

# Statement

## Statement on Chat Control and the Right to Encryption

### Bitkom on the EU proposal on Chat control

The European Commission presented its proposal for the fight against child sexual abuse on May 11, 2022. This proposal aims to curb the widespread distribution of child abuse material and online grooming, which has risen sharply during the pandemic. Bitkom supports the objectives of the proposal guaranteeing the well-being and protection of children, both offline and online. However, the proposal excessively and disproportionately interferes with users' fundamental rights to privacy. The objectives of the proposal should therefore be pursued by alternative means - the strengthening of law enforcement authorities and in particular the equipment and development of know-how, a closer cooperation of authorities and institutions as well as the private sector for the protection of children and young people, online and offline, must have priority. With respect to legislative projects with partly similar regulatory objectives, it is also essential that no duplicate regulations or contradictions arise - this applies in particular to the Digital Services Act and the e-Evidence Package.

The European Commission's proposal provides for communication service providers to scan all their users' data for child abuse material. This entails a general and blanket surveillance requirement of all private digital correspondence. Even private messages that have so far been secured with end-to-end encryption would be affected. Weakening end-to-end encryption not only compromises the security of private communication, but also that of state and business secrets.<sup>1</sup>

Bitkom equally supports the welfare and protection of children as well as the protection of the fundamental rights and freedoms of the population. It is therefore imperative that the European Commission, in cooperation with civil society, the economy and law enforcement agencies, develop approaches to protect children that are legally defensible, proportionate and technically feasible.

<sup>1</sup> On the importance of encryption for security, please refer to Bitkom's policy statement here: [https://www.bitkom.org/sites/main/files/2020-12/201211\\_pp\\_bitkom\\_grundsatzzerklarung-verschlussslung\\_0.pdf](https://www.bitkom.org/sites/main/files/2020-12/201211_pp_bitkom_grundsatzzerklarung-verschlussslung_0.pdf)

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