

European Scrutiny Committee

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From: Sir William Cash MP

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Rt Hon. James Brokenshire MP
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Preventing the dissemination of terrorist content online: proposed Regulation (Council document 12129/18) (ESC number 40069)

Thank you for your [letter of 14 September 2020](#) informing us that the German Presidency is expected to recommence negotiations between the Council, European Parliament and Commission on a proposed Regulation to prevent the dissemination of terrorist content online. We do not expect this to be an easy negotiation, given significant differences in the approach taken by the Council and the Commission on the one hand, and the European Parliament on the other, to the intensity of regulation in this area, as well as the difficult balance that has to be struck between public safety and freedom of expression.

We retain a keen interest in the trilogue negotiations for two reasons. First, we recognise that there are important synergies between the EU's approach to regulation in this important area and the Government's domestic agenda—EU legislation on online terrorist content would cover some of the ground outlined in the Government's [Online Harms White Paper](#), published in April 2019, which set out proposals for a new regulatory framework in the UK to hold companies to account for harmful user-generated content hosted on their platforms.¹ Second, anticipating the UK's exit from the EU, the Government made clear (in July 2019) that it would nonetheless “want to ensure alignment of UK and EU law,

¹ See Command Paper 57. In February 2020, the Government published an [initial response](#) to the consultation launched by the White Paper. It said that legislating on Online Harms was a key priority for the Government but has yet to publish a draft Bill.

particularly in an area which is inherently cross-border in nature”.² **We therefore welcome your offer of progress reports on the trilogue negotiations.**

We would also welcome some indication of the Government’s timescale for publishing its own proposals for a domestic regulatory framework to counter online harms. Does the Government intend to do so before the EU finalises the Regulation on terrorist content online? If not, how might the EU’s regulatory choices affect or constrain the approach taken by the Government in its domestic legislation?

Finally, we share the view of our predecessor Committee that the UK's ability to inform and influence legislative and policy developments within the EU will continue to matter once the post-exit transition period ends and EU law ceases to apply to the UK. It will be important to ensure that the way in which the Government engages with EU institutions and Member States post-transition is transparent. We foresee an important role for Parliament in ensuring that the influence and reach of EU law, and how it may affect the development of new domestic regulatory frameworks in the UK, is properly understood. We look forward to discussing in greater detail with the Government future scrutiny arrangements as the end of the post-exit transition period approaches.

We would be grateful for an initial update by the end of October on the progress of trilogue negotiations and on the Government’s legislative plans for combatting online harms.

I am copying this letter to the Chair (Rt Hon Yvette Cooper MP) and Clerk (Elizabeth Hunt) of the Home Affairs Committee; the Chair (Sir Robert Neill MP) and the Clerk (David Weir) of the Justice Committee; the Chair (Rt Hon Harriet Harman QC MP) and the Clerk (Lucinda Maer) of the Joint Committee on Human Rights; the Chair (Julian Knight MP) and Clerk (Stephen McGinness) of the Digital, Culture, Media and Sport Committee; the Chair (the Earl of Kinnoull) and Clerk (Stuart Stoner) of the Lords European Union Committee; Alex Bernal of your Department; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR

² See the [letter of 24 July 2019](#) from the then Minister for Security and Economic Crime (Rt Hon. Ben Wallace MP).