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His Excellency

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| Your Ref: 21.06.2024  |   |
| Our Ref: 17.07.2024 |  No 7-2/5016 |

Dr Marco Buschmann

Federal Ministry of Justice

Member of the Bundestag Federal Minister of Justice

schroeter-mi@bmj.bund.de

# **Letter to Dr Marco Buschmann**

Dear Colleague,

Thank you for the Letter and first of all for the very pleasant and constructive meeting on the sidelines of the JHA Council in Luxembourg. I completely agree with you that we need to work strongly together at EU level to deliver results, including on important issues such as reduction of bureaucracy and the protection of privacy.

I also thank you for sharing the joint letter on the CSA Regulation with me. Hereby I will explain our viewpoint on the CSA Regulation in more detail. The Ministry of Internal Affairs represents Estonia in the negotiations of the CSA Regulation in the Council. However, the Ministry of Justice has been actively involved in shaping Estonia’s position on several matters. Mainly, we have focused on how to ensure that the proposed measures to fight against child sexual abuse material on the internet will also protect the right to privacy and data protection of all internet users.

The key position of the Ministry of Justice has been that the Regulation should not force messaging providers and other internet service providers to create backdoors into their end-to-end encrypted services. This is also the position of the Estonian Government.

Among else, we cannot accept the solution included in the more recent compromise proposals which would allow scanning of messages and other content in the users’ device prior to encryption (so-called client-side scanning), as it would still undermine privacy of millions of users and introduce cybersecurity vulnerabilities.

We also have concerns about filtering private messages to identify unknown child sexual abuse material and grooming. There is a great risk that this kind of proactive filtering will essentially lead to general monitoring of many messages shared over the internet. In this regard, we acknowledge that there have been some positive developments in the negotiations to limit the scope of the Regulation.

Because of these major concerns we believe that the articles regulating detection orders in the CSA Regulation must be improved before Estonia can support the Regulation.

As a solution, we strongly encourage looking into privacy preserving technologies that make it possible to analyse and identify illegal material without having to decrypt all messages. We are aware that these technologies are only now being developed and are not yet ready to be used, but that’s why the focus should be on investing into research and creating good private-public cooperation to find new ways to overcome the conflict between protecting privacy and fighting against sexual abuse and other illegal material.

In addition, I would like to take this opportunity to really commend you for taking the initiative to reduce the bureaucracy in the EU and hereby confirm that you have my full support also for the 10-point plan. I look forward to furthering dialogue on this issue because it is time for change and we need workable solutions.

Yours sincerely,

Madis Timpson

Minister of Justice of Estonia