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Dear [REDACTED],

Thank you for your e-mail of 17 March 2022, addressed also to President von der Leyen, Executive Vice-President Vestager, Jourová and Šuica, Vice-President Schinas and Commissioner Breton.

Taking action to combat child sexual abuse, including online, as well as protecting children's rights, is a top priority for the Commission. This is highlighted in the strategy for a more effective fight against child sexual abuse, adopted on 24 July 2020. As part of this strategy, the Commission announced its intention to develop a new legislative proposal with the aim of providing an effective and long-term solution to combat child sexual abuse online, including by requiring relevant online service providers to detect and report child sexual abuse to public authorities.

In your letter, you raise a number of concerns relating to this legislative proposal, which the Commission adopted on 11 May 2022. The proposal was informed by a thorough impact assessment, which included an open public consultation, a series of meetings with all relevant stakeholders. The impact assessment was carried out in line with the Commission's Better Regulation guidelines, and several options on how to tackle child sexual abuse online effectively were taken into consideration.

The protection and promotion of the rights of the child is a core objective of the European Union's work. It is enshrined in the Charter of Fundamental Rights of the EU, which guarantees the protection of children's rights in implementing Union law.

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The confidentiality of communications is a cornerstone of fundamental rights to respecting private and family life and the protection of personal data. The Commission's proposal has been carefully developed to consider the different rights and interests at stake so that it may ensure full respect for the rights of children, including with regard to privacy and data protection, and also for all others online. The proposal is strictly limited to what is necessary and proportionate, with appropriate safeguards built in.

Encryption is an important tool for the protection of cybersecurity and fundamental rights such as privacy, including confidentiality of communications, and protection of personal data. At the same time, encryption is also used as a secure channel for criminals to hide serious crimes, impeding investigations and efforts to bring perpetrators to justice, including in the area of child sexual abuse.

The proposal is technology neutral and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the strict requirements of this Regulation and are GDPR compliant. It is risk based with prevention at the forefront of its architecture. Only where prevention through mitigation measures is not enough to limit the risks, detection obligations can be imposed, based on an iterative and comprehensive assessment of need and proportionality, targeting these risks and with strong safeguards embedded in this process.

Finally, I would like to point out that we do not consider this new proposal a 'silver bullet'. It is one part of a greater comprehensive approach to fight child sexual abuse. For the EU response to be effective, the problem must be addressed from all angles. This is why the EU Strategy for a more effective fight against child sexual abuse also presents measures to improve the prevention of child sexual abuse, provide better support to victims, and boost law enforcement capacity to investigate these crimes. These include an ongoing evaluation of the existing EU Directive on combating child sexual abuse (2011/93) which supports EU Member States to fight this crime effectively. We are also developing a Network on Prevention to bring practitioners and experts together to share good practices and experience, and set out effective and rigorously tested prevention initiatives.

The fight against child sexual abuse requires a whole-of-society approach. I am glad to hear that you are committed to continue collaborating with us to achieve long-term solutions to combat child sexual abuse, and will continue to count on your support.

Yours sincerely,

