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REV 1

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CODEC
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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 **(second reading)**

Outcome of the written procedure initiated by CM 3755/26:

– Approval of the European Parliament's amendments

= END OF WRITTEN PROCEDURE

Delegations are informed that the written procedure, opened by CM 3755/26 of 22 July 2026 was completed on 23 July 2026 and that all delegations voted in favour of, except for Hungary that voted against and Belgium that abstained, the approval of the European Parliament's amendments to 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 11703/26 and after legal and linguistic revision in PE-CONS 14/26.

The required qualified majority has been reached. Therefore, the European Parliament's amendments to the Council's position at first reading are approved and the act in question is adopted.

The statement by France 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.

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

The French authorities reiterate their support for the objective of effectively combating online child sexual abuse and for the establishment of a legal framework tailored to the challenges of detecting this type of content.

They therefore welcome the extension, as set out in the text adopted at second reading by the European Parliament, of the scope of content that service providers can voluntarily detect until April 2028.

However, they express their serious concern regarding the amendment adopted by the European Parliament on the exclusion of encrypted communications. The wording used is very broad.

The French authorities also consider that the conclusions of the expert group on encryption set up by the Commission, which are expected in November and are due to propose a technological roadmap, should not be pre-empted.

Anxious not to delay the adoption of the text so that alerts can resume on the basis of the derogation regulation, they nevertheless consent to the approval of the text but regret that the negotiations did not allow for the challenges of data access to be adequately addressed. It is important to draw a clear distinction between this text and the draft regulation aimed at establishing a permanent regime for the detection of online child sexual abuse material.