been progressed to date."

Cameron and some of his cabinet colleagues view exercising the 2014 opt-out as an opportunity to calm their restive party, and they fear the

political consequences of failing to use it. But this political tactic may not impress many voters, who – according to opinion polls – list crime as one of their top concerns. The Spanish extraditions have been greatly aided by Crimestoppers, a successful campaign founded by Tory party donor Lord Ashcroft, which relies on tips from holiday-goers to identify UK criminals abroad. Even the ebullient Boris Johnson, London's eurosceptic mayor, would struggle to defend the abrogation of the EAW. The Metropolitan Police say a majority of homicides in his city – excluding those connected to domestic abuse – have some form of international connection.

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Surprisingly, British pollsters have not yet asked voters whether the government should claw back co-operation with the EU on crime and security. Nor has any political correspondent conducted a straw poll of MPs to see if they would really vote for a move that is opposed by most senior police officers as well as MI5, Britain's internal intelligence agency. Evidence of widespread, if quiet, support for European police co-operation might yet prevent Cameron from embarking on a course that – at a stroke – could spur Scottish nationalism, split the coalition, and open rifts within the Conservative Party.

Hugo Brady
 Senior research fellow, CER

CER in the press

Le Monde

21st May 2013

"It is every bit as odd for the IMF to bail out individual eurozone countries as it would be for the IMF to bail out California," says Simon Tilford of the CER.

Financial Times

20th May 2013

"Police on both sides of the Irish Sea – as well as either side of the border – fear a return to the days when Ireland's supreme court would refuse extradition of terrorist suspects," says Hugo Brady of the CER.

El Pais

18th May 2013

Philip Whyte of the CER, disputes the economic claims

of eurosceptics. In a recent study, he argues that most of Britain's economic problems are home-grown, and that few have anything to do with the regulatory burdens of EU legislation.

Financial Times

8th May 2013

"The EU has a lot of instruments – the EEAS, trade policy, the aid budget, the civilian crisis management side – but it has not worked out how to get them playing in a harmonious way," says Ian Bond of the CER.

International Herald Tribune

3rd May 2013

"Relying less on exports, and more on domestic demand,

would also be good for Germany as it's starting to feel recessionary effects from the south," said John Springford of the CER.

The New York Times

12th April 2013

"Germany really wants to keep the British in the EU, but not to the point of allowing the British to opt out of more areas of policy or to repatriate more powers," said Charles Grant of the CER.

France 24

8th April 2013

"Europe is also keen to develop longer-range drones designed for air-to-air combat, which could ultimately replace

fighter jets," said Clara Marina O'Donnell of the CER.

EurActiv

2nd April 2013

"What you are seeing is the EEAS playing a greater role in the ENP. This is bringing foreign policy priorities to the foreground," said Rem Korteweg of the CER.

European Voice

21st March 2013

Katinka Barysch of the CER, points out that these [Ukraine and Turkey] are already important states in the transit of gas to the EU and are destined to become more important as new reserves in central Asia are developed.