

European Scrutiny Committee

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From: Sir William Cash MP

25 November 2020

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 [3 November 2020](#) updating us on the progress of trilogue negotiations on [a proposed Regulation](#) to prevent the dissemination of terrorist content online. We note that, since you wrote, EU home affairs ministers have called for the negotiations to be concluded by the end of the year.¹ They have also urged the European Commission to present “an ambitious Digital Services Act” which would strengthen the obligations on internet companies to remove other forms of illegal online content and introduce new penalties while also ensuring respect for fundamental rights, including freedom of expression and opinion.

As I noted in [my letter of 1 October 2020](#), the Committee recognises that there may be important synergies between the EU’s approach to regulation in this important area and the Government’s domestic agenda, as set out in the [Online Harms White Paper](#) published in April 2019.² Indeed, the Government has previously made clear that it would “want to ensure alignment of UK and EU law, particularly in an area which is inherently cross-border in nature”.³ We therefore

¹ See the [Joint Declaration issued by EU home affairs ministers on the recent terrorist attacks in Europe](#), 13 November 2020.

² 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.

³ See the [letter of 24 July 2019](#) from the then Minister for Security and Economic Crime (Rt Hon. Ben Wallace MP).

look forward to receiving a further update on the outcome of trilogue negotiations on the proposed Regulation.

We agree that it will be important to monitor wider EU developments, such as the proposed EU Digital Services Act, to help inform the regulatory choices available to the UK as it introduces its own legislation to tackle online harms, to understand how the EU's regulatory framework may affect businesses, consumers and other online users in the UK, and to manage the consequences of regulatory divergence. We look forward to discussing future scrutiny arrangements with the Government, as well as its role in facilitating effective scrutiny by Parliament, as the end of the post-exit transition period approaches.

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