



Plenary sitting

A9-0364/2023

16.11.2023

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse (COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Javier Zarzalejos

Rapporteurs for the opinions of associated committees pursuant to Rule 57 of the Rules of Procedure:

Alex Agius Saliba, Committee on the Internal Market and Consumer Protection

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council Laying down rules to prevent and combat child sexual abuse (COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0209),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0174/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 1 and 2 to the EU Treaties, by the Spanish Parliament, the Netherlands Senate, the Irish Houses of the Oireachtas, the French Senate and the Czech Chamber of Deputies,
 - having regard to the opinion of the European Economic and Social Committee of 21 September 2022¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on the Internal Market and Consumer Protection, Committee on Budgets, Committee on Culture and Committee on Education and Women’s Rights and Gender Equality
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0364/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Approves its statement annexed to this resolution, which will be published in the L series of the *Official Journal of the European Union* together with the final legislative act;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 486, 21.12.2022, p. 133.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children **but also for** perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union ('Charter'), and to protect society at large. Users of such services offered in the Union should be able to trust that the services concerned can be used safely, especially by children.

Amendment

(1) Information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children. **However, these services are also used by** perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences **that often cause long-lasting negative consequences on victims and** that need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union ('Charter'), and to protect society at large. Users of such services offered in the Union should be able to trust that the services concerned can be used safely **in a trusted online environment**, especially by children.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often being **the only ones** in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as

Amendment

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often being in a **unique** position to prevent and combat such abuse. The measures taken should be **effective, targeted, evidence-based**, carefully

to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

balanced, and proportionate, **and subject to constant review** so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid **directly or indirectly** imposing any excessive burdens on the providers of the services.

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse **and more generally to protect children online**, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which *sometimes* diverge, **can** have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Therefore, this Regulation should

Amendment

(4) Therefore, this Regulation should

contribute to the proper functioning of the internal market by setting out clear, uniform **and** balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so **as not to hamper** innovation.

contribute to the proper functioning of the internal market by setting out clear, uniform, **effective, proportionate and carefully** balanced rules to prevent and combat child sexual abuse in a manner that is effective, **targeted and proportionate**, and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so **they stimulate** innovation **and technological development to prevent and combat online child sexual abuse**.

Amendment 5

Compromise amendment replacing Amendment(s): 310, 311

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those **service as** publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are **equally** at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available **number-independent** interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those **services as are** publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming **online games**, image-sharing and video-hosting are **also** at risk of misuse **for the purpose of online child sexual abuse**, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying

varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner ***without lowering child protection standards.***

Amendment 6

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Online child sexual abuse ***frequently involves*** the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

Amendment

(6) Online child sexual abuse ***can also involve*** the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

Amendment 7

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) .../... of the European Parliament and of the Council⁴⁰ ***[on a Single Market For Digital Services (Digital Services Act) and amending***

Amendment

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) ***2022/2065*** of the European Parliament and of the Council⁴⁰, Directive 2010/13/EU of the European Parliament and of the Council⁴¹,

Directive 2000/31/EC, Directive 2010/13/EU of the European Parliament and of the Council⁴¹, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive 2002/58/EC of the European Parliament and of the Council⁴³.

Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive 2002/58/EC of the European Parliament and of the Council⁴³.

³⁸ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

³⁸ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

⁴⁰ Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L ...).

⁴⁰ Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L ...).

⁴¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

⁴¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

⁴² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁴² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector

(‘Directive on privacy and electronic communications’) (OJ L 201, 31.7.2002, p. 37).

(‘Directive on privacy and electronic communications’) (OJ L 201, 31.7.2002, p. 37).

Amendment 8

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** apply in respect of issues that are not or not fully addressed by this Regulation.

Amendment

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) **2022/2065** laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) **2022/2065** apply in respect of issues that are not or not fully addressed by this Regulation.

Amendment 9

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Encryption, and especially end-to-end encryption, is an increasingly important tool to guarantee the security and confidentiality of the communications of all users, including children. Any restrictions or undermining of the end-to-end encryption can be used and abused by malicious third parties. Nothing in this Regulation should therefore be interpreted as prohibiting, weakening or undermining end-to-end encryption.

Providers of information society services should under no circumstances be prevented from providing their services using the highest standards of encryption, considering that such encryption is essential for trust in and security of the digital services.

Amendment 10

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) In the interest of clarity and consistency, the definitions provided for in this Regulation should, where possible and appropriate, be based on and aligned with the relevant definitions contained in other acts of Union law, such as Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***.

Amendment

(10) In the interest of clarity and consistency, the definitions provided for in this Regulation should, where possible and appropriate, be based on and aligned with the relevant definitions contained in other acts of Union law, such as Regulation (EU) ***2022/2065***.

Amendment 11

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, ***on the basis of the existence of a significant*** number of ***users*** in one or more Member States, ***or*** the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the

Amendment

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, ***where the*** number of ***recipients of the service*** in one or more Member States ***is significant in relation to its or their population, or on the basis of*** the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency

possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union should not, alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Amendment 12

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) With a view to minimising the risk that their services are misused for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available interpersonal communications services should assess such risk *for each of the* services that they offer in the Union. To

generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union should not, *on that ground* alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Amendment

(14) With a view to minimising the risk that their services are misused for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available *number independent* interpersonal communications services should assess such risk *stemming, inter alia, from the design, functioning*

guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.

and use of their services that they offer in the Union. ***That risk assessment should be specific to the services they offer and proportionate to the risk considering its severity and probability.*** To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.

Amendment 13

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The obligation to conduct a risk assessment should apply, in any case, to very large online platforms and to those providers which are substantial, exposed to online child sexual abuse. Providers that qualify as small and micro enterprises as defined in Commission Recommendation 2003/361/EC should carry out a simplified risk assessment. Irrespective of their size or their substantially exposure to online child sexual abuse, providers of online games that operate number-independent interpersonal communications service within their games, platforms primarily used for the dissemination of pornographic content and providers offering services directly targeting children should carry out a risk assessment.

Amendment 14

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** with respect to information that they store and disseminate to the public. For the purposes of the present Regulation, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.

Amendment

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) **2022/2065** respect to information that they store and disseminate to the public. For the purposes of the present Regulation, ***and in order to ensure consistency and avoid unnecessary burdens and duplications***, those providers may draw on such a risk assessment ***for the purpose of the risk assessment under this Regulation*** and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.

Amendment 15

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** may consider to

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available ***number-independent*** interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) **2022/2065** may consider to which extent mitigation measures adopted to comply with that obligation, which may include

which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, including age verification and parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

targeted measures to protect the rights of the child, including age verification and parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Amendment 16

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect online child sexual abuse in their services ***and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.***

Amendment

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect ***and prevent***, online child sexual abuse in their services. ***Mitigation measures should aim to contribute to prevent child sexual abuse from happening in the first place, and consequently detection orders should be issued only to providers that have failed to take all reasonable and proportionate mitigation measures to address the risk identified.***

Amendment 17

Proposal for a regulation

Recital 17 a (new)

(17a) top Online platforms primarily used for the dissemination of pornographic content and providers of online games falling under the scope of this Regulation should take additional technical and organisational measures to ensure safety and security by design and by default for children.

Amendment 18

Proposal for a regulation Recital 18

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available ***number-independent*** interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights ***or if they disproportionately affect people experiencing intersectional discrimination, including on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender or sexual orientation. Particular care should be taken to assess the impact on girls, who are at a greater risk of being subject to child sexual abuse and gender-based violence.*** In order to ensure proportionality,

contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the ***ongoing effectiveness of the measures, the*** financial and technological capabilities and the size of the provider concerned. ***Therefore mitigation measures should always be the least intrusive option possible.*** When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. ***Clear targets, oversight, review and adaptation, led by the competent authorities, are needed to avoid measures becoming redundant, disproportionate, ineffective, counterproductive or outdated.*** When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

Amendment 19

Proposal for a regulation Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Parental control features and functionalities should be limited to allowing allow parents, or guardians only to prevent children from accessing platforms or services that are inappropriate for their age or fall under an age-restriction applicable under national law, or to help prevent them from being exposed to content that is inappropriate. Those measures should be in accordance with Regulation (EU) 2016/679 and the Convention on the Rights of the Child, in particular General Comment 25 (2021) on children's rights

in relation to the digital environment, respect the integrity and safety of the device and not allow unauthorised access or control by third parties.

Amendment 20

Proposal for a regulation Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) Providers should have to establish and operate an accessible, age-appropriate, child-friendly and user-friendly reporting mechanism that allows any user or entity to flag or notify them the presence of potential online child sexual abuse on their services, including self-generated material.

Amendment 21

Proposal for a regulation Recital 18 c (new)

Text proposed by the Commission

Amendment

(18c) Providers that have identified a risk of use of their services for the purpose of the solicitation of children, should be able to take age verification measures. The implementation of technical procedures to verify the age of users is likely to result in the processing of personal data. Such processing is particularly sensitive in view of its purpose and is subject to Regulation (EU) 2016/679. Age verification systems should strictly comply with the principle of data minimization. In addition, the requirement to set up an age verification system for the legitimate purpose of protecting minors provided for in this Regulation does not justify a general obligation to identify oneself prior to

consulting any site offering content. Being able, in principle, to benefit from online public communication services without having to identify oneself, or by using pseudonyms, contributes to the freedom to inform oneself and to the protection of users' privacy. This is an essential element in the exercise of these freedoms on the Internet. Providers should use systems that provide proof of age without revealing the identity of the user as foreseen in Regulation .../... amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity. Such services could, for example, be based on a trusted third-party organization, which would have to incorporate a double anonymity mechanism preventing the trusted third party from identifying the site or application at the origin of a verification request, on the one hand, and preventing the transmission of identifying data relating to the user to the site or application, on the other. The means of proof should therefore be in the hands of its bearer and limited to a single age attribute. The trusted third-party organisation should also incorporate all personal data protection guarantees, and in particular inform the person concerned, in simple terms and adapted to each audience, of the risks and rights associated with the processing of his or her data.

