

Impact case study (REF3b)

<p>Institution: University of Abertay Dundee</p>
<p>Unit of Assessment: 20</p>
<p>Title of case study: Impact on the House of Lords European Union Committee inquiry into EU police and criminal justice measures: The UK's 2014 opt-out decision (13th Report of Session 2012-13, HL Paper 159).</p>
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>The impact claimed in this case study is on debate at Government/ Parliament level. O'Neill's black letter law research into the EU provisions on cross border law enforcement and counter-terrorism activities has fed into her submissions to the House of Lords European Union Committee inquiry into EU police and criminal justice measures: The UK's 2014 opt-out decision. The views of the committee have already been published. The UK government's formal decision on the opt-out still has to be made. Whatever decision is taken will have a European/ International impact on cross border law enforcement, counter-terrorism and justice provisions and practice.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>The research led to greater understanding of how EU cross border law enforcement and counter-terrorism provisions affects policing and criminal justice activities in the UK and across the EU. The black letter law outputs, listed at 3, in particular those marked REF2, are also based on interaction with, in particular, the Scottish police services. They develop an understanding of police concerns in the context of cross-border law enforcement, and a level of understanding of the issues which arise in practice. This was facilitated by one to one interviews with senior members of police staff (not reflected in the research output) and more generally through membership of the Scottish Institute of Policing Research (SIPR), which facilitates police/ academic interaction. The researcher's ability to provide material of immediate use to the police is reflected in repeated requests to present to police or police/academic events, and publication in police practitioner journals (in particular the UK and Austria). Output has been made available on line, with details circulated through SIPR, which has a UK and international police and academic readership. The research output is both of a high academic level, and focused on key practitioner issues.</p> <p>Research in this area is predominantly about the significance of the structures and legal frameworks dealing with cross-border drugs trafficking/ organised crime, and counter-terrorism operations, involving what are now the 28 member states of the EU. The research therefore involves engaging with individuals who are operating in a security sensitive environment, and consequently limited opportunity exists for formal direct feedback and recognition from law enforcement and counter-terrorism practitioners. . O'Neill's research provides a distinctive voice in the debate in this area, approaching the area from the perspective of EU law, rather than a (UK) criminal law approach to the issues, coupled with a deep appreciation of the police practitioner perspective, rather than the human rights/ justice focus. All outputs for O'Neill submitted for this REF fall into this category. Her counter-terrorism monograph is the first such publication focusing on the EU developments in this area. The engagement with the UK legislature is a direct consequence of these research outputs.</p> <p>The above research led to an ability to respond effectively to the House of Lords' call for evidence on the UK's 2014 opt-out decision. By approaching the matter from an EU perspective, and providing the only academic voice with a distinctive Scottish dimension, O'Neill's responses offered an independent, reasoned verification of the practitioner responses from both police and</p>

prosecution communities. A significant number of references to her contribution were made in the 13th Report of Session 2012-13, HL Paper 159. Many of the points made in her submission were put to the relevant ministers at their oral hearing. The contribution continues to influence the debate. It is hoped, that the impact will be to influence the actual government decision, and therefore the UK's legal and practice relationship with the EU, and through the EU, with the rest of the world, in the area of transnational law enforcement (to include counter-terrorism) and justice issues.

3. References to the research (indicative maximum of six references)

1. O'Neill, M.: "A Europe that protects: moving to the next stage of cross border law enforcement cooperation", **Police Journal, Volume 84 Number 2 2011, pp.125-150**, DOI: doi10.1358/pojo.2011.84.50, <http://www.vathek.com/pj/contents.php?vi=84.2>. This is a journal edited by the police, for the police.
2. REF 2: O'Neill, M.: "EU Cross-Border Policing Provisions, the View from One of the Schengen Opt out Member States"; **European Journal of Crime, Criminal Law and Criminal Justice, Vol. 18, No. 1, 2010, pp. 73-89(17). Online DOI 10.1163/187119110X12574292500707**. This is the leading journal in EU transnational criminal law and practice, with an international editorial team, and published in the Netherlands.
3. O'Neill, M.: "The issue of data protection and data security in the third pillar," **Journal of Contemporary European Research (J CER), Vol. 6, No 2 (2010), pp. 211 – 235**, <http://www.jcer.net/index.php/jcer/issue/view/17>.
4. REF 2: O'Neill, M.: "The EU legal framework for Trafficking in Human Beings; where to from here – the UK perspective," **J CER (Journal of Contemporary European Research) Vol. 7, No. 4, 2011**, <http://www.jcer.net/index.php/jcer/issue/view/23>. This and a similar paper were circulated to Scottish police (by coincidence) during recent human trafficking operations. They appear to have been received with interest, to include follow up meetings.
5. REF 2 Book: O'Neill M.; The evolving EU counter terrorism legal framework, Routledge, 2011. <http://www.routledge.com/books/details/9780415557580/>. (Monograph requested by Routledge after publishing an earlier journal article O'Neill, M.: "A critical analysis of the EU legal provisions on Terrorism", **Terrorism and Political Violence, 20:1-23, 2008. ISSN: 0954/6553 print/1556/1836 online DOI 10.1018/09546550701723591**. This monograph is the first of its type, and is still selling well. The earlier article was requested by Prof. Paul Wilkinson, then of the Centre for the study of Terrorism and Political Violence, St. Andrews University, <http://www.st-andrews.ac.uk/~cstpv/staff/paulwilkinson/paulwilkinson.html>).
6. REF 2 Book chapter: O'Neill M.; **EU-North Africa relations in cross border law enforcement; new legal challenges for the EU in the post Lisbon and post Stockholm era., a chapter in Cardwell, P.J.(ed.) EU External Relations Law and Policy in the Post-Lisbon Era**, T.M.C. Asser Instituut, 2012, ISBN 978-90-6704-822-4, [DOI: 10.1007/978-90-6704-823-1_7](https://doi.org/10.1007/978-90-6704-823-1_7) (<http://www.springer.com/law/international/book/978-90-6704-822-4?changeHeader>).

