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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
No. Cion doc.:	17104/25
No. prev. doc.:	5232/26
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2021/1232 as regards the extension of its period of application - Mandate for negotiations with the European Parliament

I. BACKGROUND/INTRODUCTION

1. On 19 December 2025, the Commission submitted to the Council and the European Parliament a proposal for a Regulation amending Regulation (EU) 2021/1232 as regards the extension of its period of application[1], which aims to extend the period of application of 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

[1] 17104/25.

interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse beyond 3 April 2026.

2. The draft Regulation is based on Articles 16 and 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

3. The opinion of the European Economic and Social Committee was requested by the Commission on 19 December 2025 and is pending.

4. Following the presentation of the proposal by the Commission, the JHA counsellors (Law Enforcement Working Party - Police) discussed the proposal at their meeting on 14 January 2026.

5. Considering the comments made by delegations, the Presidency suggests accepting the Commission proposal to extend the period of application of Regulation (EU) 2021/1232 for a period of two years until 3 April 2028. This extension is intended to avoid a legal gap that would occur if the proposed Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse[2] did not enter into force and apply before Regulation (EU) 2021/1232 expires.

6. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) has the lead responsibility. Birgit Sippel (S&D, DE) was appointed rapporteur. The report has not been adopted yet.

II. CONCLUSION

7. The Permanent Representatives Committee is invited to confirm agreement on the text of the mandate for negotiations with the European Parliament, as set out in the annex to this note[3], to enable the Presidency to conduct those negotiations.

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2 9068/22.

3 Changes to the Commission proposal are marked in ~~strikethrough~~.

8. In accordance with the approach to legislative transparency endorsed by Coreper on 14 July 2020[4], and in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure, the text of the mandate thus agreed will be made public unless the Permanent Representatives Committee objects.

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4 9493/20.

ANNEX

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) 2021/1232 as regards the extension of its period of application

(Text with EEA relevance)

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), in conjunction with Article 114(1), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[5],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Regulation (EU) 2021/1232 of the European Parliament and of the Council[6] provides for a temporary regime as regards of the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, pending the adoption of a long-term legal framework addressing the prevention of and combating online child sexual abuse (the 'long-term legal framework'). That Regulation, as amended by Regulation (EU) 2024/1307, applies until 3 April 2026.

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5 [OJ C , , p. .]

6 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, ELI: http://data.europa.eu/eli/reg/2021/1232/oj).

(2) The proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse[7], which the Commission adopted on 11 May 2022, aims to provide the long-term legal framework. However, the interinstitutional negotiations on that proposal have not yet advanced sufficiently to be certain that they will be concluded on time for the long-term legal framework, including any amendments to Regulation (EU) 2021/1232 that it may contain, to be adopted and start to apply before 4 April 2026.

(3) It is important that child sexual abuse online can be combated effectively, in accordance with the applicable rules of Union law, including the conditions set out in Regulation (EU) 2021/1232, and without interruption, pending the adoption and application of the long-term legal framework.

(4) Given these circumstances, Regulation (EU) 2021/1232 should be amended to extend its period of application for a period of time limited to that which is strictly necessary for the long-term legal framework to be adopted and start to apply.

(5) Considering the need to ensure legal certainty in a timely manner, and considering the limited nature of the amendment provided for in this Regulation, namely the extension of its period of application, it is appropriate to provide that this Regulation should enter into force as soon as possible.

(6) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[8] and delivered its opinion on […].

(7) Regulation (EU) 2021/1232 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

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7 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.

8 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

Article 1

In Article 10 of Regulation (EU) 2021/1232, the second ~~sub~~paragraph is replaced by the following:

"It shall apply until 3 April 2028".

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

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