Amendment 22

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be made

Amendment

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores ***considered as***

subject to obligations to take certain reasonable measures to assess and mitigate that risk. The providers should make that assessment in a diligent manner, making efforts that are reasonable under the given circumstances, having regard inter alia to the nature and extent of that risk as well as their financial and technological capabilities and size, and cooperating with the providers of the services offered through the software application where possible.

gatekeepers under Regulation (EU) 2022/1925 should be made subject to obligations to take certain reasonable measures to assess and mitigate that risk, ***specifically preventing children from accessing the software applications in relation to which the provider of software application has explicitly informed that it does not permit its use by children or when it has an age rating model in place.*** The providers should make that assessment in a diligent manner, making efforts that are reasonable under the given circumstances, having regard inter alia to the nature and extent of that risk as well as their financial and technological capabilities and size, and cooperating with the providers of the services offered through the software application where possible.

Amendment 23

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures ***are deemed insufficient*** to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available ***interpersonal communications services, and that solicitation of children mostly takes place***

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when ***the provider refuses to cooperate by putting in place the*** mitigating measures ***aimed*** to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request, ***as a measure of last resort,*** the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available ***number-independent*** interpersonal

in publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such services.

communications services, it should only be possible to address detection orders to providers of such services. ***As a matter of principle, detection orders should be addressed to the service provider acting as a controller. However, in some circumstances, determining whether a service provider has the role of controller or processor can prove particularly challenging or addressing the controller may be detrimental to an ongoing investigation. Consequently, as an exception, it should be possible to address a detection order directly to the service provider that stores or otherwise processes the data.***

Amendment 24

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of ***a significant risk*** of the ***specific*** service concerned being misused ***for a given type of online*** child sexual abuse ***covered by this Regulation. One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online*** child sexual abuse ***at stake and of the different characteristics of the services used to engage in such*** abuse, ***as well as the related different degree of intrusiveness of the measures*** to be taken to execute the detection order.

Amendment

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued ***by a judicial authority and only*** after a diligent and objective assessment leading to the finding of ***reasonable grounds of suspicion for a link, at least an indirect one***, of the service concerned being misused ***by individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication*** for child sexual abuse ***material. Reasonable grounds are those resulting from any information reliable and legally acquired that suggest that individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication might have a link, even an indirect or remote one, with*** child sexual abuse ***material. A link with child sexual abuse material should be deemed to exist where on the basis of objective evidence there is a reasonable suspicion that such material will be detected in the***

use of a service by a user. Where a channel is operated specifically for the purpose of distributing child sexual abuse material, the subscribers to that channel should be considered linked to child sexual abuse material. Conduct which is legal according to Directive 2011/92/EU or national law transposing it should not be deemed a reasonable ground of suspicion. In order to conduct such an assessment a fluent dialogue needs to be established between the Coordinating Authority and the provider. With the view at achieving that aim, it should be possible for the Coordinating Authority to request additional information to the EU Centre, the competent data protection authorities or any other public authority or entities.

Amendment 25

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) The definition of child sexual abuse material provided in Article 2 has to be interpreted taking into account Directive 2011/93/EU. Therefore, personal communication between consenting peers as well as children over the age of sexual consent and their partners are out of the scope of the definition insofar those images does not involve any abuse or exploitation or payment or remuneration for pornographic performance and the images have not been disseminated without the consent of the parties involved. Likewise, images produced for medical or scientific purposes, strictly verifiable as such, should remain out of the scope of definition of child sexual abuse material.

Amendment 26

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) ***However, the finding of such a significant risk should in itself be insufficient to justify the issuance of a detection order, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial authority or independent administrative authority having objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.***

Amendment 27

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the

Amendment

(22) It should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial authority having objectively and diligently assessed, identified and weighted, on a case-by-case basis, the likelihood and seriousness of any potential negative consequences for other parties affected, ***including the users of the service.*** With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

Amendment

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the

detection order is **targeted and specified** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to ***an identifiable part or component of the service where possible without prejudice to the effectiveness of the measure, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups*** of users, ***to the extent that they can be taken in isolation for the purpose of detection***, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Amendment 28

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) The competent judicial ***authority or the competent independent administrative*** authority, as applicable in accordance with the detailed procedural rules set by the relevant Member State, should be in a position to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach, ***especially in connection to***

detection order is ***limited in time*** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to ***individual users, or a specific group*** of users, ***either as such or as subscribers to a specific channel of communication in respect of whom there are reasonable grounds of suspicion for a link, even an indirect one, with child sexual abuse material as defined in Article 2*** as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Amendment

(24) The competent judicial authority, as applicable in accordance with the detailed procedural rules set by the relevant Member State, should be in a position to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach. Therefore, a procedure should be provided for that allows the providers concerned, the

detection orders concerning the solicitation of children. Therefore, a procedure should be provided for that allows the providers concerned, the EU Centre on Child Sexual Abuse established by this Regulation ('EU Centre') and, where so provided in this Regulation, the competent data protection authority designated under Regulation (EU) 2016/679 to provide their views on the measures in question. They should do so ***as soon as possible***, having regard to the important public policy objective at stake and the need to act without undue delay to protect children. In particular, data protection authorities should do their utmost to avoid extending the time period set out in Regulation (EU) 2016/679 for providing their opinions in response to a prior consultation. Furthermore, they should normally be able to provide their opinion well within that time period in situations where the European Data Protection Board has already issued guidelines regarding the technologies that a provider envisages deploying and operating to execute a detection order addressed to it under this Regulation.

EU Centre on Child Sexual Abuse established by this Regulation ('EU Centre') and, where so provided in this Regulation, the competent data protection authority designated under Regulation (EU) 2016/679 to provide their views on the measures in question. They should do so ***without undue delay***, having regard to the important public policy objective at stake and the need to act without undue delay to protect children. In particular, data protection authorities should do their utmost to avoid extending the time period set out in Regulation (EU) 2016/679 for providing their opinions in response to a prior consultation. Furthermore, they should normally be able to provide their opinion well within that time period in situations where the European Data Protection Board has already issued guidelines regarding the technologies that a provider envisages deploying and operating to execute a detection order addressed to it under this Regulation.

Amendment 29

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Where new services are concerned, that is, services not previously offered in the Union, the evidence available on the potential misuse of the service in the last 12 months is normally non-existent. Taking this into account, and to ensure the effectiveness of this Regulation, the Coordinating Authority should be able to draw on evidence stemming from comparable services when assessing whether to request the issuance of a detection order in respect of such a new

Amendment

deleted

service. A service should be considered comparable where it provides a functional equivalent to the service in question, having regard to all relevant facts and circumstances, in particular its main characteristics and functionalities, the manner in which it is offered and used, the user base, the applicable terms and conditions and risk mitigation measures, as well as the overall remaining risk profile.

Amendment 30

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. ***That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children.***

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available ***number-independent*** interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be

When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users, ***while ensuring the effective detection of child sexual abuse material and the balance of all the fundamental rights at stake. In that regard, providers should ensure effective internal procedures and safeguards to prevent general monitoring. Detection orders should not apply to end-to-end encryption.***

Amendment 31

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers ***detection*** technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board ***should*** be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers ***may operate*** the technologies made available by the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation.

Amendment

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board ***must*** be consulted on ***the use of*** those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers ***should not be limited to operating*** the technologies made available by the EU Centre or by others ***but should always be allowed to use*** or technologies that they developed themselves, as long as they meet the requirements of this Regulation ***and other applicable Union law, such as Regulation (EU) 2016/679.***

Those technologies should be independently audited as regards their performance and reliability.

Amendment 32

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Since the Commission consultations to the EDPB regarding several aspects of this Regulation will entail more work for the EDPB, its budget and staffing should be adapted accordingly. The situation of national authorities, who likewise will be regularly consulted by service providers, should also reflect their increased responsibilities.

Amendment 33

Proposal for a regulation Recital 28

Text proposed by the Commission

Amendment

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently reliable, as well as to identify false positives and avoid to the extent erroneous reporting to the EU Centre, providers should ensure human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and positives generated by the technologies, based on an analysis of anonymised representative data samples. *In particular where the detection of the solicitation of children in publicly*

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently *accurate and* reliable, as well as to identify false positives *and false negatives* and avoid to the extent erroneous reporting to the EU Centre, providers should ensure *adequate* human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and *false* positives generated by the technologies, based on an analysis of anonymised representative data samples. Providers should ensure *that staff carrying*

available interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children.

out such task is adequately trained.

Amendment 34

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, *they should be required to report* on potential online child sexual abuse on their services, *whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports.* In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. *Such awareness could*, for example, *be obtained* through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, *or activities conducted on the providers' own initiative.* Those providers should report a minimum of information, as specified in this Regulation, *for* competent law enforcement authorities *to be able to assess whether to initiate an investigation, where*

Amendment

(29) Providers of hosting services, and providers of publicly available ***number-independent*** interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, ***upon obtaining actual knowledge*** on potential online child sexual abuse on their services, ***they should act expeditiously to remove or to disable access to that content and to report it to the EU Centre in accordance with this Regulation. The removal or disabling of access should respect the fundamental rights of the recipients of the service, including the right to freedom of expression and of information.***

relevant, and should ensure that the reports are as complete as possible before submitting them.

