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

2025/0429(COD) - 11/03/2026 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted, by 458 votes to 103, with 63 abstentions, **amendments** to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2021/1232 as regards the extension of its period of application.

The matter was referred back for interinstitutional negotiations to the committee responsible.

The amended text stipulates that Article 5(1) and Article 6(1) of Directive 2002/58/EC (Directive on Privacy and Electronic Communications) do not apply to the confidentiality of communications involving the processing by providers of personal data and other data in connection with the provision of number-independent interpersonal communications services provided that:

a) Conditions relating to the processing of data

Data processing is permitted only if strictly necessary to detect, remove and report to the authorities known material relating to online child sexual abuse.

It must be proportionate, limited to the technologies used for this purpose and only concern content data that is strictly necessary.

Furthermore, the processing must remain strictly limited to what is necessary to achieve this objective and not be applied to interpersonal communications to which end-to-end encryption is, has been or will be applied.

b) Conditions relating to the technologies used

The technologies used must be in accordance with the state of the art in the industry and are the least privacy-intrusive, including with regard to the principle of data protection by design and by default. To the extent that they are used to scan text in communications, they are not able to deduce the substance of the content of the communications but are solely able to detect patterns which point to possible online child sexual abuse.

Lastly, the detection of solicitations of children or previously unidentified online child sexual abuse material is only possible in targeted cases, when a concrete report has been received (user, trusted reporter or competent body) and must be strictly limited to what is necessary in relation to the reported case.

Application period

Parliament proposes to amend Regulation (EU) 2021/1232 to extend its period of application until **3 August 2027** (instead of 3 April 2028, as proposed by the Commission).