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SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
28 January and 2 February 2026

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COREPER (PART 2)

Statements to the “I” items set out in doc. 5730/2/26 REV 2

Economic and Financial Affairs

37. Chairperson of the European Banking Authority: appointment and process within the Council 5667/26
EF
Approval

Statement by Italy

“The Italian Republic takes note of the procedural proposal put forward by the Cypriot Presidency concerning the selection procedure to identify the new President of the European Banking Authority (EBA).

While acknowledging the Presidency’s effort to identify an operational solution, Italy underlines that the proposed procedure raises a number of concerns.

First, it risks duplicating, without clear added value, the informal phase already conducted within the Financial Services Committee. If Permanent Representatives were merely to confirm the vote already expressed by national delegations, the outcome would likely be the same, thus rendering the additional step redundant while at the same time creating uncertainty as to the respective roles of the different Council configurations.

Second, the proposal does not clarify why it would be necessary to revert to COREPER after a process that has already taken place at attaché/FSC level. This is particularly problematic as it risks establishing an unclear and potentially inconsistent precedent for future appointment procedures under similar regulatory frameworks.

Third, the envisaged vote in COREPER by simple majority, and by secret ballot, introduces a voting rule that does not adequately reflect the relative weight of the Member States. This may give rise to paradoxical situations: in the subsequent formal phase of approval of the delegated act - after both the Council and the European Parliament have already expressed their views - the Council, in accordance with the Treaties, would apply qualified majority voting. As a result, a limited number of larger Member States could form a blocking minority at that stage, despite having been unable to assert a comparable weight during the COREPER vote conducted under simple majority rules.

While it would be inappropriate to change the rules at this stage, since the process is underway and the selection could eventually be affected, the process needs to be improved.

Therefore, Italy agrees to move forward with the proposed procedure to appoint the chair of the European Banking Authority as quickly as possible. On the other hand, we request, also in view of forthcoming appointment procedures, that the entire informal phase be clarified and better framed.

In particular, Italy believes that clarification is needed at least on the following aspects:

1. What constitutes the minimum size of national delegations capable of validly blocking the appointment at attaché-FSC stage, including a clearer definition of the notion of “relevant number”, as stated in the 2020 informal procedure. In this regard, consideration could be given to ensuring that the candidate preferred by the ESAs Board of Supervisors prevails, unless more than one third of the Member States - with their vote weighted by population - object.
2. Under what conditions a referral to COREPER should be envisaged after the attaché-FSC phase, including appropriate timeframes and the possible role of a structured dialogue among the FSC Chair, the Presidency and the Chair of the ECON Committee.
3. What voting rule COREPER should follow in order to adequately take into account the relative weight of the Member States, for instance by combining a majority of Member States with their population weight, and in any event avoiding recourse to a secret ballot.

In this context, Italy believes that the procedure proposed for the selection of the next Chairperson of the European Banking Authority - if approved - should in no way set a precedent for similar appointment processes, in particular regarding the upcoming designation of the chairpersons of the European Securities and Markets Authority and the European Insurance and Occupational Pensions Authority (both scheduled to take place in 2026). In this regard, a mandate should be given to the working party of financial attaché and the Financial Services Committee to propose an updated process to be discussed and approved by Coreper.”

40. Regulation amending Regulation (EU) 2021/1232 as regards the extension of its period of application  5584/26
Mandate for negotiations with the European Parliament JAI

Statement by Italy

“Given the extreme gravity of the phenomenon it seeks to combat, Italy stands ready to vote in favor of the adoption of the new general approach on the extension of Regulation (EU) 2021/1232 (the so-called Provisional Regulation), with the intention of contributing to the continuation of legislative work in a pragmatic and collaborative manner.

However, Italy also wishes to draw attention to some concerns regarding specific aspects of the aforementioned Regulation and of the negotiations for the future final Regulation (the so-called CSAM Regulation), which continue to merit further consideration.