In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. *Providers can obtain such actual knowledge on potential online child sexual abuse on their services*, for example, *through its own-initiative investigations*, through the execution of detection orders, *through notifications done by the Coordinating Authorities*, as well as *through* information flagged by users, *self-reported by victims* or organisations, *such as hotlines*, acting in the public interest against child sexual abuse. *To this end, it is important that providers, regardless of their size, have the obligation to put in place mechanisms that facilitate the flagging or notification of online child sexual abuse.*

Those reports should report *contain* a minimum of information as specified in this Regulation, *and providers should ensure the quality of the information submitted so the EU Centre can conduct its assessment and* competent law enforcement authorities *can focus on* reports *that are most likely to lead to the recovery of a child or/and the arrest of an offender, or both.*

Amendment 35

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial *authorities or independent administrative* authorities to issue a removal order addressed to providers of hosting services.

Amendment

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection *and in order to stop or limit its dissemination*, Coordinating Authorities of establishment should have the power to request competent judicial authorities to issue a removal order addressed to providers of

As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should, ***without undue delay***, inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions, ***established for a limited time period***, needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences. ***As a matter of principle, removal orders should be addressed to the service provider acting as a controller. However, in some circumstances, determining whether a service provider has the role of controller or processor can prove particularly challenging or addressing the controller could be detrimental to an ongoing investigation. Consequently, by way of derogation, it should be possible to address a removal order directly to the service provider that stores or otherwise processes the data.***

Amendment 36

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) .../... ***for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC***.

Amendment

(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) **2022/2065**.

Amendment 37

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) Considering that acquiring, possessing, knowingly obtaining access and transmitting child sexual abuse material constitute criminal offences under Directive 2011/93/EU, it is necessary to exempt providers of relevant information society services from criminal liability when they are involved in such activities, insofar as their activities remain strictly limited to what is needed for the purpose of complying with their obligations under this Regulation and they act in good faith.

Amendment

(34) Considering that acquiring, possessing, knowingly obtaining access and transmitting child sexual abuse material constitute criminal offences under Directive 2011/93/EU, it is necessary to exempt providers of relevant information society services from criminal liability when they are involved in such activities, ***including when carrying out voluntary own-initiative investigations, or taking other measures***, insofar as their activities remain strictly limited to what is needed for the purpose of complying with their obligations under ***the Union law, including*** this Regulation and they act in good faith ***and in a diligent manner***.

Amendment 38

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) ***The*** dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation.

Amendment

(35) ***Each act of*** dissemination of child sexual abuse material, ***including the non-consensual dissemination of self-generated material***, is a criminal offence that affects the rights of the victims depicted, ***of whom the vast majority are girls. Repeated dissemination of child sexual abuse material constitutes a form of revictimization which could cause long-lasting negative consequences on the victim, and may reach extreme level in cases of so-called 'highly traded' material***. Victims ***or their parents and guardians or legal representatives acting on their behalf*** should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available ***number-***

independent interpersonal communications services in accordance with this Regulation. ***In dealing with such requests from cases of highly traded child sexual abuse material, particular care should be taken by the EU Centre and Coordinating Authorities to ensure the safeguarding of the victims concerned. For that purpose, staff dealing with such cases shall be specifically trained to interact with victims of serious abuse.***

This information should be provided, within a reasonable period of time, in the language indicated by the victim, in a confidential, age-appropriate, accessible, understandable and gender-sensitive manner and tailored to the specific vulnerabilities of the victims, such as their disability. The information should also cover information regarding victims' rights, support and assistance.

Amendment 39

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for

Amendment

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims ***or their parents and guardians or legal representatives*** who request the removal or disabling of access of the material in question ***in a timely manner, in order to minimise the impact that such offences have on the physical and mental health of the victim.*** That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the

example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted **by** the EU Centre in this regard, via the Coordinating Authorities.

request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted **and receive adequate support by specifically trained staff of** the EU Centre in this regard, via the Coordinating Authorities.

Amendment 40

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) To ensure the efficient management of such victim support functions, victims should be allowed to contact and rely on the Coordinating Authority that is most accessible to them, which should channel all communications between victims and the EU Centre.

Amendment

(37) To ensure the efficient management of such victim support functions, victims should **be informed about the existence of such functions and** be allowed to contact and rely on the Coordinating Authority that is most accessible to them, which should channel all communications between victims and the EU Centre.

Amendment 41

Proposal for a regulation Recital 38 a (new)

Text proposed by the Commission

Amendment

(38a) The Union budget should provide complementary funding to ensure a high level of support and protection for victims, including through sufficient resources in dedicated funding programmes, and through the promotion of innovative solutions to improve the quality and

accessibility of the needed services. The relevant programmes under the next Multiannual Financial Framework should contain sufficient financial and human resources to ensure sufficient funding for an adequate Union contribution to the proper implementation.

Amendment 42

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

Amendment

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) **2022/2065**, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

Amendment 43

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) Where relevant and convenient, subject to the choice of the provider of relevant information society services and the need to meet the applicable legal requirements in this respect, it should be possible for those providers to designate a single point of contact and a single legal representative for the purposes of Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]** and this Regulation.

Amendment

(42) Where relevant and convenient, subject to the choice of the provider of relevant information society services and the need to meet the applicable legal requirements in this respect, it should be possible for those providers to designate a single point of contact and a single legal representative for the purposes of Regulation (EU) **2022/2065**, and this Regulation.

Amendment 44

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities.

Amendment

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, **including issues related to prevention and combating child sexual abuse and assistance to victims**, without prejudice to

the enforcement powers of other national authorities.

Amendment 45

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) The Coordinating Authority, as well as other competent authorities, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities have not only the necessary investigatory and enforcement powers, but also *the* necessary financial, human, technological and other resources to adequately carry out their tasks under this Regulation. In particular, given the variety of providers of relevant information society services and their use of advanced technology in offering their services, it is essential that the Coordinating Authority, as well as other competent authorities, are equipped with the necessary number of staff, including experts with specialised skills. The resources of Coordinating Authorities should be determined taking into account the size, complexity and potential societal impact of the providers of relevant information society services under the jurisdiction of the designating Member State, as well as the reach of their services across the Union.

Amendment 46

Proposal for a regulation

Recital 48

Amendment

(47) The Coordinating Authority, as well as other competent authorities, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities have not only the necessary investigatory and enforcement powers, but also *all* necessary *resources, including sufficient* financial, human, technological and other resources to adequately carry out their tasks under this Regulation. In particular, given the variety of providers of relevant information society services and their use of advanced technology in offering their services, it is essential that the Coordinating Authority, as well as other competent authorities, are equipped with the necessary number of staff, including experts with specialised skills. The resources of Coordinating Authorities should be determined taking into account the size, complexity and potential societal impact of the providers of relevant information society services under the jurisdiction of the designating Member State, as well as the reach of their services across the Union.

Text proposed by the Commission

(48) Given the need to ensure the effectiveness of the obligations imposed, Coordinating Authorities should be granted enforcement powers to address infringements of this Regulation. These powers should include the power to temporarily restrict access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place. In light of the high level of interference with the rights of the service providers that such a power entails, the latter should only be exercised when certain conditions are met. Those conditions should include the condition that the infringement results in the regular and structural facilitation of child sexual abuse offences, which should be understood as referring to a situation in which it is apparent from all available evidence that such facilitation has occurred on a large scale and over an extended period of time.

Amendment 47

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal **orders or** blocking orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new

Amendment

(48) Given the need to ensure the effectiveness of the obligations imposed, Coordinating Authorities should be granted enforcement powers to address infringements of this Regulation. These powers should include the power **to request the competent judicial authority of the Member State that designated them** to temporarily restrict access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place. In light of the high level of interference with the rights **of the users and** of the service providers that such a power entails, the latter should only be exercised when certain conditions are met. Those conditions should include the condition that the infringement results in the regular and structural facilitation of child sexual abuse offences, which should be understood as referring to a situation in which it is apparent from all available evidence that such facilitation has occurred on a large scale and over an extended period of time.

Amendment

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal, blocking orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child

child sexual abuse material through publicly available material in the hosting services of the providers concerned.

sexual abuse material through publicly available material in the hosting services of the providers concerned.

Amendment 48

Proposal for a regulation Recital 50

Text proposed by the Commission

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to afford them an opportunity to take expeditious action to remove or disable access ***on a voluntary basis***, Coordinating Authorities of establishment should be able to notify those providers of the presence of known child sexual abuse material on their services and requesting removal or disabling of access thereof, ***for the providers' voluntary consideration***. Such notifying activities should be clearly distinguished from the Coordinating Authorities' powers under this Regulation to request the issuance of removal orders, ***which impose on the provider concerned a binding legal obligation to remove or disable access to the material in question within a set time period.***

Amendment

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to afford them an opportunity to take expeditious action to remove or disable access, Coordinating Authorities of establishment should be able to notify those providers of the presence of known child sexual abuse material on their services and requesting removal or disabling of access thereof. Such notifying activities should be clearly distinguished from the Coordinating Authorities' powers under this Regulation to request the ***competent judicial authority of the Member State that designated them the*** issuance of removal orders.

