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Date: November 13, 2025

To: Federal Foreign Office

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Subject: Meeting of the Law Enforcement Working Party (LEWP) on November 12, 2025

Purpose: For Information

Reference Number: 350.80

Meeting of the Law Enforcement Working Party on November 12, 2025

I. Summary and Assessment

The focus of the meeting was **Agenda Item 3 – Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse (11596/25)**. The discussion was based on the compromise text transmitted by the Danish Presidency on November 6 via Document 14092/25.

The majority of Member States taking the floor expressed their support for the most recent compromise proposal.

After the Presidency established that there was a sufficient majority for the compromise text, it announced its submission to the Committee of Permanent Representatives (COREPER) on November 19 (as an I-Item) as well as to the Justice and Home Affairs Council in December.

II. Details

Agenda Item 1: Adoption of the agenda

Adopted without changes.

Agenda Item 2: Information by the Presidency

The Presidency referred to the upcoming meetings of the Temporary Core Group on Police Networks (as a preparatory body) on November 25 and the Law Enforcement Working Party – Police on December 3, 2025. Written comments regarding the Presidency's paper on Police Networks from November 6 were requested by November 13, 2025.

Agenda Item 3: Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse (14092/25)

The Presidency opened the session with a summary of the content changes made to the text, referred to the extremely tight schedule due to the expiration of the Interim Regulation, and announced that the matter would be handled as quickly as possible in the Committee of Permanent Representatives and the December Justice and Home Affairs Council so that trilogue negotiations could begin promptly. Member States were expressly

asked to limit themselves to a brief assessment of the compromise text and absolute red lines.

Numerous Member States taking the floor (Germany, France, Austria, Luxembourg, Slovenia, Latvia, Lithuania, Slovakia, Malta, Romania, Ireland, Cyprus, likely also Poland, Finland, Estonia) supported the compromise proposal, although the regulatory scope was partly viewed as an absolute minimum consensus (Spain, Lithuania, Bulgaria) and there was a desire for more—particularly in terms of obligations.

Germany presented in accordance with instructions and welcomed the deletion of mandatory measures, as well as the permanent anchoring of voluntary measures and the retention of the EU Centre, reaffirming its importance.

Spain continued to view mandatory measures as necessary; unfortunately, a comprehensive agreement on this had not been possible. Therefore, supported by **Bulgaria** and **Hungary**, they proposed an obligation for providers to engage in detection at least in "open areas." A significant amount of Child Sexual Abuse Material (CSAM) is openly accessible. To prevent at least the spread of this material, an obligation for providers must be possible. Furthermore, a function of the EU Centre should be anchored in Article 43 enabling the EU Centre to call providers to order if they fail to comply with their obligations.

The **Presidency** described **Spain's** proposal as ambitious but did not take it up in order to avoid further discussions. Through a review clause, the possibility of detection orders remains open for a later date.

Poland supported the general direction of the text but maintained a scrutiny reservation and announced that it would submit its final position later.

Hungary also viewed voluntariness as a sole concept as insufficient and entered a scrutiny reservation. Additionally, they asked the Council Legal Service for an assessment of whether communication could be detected within End-to-End Encryption under the most recent text proposal (similar to **Croatia**). An exclusion of voluntary measures in End-to-End Encryption was a red line. In general, there must be no regression behind the *status quo*.

The **Presidency** replied that the legal basis remained the General Data Protection Regulation. The current text proposal was not a deterioration but an improvement, as it guaranteed that providers could continue doing what they have successfully done so far, and furthermore, cooperation at the EU level would be promoted.

Finland referred to the necessity of consulting its own parliament (as did **Sweden**), but viewed the proposal generally positively. **Czechia** also entered a scrutiny reservation, noting the ongoing government formation.

Italy entered a scrutiny reservation and referred to its statements in the Committee of Permanent Representatives on November 5. It should be considered whether the right to privacy of users could be sufficiently protected within the framework of exclusively voluntary detection. They feared the instrument could also be extended to other offenses; therefore, they had difficulties supporting the proposal.

The **Presidency** referred in this regard to the solid legal systems with corresponding guarantees in the Member States, which form the basis of the proposal.

France urgently reminded the group that progress must be made quickly and a solution found.

Slovenia, Lithuania, Slovakia, the Netherlands, and Latvia viewed the prevention of a regulatory gap as the top priority and welcomed the deletion of mandatory detection orders. The EU Centre is supported.

The **Netherlands** additionally asked the Council Legal Service for an assessment of whether the wording in Articles 4 and 5 could potentially lead to a *de facto* obligation.

The **Presidency** clarified that the text only contained an obligation for risk mitigation, but not an obligation for detection.

Romania, Sweden, and Croatia expressed clear disappointment regarding the deletions made but declared their agreement with the proposal due to the inserted review clause. **Croatia** added that this possibility must also be utilized. **Sweden**, however, viewed the review clause as too complex.

Ireland underscored that it could not agree to the addition in Articles 14a and 18aa regarding the necessity of judicial confirmation within 72 hours, as this is not possible in the Common Law system (likewise **Malta**).

Hungary criticized that the question regarding End-to-End Encryption had not been adequately answered. Problems in this regard had so far only existed within the framework of private communication, whereas the **Spanish** proposal referred exclusively to open spaces.

The **Presidency** clarified that they did not plan to discuss these points again. What is currently possible should remain possible and asked the Council Legal Service to answer regarding Article 1, Paragraph 5.

The **Council Legal Service** explained regarding Article 1, Paragraph 5, that it saw no change to the Interim Regulation. The exceptions may be applied if a legal basis for them exists. Providers are not forbidden from taking measures within End-to-End Encrypted content. Article 1, Paragraph 5 does not change the current legal situation. The question from the **Netherlands** regarding a *de facto* obligation was difficult to answer. While it is not mandatory to take a specific measure, the wording is open to interpretation in both directions.

The **Commission** emphasized the added value and relevance of the EU Centre and agreed with **Spain** regarding detection orders in publicly accessible areas. Much CSAM is also available publicly; therefore, the proposal is good and important, and it is hard to imagine that an active search for CSAM by the EU Centre could meet with resistance.

The **Presidency** thanked the delegations for the broad support and reaffirmed sticking to the compromise proposal without the **Spanish** proposals. However, before transmission to the Committee of Permanent Representatives, an attempt would be made to find a textual solution—e.g., a reference to national law—regarding the concerns raised by **Malta** and **Ireland**.

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