4. Details of the impact (indicative maximum 750 words)

The research which led to the impact is the work of one academic, **O'Neill**. Research was conducted in the context of regular engagement with the law enforcement community, particularly in Scotland, both before, during and after research was conducted. This regular engagement led to targeted research of direct relevance to the law enforcement community, both at UK and International (to include EU) level. This led to effective engagement at the policy level, with

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research directly informing responses to the House of Lords' consultation process. This is reflected in the fact that many of **O'Neill's** responses to the consultation ran in parallel with responses from the law enforcement and criminal justice community across the UK and beyond. It was anticipated at the very beginning of the development of the research, during this REF period, that regular engagement with this particular practitioner community would lead to research output that would have a significant impact.

The direct audience for the impact claimed is the House of Lords' European Union Committee, and thence to Parliament and the UK Government. Material has also been made available by the House of Lords for reporting purposes to the national press and other interested parties. The report was prepared by the Justice, Institutions and Consumer Protection Sub-Committee and the Home Affairs, Health and Education Sub-Committee. The report built on oral and written evidence from government ministers, key stakeholders such as the police, sub-national governments, prosecutors, and other key personnel. A separate but parallel process was conducted with the intelligence services. A number of academics and individual members of the public also made contributions to the report.

O'Neill's submissions have been reflected in, and relied on, in the report. **O'Neill's** unique contribution to the report was academic in nature and provided high level rationale, rather than a practitioner perspective which focused on the operational aspects. Furthermore her perspective was EU-wide, rather than from a national (e.g. criminal law) perspective but nonetheless informed by deep knowledge of Scottish police practices and procedure. In addition, her research has focused on the security and law enforcement aspect of the Area of Freedom Security and Justice of the EU, rather than the civil rights aspects, which was covered by other contributors.

The impact being claimed is

- on the drafting of the final House of Lords Report,
- the influence of the report on the national debate,
- in due course having an influence on the Governments/ Ministerial decision, which will,
- impact on the UK relations with the EU, and through the EU, the rest of the world.

The evidence submitted is the House of Lord's published report, supporting online videos, and the House of Lords web site which provides an overview of the development of the debate (some of which will be outside the REF period).

The debate on this issue was opened by the Home Secretary on the 15th October 2012. The House of Lords EU Committee, chaired by Lord Boswell of Aynho, opened an enquiry on this matter, calling for evidence by the 14th December 2012. Subsequently oral evidence was also obtained, which is available at: <http://www.parliamentlive.tv/main/Player.aspx?meetingId=12617> and related links, with the Ministers giving evidence at <http://www.parliamentlive.tv/Main/Player.aspx?meetingId=12619>.

O'Neill made a written report to this enquiry.

The House of Lords European Union Committee inquiry into EU police and criminal justice measures: The UK's 2014 opt-out decision (13th Report of Session 2012-13, HL Paper 159) was ordered to be printed on the 16th April 2013, and was published on the 23rd April 2013.

A follow up seminar attended by **O'Neill** was held at the House of Lords on the 5th June 2013.

The Government decision needs to be made by the 1st December 2014.

The House of Lord's EU Committee overview is available at

<http://www.parliament.uk/business/committees/committees-a-z/lords-select/eu-home-affairs-sub-committee-f/inquiries/parliament-2010/protocol-36/>.

There is potential for greater impact resulting from this research in the next REF period.

5. Sources to corroborate the impact (indicative maximum of 10 references)

1. House of Lords European Union Committee inquiry into EU police and criminal justice measures: The UK's 2014 opt-out decision (13th Report of Session 2012-13, HL Paper 159), available on line at <http://www.publications.parliament.uk/pa/ld201213/ldselect/ldeucom/159/159.pdf> . O'Neill's contribution to the enquiry was reflected at footnote references 89, 232, 246, 249, 283, 332, 334, 397, 399, 451, 453, 458, 487, and 498. Her contribution was also referenced in the text of the report at paragraphs 74, 134, 158, 268, and 272.

Evidence of the substantial influence on the national debate, in particular when the report was published on the 23rd April 2013, is reflected in reports in the national media, to include;

2. <http://www.express.co.uk/news/uk/394075/EU-law-opt-out-will-make-Britain-a-safe-haven-for-foreign-criminals>
3. <http://www.theguardian.com/uk/2013/apr/23/eu-policing-justice-opt-out-danger>
4. <http://www.bbc.co.uk/news/uk-22256523>
5. <http://www.heraldscotland.com/politics/political-news/lords-critical-of-proposal-to-opt-out-of-european-policing-measures.20885694>
6. <http://news.sky.com/story/1081636/eu-laws-opt-out-could-damage-uk-security>
 - a. national political parties;
7. http://www.eurolabour.org.uk/EU_OPT_OUT_PUTTING_THE_SAFETY_OF_BRITISH_CITIZENS_AT_RISK
2. and professional bodies;
8. <http://www.lawsociety.org.uk/news/press-releases/law-society-backs-house-of-lords-committee-finding-that-eu-police-and-criminal-justice-measures-optout-is-not-justified/>
9. <http://www.barcouncil.org.uk/media-centre/news-and-press-releases/2013/april/bar-council-welcomes-house-of-lords-report-on-eu-opt-out/>