Amendment 49

Proposal for a regulation Recital 53

Text proposed by the Commission

(53) Member States should ensure that for infringements of the obligations laid down in this Regulation there are penalties that are effective, proportionate and dissuasive, taking into account elements such as the nature, gravity, recurrence and duration of the infringement, in view of the

Amendment

(53) Member States should ensure that for infringements of the obligations laid down in this Regulation there are penalties ***which can be of an administrative or criminal nature, as well as, where appropriate, fining guidelines***, that are effective, proportionate and dissuasive,

public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the provider of relevant information society services concerned.

taking into account elements such as the nature, gravity, recurrence and duration of the infringement, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the provider of relevant information society services concerned. ***Particularly severe penalties should be imposed in the event that the provider of relevant information society services in the event that those service providers concerned systematically or persistently fail to comply with the obligations set out in this Regulation. Member States should ensure that those penalties do not encourage the over reporting or the removal of material which does not constitute child sexual abuse material.***

Amendment 50

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) It is essential for the proper functioning of the system of mandatory detection and blocking of online child sexual abuse set up by this Regulation that the EU Centre receives, via the Coordinating Authorities, material identified as constituting child sexual abuse material or transcripts of conversations identified as constituting the solicitation of children, such as may have been found for example during criminal investigations, so that that material or conversations can serve as an accurate and reliable basis for the EU Centre to generate indicators of such abuses. In order to achieve that result, the identification should be made after a diligent assessment, conducted in the context of a procedure that guarantees a fair and objective outcome, either by the Coordinating Authorities themselves or by a court or another independent

Amendment

(55) It is essential for the proper functioning of the system of mandatory detection and blocking of online child sexual abuse set up by this Regulation that the EU Centre receives, via the Coordinating Authorities, material identified as constituting child sexual abuse material or transcripts of conversations identified as constituting the solicitation of children, such as may have been found for example during criminal investigations, so that that material or conversations can serve as an accurate and reliable basis for the EU Centre to generate indicators of such abuses. In order to achieve that result, the identification should be made after a diligent assessment, conducted in the context of a procedure that guarantees a fair and objective outcome, either by the Coordinating Authorities themselves or by a court or another independent

administrative authority than the Coordinating Authority. Whilst the swift assessment, identification and submission of such material is important also in other contexts, it is crucial in connection to new child sexual abuse material and the solicitation of children reported under this Regulation, considering that this material can lead to the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set in connection to such reporting.

Amendment 51

Proposal for a regulation Recital 58

Text proposed by the Commission

(58) In particular, in order to facilitate the cooperation needed for the proper functioning of the mechanisms set up by this Regulation, the EU Centre should establish and maintain the necessary information-sharing systems. When establishing and maintaining such systems, the EU Centre should cooperate with the European Union Agency for Law Enforcement Cooperation (‘Europol’) and national authorities to build on existing systems and best practices, where relevant.

administrative authority than the Coordinating Authority ***which must be subject to judicial validation***. Whilst the swift assessment, identification and submission of such material is important also in other contexts, it is crucial in connection to new child sexual abuse material and the solicitation of children reported under this Regulation, considering that this material can lead to the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set in connection to such reporting.

Amendment

(58) In particular, in order to facilitate the cooperation needed for the proper functioning of the mechanisms set up by this Regulation, the EU Centre should establish and maintain the necessary ***secure*** information-sharing systems, ***such as, once available, the software provided by eu-LISA pursuant to Regulation^{1a} (EU) 2023/969***. When establishing and maintaining such systems, the EU Centre should cooperate with the European Union Agency for Law Enforcement Cooperation (‘Europol’) and national authorities to build on existing systems and best practices, where relevant.

^{1a} Regulation (EU) 2023/969 establishing a collaboration platform to support the functioning of joint investigation teams and amending Regulation (EU) 2018/1726

Amendment 52

Proposal for a regulation Recital 59

Text proposed by the Commission

(59) To support the implementation of this Regulation and contribute to the achievement of its objectives, the EU Centre should serve as a central facilitator, carrying out a range of specific tasks. The performance of those tasks requires strong guarantees of independence, in particular from law enforcement authorities, **as well as** a governance structure ensuring the effective, efficient and coherent performance of its different tasks, **and** legal personality to be able to interact effectively with all relevant stakeholders. Therefore, it should be established as a decentralised Union agency.

Amendment

(59) To support the implementation of this Regulation and contribute to the achievement of its objectives, the EU Centre should serve as a central facilitator, carrying out a range of specific tasks. The performance of those tasks requires strong guarantees of independence, in particular from law enforcement authorities, a governance structure ensuring the effective, efficient and coherent performance of its different tasks, legal personality to be able to interact effectively with all relevant stakeholders **and an autonomous budget**. Therefore, it should be established as a decentralised Union agency, **and provided with the necessary human and financial resources to fulfil the objectives, tasks and responsibilities assigned to it under this Regulation, including expenditure related to the making available of technologies and the costs related to the analysis of data samples undertaken for micro, small and medium enterprises. It should be mainly financed by a contribution from the general budget of the Union, with the necessary appropriations drawn exclusively from unallocated margins under the relevant heading of the Multiannual Financial Framework and/or through the mobilisation of the relevant special instruments. In order to ensure that the Agency can respond flexibly to human resource needs, it is in particular appropriate that it has autonomy regarding the recruitment of contract agents.**

Amendment 53

Proposal for a regulation
Recital 59 a (new)

Text proposed by the Commission

Amendment

(59a) Taking into consideration the central role of the EU Centre in the implementation of the Regulation and in view of the date of expiry of the interim Regulation on 3 August 2024, the EU Centre activities should start as soon as possible. The Commission should allocate an adequate level of resources for the quick establishment and initial operation of the EU Centre and provide commensurate assistance, including by seconding staff, to help the EU Centre reaching cruising speed in due time and no later than three years after the adoption of this Regulation.

Amendment 54

Proposal for a regulation
Recital 59 b (new)

Text proposed by the Commission

Amendment

(59b) The arrangements concerning the seat of the EU Centre should be laid down in a headquarters agreement between the EU Centre and the host Member State. The headquarters agreement should stipulate the conditions of establishment of the seat and the advantages conferred by the Member State on the EU Centre and its staff. In line with point 9 of the Common Approach of 19 July 2012 on the location of the seats of decentralized agencies, the EU Centre should conclude a headquarters agreement with the host Member State in a timely manner before it starts its operational phase. In light of the case-law of the Court of Justice, the choice of the location of the seat should be made in accordance with the ordinary legislative procedure and should comply with the criteria laid down in this

Regulation.

Amendment 55

Proposal for a regulation
Recital 59 c (new)

Text proposed by the Commission

Amendment

(59c) The selection procedure for the location of the seat of the EU Centre should respect the following steps: (i) Parliament's mandate for the interinstitutional negotiations would provide criteria for the selection of the host city; (ii) Parliament would negotiate those criteria with the Council; (iii) such criteria would constitute the basis for an inter-institutional call for applications made together by Parliament and Council; (iv) the candidates would be invited to joint hearings among Parliament and Council; (v) Parliament's negotiating team would draw a short-list of candidates; (vi) such short-list would be negotiated against the Council's short-list; (vii) before an agreement among co-legislators on the host city is reached; (viii) and before the plenary approves the outcome of the interinstitutional negotiations.

Amendment 56

Proposal for a regulation
Recital 60

Text proposed by the Commission

Amendment

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the

detection, reporting and blocking obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. **However, for that same reason**, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

detection, reporting and blocking obligations imposed on providers of hosting services, providers of publicly available **number-independent** interpersonal communications services and providers of internet access services, The EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as **proactively and on its own initiative conduct searches on publicly accessible content on hosting services for known child sexual abuse material. The EU Centre should facilitate** the generation and sharing of knowledge, **best practices** and expertise related to online child sexual abuse, **supporting the development of awareness-raising and prevention campaigns, educational and intervention programs, tools and materials in order to increase digital skills, while integrating a child rights perspective and ensuring a gender-sensitive and age-appropriate approach. The EU Centre should promote and ensure the appropriate support and assistance to victims.**

Amendment 57

Proposal for a regulation

Recital 61

Text proposed by the Commission

(61) The EU Centre should provide reliable information on which activities can reasonably be considered to constitute online child sexual abuse, so as to enable the detection and blocking thereof in accordance with this Regulation. Given the nature of child sexual abuse material, that reliable information needs to be provided

Amendment

(61) The EU Centre should provide reliable information on which activities can reasonably be considered to constitute online child sexual abuse, so as to enable the detection and blocking thereof in accordance with this Regulation. Given the nature of child sexual abuse material, that reliable information needs to be provided

without sharing the material itself. Therefore, the EU Centre should generate accurate and reliable indicators, based on identified child sexual abuse material and solicitation of children submitted to it by Coordinating Authorities in accordance with the relevant provisions of this Regulation. These indicators should allow technologies to detect the dissemination of either the same material (known material) or of different child sexual abuse material (new material), or the solicitation of children, as applicable.

Amendment 58

Proposal for a regulation

Recital 62

Text proposed by the Commission

(62) For the system established by this Regulation to function properly, the EU Centre should be charged with creating databases for ***each of those three types of online*** child sexual abuse, and with maintaining and operating those databases. For accountability purposes and to allow for corrections where needed, it should keep records of the submissions and the process used for the generation of the indicators.

