## Basic information

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| **2025/0429(COD)**<br><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Regulation | Procedure completed |
| Temporary derogation from certain provisions of the ePrivacy Directive to combat online child sexual abuse<br><br>Amending Regulation 2021/1232 2020/0259(COD)<br><br>**Subject**<br><br>1.20.09 Protection of privacy and data protection<br>3.30.05 Electronic and mobile communications, personal communications<br>3.30.25 International information networks and society, internet | |

## Key players

**European Parliament**

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | | |

| Former committee responsible | Former rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | SIPPEL Birgit (S&D) | 15/01/2026 |

**Council of the European Union**

**European Commission**

| Commission DG | Commissioner |
|---|---|
| Migration and Home Affairs | BRUNNER Magnus |

**European Economic and Social Committee**

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 19/12/2025 | Legislative proposal published | COM(2025)0797 | Summary |
| 27/01/2026 | Committee referral announced in Parliament, 1st reading | | |
| 02/03/2026 | Vote in committee, 1st reading | | |
| 03/03/2026 | Committee report tabled for plenary, 1st reading | A10-0040/2026 | |
| 11/03/2026 | Decision by Parliament, 1st reading | T10-0070/2026 | Summary |
| 11/03/2026 | Results of vote in Parliament | | |

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| 11/03/2026 | Matter referred back to the committee responsible for interinstitutional negotiations | | |
| 26/03/2026 | Decision by Parliament, 1st reading | T10-0095/2026 | Summary |
| 26/03/2026 | Results of vote in Parliament |  | |
| 01/07/2026 | Urgent procedure requested by a political group | | |
| 02/07/2026 | Council position published | 11261/1/2026 | |
| 06/07/2026 | Committee referral announced in Parliament, 2nd reading | | |
| 09/07/2026 | Decision by Parliament, 2nd reading | T10-0266/2026 | Summary |
| 23/07/2026 | Act approved by Council, 2nd reading | | |
| 24/07/2026 | Final act signed | | |
| 28/07/2026 | Final act published in Official Journal | | |

## Technical information

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| **Procedure reference** | 2025/0429(COD) |
| **Procedure type** | COD - Ordinary legislative procedure (ex-codecision procedure) |
| **Procedure subtype** | Legislation |
| **Legislative instrument** | Regulation |
| **Amendments and repeals** | Amending Regulation 2021/1232 2020/0259(COD) |
| **Legal basis** | Rules of Procedure EP 170-p6<br>Treaty on the Functioning of the European Union TFEU 294-p7-ac<br>Treaty on the Functioning of the European Union TFEU 114-p1<br>Treaty on the Functioning of the European Union TFEU 016-p2 |
| **Mandatory consultation of other institutions** | European Economic and Social Committee |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | LIBE/10/06314 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE784.310 | 05/02/2026 | |
| Amendments tabled in committee | | PE784.377 | 10/02/2026 | |
| Committee report tabled for plenary, 1st reading/single reading | | A10-0040/2026 | 03/03/2026 | |
| Text adopted by Parliament, partial vote at 1st reading /single reading | | T10-0070/2026 | 11/03/2026 | Summary |
| Text adopted by Parliament, 1st reading/single reading | | T10-0095/2026 | 26/03/2026 | Summary |
| Text adopted by Parliament, 2nd reading | | T10-0266/2026 | 09/07/2026 | Summary |

**Council of the EU**

| | | | |
|---|---|---|---|

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Council position | 11261/1/2026 | 02/07/2026 | |
| Draft final act | 00014/2026/LEX | 23/07/2026 | |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(2025)0797 | 19/12/2025 | Summary |
| Commission communication on Council's position | COM(2026)0357 | 03/07/2026 | |
| Commission opinion on Parliament's position at 2nd reading | COM(2026)0393 | 15/07/2026 | |

**National parliaments**

| Document type | Parliament /Chamber | Reference | Date | Summary |
|---|---|---|---|---|
| Contribution | IT_CHAMBER | COM(2025)0797 | 03/03/2026 | |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| EESC | Economic and Social Committee: opinion, report | CES0083/2026 | 21/01/2026 | |

| Additional information | | |
|---|---|---|
| **Source** | **Document** | **Date** |
| European Commission | EUR-Lex | |

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

| Transparency | | | | |
|---|---|---|---|---|
| **Name** | **Role** | **Committee** | **Date** | **Interest representatives** |
| SIPPEL Birgit | Rapporteur | LIBE | 12/06/2026 | Internet Watch Foundation |
| SIPPEL Birgit | Rapporteur | LIBE | 08/05/2026 | Internet Watch Foundation |
| SIPPEL Birgit | Rapporteur | LIBE | 06/05/2026 | German Permanent Representation to the EU |
| SIPPEL Birgit | Rapporteur | LIBE | 06/05/2026 | Council of the EU |

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|---|---|---|---|---|
| SIPPEL Birgit | Rapporteur | LIBE | 17/03/2026 | Landtag Niedersachsen |
| SIPPEL Birgit | Rapporteur | LIBE | 06/03/2026 | Permanent Representation of Cyprus to the EU |
| JOVEVA Irena | Shadow rapporteur | LIBE | 18/02/2026 | Chaos Computer Club e.V. |
| JOVEVA Irena | Shadow rapporteur | LIBE | 17/02/2026 | DOT Europe |

| Final act | |
|---|---|
| Regulation 2026/1881<br>OJ OJ L 28.07.2026 | Summary |

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

2025/0429(COD) - 26/03/2026 - Text adopted by Parliament, 1st reading/single reading

By 228 votes to 311, with abstentions, the European Parliament **rejected** 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.

