



Reply to the Call for Feedback on the Commission’s proposal to extend the temporary derogation from specific provisions of Directive 2002/58/EC for the purpose of combatting online child sexual abuse.

1. Video Games Europe is the voice of the video game industry in Europe representing major European and international video game companies and national trade associations across the continent. The video game sector committed early on in its history to a safe gameplay experience. Developed over a period of more than twenty years, the sector has a solid framework to prioritise safe online gameplay, for both adults and children based on its commitment to keep online gameplay interaction free from illegal content and content that may be inappropriate for children. Members take various actions and employ a number of tools that have been in place for many years, and that are best practice examples for other sectors¹.
2. Our members welcome the opportunity to provide feedback on the Commission’s proposal to extend the temporary derogation from specific provisions of Directive 2002/58/EC for the purpose of combatting online child sexual abuse (‘Interim Regulation’).
3. Given the uncertain timelines for the adoption of the proposed Regulation on Child Sexual Abuse Online, Video Games Europe believes it is crucial to extend this derogation beyond its current expiry date to maintain the necessary legal basis to process data for the sole purpose of preventing, detecting, and reporting child sexual abuse material in information and communications services (ICS).
4. Extending the Interim Regulation will avoid a legal vacuum in which providers of information and communications services could not run voluntary detection, nor would there already exist a basis for which Coordinating Authorities could to issue mandatory orders. Such situation would jeopardize the ability to continue to report child sexual abuse material reported on a voluntary basis (see also [here](#)). It is of utmost importance that these voluntary detection measures can continue without interruption under the current Interim Regulation, as well as under a future long-term legal framework.
5. Video Games Europe believes that a two-year extension as proposed by the Commission is necessary and proportionate to ensure enough time for EU co-legislators to agree on a long-term solution. Due to the fact that 2024 is an electoral year and the negotiations on the Interim Regulation and on the Child Sexual Abuse Online Regulation have proven to be complex and to require more time, two years would be an absolute minimum to allow to conclude the inter-institutional negotiations to conclude and ensure legal certainty in a timely manner.
6. Video Games Europe recognizes that this derogation must remain an interim solution only, and remains committed to engaging with policy-makers to ensure all stakeholders can create a long-term CSAM Regulation that would offer a permanent and horizontal legal framework for the tackling of this horrible crime.

¹ <https://www.videogameseurope.eu/publication/preventing-and-combating-child-sexual-abuse-online-video-games-europe-position-paper/>

About Video Games Europe

Since 1998, Video Games Europe has ensured that the voice of a responsible games ecosystem is heard and understood. Its mission is to support and celebrate the sector's creative and economic potential and to ensure that players around the world enjoy the benefits of great video game playing experiences. Video Games Europe represents 19 European and international video game companies and 13 national trade associations across the continent. Europe's video games sector is worth €24.5bn, and 53% of Europeans are video game players. We publish a yearly [Key Facts report](#) with the latest data on Europe's video games sector.