



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate E - Single Market & Connectivity
The Director

Brussels
SG.E

FAST-TRACK INTERSERVICE CONSULTATION

2 SEPTEMBER 2020

MINUTES

Subject: Fast-track interservice consultation on a Regulation on a temporary derogation from certain articles of Directive 2002/58/EC of the European Parliament and of the Council as regards the use of technologies by number-independent interpersonal communications service providers for the processing of electronic communications for the purpose of combatting child sexual abuse online

Decide Consultation ref.: ISC/2020/06507

Participants:

[REDACTED] (CNECT), [REDACTED] (EEAS),
[REDACTED] (GROW), MUSCHEL Laurent,
[REDACTED] (HOME),
[REDACTED] (JRC),
[REDACTED] (JUST), [REDACTED]
[REDACTED] (SJ)

SLEATH William,
(SG)

The Secretariat-General authorised the fast-track procedure to launch an interservice consultation on the Regulation on 1 September 2020. The meeting took place on 2 September 2020 and was chaired by William SLEATH, Director SG.F. An overview of the consulted services and their opinion is available in the annex.

The meeting agreed that the text should be re-worked by the lead services taking account of the following operational conclusions:

- The material scope. On material constituting child pornography, support was clear. On activities such as conduct constituting 'child prostitution' and 'solicitation of children for sexual purposes'; and 'pornographic performance', whilst there were

important activities undertaken today, an approach had not yet been found which allowed a sufficiently clear and robust wording. The post-ISC text proposal will have a placeholder to this effect.

- Regarding the sunset clause, the proposal should include a specific expiration date (end of current legislative period), which takes into account the need to be sufficiently short to reflect the temporary nature of the derogation, while giving sufficient time for the agreement of the co-legislators on the permanent solution. The current institutional cycle might also be a relevant consideration. References to a possible repeal once the permanent solution is adopted should be moved to the recitals.
- DGs CNECT/HOME will take on board written comments of the LS regarding the recitals and further written comments uploaded by participating DGs in Decide.

The following issues are drawn to the attention of the political level:

- The issue of the material scope of the Regulation and the possibility to cover conduct constituting 'child prostitution' and 'solicitation of children for sexual purposes': and 'pornographic performance':
- The duration of the sunset clause.

The minutes were approved by the participants on 3 September 2020.

William SLEATH

Contact: [REDACTED]

ANNEX

| DG | ANSWER TYPE | | | COMMENTS |
|------|------------------|--------------------------------|------------------|------------|
| | Positive opinion | Positive opinion with comments | Negative opinion | |
| COMP | ■ | ■ | ■ | [REDACTED] |
| EEAS | ■ | ■ | ■ | [REDACTED] |
| GROW | ■ | ■ | ■ | [REDACTED] |

| TRADE | | | | |
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