During the negotiation of the general approach on the new draft CSAM Regulation, Italy has expressed serious concerns regarding the approval of a regulatory framework that authorizes providers - private entities, largely non-European - to carry out large-scale scanning activities without sufficient guarantees and institutional checks and balances.

Italy acknowledged the elimination of the "detection order" tool during negotiations for the future CSAM Regulation but remains concerned that the interim regulation still allows for mass scanning, without adequate checks and balances to protect the rights of citizens and users. In Italy's view, this risks compromising the delicate balance between the legitimate needs of law enforcement authorities, the role assigned to private service providers, and the obligation to ensure full respect for fundamental rights, including the confidentiality of communications and the protection of personal data.

Therefore, Italy highlighted, at a technical level, that the revision of the Interim Regulation constituted an opportunity to restore this balance by introducing corrective measures, at least aimed at:

- limiting scanning activities exclusively to known CSAM material;
- explicitly excluding communications protected by end-to-end encryption from the scope of the interim regulation, and therefore from providers' voluntary detection activities;
- introducing mechanisms for prior authorization of detection activities by third-party authorities (judicial or administrative).

Italy believes it is necessary, in the ongoing negotiations on the future CSAM Regulation, to reconsider the above-mentioned aspects, to ensure that, within the new regulatory framework it will establish, voluntary detection activities are guided by strict proportionality and cybersecurity, and encryption protections are strengthened.

Finally, with regard to the extension of the current regime, reiterated on this occasion to allow for the continuous implementation of actions to combat online child sexual abuse, Italy emphasizes that this should be considered an exceptional measure that should not be further resorted to in the future.”

Statement by the Netherlands

“The Netherlands would like to take this opportunity to clarify its position.

The Netherlands supports the temporary extension of the interim derogation (Regulation (EU) 1232/2021), as it ensures continuity of the current practice and prevents a legal gap. This extension allows service providers, on a voluntary basis, to continue detecting online child sexual abuse material for a limited period of time.

Voluntary detection plays a crucial role in combating online child sexual abuse in the Netherlands, across Europe, and globally. The proposal before us enables the continuation of an existing practice that has proven indispensable in addressing one of the most severe and harmful forms of crime. Each year, millions of reports worldwide still relate to the distribution of online child sexual abuse material through internet services and messaging platforms. Given the scale, seriousness, and lifelong consequences of these crimes, voluntary detection remains necessary.

At the same time, the Netherlands considers it essential that efforts to combat this abhorrent material fully respect constitutional safeguards, the digital resilience of Member States, and the fundamental right to privacy of users. Safeguarding these principles is not optional; it is a prerequisite for legitimate and sustainable action.

In this context, the Netherlands continues to have concerns regarding the detection of unknown child sexual abuse material and grooming. In our assessment, no technology currently exists that can detect such content in a manner that is both proportionate and sufficiently justified. The risks of overreach, false positives, and unjustified interference with private communications remain significant.

Furthermore, the Netherlands has consistently supported the introduction of a harmonised reporting format within the interim derogation. Now that such a format has been developed, we strongly call for its adoption. At present, there is insufficient clarity regarding which services engage in voluntary detection, the methods they use, and the precise figures, impact, and effectiveness of these measures. Reporting under voluntary detection must therefore be significantly improved.

In addition, the Netherlands calls for a thorough evaluation of the derogation, so that any shortcomings can be identified and addressed during the trilogue negotiations of the CSAM-regulation.

Taking all of the above into account, the Netherlands supports the proposal to extend the temporary interim derogation, while once again calling on the Council to work collectively towards the safest, most effective, and most rights-respecting approach to combating the dissemination of this horrific material.

The Netherlands remains fully committed to achieving an EU legal framework that effectively addresses online child sexual abuse, while upholding the fundamental rights and values on which the European Union is built.”

43. US démarche on Entry/Exit System exemptions: lines to take
Approval

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FRONT

DELETED



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- First reading
 - Item based on a Commission proposal
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