



Brussels, 31 October 2025
(OR. en)

14636/25
ADD 1

**Interinstitutional File:
2025/0332 (NLE)**

**AELE 97
MI 840
ISL 53
N 86
FL 58**

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 31 October 2025

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.: COM(2025) 655 annex

Subject: ANNEX to the Proposal for a COUNCIL DECISION on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement (Processing of personal data - combating online child sexual abuse)

Delegations will find attached document COM(2025) 655 final - Annex.

Encl.: COM(2025) 655 final - Annex



Brussels, 31.10.2025
COM(2025) 655 final

ANNEX

ANNEX

to the

Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement

(Processing of personal data - combating online child sexual abuse)

ANNEX

DRAFT DECISION OF THE EEA JOINT COMMITTEE

No [...]

of [...]

amending Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area (“the EEA Agreement”), and in particular Article 98 thereof,

Whereas:

- (1) 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 communications services for the processing of personal and other data for the purpose of combating online child sexual abuse¹ is to be incorporated into the EEA Agreement.
- (2) Regulation (EU) 2024/1307 of the European Parliament and of the Council of 29 April 2024 amending Regulation (EU) 2021/1232 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 abuse² is to be incorporated into the EEA Agreement.
- (3) Annex XI to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 5haa (Commission Regulation (EU) No 611/2013) of Annex XI to the EEA Agreement:

‘5hab. **32021 R 1232**: 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 communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41), as amended by:

- **32024 R 1307**: Regulation (EU) 2024/1307 of the European Parliament and of the Council of 29 April 2024 (OJ L, 2024/1307, 14.5.2024).

¹ OJ L 274, 30.7.2021, p. 41.

² OJ L, 2024/1307, 14.5.2024.

The provisions of the Regulation shall, for the purpose of this Agreement, be read with the following adaptations:

- (a) Notwithstanding the provisions of Protocol 1 to this Agreement, the terms “Member State(s)” and “supervisory authorities” shall be understood to include, in addition to their meaning in the Regulation, the EFTA States and their supervisory authorities, respectively.
- (b) In Article 2, as regards the EFTA States:
 - (i) paragraph 2, point (a), shall read as “‘child pornography’ understood as: (i) any material that visually depicts a child engaged in real or simulated sexually explicit conduct; (ii) any depiction of the sexual organs of a child for primarily sexual purposes; (iii) any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any persons appearing to be a child, for primarily sexual purposes; or (iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes.”
 - (ii) paragraph 2, point (b) shall read as “‘pornographic performance’ understood as a live exhibition aimed at an audience, including by means of information and communication technology, of: (i) a child engaged in real or simulated sexually explicit conduct; or (ii) the sexual organs of a child for primarily sexual purposes.”
 - (iii) in paragraph 3, the reference to Article 6 of Directive 2011/93/EU shall be understood as reference to the corresponding provisions of the national law of the EFTA States.
- (c) In Article 3:
 - (i) in paragraph 1(g)(vii), as regards the EFTA States, the words “by 3 February 2022, and by 31 January every year thereafter” shall read “by 31 January every year following the entry into force of [this Decision]”;
 - (ii) in paragraph 1(g)(vii) the words “or the EFTA Surveillance Authority, for providers registered in the EFTA States” shall be inserted after the word “Commission”;
 - (iii) in paragraph 1(h)(v), as regards the EFTA States, the reference to Directive 2011/93/EU shall be understood as reference to the corresponding provisions of the national law of the EFTA States.
- (d) In Article 7:
 - (i) in paragraph 1, as regards the EFTA States, the words “By 3 September 2021” shall read “No later than two months from the date of entry into force of this [this Decision]”;
 - (ii) in paragraph 1 the words “or the EFTA Surveillance Authority, for providers registered in the EFTA States” shall be inserted after the word “Commission”.
- (e) When receiving information from providers under this Regulation, the EFTA Surveillance Authority shall submit the information to the Commission, without undue delay. The information provided by providers located in the

EFTA States under paragraph 1 of Article 7 of the Regulation shall be made public by the Commission.

Article 2

The texts of Regulations (EU) 2021/1232 and (EU) 2024/1307 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made^{3*} or on the day of the entry into force of Decision of the EEA Joint Committee No 275/2021 of 24 September 2021⁴ [incorporating Directive 2018/1972 into the EEA Agreement], whichever is the later.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, [...].

For the EEA Joint Committee

The President

[...]

The Secretaries

To the EEA Joint Committee

[...]

³ * [No constitutional requirements indicated.] [Constitutional requirements indicated.]

⁴ OJ L ...