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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council
laying down rules to prevent and combat child sexual abuse

- Partial general approach
- = Statements by delegations

Delegations will find attached the statements by Austria and Slovenia on the above-mentioned proposal.

**Statement for the minutes by Austria at the Justice and Home Affairs Council on
12 December 2024**

**Council partial general approach on the proposal for a Regulation of the European
Parliament and of the Council laying down rules to prevent and combat child sexual abuse**

Austria abstains from the Council's partial general approach on the proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse.

Protection of children is a major priority for Austria. Austria welcomes the fact that a legal framework is to be established at EU level to protect children, in particular to cover the online dimension. It is important to protect children, make providers accountable and create effective reporting obligations. This requires a clear legal basis at European level.

From a children's rights perspective, we strongly support efforts to protect children's right to physical integrity and their image rights. Children's right to privacy online must also be safeguarded. These children's rights must be taken into account as part of the necessary balancing of interests.

The compromise proposal now presented by the Presidency is moving in the right direction from both a children's rights and an investigative perspective.

In the negotiations to date, Austria has consistently called for the proposed measures to be drafted in line with fundamental rights and the requirements in the binding opinion of the Austrian Parliament. Accordingly, we have called for maintenance of the confidentiality of interpersonal communications, in particular end-to-end encryption. More specifically, we have a number of concerns in the area of fundamental rights and data protection in respect of the detection order. The proposed measures must not give rise to indiscriminate monitoring of all interpersonal communication. Further work is therefore needed on the design of the detection order.

In view of the above considerations, Austria abstains.

STATEMENT OF THE REPUBLIC OF SLOVENIA

**on the Proposal for a Regulation of the European Parliament and of the Council
laying down rules to prevent and combat child sexual abuse**

The Republic of Slovenia acknowledges the need to fight child sexual abuse offline and online and to establish a sound, permanent legal framework, which will enable the effective fight against child sexual abuse online in accordance with fundamental rights. We appreciate the efforts made by the Czech, Swedish, Spanish, Belgian and Hungarian Presidencies in reaching an agreement within the Council. However, we consider that the proposed text of the partial general approach (doc. 16329/24) still does not strike the appropriate balance between the effectiveness of the proposed Regulation and ensuring proportionality and the respect for fundamental rights.

Slovenia supports the provisions in the proposed Regulation regarding risk assessments, risk mitigation measures, the cooperation with service providers and the role of the EU Centre to prevent and combat child sexual abuse. These chapters enjoy our full support in the proposed partial general approach.

The main concern for Slovenia since the start of deliberations within the Council have been the provisions introducing a “detection order”, which would allow for interference with the right to privacy of communication. In accordance with the Constitution of the Republic of Slovenia, the privacy of correspondence and other means of communication may only be suspended for a set time on the basis of a court order where this is necessary for the institution or course of criminal proceedings or for reasons of national security. Slovenia maintains that the proposed detection order amounts to screening of interpersonal communications of all users of a particular service solely on the basis of the likelihood that a particular service is being used or abused to transmit child sexual abuse material, which constitutes a disproportionate interference with the right to privacy of communications.

With a view of the above, the Republic of Slovenia is therefore abstaining on the text of the partial general approach on the *Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse*.