

# European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

15 October 2020

Victoria Atkins MP  
Minister for Safeguarding  
Home Office  
2 Marsham Street  
London SW1P 4DF

**Proposal for a Regulation on a temporary derogation from certain provisions of the ePrivacy Directive for the purpose of combating online child sexual abuse  
(Council document 10682/20) (ESC number 41514)**

Thank you for your [Explanatory Memorandum](#) of 6 October 2020 on a [proposed Regulation](#) which is intended to ensure that the providers of a range of internet-based services, such as webmail messaging and internet telephony, can continue to detect, report and remove child sexual abuse material from their online platforms once they are brought within the scope of the [EU's "ePrivacy" Directive](#).

We note that you support the objectives of the proposed Regulation and that it is expected to be adopted and take effect no later than 21 December 2020, the date on which the new (and broader) definition of electronic communications networks and services covered by the ePrivacy Directive will apply.

You state in your Explanatory Memorandum that the proposed Regulation, once adopted, "will not apply to the UK". I would be grateful if you could explain why you consider this to be the case. In principle, it will apply as the [European Union \(Withdrawal\) Act 2018](#) provides that this type of direct EU legislation will form part of retained EU law if adopted before the end of the post-exit transition period.

I look forward to receiving your response within 10 working days.

I am copying this letter to the Chair (the Earl of Kinnoull) and Clerk (Stuart Stoner) of the EU Select Committee in the House of Lords; Alex Bernal, your Departmental Scrutiny Coordinator; and Les Saunders and Donald Harris in the Cabinet Office.

**CHAIR**