Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
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)** - Approval of the European Parliament's amendments - Decision to use the written procedure

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

2. On 21 January 2026, the European Economic and Social Committee delivered its opinion[2].

[1] 17104/25.
[2] OJ C, C/2026/1966, 28.4.2026, ELI: http://data.europa.eu/eli/C/2026/1966/oj

3. On 26 March 2026, the plenary of the European Parliament rejected the Commission proposal[3]. 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 2 July 2026, the Council adopted its position at first reading[4] and the statement of the Council's reasons[5] 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.

5. On 3 July 2026, the Commission, pursuant to Article 294(6) TFEU, delivered its opinion[6] on the position of the Council at first reading.

6. On 9 July 2026, the European Parliament, pursuant to Article 294(7) TFEU, adopted amendments to the Council's position at first reading. These amendments were officially transmitted to the Council on 15 July 2026[7].

7. On 14 July 2026, the JHA Counsellors (CSA Regulation) examined the European Parliament's amendments and concluded that the Council could approve all the amendments.

8. On 15 July 2026, the Commission delivered its positive opinion[8] on the European Parliament's amendments, in accordance with Article 294(7)(c) TFEU.

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3 7630/26.
4 11261/1/26 REV 1.
5 11261/1/26 REV 1 ADD 1 + COR 1.
6 11545/26.
7 11703/26.
8 12007/26.

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9. In view of the above, the Permanent Representatives Committee is invited to:

– confirm the conclusion of the JHA Counsellors (CSA Regulation); and

– 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 to approve the European Parliament's amendments, as set out in document 11703/26 and after legal and linguistic revision in PE-CONS 14/26[9].

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[9] Available on 22 July 2026.