Amendment 59

Proposal for a regulation

Recital 63

Text proposed by the Commission

(63) For the purpose of ensuring the traceability of the reporting process and of any follow-up activity undertaken based on reporting, as well as of allowing for the provision of feedback on reporting to

without sharing the material itself. Therefore, the EU Centre should generate accurate and reliable ***hashes and*** indicators, based on identified child sexual abuse material and solicitation of children submitted to it by Coordinating Authorities in accordance with the relevant provisions of this Regulation. These indicators should allow technologies to detect the dissemination of either the same material (known material) or of different child sexual abuse material (new material), or the solicitation of children, as applicable.

Amendment

(62) For the system established by this Regulation to function properly, the EU Centre should be charged with creating databases for ***known child sexual abuse material, new child sexual abuse material and solicitation of children*** and with maintaining, ***timely updating*** and operating those databases. For accountability purposes and to allow for corrections where needed, it should keep records of the submissions and the process used for the generation of the indicators.

Amendment

(63) For the purpose of ensuring the traceability of the reporting process and of any follow-up activity undertaken based on reporting, as well as of allowing for the provision of feedback on reporting to

providers of hosting services and providers of publicly available interpersonal communications services, generating statistics concerning reports and the reliable and swift management and processing of reports, the EU Centre should create a dedicated database of such reports. To be able to fulfil the above purposes, that database should also contain relevant information relating to those reports, such as the indicators representing the material and ancillary tags, which can indicate, for example, the fact that a reported image or video is part of a series of images and videos depicting the same victim or victims.

providers of hosting services and providers of publicly available **number-independent** interpersonal communications services, generating statistics concerning reports and the reliable and swift management and processing of reports, the EU Centre should create a dedicated database of such reports. To be able to fulfil the above purposes, that database should also contain relevant information relating to those reports, such as the indicators representing the material and ancillary tags, which can indicate, for example, the fact that a reported image or video is part of a series of images and videos depicting the same victim or victims.

Amendment 60

Proposal for a regulation

Recital 64

Text proposed by the Commission

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of indicators and databases of reports, on the data contained therein and on their security. In particular, the data concerned should not be stored for longer than is strictly necessary. For the above reasons, access to the database of indicators should be given only to the parties and for the purposes specified in this Regulation, subject to the controls by the EU Centre, and be limited in time and in scope to what is strictly necessary for those purposes.

Amendment

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of indicators and databases of reports, on the data contained therein and on their security. In particular, the data concerned should not be stored for longer than is strictly necessary. For the above reasons, access to the database of indicators should be given only **upon request** to the parties and for the purposes specified in this Regulation, subject to the controls by the EU Centre, and be limited in time and in scope to what is strictly necessary for those purposes.

Amendment 61

Proposal for a regulation

Recital 65

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre. ***The EU Centre should assess those reports in order to identify those that are manifestly unfounded, that is, where it is immediately evident, without any substantive legal or factual analysis, that the reported activities do not constitute online child sexual abuse. Where the report is manifestly unfounded, the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. As every report could be an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse, reports should be processed as quickly as possible.***

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre ***and those report should be thoroughly assessed in a timely manner to ensure that a decision on the criminal relevance of the reported material is made as early as possible and to limit the retention of irrelevant data as far as possible. Report should be considered*** unfounded, where it is evident, that the reported activities do not constitute online child sexual abuse. ***In those cases*** the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available ***number-independent*** interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. ***Where the EU Centre considers that a report is not unfounded, it should forward the report to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates or to Europol in those cases where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty. Even in cases where the competent national law enforcement authority has been identified, the EU Centre should forward all not unfounded reports to Europol in accordance with the Union law. As what constitutes an actionable report may differ from one Member State to another, due to differing national legislations,*** every report could ***serve as*** an important means to investigate and prosecute the child sexual abuse offences concerned and to

rescue the victim of the abuse.

Amendment 62

Proposal for a regulation

Recital 66

Text proposed by the Commission

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned to remove or disable access to the item or items in question, given that the provider may not be aware of their presence and may be willing to do so on a voluntary basis.

Amendment

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned to remove or disable access to the item or items in question, ***as soon as possible***, given that the provider may not be aware of their presence and may be willing to do so on a voluntary basis. ***The EU Centre should be able to proactively, on its own initiative, analyse publicly accessible content for known child sexual abuse and to follow publicly accessible uniform resource locators.***

Amendment 63

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) Given its central position resulting from the performance of its primary tasks under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also

Amendment

(67) Given its central position resulting from the performance of its primary tasks under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also

contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and research on matters related to the prevention and combating of online child sexual abuse. In this connection, the EU Centre should cooperate with relevant stakeholders from both within and outside the Union and allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned.

contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and research on matters related to the prevention and combating of online child sexual abuse. In this connection, the EU Centre should cooperate with relevant stakeholders from both within and outside the Union and allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned. ***Where the EU Centre makes technologies available for providers of hosting services and providers of number-independent communication services to install and operate in order to execute detection orders, it should also make publicly available relevant information, such as the detailed licensing conditions, including licensing fees, under which the EU Centre is permitted, or has obtained permission to make such technologies available. Such information should cover all details regarding the procurement of such technologies, as well as their development over time, where relevant.***

Amendment 64

Proposal for a regulation Recital 68

Text proposed by the Commission

(68) Processing and storing certain personal data is necessary for the performance of the EU Centre's tasks under this Regulation. In order to ensure that such personal data is adequately protected, the EU Centre should only process and store personal data if strictly necessary for the purposes detailed in this Regulation. It should do so in a secure manner and limit storage to what is strictly necessary for the performance of the relevant tasks.

Amendment

(68) Processing and storing certain personal data is necessary for the performance of the EU Centre's tasks under this Regulation. In order to ensure that such personal data is adequately protected, the EU Centre should only process and store personal data if strictly necessary for the purposes detailed in this Regulation. It should do so in a secure ***and supervised*** manner and limit storage to what is strictly necessary for the performance of the relevant tasks.

Amendment 65

Proposal for a regulation

Recital 69

Text proposed by the Commission

(69) In order to allow for the effective and efficient performance of its tasks, the EU Centre should closely cooperate with Coordinating Authorities, the Europol and relevant partner organisations, such as the US National Centre for Missing and Exploited Children or the International Association of Internet Hotlines ('INHOPE') network of hotlines for reporting child sexual abuse material, within the limits sets by this Regulation and other legal instruments regulating their respective activities. To facilitate such cooperation, the necessary arrangements should be made, including the designation of contact officers by Coordinating Authorities and the conclusion of memoranda of understanding with Europol and, where appropriate, with one or more of the relevant partner organisations.

Amendment

(69) In order to allow for the effective and efficient performance of its tasks, the EU Centre should closely cooperate with Coordinating Authorities, the Europol and relevant partner organisations, such as the US National Centre for Missing and Exploited Children or the International Association of Internet Hotlines ('INHOPE') network of hotlines for reporting child sexual abuse material, within the limits sets by this Regulation and other legal instruments regulating their respective activities. To facilitate such cooperation, the necessary arrangements should be made, including the designation of contact officers by Coordinating Authorities and the conclusion of **publicly accessible** memoranda of understanding with Europol and, where appropriate, with one or more of the relevant partner organisations.

Amendment 66

Proposal for a regulation

Recital 70

Text proposed by the Commission

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they **work together** effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member

Amendment

(70) **Hotlines play a very important role in the fight against child sexual abuse online, namely with regard to the reporting, detection and rapid removal of child sexual abuse material. Helplines are also essential in providing support for children in need.** Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child

States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they ***cooperate and coordinate*** effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

Amendment 67

Proposal for a regulation

Recital 72

Text proposed by the Commission

Amendment

(72) Considering the need for the EU Centre to cooperate intensively with Europol, the EU Centre's headquarters should be located alongside Europol's, which is located in The Hague, the Netherlands. The highly sensitive nature of the reports shared with Europol by the EU Centre and the technical requirements, such as on secure data connections, both benefit from a shared location between the EU Centre and Europol. It would also allow the EU Centre, while being an independent entity, to rely on the support services of Europol, notably those regarding human resources management, information technology (IT), including cybersecurity, the building and communications. Sharing such support services is more cost-efficient and ensure a more professional service than duplicating them by creating them anew.

deleted

Amendment 68

Proposal for a regulation
Recital 74

Text proposed by the Commission

(74) In view of the need for technical expertise in order to perform its tasks, in particular the task of providing a list of technologies that can be used for detection, the EU Centre should have a Technology Committee composed of experts with advisory function. The Technology Committee may, in particular, provide expertise to support the work of the EU Centre, within the scope of its mandate, with respect to matters related to detection of online child sexual abuse, to support the EU Centre in contributing to a high level of technical standards and safeguards in detection technology.

Amendment

(74) In view of the need for technical expertise in order to perform its tasks, in particular the task of providing a list of technologies that can be used for detection, the EU Centre should have a Technology Committee composed of experts with advisory function. The Technology Committee may, in particular, provide expertise to support the work of the EU Centre, within the scope of its mandate, with respect to matters related to detection **and prevention** of online child sexual abuse, to support the EU Centre in contributing to a high level of technical standards, **data protection** and safeguards in detection technology.

Amendment 69

Proposal for a regulation
Recital 74 a (new)

Text proposed by the Commission

Amendment

(74a) One of the pillars of this Regulation is the assistance and support of victims and survivors of child sexual abuse. In order to better understand and address victims' individual needs is essential to create a forum where victims' organizations are heard and the EU Center can learn from their experience, expertise and knowledge. The Victims' Rights and Survivors Consultative Forum should play a key role in advising the EU Center in its approach to all victim-related issues. Its member should be appointed mainly among victims or their parents, guardians or legal representatives, as well as from representatives of organisations acting in the public interest against child sexual abuse and promoting victims' and survivors' rights, but could also include

members from other organisations such as organisations promoting rights of children belonging to vulnerable groups, organisations promoting children's rights which includes children's digital rights.

