

Brussels, 30 June 2026
(OR. en)

11248/26

Interinstitutional File:
2025/0429 (COD)

JAI 921
ENFOPOL 245
CRIMORG 142
IXIM 149
DATAPROTECT 222
CYBER 324
COPEN 251
FREMP 229
TELECOM 359
COMPET 891
MI 720
CONSOM 219
DIGIT 184
CODEC 1336

'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)

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 **(first reading)**

- Adoption of the Council's position at first reading and of the statement of the Council's reasons
- Decision to use the written procedure

1. On 19 December 2025, the Commission submitted its proposal¹, based on Article 16(2), in conjunction with Article 114(1) TFEU, to the Council.

¹ 17104/25.

2. The European Economic and Social Committee delivered its opinion on 21 January 2026².
3. On 26 March 2026, the plenary of the European Parliament rejected the Commission proposal³. Therefore, Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communication services for the processing of personal and other data for the purpose of combating online child sexual abuse, expired on 3 April 2026.
4. On 26 June 2026, the Permanent Representatives Committee provided guidance⁴ to the Presidency and agreed to proceed with the adoption of the Council position at first reading on the proposal as a matter of urgency. The urgent adoption of this position is justified by the fact that, as of 3 April 2026, providers could no longer rely on Regulation (EU) 2016/679 to continue carrying out voluntary measures to detect and report online child sexual abuse on their services and to remove online child sexual abuse material from their services.
5. In view of the above, the Permanent Representatives Committee is invited:
 - to confirm its agreement on the text of the 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, as set out in document 11261/26 and on the draft Statement of the Council's reasons, as set out in document 11261/26 ADD1;

² OJ C, C/2026/1966, 28.4.2026, ELI: <http://data.europa.eu/eli/C/2026/1966/oj>

³ 7630/26.

⁴ 10499/26.

- to decide, in accordance with the first subparagraph of Article 12(1) of the Council’s Rules of procedure, that, in view of the urgency of the matter, the Council uses the written procedure for the adoption of its 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 Council’s reasons, as set out in document 11261/26 ADD1.
-