Temporary derogation from certain provisions of the ePrivacy Directive to combat online child sexual abuse

2025/0429(COD) - 19/12/2025 - Legislative proposal

PURPOSE: to amend Regulation (EU) 2021/1232 concerning a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse, with regard to the extension of its period of application.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Regulation (EU) 2021/1232 of the European Parliament and of the Council provides for a temporary regime as regards of the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, pending the adoption of a long-term legal framework addressing the prevention of and combating online child sexual abuse. That Regulation applies until 3 April 2026.

The proposal for a regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse aims to provide the long-term legal framework. However, the interinstitutional negotiations on that proposal have not yet advanced sufficiently to be certain that they will be concluded on time for the long-term legal framework, including any amendments to Regulation (EU) 2021/1232 that it may contain, to be adopted and start to apply before 4 April 2026.

However, it is important that online child sexual abuse can be effectively combatted, in accordance with applicable Union law, including the conditions set out in Regulation (EU) 2021/1232, and without interruption, pending the adoption and application of the long-term legal framework.

CONTENT: the Commission proposes to amend Regulation (EU) 2021/1232 to **extend its period of application until 3 April 2028**, a period limited to what is strictly necessary for the adoption of the long-term legal framework and its entry into force.

This extension would ensure that number-independent interpersonal communications service providers can continue to voluntarily using specific technologies to detect and report child sexual abuse online and to remove child sexual abuse material on their services after 3 April 2026, pending the adoption of long-term legislation.