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) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 469 votes to 112, with 37 abstentions, a legislative resolution 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.

The position adopted by the European Parliament at first reading under the ordinary legislative procedure is as follows:

As a reminder, Regulation (EU) 2021/1232 of the European Parliament and of the Council provides for a temporary regime as regards the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, pending the preparation and adoption of a long-term legal framework addressing the prevention of and combating online child sexual abuse. That Regulation applies until 3 August 2024.

The proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse, which the Commission adopted on 11 May 2022, aims to provide the long-term legal framework. However, the interinstitutional negotiations on that proposal have not yet started and it is certain that they will not be concluded on time for the long-term legal framework, including any amendments to Regulation (EU) 2021/1232 that it might contain, to be adopted, enter into force and apply by 4 August 2024.

It is important that online child sexual abuse can be combated effectively and without interruption, pending the conclusion of the interinstitutional negotiations on the proposal for the long-term legal framework.

In view of these particular circumstances, it is intended to amend Regulation (EU) 2021/1232 in order to **extend, exceptionally, its period of application until 3 April 2026**, on the understanding that the co-legislators express their commitment to reaching agreement on the long-term legal framework as soon as possible, with a view to avoiding any further extension of Regulation (EU) 2021/1232 in the future.

Pursuant to Regulation (EU) 2021/1232, in order for the temporary derogation from certain provisions of Directive 2002/58/EC to apply, providers of number-independent interpersonal communications services are required to publish and submit to the competent supervisory authority and to the Commission a report on the processing of personal data under that Regulation. In order to facilitate reporting by providers of number-independent interpersonal communications services, in particular to ensure that their reports are machine readable and easily accessible, a **common reporting format** for those reports should be established.

On the basis of the reports submitted and the statistics provided, the Commission should, by 4 September 2025, prepare a report on the implementation of this Regulation and submit and present it to the European Parliament and to the Council.