

Brussels, 30 November 2023

Dear Chair,

As a group of concerned MEPs, we write to you in regard to the position being taken by the Irish government in negotiations at Council on the Proposal for a Regulation of the European Parliament and the Council laying down rules to prevent and combat child sexual abuse.

We took note of the Oireachtas Justice Committee's deep concerns in regard to this proposed regulation, which resulted in a political contribution on the proposal being prepared and sent to the European Union institutions in March 2023. The publication of this contribution was a hugely significant moment for all of us of the view that this proposed regulation represents a severe and thoroughgoing risk to a range of fundamental rights.

We note that the opinion of the Committee represents the majority view of the members of the Committee, and that the opinion could not have been agreed without the support of Government deputies.

We have been very surprised, in light of the clear and deep concern in regard to the proposed regulation expressed by the Committee (a concern which we share), that the Irish government's position in Council has been one of unqualified support for the proposal. Indeed, Ireland has led the charge for the most extreme version of the proposed regulation in Council, in opposition to what became a blocking minority of states (who share many of the concerns expressed by a majority of members of the Oireachtas Justice Committee, including members of the government).

We would draw the Committee's attention to a scathing analysis published by the Council's own legal service in regard to the proposal published shortly after the Justice Committee's opinion issued, and attached in annex. We would also draw the Committee's attention to the joint industry call (from groups including CCIA and DOT Europe, which represent Google, Microsoft, Apple, Meta) for protecting encryption and limiting detection orders, a position that the Irish government has set itself decisively against in Council (Annex 2). Finally, we note with deep concern the recent revelations in regard to the web of dark money, lobbying and possible undue influence behind the advocacy campaign in favour of the proposal and its direct links with the European Commission's lead on the file, Ylva Johansson, and her cabinet (Annex 3).

We are concerned that the voice of the Oireachtas Justice Committee is being ignored by a government which has an obligation to hold itself accountable to it, and would ask you to give consideration to engaging with the Minister on this subject.

We would note finally that last week the European Parliament approved its position on the Regulation, which will be its mandate for trilogue negotiations. Please find it attached (Annex 4). The Parliament's proposal, by contrast with the Commission's, encompasses preventive measures without agreeing to indiscriminate scanning technologies. Additionally, besides requiring detection orders to be targeted at suspects, it also includes safeguards, and duly protects encryption (including against client-side scanning). A very wide majority in the European Parliament supported this approach in the recent vote.

Kind regards,

Clare Daly, MEP

Patrick Breyer, MEP (Greens/EFA Shadow on the file)

Paul Tang, MEP (S&D Shadow)

Cornelia Ernst, MEP (Left Group Shadow)

Mick Wallace, MEP