

PhDr. Ivan Bartoš, Ph.D.

Magnus Brunner
Commissioner for Internal Affairs and Migration
European Commission

Dear Mr. Brunner,

The Council has adopted its position on the child sexual abuse regulation, better known as chatcontrol, on the 26th of November in COREPER. It has taken the Council more than three years to agree on the text. Following the resistance of several Member States, the Council has decided to rule out mandatory mass scanning as proposed by the Commission. The Parliament has also ruled out mass scanning and has put forward a position that is targeted and proportionate. Both positions ought to uphold encryption, thereby defying the Commission's attack on such crucial technology.

However, the Council position remains flawed. By extending indefinitely the current regime of voluntary scanning that was meant to be temporary, it remains questionable that this proposal would be legal. **Mass scanning, even if voluntary, still remains mass scanning** of private communications. We can not let the right to decide on how to enforce our fundamental rights in the hands of big private corporations, let alone let them decide if this measure is proportionate. The implementation [report](#) from the Commission for instance shows that in 2023 Microsoft scanned over 11.7 billion images and videos and flagged only 32 000 of them, representing a **0.0000027% ratio of CSAM**. How can you justify the mass scanning of everyone when an extremely narrow minority misuse the service?

Even more concerning, the follow-up to these flags are rare – with few children being identified and few perpetrators convicted. It clearly shows that this measure **will not protect minors** but will overwhelm law enforcement, with potentially a lot of false positives, which will become a data labelling agency with not enough means to follow-up with real investigations in order to dismantle criminal networks of abusers.

The scope of the content to be scanned remains too broad. The current regime allows not only for the scanning of images, but also text or metadata in order to detect already known CSAM, new

CSAM or grooming. As shown by the figures put forward by the Commission in its implementation report, **the efficiency of these technologies, and even more in the case of the detection of new CSAM and grooming, is not proven.** The fact that the providers do not want to provide broken down data, use different methods to calculate errors ratio and rely on self-reporting is revealing.

The final Council position also mandates age verification on app marketplaces, de facto preventing minors from accessing basic applications such as WhatsApp, video games, or even social media. Such disproportionate measures without safeguards risk **undermining anonymity online.**

Considering all these elements, I hope that you will play the role of honest broker during the interinstitutional negotiations, fighting for a reasonable ground that does not allow for illegal indiscriminate scanning of private communications as the Commission proposal originally intended.

Thank you for your consideration

PhDr. Ivan Bartoš, Ph.D.

Member of Parliament for Czech Pirate Party