

Joint Industry statement on the proposal for a Regulation laying down rules to prevent and combat child sexual abuse

June 12th, 2023

The undersigned industry associations (ACT The App Association, CCIA Europe, Developers Alliance, DOT Europe, eco, EuroISPA, FiCom, ITI) and their members are deeply committed to making the digital space safe for everyone and, in particular, to protecting children online. We firmly support the European Commission's objective to prevent and combat any type of child sexual abuse online. However, we believe that some improvements to the proposal for a Regulation laying down rules to prevent and combat child sexual abuse must be made to achieve a legislative framework that helps the detection and prosecution of crimes, and the safeguarding of children.

Building on our [initial Industry statement](#) published in April 2023, we call on policymakers to **maintain the flexibility for providers to choose the most appropriate risk mitigation measures** and to **acknowledge the value of voluntary measures to combat child sexual abuse online**.

1. Maintain flexibility in risk mitigation measures

The risk mitigation efforts recognized by the proposal for a Regulation need to be broadened to account for voluntary efforts, including prevention work. Child sexual abuse online can manifest differently across products and functionalities, and relying on a one-size-fits-all approach could entail additional risks for the protection of children.

While Recital 17 makes it clear that service providers remain free to assess their respective child sexual abuse (CSA) risks and select which technology and risk mitigations are appropriate for their services, we would strongly encourage policymakers to ensure this flexibility is reflected in the actual text.

- That would guarantee that mitigation measures include prevention, detection and/or other measures that meet the requirements of Article 4 of the proposal.

Similarly, Recital 18 and Article 4 provide some degree of flexibility when it comes to considering the mitigation measures suggested by the proposed text.

- The possibility for providers to take into account relevant differences, including between content types and services, when selecting appropriate and proportionate mitigation measures should be maintained. This will enable providers to ensure mitigation measures are carefully tailored, in line with the intent of Article 4(2).

2. Value of voluntary measures

The Industry has long been active in child safety online and has proactively developed tools to prevent and detect child sexual abuse material (CSAM), including hash matching and machine learning classifiers, and have made these technologies available to a wide range of services online. However, the important voluntary work carried out by interpersonal communication services (ICSs) providers will no longer be possible to carry out once the ePrivacy Directive [Interim Derogation](#) reaches its sunset clause.

Voluntary measures not only provide continuity with the current legislative framework but they also reaffirm the safeguards to user privacy and avoid the interruption in the detection and prosecution of crimes against children. This work involves significant investment, current and past, to the benefit of consumers and law enforcement. Further to this, the cooperation among companies but also with

hotlines, NGOs and public authorities is something crucial to bear in mind and should be recognised in this proposal.

- The Regulation should create an express legal basis for ICS providers to process communications data for the purposes of prevention, detection and reporting with appropriate safeguards. This would ensure continuity with the principles of the ePrivacy Directive Interim Derogation, would affirm the safeguards it provides for user privacy and would avoid interruption in the detection and prosecution of crimes against children.
- Broader voluntary efforts to fight CSA should be expressly authorised for all providers within the scope of the Regulation, as part of the mitigation strategies available under Article 4 of the proposal.



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