



Brussels, 20 February 2026

Open letter to the negotiators of the extension of the interim derogation to ePrivacy Directive 2025/0429(COD)

Dear Members of the European Parliament,

Dear Cypriot Presidency of the Council of the EU,

Dear European Commission,

DOT Europe, the voice of leading online services providers in Europe, is writing to highlight the importance of swiftly adopting the second extension of the temporary derogation to the ePrivacy Directive.

As the current framework expires on 3 April 2026, we are concerned about the immediate risk of a legal vacuum. Without a swift extension, services will lose the legal clarity required to continue their proactive role in identifying and reporting child sexual abuse (CSA).

The industry fully recognises its responsibility and is committed to playing a proactive part in tackling CSA. Today, the vast majority of actionable reports received by law enforcement authorities originate from voluntary detection efforts by online service providers, which are incentivised by the existing derogation. Allowing this legal basis to lapse would create a **legal gap with immediate and tangible consequences**: the interruption of ongoing detection, reporting and removal of all forms of CSA online, to the detriment of children's safety across the European Union and across the world.

We strongly support the approach proposed by the European Commission and endorsed by the Council, **extending the derogation until April 2028**. This timeline provides the necessary legal certainty for providers to maintain their safety operations while allowing complex negotiations on a permanent legislative framework to proceed without the destabilizing pressure of an impending deadline.

Importantly, **this derogation maintains privacy protections** by providing a clear, regulated and transparent legal framework for voluntary action. It sets a very high bar for safeguards that companies must meet before detection. This allows the legal framework to be future-proof and to take into account technological advancements with appropriate oversight under EU law while preventing fragmented or unregulated enforcement approaches that would inevitably arise in a legal void.

Following the principles above, there is no justification to restricting the current scope of **the derogation covering all forms of child sexual abuse** (known and new CSAM and grooming). Offenders constantly adapt their tactics, and companies engaging in voluntary detection must be able to identify evolving patterns and new manifestations of abuse. Limiting the scope would undermine the effectiveness of these efforts and weaken child protection outcomes.





Finally, we **caution against introducing fines or sanction mechanisms** within the framework of this derogation. Such an approach would run counter to its very purpose and undermine the incentives for companies to continue engaging in voluntary detection efforts. The strength of the derogation lies precisely in enabling and encouraging responsible, good-faith action in the interest of child safety.

We therefore call on the European Parliament, the Council and the Commission to act swiftly to adopt the proposed extension of the derogation without delay and ensure the industry can continue to meet its responsibilities. Ensuring continuity of voluntary detection of all forms of CSA is not a procedural matter, it is a **necessary safeguard** for children online and a prerequisite for effective and balanced policymaking in this area.

We remain at your disposal for further discussion on how to strengthen over twenty years of collective efforts to combat child sexual abuse online.

Sincerely,

Benjamin Brake
Director General, DOT Europe

