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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	3 July 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and 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
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Delegations will find attached document COM(2026) 357 final.

Encl.: COM(2026) 357 final



Brussels, 3.7.2026
COM(2026) 357 final

2025/0429 (COD)

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TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

position of the Council on the adoption of a Regulation of the European Parliament and 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

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1. BACKGROUND

Date of transmission of the Commission Proposal to the European Parliament and to the Council 19 December 2025 (document COM/2025/797 final – 2025/0429(COD)):

Date of the opinion of the European Economic and Social Committee: 21 January 2026

Date of the position of the European Parliament, first reading: 11 March 2026

Date of transmission of the amended proposal: N/A

Date of adoption of the position of the Council: 2 July 2026

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

Online child sexual abuse, including the dissemination of child sexual abuse material and the solicitation of children through online services, shows that digital communication services can be misused to commit, facilitate and perpetuate serious offences against children. Regulation (EU) 2021/1232 (hereinafter ‘the Interim Regulation’) established a temporary derogation from some obligations under Directive 2002/58/EC¹, allowing providers of certain number-independent interpersonal communications services to continue, on a voluntary basis and subject to strict conditions, using specific technologies for the processing of personal and other data, to the extent strictly necessary to detect and report online child sexual abuse and to remove online child sexual abuse material from their services.

The Commission’s proposal to amend the Interim Regulation sought to avoid a legal gap while negotiations continued on a long-term Regulation to prevent and combat child sexual abuse online². It therefore provided for a further limited extension of the period of application

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, pp. 37–47).

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.

of the Interim Regulation, without otherwise altering its substance and its safeguards. The purpose of that extension was to ensure that voluntary activities carried out in compliance with Union law could continue without interruption until the long-term legal framework was agreed and becomes applicable.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The Council's position in first reading is the result of the recent interinstitutional exchanges on the Commission Proposal, which reflect the shared objective of ensuring continuity of the temporary framework for the future, pending the completion of the negotiations on the long-term legal framework.

In its address to the European Council of 18 June 2026, the European Parliament stressed the need to advance the Interim Regulation without further delay and explore the conditions for reaching political agreement at second reading. On this basis, the Permanent Representatives Committee, on 26 June 2026, provided guidance to the Council Presidency and agreed that the adoption of a Council position in first reading should be pursued as a matter of urgency.

Against this background, and faithful to the objectives of the Commission Proposal, the Council adopted its position in first reading on 2 July 2026. The Council position preserves the substance of the Commission proposal by establishing a temporary framework reproducing the rules of the Interim Regulation. Ultimately, this position restores, without retroactive effect, the derogation from Articles 5(1) and 6(1) of Directive 2002/58/EC that enables the voluntary activities concerned, subject to specific conditions and without prejudice to the General Data Protection Regulation. It aims to avoid any further gap in the temporary framework pending the finalisation of the negotiations of the long-term framework to prevent and combat child sexual abuse online.

4. CONCLUSION

The Commission accepts the position taken by the Council.