In doing so, Parliament voted against extending a derogation to the rules allowing service providers to detect online child sexual abuse in private communications.

As a reminder, the Commission proposed 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 use 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.

Parliament's position, adopted on 11 March 2026, favoured extending the measures for a shorter period (until August 2027) than the Commission's proposal and with a more restricted scope to ensure that the measures remain proportionate and targeted.

Negotiations with the Council on the proposal did not result in an agreement. The temporary regulation will therefore expire after 3 April 2026.

# 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.

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

2025/0429(COD) - 28/07/2026 - Final act

Regulation (EU) 2026/1881 establishes a temporary and strictly limited derogation from the confidentiality of communications and traffic-data rules in Directive 2002/58/EC. It enables providers of number-independent interpersonal communications services, such as certain messaging and webmail services, to voluntarily use specified technologies to detect, report and remove online child sexual abuse material, and to detect and report the solicitation of children, pending a long-term EU framework.

**Scope of the Derogation**

The Regulation permits processing of personal and other data only where strictly necessary to:

- detect and remove online child sexual abuse material and report it to law-enforcement authorities and organisations acting in the public interest against online child sexual abuse;
- detect the solicitation of children and report it to those authorities or organisations.

The derogation applies to content data and related traffic data. It does not apply to audio communications or to communications protected by end-to-end encryption, whether encryption is currently, previously or subsequently applied. The Regulation must not be interpreted as prohibiting or weakening end-to-end encryption.

The Regulation does not itself provide a legal basis for processing personal data. Processing remains subject to Regulation (EU) 2016/679, the General Data Protection Regulation (GDPR), where it falls within the scope of the derogation.

**Conditions and Safeguards**

Providers may rely on the derogation only if the technologies used are state of the art, the least intrusive for privacy, and comply with data protection by design and by default. Technologies used to scan text must only identify patterns suggesting possible online child sexual abuse and must not deduce the substance of communications.

Technologies must minimise false positives as far as possible and allow errors to be corrected without delay. Systems used to detect possible solicitation of children must rely on relevant indicators and objectively identified risk factors, such as an age difference and the likely involvement of a child in the communication.

Providers must carry out a data protection impact assessment and a prior consultation with the competent supervisory authority for each technology. Transitional exemptions until 1 April 2027 apply to certain providers already using relevant technologies before 31 July 2026, provided that they begin the required procedure by 1 September 2026 and cooperate properly with the supervisory authority.

Providers must establish safeguards against unauthorised access, transfers and misuse of data, ensure human oversight and, where needed, human intervention. Material not previously identified as online child sexual abuse material or solicitation of children cannot be reported without prior human confirmation.

Providers must clearly inform users that they rely on the derogation, explain the logic and effect of their measures on communications confidentiality, and indicate that personal data may be shared with law-enforcement authorities or relevant public-interest organisations. Where content is removed, an account is blocked or a service is suspended, users must be informed of available redress, the possibility of complaining to a supervisory authority and their right to a judicial remedy.

**Reporting, Retention and Supervision**

Cases giving rise to a reasoned and verified suspicion must be reported without delay. Data relating to suspected online child sexual abuse may be stored securely only for specified purposes, including reporting, account or service measures, creating a non-reversible digital signature, enabling redress, and responding to lawful requests from law-enforcement or judicial authorities. Data must be deleted when no longer necessary and, in any event, no later than 12 months after the suspected abuse was identified.

By 1 February 2027, and annually by 31 January thereafter, providers must publish and submit reports to the competent supervisory authority and the European Commission. These reports must cover, among other matters, the data processed, legal grounds under the GDPR, transfers outside the European Union (EU), identified cases, complaints, false-positive rates, retention policies, safeguards and organisations with which data were shared. The Commission must establish a standard reporting form by 1 November 2026.

The Commission must request European Data Protection Board guidelines by 1 September 2026 to support supervisory authorities in assessing compliance with the GDPR. Providers must also submit by that date the names of public-interest organisations to which they report cases. The Commission must publish and update this list from 1 October 2026.

Member States must publish and submit annual statistics from 1 August 2027 on reports received by national law-enforcement authorities, children identified and perpetrators convicted. The Commission must report on implementation to the European Parliament and the Council by 1 February 2028, including the proportionality of the derogation and technological developments affecting accuracy and false-positive rates.

**Procedure and Application**

The Regulation was adopted following European Parliament positions of 26 March and 9 July 2026, and Council positions and decisions of 2 and 22 July 2026. It was adopted on 24 July 2026.

It entered into force on 31 July 2026, the third day following its publication in the Official Journal of the European Union on 28 July 2026. It applies until 3 April 2028 and is binding in its entirety and directly applicable in all Member States.

*This summary was AI-generated and human-reviewed.*

# 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).

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

2025/0429(COD) - 09/07/2026 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on 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.

Parliament adopted **amendments** to the Council's position. It proposed to exclude from the scope of the regulation interpersonal communications to which end-to-end encryption is, has been or will be applied.

In the first vote, a simple majority voted to reject the position (314 votes to 276, with 17 abstentions). As no majority emerged in favour of rejecting Parliament's amended position (276 votes to 286, with 30 abstentions), the second reading is closed.