Amendment 70

Proposal for a regulation Recital 75

Text proposed by the Commission

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse information, based on anonymised gathering of non-personal data and to publish annual reports on their activities under this Regulation. The Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in gathering that information.

Amendment

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available ***number independent*** interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse ***gender- and age-disaggregated data and*** information, based on anonymised gathering of non-personal data and to publish ***in a machine-readable format*** annual reports on their activities under this Regulation. The Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in gathering that information.

Amendment 71

Proposal for a regulation Recital 78

Text proposed by the Commission

(78) Regulation (EU) 2021/1232 of the European Parliament and of the Council⁴⁵ provides for a temporary solution in respect of the use of technologies by

Amendment

(78) Regulation (EU) 2021/1232 of the European Parliament and of the Council⁴⁵ provides for a temporary solution in respect of the ***voluntary*** use of

certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, ***pending the preparation and adoption of a long-term legal framework.*** This Regulation ***provides that long-term legal framework.*** Regulation (EU) 2021/1232 ***should therefore be repealed.***

technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse. ***This Regulation, which provides for a clear and uniform long-term legal framework and establishes a mandatory regime for certain providers, should substitute the temporary and voluntary one. However, until the date of effective application of this Regulation and in order to secure that online child sexual abuse online can be effectively and lawfully combated without interruptions and that there is a smooth transition between the voluntary and the mandatory regime,*** Regulation (EU) 2021/1232 ***shall apply for a limited period of 9 months after the entry into force of this Regulation.***

⁴⁵ Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41).

⁴⁵ Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41).

Amendment 72

Proposal for a regulation Recital 82

Text proposed by the Commission

(82) In order to allow all affected parties sufficient time to take the necessary measures to comply with this Regulation, provision should be made for an appropriate time period between the date of its entry into force and that of its application.

Amendment

(82) In order to allow all affected parties sufficient time to take the necessary measures to comply with this Regulation, ***and in particular the establishment of the EU Centre,*** provision should be made for an appropriate time period between the date of its entry into force and that of its

application.

Amendment 73

Proposal for a regulation

Recital 84

Text proposed by the Commission

(84) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁴⁸ and delivered their opinion on [...].

⁴⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Amendment 74

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1

Text proposed by the Commission

This Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse *in* the internal market.

Amendment

(84) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁴⁸ and delivered their *joint* opinion on **28 July 2022**.

⁴⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Amendment

This Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse, *in order to contribute to the proper functioning of* the internal market *and to create a safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights enshrined in the Charter are*

effectively protected;

Amendment 75

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) obligations on providers of hosting services and providers of interpersonal communication services to detect and report online child sexual abuse;

Amendment

(b) obligations on providers of hosting services and providers of ***number-independent*** interpersonal communication services to detect and report online child sexual abuse;

Amendment 76

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) obligations on providers of online games; and

Amendment 77

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point e

Text proposed by the Commission

(e) rules on the implementation and enforcement of this Regulation, including as regards the designation and functioning of the competent authorities of the Member States, ***the EU Centre on Child Sexual Abuse established in Article 40 ('EU Centre') and cooperation and transparency.***

Amendment

(e) rules on the implementation and enforcement of this Regulation, including as regards the designation and functioning of the competent authorities of the Member States;

Amendment 78

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) rules on the establishment, functioning, cooperation, transparency and powers of the EU Centre For Child Protection on Child Sexual Abuse established in Article 40 ('EU Centre');

Amendment 79

Proposal for a regulation

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Regulation shall not apply to audio communications.

Amendment 80

Proposal for a regulation

Article 1 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) Directive 2000/31/EC and Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];

(b) Directive 2000/31/EC and Regulation (EU) **2022/2065** on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];

Amendment 81

Proposal for a regulation

Article 1 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) Directive (EU) 2022/2555 of the European Parliament and the Council of 14 December 2022 on measures for high common level of cybercecurity across the

Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972 and repealing Directive (EU) 2016/1148 (NIS 2 Directive); and

Amendment 82

**Proposal for a regulation
Article 1 – paragraph 3 – point d b (new)**

Text proposed by the Commission

Amendment

(db) Regulation (EU) .../... on Artificial Intelligence (Artificial Intelligence Act);

Amendment 83

**Proposal for a regulation
Article 1 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. Nothing in this Regulation shall be interpreted as prohibiting, weakening or undermining end-to-end encryption. Providers shall not in particular be prohibited to offer end-to-end encrypted services.

Amendment 84

**Proposal for a regulation
Article 1 – paragraph 3 b (new)**

Text proposed by the Commission

Amendment

3b. Nothing in this Regulation shall undermine the prohibition of general monitoring under Union law or introduce general data retention obligations, or be interpreted in that way.

Amendment 85

Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC *insofar as* necessary for the execution of the detection orders issued in accordance with Section 2 of Chapter 1 of this Regulation.

Amendment

4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC ***with the sole objective of enabling relevant information society services to use specific technologies for the processing of personal and other data to the extent strictly necessary to detect and report online child sexual abuse and remove child sexual abuse material from their services*** for the execution of the detection orders issued in accordance with Section 2 of Chapter 1 of this Regulation.

Amendment 86

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘hosting service’ means an information society service as defined in Article 2, point (f), third indent, of Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***;

Amendment

(a) ‘hosting service’ means an information society service as defined in Article 3, point (g), third indent, of Regulation (EU) **2022/2065**;

Amendment 87

Proposal for a regulation
Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) ‘number-independent interpersonal communications service’ means an interpersonal communications service as defined in Article (2), point (7) of Directive (EU) 2018/1972;

Amendment 88

Proposal for a regulation

Article 2 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) ‘number-independent interpersonal communications service within games’ means any service defined in Article (2), point (7) of Directive (EU) 2018/1972 which is part of a game;

Amendment 89

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ‘software application’ means a digital product or service as defined in Article 2, point 13, of Regulation (EU) .../... **[on contestable and fair markets in the digital sector (Digital Markets Act)];**

(c) ‘software application’ means a digital product or service as defined in Article (2), point (15), of Regulation (EU) 2022/1925;

Amendment 90

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) ‘software application store’ means a service as defined in Article 2, point 12, of Regulation (EU) .../... **[on contestable and fair markets in the digital sector (Digital Markets Act)];**

(d) ‘software application store’ means a service as defined in Article (2), point (14), of Regulation (EU) 2022/1925;

Amendment 91

Proposal for a regulation

Article 2 – paragraph 1 – point f – point ii

Text proposed by the Commission

Amendment

(ii) ***an*** interpersonal communications service;

(ii) ***a number-independent*** interpersonal communications service;

Amendment 92

Proposal for a regulation

Article 2 – paragraph 1 – point f – point iv a (new)

Text proposed by the Commission

Amendment

(iva) a number-independent interpersonal communication service within online games.

Amendment 93

Proposal for a regulation

Article 2 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 2, point (d), of Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***;

(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 3, point (d), of Regulation (EU) ***2022/2065***;

Amendment 94

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of 17 years;

deleted

Amendment 95

Proposal for a regulation

Article 2 – paragraph 1 – point m

Text proposed by the Commission

(m) ‘known child sexual abuse material’ means **potential** child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);

Amendment

(m) ‘known child sexual abuse material’ means child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);

Amendment 96

Proposal for a regulation

Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) ‘victim’ means a person who being under 18 suffered child sexual abuse offences or/and whose child sexual abuse material is hosted or disseminated in the Union;

Amendment 97

Proposal for a regulation

Article 2 – paragraph 1 – point r

Text proposed by the Commission

(r) ‘recommender system’ means the system as defined in Article 2, point (o), of Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***;

Amendment

(r) ‘recommender system’ means the system as defined in Article 2, point (o), of Regulation (EU) **2022/2065**;

Amendment 98

Proposal for a regulation

Article 2 – paragraph 1 – point s

Text proposed by the Commission

(s) ‘content data’ means ***data as defined in Article 2, point 10, of Regulation (EU) ... [on European Production and Preservation Orders for electronic evidence in criminal matters (.../... e-evidence Regulation)]***;

Amendment

(s) ‘content data’ means ***texts, videos and images***;

Amendment 99

Proposal for a regulation

Article 2 – paragraph 1 – point t

Text proposed by the Commission

(t) ‘content moderation’ means the activities as defined in Article 2, point ***(p)***, of Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***;

Amendment

(t) ‘content moderation’ means the activities as defined in Article 2, point ***(t)***, of Regulation (EU) ***2022/2065***;

Amendment 100

Proposal for a regulation

Article 2 – paragraph 1 – point v

Text proposed by the Commission

(v) ‘terms and conditions’ means terms and conditions as defined in Article 2, point ***(q)***, of Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***;

Amendment

(v) ‘terms and conditions’ means terms and conditions as defined in Article 2, point ***(u)***, of Regulation (EU) ***2022/2065***;

Amendment 101

Proposal for a regulation

Article 2 – paragraph 1 – point w a (new)

Text proposed by the Commission

Amendment

(wa) ‘hotline’ means an organisation officially recognised by its Member State of establishment that provides a mechanism, other than the reporting channels provided by law enforcement authorities, for receiving anonymous complaints from victims and the public about alleged online child sexual abuse;

Amendment 102

Proposal for a regulation

Article 2 – paragraph 1 – point w b (new)

Text proposed by the Commission

Amendment

(wb) “help-line” means an organisation that provides services for children in need officially recognised by its Member State of establishment;

Amendment 103

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, the ***risk of*** use of ***the service*** for the purpose of online child sexual abuse.

1. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall identify, analyse and assess for each such service that they offer, the ***significant risk stemming, inter alia, from the design, functioning and*** use of ***their services*** for the purpose of online child sexual abuse. ***That risk assessment shall be specific to the services they offer and proportionate to the risk considering its severity and probability. To that end, providers subject to an obligation to conduct a risk assessment under Regulation (EU) 2022/2065 may draw on that risk***

assessment and complement it with a more specific assessment of the risks of the use of their services for the purpose of online child sexual abuse.

Amendment 104

Proposal for a regulation Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Providers which are not substantially exposed to online child sexual abuse and which are not very large online platforms pursuant to Article 33 of Regulation (EU) 2022/2065 are exempted from these obligations provided for in this Article and Article 4.

A hosting service provider or a number-independent interpersonal communication service provider is substantially exposed to online child sexual abuse and therefore subject to the obligation to conduct a risk assessment in accordance with this Article:

(a) if it has received two removal orders in the previous 12 months;

(b) from the moment the provider becomes aware of any information indicating potential online child sexual abuse on its services and submits, in accordance with Article 12, a report to the EU Centre; or

(c) from the moment the provider is notified by the national competent authority or by the EU Centre, in accordance with Article 49, of the presence of one or more specific items of known child sexual abuse material on its services.

Amendment 105

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) the existence and implementation by the provider of a policy and the availability of functionalities *to* address the risk referred to in paragraph 1, including through the following:

Amendment

(b) the existence and implementation by the provider of a policy and the availability ***and effectiveness*** of functionalities ***and protocols to prevent and*** address the risk referred to in paragraph 1, including through the following:

Amendment 106

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 2

Text proposed by the Commission

– measures taken to enforce such prohibitions and restrictions;

Amendment

– measures taken to enforce such prohibitions and restrictions ***and the amount of human and financial resources dedicated to address child sexual abuse material;***

Amendment 107

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 2 a (new)

Text proposed by the Commission

Amendment

– ***information and awareness campaigns educating and warning users of the risk of online child sexual abuse;***

Amendment 108

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3 a (new)

Text proposed by the Commission

Amendment

– ***functionalities enabling***

meaningful and proportionate age-appropriate parental controls;

Amendment 109

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3 b (new)

Text proposed by the Commission

Amendment

- *functionalities, according to Article 12 (3), enabling users to flag or notify potential online child sexual abuse to the provider;*

Amendment 110

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3 c (new)

Text proposed by the Commission

Amendment

- *the capacity of the provider, having regard to the state of the art, to meaningfully deal with those reports and notifications in a timely manner;*

Amendment 111

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3 d (new)

Text proposed by the Commission

Amendment

- *systems and mechanisms that provide child- and user-friendly resources to ensure that children can seek help swiftly, including information on how to contact national hotlines, help-lines or national law enforcement;*

Amendment 112

Proposal for a regulation
Article 3 – paragraph 2 – point b – indent 3 e (new)

Text proposed by the Commission

Amendment

- ***functionalities allowing to detect suspicious links, including those coming from the darknet.***

Amendment 113

Proposal for a regulation
Article 3 – paragraph 2 – point b – indent 4

Text proposed by the Commission

Amendment

- ***functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;***

deleted

Amendment 114

Proposal for a regulation
Article 3 – paragraph 2 – point d

Text proposed by the Commission

Amendment

- (d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;

- (d) the manner in which the provider designed and operates the service, including the ***design of their recommender systems and any relevant algorithmic systems, the*** business model, governance, ***type of users targeted*** and relevant systems and processes, and the impact thereof on that risk;

Amendment 115

Proposal for a regulation
Article 3 – paragraph 2 – point e – point i

Text proposed by the Commission

Amendment

- (i) the extent to which the service is

- (i) the extent to which the service is

used or is likely to be used by children;

used or is likely to be used by children **and the extent to which the service is directly targeting children**;

Amendment 116

Proposal for a regulation

Article 3 – paragraph 2 – point e – point ii

Text proposed by the Commission

(ii) where the service is used **by** children, the different age groups **of the child users** and the risk of solicitation of children in relation to those age groups;

Amendment

(ii) where the service is used **or is likely to be used by children or directly targeting** children, the different age groups **or likely age groups of children** and the risk of solicitation of children in relation to those age groups;

Amendment 117

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 1

Text proposed by the Commission

– enabling users to search for other users and, in particular, for adult users to search for **child users**;

Amendment

– enabling users to search for other users, **including through search engines external to the service** and, in particular, for adult users to search for **children**;

Amendment 118

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

– enabling users to **establish** contact with other users directly, in particular through private communications;

Amendment

– enabling users to **initiate unsolicited** contact with other users, **including children**, directly, in particular through private communications;

Amendment 119

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3

Text proposed by the Commission

– enabling users to share **images or videos** with other users, in particular through private communications.

Amendment

– enabling users to share **unsolicited** with other users, in particular through private communications;

Amendment 120

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3 a (new)

Text proposed by the Commission

Amendment

– **Enabling users to indicate personal data in their usernames.**

Amendment 121

Proposal for a regulation

Article 3 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) When carrying out a risk assessment, the provider may take into account any other functionality in accordance with the state of the art to address child sexual abuse.

Amendment 122

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The provider may request the EU Centre to perform an analysis of **representative**, anonymized data samples **to identify potential online child sexual abuse**, to support the risk assessment.

The provider may request the EU Centre to perform an analysis of **methodology for risk assessment, including, where appropriate, to perform a test on** anonymized data samples **made available to the EU Centre**, to support the risk

assessment.

Amendment 123

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The provider may request the EU Centre to perform an analysis of methodology for risk assessment, including, where appropriate, to perform a test on anonymized data samples made available to the EU Centre, to support the risk assessment.

Neither the request referred to in the first subparagraph, nor the subsequent analysis that the EU Centre may perform thereunder, shall exempt the provider from its obligation to conduct the risk assessment in accordance with paragraphs 1 and 2 of this Article and to comply with any other obligations set out in this Regulation.

Amendment 124

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The costs incurred by the EU Centre for the ***performance of such an analysis*** shall be borne by the requesting provider. However, the EU Centre ***shall*** bear those costs where the provider is a micro, small or medium-sized enterprise, ***provided*** the request ***is*** reasonably necessary to support the risk assessment.

The costs incurred by the EU Centre for the ***support of the risk assessment*** shall be borne by the requesting provider. However, the EU Centre ***may*** bear those costs where the provider is a micro, small or medium-sized enterprise. ***The EU Centre may reject*** the request ***where it is not*** reasonably necessary to support the risk assessment ***or does not comply with available budgetary resources. The EU Centre shall provide this support in a timely manner.***

Amendment 125

Proposal for a regulation Article 3 – paragraph 5

Text proposed by the Commission

5. ***The risk assessment shall include an assessment of any potential remaining risk that, after taking the mitigation measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse.***

Amendment

deleted

Amendment 126

Proposal for a regulation Article 3 – paragraph 6

Text proposed by the Commission

6. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment

6. The Commission in cooperation with Coordinating Authorities and the EU Centre, and after ***having consulted the European Data Protection Board and*** having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment 127

Proposal for a regulation Article 3 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Providers that qualify as small and micro enterprises as defined in Commission Recommendation 2003/361/EC shall carry out a simplified risk assessment by [date of application of

this Regulation + 6 months] or, where the provider did not offer the service in the Union by [date of application of this Regulation], by six months from the date at which the provider started offering the service in the Union.

The Commission shall be empowered to adopt delegated acts in accordance with Article 86 of this Regulation in order to provide practical support for micro and small enterprises for carrying out the simplified risk assessment

Amendment 128

Proposal for a regulation Article 3 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. *Irrespective of their size or their substantial, exposure to online child sexual abuse, providers of online games that operate number-independent interpersonal communications service within their games, platforms primarily used for the dissemination of pornographic content and providers offering services directly targeting children shall carry out a risk assessment in accordance with Article 3(1) to (4).*

Amendment 129

Proposal for a regulation Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall **take** reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, **to minimise that risk**. Such measures shall include some or all of

1. Providers of hosting services and providers of **number-independent** interpersonal communications services shall **put in place** reasonable, **proportionate, targeted and effective** mitigation measures, tailored to **their specific services and** the risk identified

the following:

pursuant to Article 3. ***The decision as to the choice of mitigation measures shall remain with the provider.*** Such measures shall include some or all of the following:

Amendment 130

Proposal for a regulation Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) adapting, through appropriate technical and operational measures and staffing, the provider’s content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions;

Amendment

(a) ***testing and*** adapting, through ***state of the art*** appropriate technical and operational measures and staffing, the provider’s content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions, ***including the speed, quality and effectiveness of processing notices and reports of alleged online child sexual abuse and, where appropriate, the expeditious removal of the child sexual abuse material;***

Amendment 131

Proposal for a regulation Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) adapting the design, features and functions of their services in order to ensure the highest level of privacy, safety, and security by design and by default.

