



Brussels, 16 July 2026
(OR. en)

12007/26

Interinstitutional File:
2025/0429 (COD)

JAI 1011
ENFOPOL 271
CRIMORG 163
IXIM 164
DATAPROTECT 241
CYBER 346
COPEN 288
FREMP 254
TELECOM 393
COMPET 970
MI 794
CONSOM 239
DIGIT 205
CODEC 1467

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	15 July 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 393 final
Subject:	OPINION OF THE COMMISSION pursuant to Article 294(7), point (c), of the Treaty on the Functioning of the European Union, on the European Parliament's amendments to the Council's position regarding the proposal for 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

Delegations will find attached document COM(2026) 393 final.

Encl.: COM(2026) 393 final

12007/26

JAI.1

EN



EUROPEAN
COMMISSION

Brussels, 15.7.2026
COM(2026) 393 final

2025/0429 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 294(7), point (c), of the Treaty on the Functioning of the European Union,
on the European Parliament's amendments
to the Council's position**

**regarding the proposal for 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**

OPINION OF THE COMMISSION

**pursuant to Article 294(7), point (c), of the Treaty on the Functioning of the European Union,
on the European Parliament's amendments
to the Council's position**

**regarding the proposal for 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**

1. INTRODUCTION

Article 294(7), point (c), of the Treaty on the Functioning of the European Union provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament in second reading. The Commission sets out its opinion below on the three amendments proposed by the Parliament.

2. BACKGROUND

Regulation (EU) 2021/1232 (hereinafter the ‘Interim Regulation’) introduced a temporary derogation from certain obligations laid down in Directive 2002/58/EC¹. It allowed providers of certain number-independent interpersonal communications services, on a voluntary basis and subject to strict safeguards, to continue using technologies for the processing of personal and other data in order to detect, report and remove online child sexual abuse from their services.

In December 2025, the Commission adopted a proposal for a limited extension of the Interim Regulation until 3 April 2028, with a view to avoiding legal uncertainty for service providers and maintaining a legal framework enabling voluntary activities to detect, report and remove online child sexual abuse from their services to continue in compliance with Union law while negotiations on the long-term Regulation to prevent and combat child sexual abuse online² (hereinafter the ‘long-term Regulation’) were ongoing. The Interim Regulation lapsed on 3 April 2026. The Council adopted its position in first reading on 2 July 2026. The Commission adopted its position on the Council’s position pursuant to Article 294(6) of the Treaty on the Function of the European Union on 3 July 2026.

¹ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

² Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse, COM/2022/209 final.

3. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The Commission proposal is solely intended to extend the period of application of the Interim Regulation, without otherwise altering its substance or the safeguards it provided. The proposal has as an objective to prevent legal uncertainty for service providers and ensure the continuity of the temporary legal framework, allowing providers to continue, on a voluntary basis and subject to strict conditions, activities to detect, report and remove online child sexual abuse, pending the adoption and application of the long-term Regulation.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS PROPOSED BY THE EUROPEAN PARLIAMENT

The three amendments proposed by the European Parliament exclude from the scope of the Regulation number-independent interpersonal communications to which end-to-end encryption is, has been or will be applied.

The Commission can support the adoption of the Regulation providing for a temporary derogation from certain provisions of Directive 2002/58/EC as amended by the European Parliament in its vote on 9 July 2026, as an exceptional and strictly temporary measure justified by the urgent need to restore, without retroactive effect, legal certainty at EU level for the voluntary activities of providers of number-independent interpersonal communications services to detect, report and remove online child sexual abuse from their services. In view of the limited duration and specific purpose of the Interim Regulation, although the scope of the exclusion would benefit from more precision and clarity to ensure an effective protection of children from both sexual violence and secondary victimisation, the amendments adopted by the European Parliament are considered acceptable and the Commission can therefore give a positive opinion on them.

This agreement is without prejudice to the position of the Commission on the ongoing negotiations on the long-term Regulation, which need to provide legal clarity and certainty for the long term. The Commission reiterates the need to reach swift agreement on a long-term Regulation to ensure effective protection of children.