Amending Interim Regulation on a temporary derogation from certain provisions of the ePrivacy Directive for the purpose of combating online child sexual abuse

2023/0452(COD) - 01/02/2024 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Birgit SIPPEL (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council Amending Regulation (EU) 2021/1232 of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC for the purpose of combating online child sexual abuse.

As a reminder, Regulation (EU) 2021/1232 (Interim Regulation) lays down temporary and strictly limited rules derogating from certain obligations laid down in Directive 2002/58/EC (the ePrivacy Directive), with the sole objective of enabling providers of certain number-independent interpersonal communications services to use specific technologies for the processing of personal and other data to the extent strictly necessary to detect online child sexual abuse on their services and report it and to remove online child sexual abuse material from their services.

As explained in the Interim Regulation, it is intended to provide a temporary solution pending the adoption of a long-term legal framework to tackle child sexual abuse at Union level. The Interim Regulation will expire on 3 August 2024.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Limited extension

The European Commission is proposing a limited extension of the period of application of the interim regulation until 3 August 2026, Members consider that the interim regulation should apply until 3 May 2025, after which it will **elapse** permanently.

The amended text stressed that it is important that child sexual abuse online can be effectively combated which demonstrates the need for a permanent framework with a focus on preventive measures. Pending the conclusion of the legislative procedure and the adoption, entry into force and application of the long-term legal framework, a prolongation of Regulation (EU) 2021/1232 is only justified once and for a very limited period.

Template for the reporting

As Regulation 2021/1232 does not provide a template for the reporting, providers shared different types of information which were not necessarily comparable. Members consider it necessary to establish a template to fulfil the obligation for reporting by providers.