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CM 3560/26

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WRITTEN PROCEDURE

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Subject: Draft 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

Outcome of the written procedure initiated by CM 3508/26:

– Adoption of the Council's position at first reading and of the statement of the Council's reasons

= END OF WRITTEN PROCEDURE

Delegations are informed that the written procedure, opened by CM 3508/26 of 1 July 2026 was completed on 2 July 2026 and that all delegations voted in favour of the adoption of the Council's position at first reading on the 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, as set out in document 11261/26 and of the Statement of the Council's reasons, as set out in document 11261/26 ADD1.

The required qualified majority has been reached. Therefore, the above position of the Council at first reading and the Statement of the Council's reasons are adopted.

The statement by Italy is reproduced in the Annex to this CM and will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

Italy has requested that the following statement be entered in the Council minutes

Italy strongly reaffirms its firm commitment to combating a phenomenon of extreme gravity such as online sexual abuse and exploitation of children. Following the invitation by the President of the European Parliament, Roberta Metsola, to reach an agreement at second reading on the so-called interim Regulation, Italy intends to respond in a constructive, pragmatic and cooperative spirit.

Therefore, in order to ensure the necessary continuity of enforcement action and in response to the call by the President of the European Parliament, Italy expresses its vote in favour of the adoption of a regulatory framework replicating the provisions of Regulation (EU) 2021/1232, for a duration that would hopefully allow for the adoption and entry into force of a permanent regime.

However, while making this opening, Italy considers it essential to recall the serious concerns and reservations already expressed in the national statement attached to the minutes of the Coreper meeting of 28 January 2026.

These reservations concern specific and crucial substantive aspects, which require in-depth reflection in the further work on the long-term CSAM Regulation:

- **Scanning powers entrusted to private entities:** Italy reiterates its strong opposition to the adoption of a regulatory framework that would, in practice, authorise service providers — private entities, largely non-European — to carry out mass scanning and detection activities;
- **Proportionality criteria:** in order to prevent detection activities by service providers from resulting in generalised monitoring, such activities should be subject to strict proportionality. Moreover, in order to safeguard the delicate balance between the legitimate needs of law enforcement authorities and respect for fundamental rights, such activities should be limited exclusively to known CSAM material;
- **Judicial and institutional oversight:** Italy reiterates the need to provide adequate institutional safeguards and effective control mechanisms over detection activities by independent third parties (judicial or administrative authorities). Such safeguards are essential to protect users' rights;

- **End-to-end encryption:** Italy remains convinced of the imperative need to explicitly exclude from the scope of the future Regulation, as well as from all detection activities, content protected by end-to-end encryption, in order to safeguard cybersecurity and the confidentiality of communications.

Finally, Italy reiterates that the temporary replication of the interim regime must be regarded as an exceptional measure. The present favourable vote does not prejudge Italy's position on the above-mentioned issues in the negotiations on the long-term regime, which will continue to be guided by the need to ensure full respect for fundamental rights and the protection of personal data.
