

JOINT STAKEHOLDER STATEMENT

Call on policymakers to swiftly adopt the extension of the interim ePrivacy derogation¹

Brussels, 23 January 2024

The undersigned organisations have been participating, from different angles, in the discussions surrounding the proposal laying down rules to prevent and combat child sexual abuse². All signatories share the same goal, which is to create and maintain a safe online environment for children, to detect and remove child sexual abuse (CSA) content online, and to ensure the investigation of offenders, in a manner that is compatible with privacy and human rights.

Whereas the Council and the European Parliament announced very ambitious timelines at the beginning of the discussions to ensure the proposal would be in force by the end of the legislative mandate, we are concerned about the lack of progress in the negotiations. The absence of a temporary framework, such as the temporary ePrivacy Derogation³, would create a legal gap and would risk the ability for interpersonal communications service (ICS) providers to continue carrying out selected detection, reporting and removal work against CSA online.

Both NGOs and relevant ICS providers therefore welcome the European Commission's proposal to extend the temporary ePrivacy Derogation⁴ and the recently approved negotiating mandate of the Council, which calls for an extension of the derogation until August 2027. Should a permanent solution not be in place before the end of the mandate, and given that the expiration of the ePrivacy derogation on 3 August 2024 is fast approaching, signatories agree that an extension of at least two years of the temporary framework, or until the new permanent framework is in force, is necessary.

Proactive work against CSA has proven to be effective over the past decade⁵. We therefore ask the European Parliament to support the Commission and the Council on this initiative and call on co-legislators to swiftly adopt the extension of the temporary ePrivacy derogation.

However, this extension should only be considered as a transitory solution, as the core focus is to agree on a long-term framework, and promptly adopt the CSA Regulation. To ensure legal certainty, measures to process data need to be introduced in the CSA Regulation, in order for ICS providers to continue a proactive and transparent mitigation of CSA risks on their services.

¹ Proposal 2023/0452 (COD) for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2021/1232 of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC for the purpose of combating online child sexual abuse
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023PC0777&qid=1702981390481>

² Proposal 2022/0155 (COD) for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A209%3A%20AFIN>

³ 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 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R1232>

⁴ Proposal 2023/0452 (COD)

⁵ Report from the Commission to the European Parliament and of the Council on the implementation of 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, page 33
<https://home-affairs.ec.europa.eu/system/files/2023-12/Implementation%20report%20on%20the%20e-Privacy%20Directive%20temporary%20derogation.pdf>

All signatories remain committed to working towards legislation which stands the test of time and that is in the best interest of children. We stand ready to provide input in the coming weeks and months to achieve this goal.

Signatories (in alphabetical order):

- [5Rights Foundation](#) - 373653640889-82
- [Agarrados à Net](#) - Registered in Portugal under PT198348967
- [ARSIS - Association for the Social Support of Youth](#) - Registered in Greece under 090193521
- [Asociația Eliberare](#) - 377339245648-75
- [Association Novi Put](#) - Registered in Bosnia & Herzegovina under 4227677040008
- [Brave Movement](#) - 240739046913-05
- [Canadian Centre for Child Protection](#) - Registered in Canada under 106913627RR0001
- [Center for Missing and Exploited Children](#) (Centar za nestalu i zlostavljanu decu)
- [COFACE - Families Europe](#) - 93283396780-85
- [Computer & Communications Industry Association](#) (CCIA Europe) - 281864052407-46
- [CZ.NIC](#) (Czech Internet Association) - Registered in the Czech Republic under 67985726
- [Defence for Children International Nederland - ECPAT Nederland](#) - 553136948205-97
- [Developers Alliance](#) - 135037514504-30
- [Digital Poland Association](#) (Związek Cyfrowa Polska) - Registered in Poland under 5222802518
- [DOT Europe](#) - 53905947933-43
- [ECPAT Albania](#) (CRCA) - under the ECPAT International umbrella: 652884041904-28
- [ECPAT Austria](#) - under the ECPAT International umbrella: 652884041904-28
- [ECPAT Belgium](#) - under the ECPAT International umbrella: 652884041904-28
- [ECPAT France](#) - under the ECPAT International umbrella: 652884041904-28
- [ECPAT International](#) - 652884041904-28
- [ECPAT Luxembourg](#) - Registered in Luxembourg under F4840
- [ECPAT Norway](#) - under the ECPAT International umbrella: 652884041904-28
- [ECPAT Sweden](#) - under the ECPAT International umbrella: 652884041904-28
- [Eurochild](#) - 79360311166-84
- [EuroISPA](#) (European Internet Services Providers Association) - 54437813115-56
- [FAPMI - ECPAT Spain](#) (Federación de Asociaciones para la Prevención del Maltrato Infantil) - registered in Spain under G79986493
- [FICE Croatia](#) - Registered in Croatia under 21012267
- [FiCom](#) (Finnish Federation for Communications and Teleinformatics) - 29762326480-22
- [Fundacja Dajemy Dzieciom Siłę](#) (Empowering Children Foundation) - Registered in Poland under 0000204426
- [GSMA](#) - 30988577529-37
- [Hintalovon Child Rights Foundation - ECPAT Hungary](#) - Registered in Hungary under 01-01-0012255
- ["Hope for Children" - CRC Policy Center](#) - 483924815151-12
- [IAC - Instituto de Apoio à Criança](#) - Registered in Portugal under 501377662
- [ICMEC - International Centre for Missing & Exploited Children Singapore](#)
- [Internet Watch Foundation](#) (IWF) - 144739515066-23

- [ISPA Austria](#) (Internet Service Providers Austria) - 56028372438-43
- [ISPA Belgium](#) - under the EuroISPA umbrella - 54437813115-56
- [ITI - The Information Technology Industry Council](#) - 061601915428-87
- [Marie Collins Foundation](#) - registered in Ireland under 7657115
- [Missing Children Europe](#) - 11823899666-63
- [Miúdos Seguros Na Net](#) - Registered in Portugal under PT517009897
- [Network for Children's Rights](#) (NCR) (Δίκτυο για τα Δικαιώματα του Παιδιού) - Registered in Greece under 25375
- [Pomoc Deci](#) - Registered in Serbia under 17541927
- [Safe Online](#)
- [Save the Children Europe](#) - 697362735627-20
- [Stiftung Digitale Chancen](#) - 948042627375-19
- [Stop Sexting](#) - Registered in Ukraine under 45064310
- [Suojellaan Lapsia, Protect Children ry](#) - Registered in Finland under Y3101989-8
- [Terre des Hommes Netherlands](#) - 030107317058-64
- [The Pancyprrian Coordinating Committee for the Protection and Welfare of Children](#)
- [The Smile of the Child](#) - 66055258617-28
- [Video Games Europe](#) - 20586492362-11
- [WeProtect Global Alliance](#) - 834646340101-36



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