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Honourable Members of the European Parliament,

Thank you for your letter and the opportunity to comment.

In your letter you express concerns regarding undue influence and economic interests in relation to the proposal for a Regulation laying down rules to prevent and combat child sexual abuse.

This proposal is about protecting children from sexual violence. At its core is the need to balance all fundamental rights at stake, including those of children. In preparation of this proposal the normal consultative procedures were followed. Those consultations were broad and objective.

The media article you refer to, published in various versions by different media, is an attempt to misrepresent the normal consultative work of the Commission. In this case consultation with tech companies or with survivors of child sexual abuse.

To ensure the collection of the necessary evidence to help ensure the balance of fundamental rights – like the right to physical and mental integrity of children and the right to privacy – the Commission conducted extensive consultations with a wide variety of stakeholders for two years during the preparation of the proposal.

Juan Fernando LÓPEZ AGUILAR

The Chairman, Committee on Civil Liberties, Justice and Home Affairs

This included a wide range of experts from NGOs focused on privacy rights, NGOs focused on children's rights, companies, academia, national authorities, and others. The impact assessment accompanying the proposal includes a dedicated section summarising these consultations (see its Annex 2).

The interactions with a variety of stakeholders are an essential part of the legislative process, as you are aware. The article referred to in your letter focuses on the interactions of the Commission with a small number of groups protecting children's rights, including survivors.

By singling out this one group in the consultative process, it unfairly suggests favouritism. It also has the unfortunate consequence of undermining the legitimacy of these survivor groups, groups that represent some of the most vulnerable in society.

Let me remind you that, as the result of a Commission consultative process, the relevant services and Directorate Generals have had extensive exchanges with privacy rights organisations and online service providers opposed to additional legal obligations.

Let the text of the proposal speak for itself. One of its key pillars is technological neutrality. In other words, the proposal does not incentivise or disincentivise the use of any given technology, leaving to the providers the choice of the technologies to be operated to comply effectively with the obligations of the proposal, provided they meet the high standards set in the proposal and in EU law more generally. Technologies to detect online child sexual abuse have existed for years, and they are certainly not the monopoly of a single organisation.

Conversely, the regulation will foster the further development of measures to better protect children online, 'safety by design' technologies to prevent abuse and tools for detection when prevention fails. The obligations in the regulation will create a demand for such technologies that meet the strict requirements of EU law. Increased free competition among companies will create better and better tools, using state of the art technology, always ensuring the right balance of all the fundamental rights at stake as required in the legislative proposal.

The answer to the question 'Who benefits' from my proposal is: children. And who benefits from its rejection? Abusers who can continue their crimes undetected and possibly big tech companies and messaging services who do not want to be regulated.

In the 1.5 years since the Commission proposal was published, we have seen massive lobbying by groups opposed to the proposal, notably Big Tech lobbyists, towards all involved in the negotiations: the various presidencies of the Council of the EU, representatives of Member States and Members of the European Parliament. These companies spend more than 100 million euros per year to influence the EU's digital policy, including the proposal on preventing and combating child sexual abuse online. These budgets dwarf the resources of NGOs defending children's rights, including NGOs composed of survivors or their advocates.

My belief is that this article presents publicly available information as revelations, juxtaposes unrelated events and opinions to insinuate conspiracy. There is no basis. Indeed, on close reading of the article there is not even an explicit accusation.

It seems designed to give the impression of wrongdoing.

Let me assure you – there is none.

I am confident that the Honourable Members of the Parliament, those in the LIBE Committee, will judge the regulation on its merits, will continue to ensure the balance and the respect of all the fundamental rights at stake, regardless of sensationalist media, and will continue ensuring that children's rights are treated equally to other fundamental rights. This is also the wish of the vast majority of EU citizens, as the recent Eurobarometer shows, who massively support the legislative proposal and the proper balance of all fundamental rights. It is therefore our shared responsibility as politicians to ensure that balance and do all we can to provide all children a future free from sexual abuse and its devastating, life-long consequences.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ylva Johansson', with a long horizontal stroke extending to the right.

Ylva Johansson