In particular, when the service is directly targeting children, providers shall include all of the following mitigation measures unless they are not technically feasible for the service:

i. limiting users, by default, to establish unsolicited contact with other users

directly, in particular through private communications, by asking for user confirmation before allowing an unknown user to communicate and before displaying their communications;

ii. limiting users, by default, to directly share unsolicited content with other users directly, in particular through private communications;

iii. limiting users, by default, to directly share personal contact details with other users, such as phone numbers, home addresses and e-mail addresses, via pattern-based matching;

iv. providing meaningful and proportionate age-appropriate user-device-based parental control tools which allow parents or guardians to exercise appropriate control over children while respecting the fundamental rights and the confidentiality of communications of the child;

v. encouraging children, prior to registering for the service, to talk to consult their parents about how the service works and what parental controls tools are available; vi. providing readily accessible mechanisms for users to block or mute other users;

vii. providing human moderation of publicly accessible chats, based on random checks, specific channels at high risk of online child sexual abuse;

viii. limiting users, by default, to create screenshots or recordings within the service;

ix. optionally or by default using purely on-device functionality under full user control, asking for user confirmation and offering guidance before displaying or sharing certain content such as nudity;

x. using purely on-device functionality under full user control, displaying warnings and advice to users at risk of offending or victimisation;

xi. allowing, by default, that profiles on social networks are not publicly visible.

Services not directly targeting children below thirteen years of age taking the measures outlined in this point may allow users to revert such measures on an individual level.

Amendment 132

Proposal for a regulation Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of **hosting services or providers of interpersonal communication** services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC].

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of **relevant information society** services, public authorities, **hotlines, helplines**, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 22 of Regulation (EU) 2022/2065;

Amendment 133

Proposal for a regulation Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) informing and reminding users and non-users, such as parents, about the risks related to the use of their services, the nature of the service and the functionalities offered, what constitutes online child sexual abuse and what is typical offender behaviour;

Amendment 134

Proposal for a regulation
Article 4 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) enabling users according to Article 12 to flag or notify potential online child sexual abuse to the provider;

Amendment 135

Proposal for a regulation
Article 4 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) reinforcing awareness-raising measures and adapting their online interface for increased in order to give user and child-friendly information about the risk of online child sexual abuse on its services;

Amendment 136

Proposal for a regulation
Article 4 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(cd) including clearly visible and identifiable information on the minimum age for using the service;

Amendment 137

Proposal for a regulation
Article 4 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

(ce) Setting up mechanisms to raise awareness among users of any potential infringement by them of this Regulation.

Amendment 138

Proposal for a regulation Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

2. The mitigation measures shall **be**:

Amendment

2. The mitigation measures shall **meet all of the following requirements**:

Amendment 139

Proposal for a regulation Article 4 – paragraph 2 – point a

Text proposed by the Commission

(a) effective in mitigating the identified risk;

Amendment

(a) **they shall be** effective **and proportionate** in mitigating the identified risk, **taking into account the characteristics of the service provided and the manner in which that service is used**;

Amendment 140

Proposal for a regulation Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) targeted and proportionate in relation to that risk, **taking into account, in particular, the seriousness of the risk as well as** the provider's financial **and** technological capabilities and the number of users;

Amendment

(b) **they shall be** targeted and proportionate in relation to that risk, the provider's financial **strength**, technological **and operational** capabilities and the number of users **and the amount of content that they provide**;

Amendment 141

Proposal for a regulation Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) applied in a diligent and non-

Amendment

(c) **they shall be** applied in a diligent

discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

Amendment 142

Proposal for a regulation Article 4 – paragraph 2 – point d

Text proposed by the Commission

(d) introduced, reviewed, discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), within three months from the date referred to therein.

Amendment

(d) ***they shall be*** introduced, reviewed ***in light of their effectiveness and adapted in accordance with the state of the art,*** discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), ***as soon as possible and in any case*** within three months from the date referred to therein;

Amendment 143

Proposal for a regulation Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) they shall respect the principles of data protection by design and by default, as well as of data minimisation; and

Amendment 144

Proposal for a regulation Article 4 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) they shall not restrict the possibility to use a service anonymously.

Amendment 145

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, **shall** take the necessary age verification **and age assessment** measures to reliably identify **child users** on their services, enabling them to take the mitigation measures.

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, **may** take the necessary **and proportionate** age verification measures to reliably identify **children** on their services, enabling them to take the mitigation measures.

Amendment 146

Proposal for a regulation Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When providers put forward age verification systems, they shall meet the following criteria:

(a) Protect the privacy of users and do not disclose or process data gathered for the purposes of age verification for any other purpose;

(b) Not collect any data other than the age of the user for the purposes of age verification;

(c) Not retain personal data on the age verification process after its completion;

(d) Be proportionate to the risks associated to the product or service that presents a risk of misuse for child sexual abuse;

(e) Provide appropriate remedies and redress mechanisms for users whose age is wrongly identified;

- (f) Allow selective disclosure of attributes;*
- (g) Use zero-knowledge protocol;*
- (h) Allow users to use anonymous accounts;*
- (i) Not require the identification of each user of a service;*
- (j) Not retain personal data on the age verification process after its completion;*
- (k) Not require the processing of biometric data.*

Amendment 147

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

Amendment

4. Providers of hosting services and providers of **number-independent** interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

Amendment 148

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

Amendment

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after **having consulted the European Data Protection Board and** having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions

are offered and used.

Amendment 149

Proposal for a regulation

Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having consulted the European Data Protection Board shall, by [date - 12 months from the date of entry into force of this Regulation], issue guidelines on how providers may implement age verification or age assessment measures on application of paragraph (3a), based on selective disclosure of attributes and zero-knowledge protocol.

Amendment 150

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Mitigation measures for platforms primarily used for the dissemination of pornographic content

Where an online platform is primarily used for the dissemination of pornographic content, the platform shall take the necessary technical and organizational measures to ensure:

a. functionalities according to Article 12(3) enabling users to flag or notify potential online child sexual abuse;

b. adequate professional human content moderation to rapidly process notices of potential child sexual abuse material;

c. automatic mechanisms and interface design elements to inform users about external resources in the user's region on preventing child sexual abuse, counselling by specialist helplines, victim support and educational resources by hotlines and child protection organizations;

d. automatic detection of searches for child sexual abuse material, warning and advice alerts displayed to users doing such searches, and flagging of the search and the user for human moderation;

e. functionalities enabling age verification that meet the criteria of Article 4a (new) of this Regulation.

Amendment 151

Proposal for a regulation Article 4 b (new)

Text proposed by the Commission

Amendment

Article 4b

Mitigation measures for number-independent interpersonal communications service within games

Providers of online games that operate number-independent interpersonal communications service within their games, shall take all of the following mitigation measures in addition to the requirements referred to in Articles 3 and 4:

- 1. prevent users from initiating unsolicited contact with other users;*
- 2. facilitate functionalities according to Article 12(3) enabling users to flag or notify potential online child sexual abuse*
- 3. provide technical measures and tools that allow users to manage their own privacy, visibility, reachability and safety and that are set to the most private and*

secure levels by default;

4. provide tools in a prominent way on their platform that allow users or their guardians or legal representatives and potential victims to seek help from their local helpline.

Amendment 152

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Amendment 153

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) the process and the results of the risk assessment conducted or updated pursuant to Article 3, **including the assessment of any potential remaining risk referred to in Article 3(5)**;

Amendment

(a) the process and the results of the risk assessment conducted or updated pursuant to Article 3;

Amendment 154

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where necessary for that assessment, that Coordinating Authority may require further information from the provider, within a

Amendment

Where necessary for that assessment, that Coordinating Authority may:

reasonable time period set by that Coordinating Authority. ***That time period shall not be longer than two weeks.***

(a) carry out the consultations with the provider that it may deem necessary to determine whether the requirements of Articles 3 and 4 have been met;

(b) require further information and clarification from the provider within a reasonable time period set by that Coordinating Authority which shall not be longer than two weeks;

(c) request the EU Centre, the competent data protection authorities, another national public authority or relevant experts or entities to provide the necessary additional information.

Amendment 155

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The time period referred to in the first subparagraph shall be suspended until that additional information is provided.

Amendment

deleted

Amendment 156

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. Without prejudice to Articles 7 and 27 to 29, where the requirements of Articles 3 and 4 have not been met, that Coordinating Authority shall ***require*** the provider to re-conduct or update the risk assessment or to ***introduce, review, discontinue or expand, as applicable, the*** mitigation measures, within a reasonable time period set by that Coordinating

Amendment

4. Without prejudice to Articles 7 and 27 to 29, where ***the Coordinating Authority of establishment considers that*** the requirements of Articles 3 and 4 have not been met, that Coordinating Authority shall ***have the power to address a reasoned decision to*** the provider ***requiring it*** to re-conduct or update the risk assessment or to ***take the necessary***

Authority. That time period shall not be longer than one month.

mitigation measures *so as to ensure that Articles 3 and 4 are complied with*, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month.

Amendment 157

Proposal for a regulation Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The provider may, at any time, request the Coordinating Authority of establishment to review and, where appropriate, amend or revoke a decision as referred to in paragraph 4. The Coordinating Authority shall, within three months of receipt of the request, adopt a reasoned decision on the request based on objective factors and notify the provider of that decision.

Amendment 158

Proposal for a regulation Article 5 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Where the requirements of Articles 3 and 4 are met, the Coordinating Authority shall issue a positive opinion, which shall be transmitted to the EU Centre and taken into account prior to any decision pursuant to Article 7.

Amendment 159

Proposal for a regulation Article 5 – paragraph 5

Text proposed by the Commission

5. **Providers shall, when transmitting the report to** the Coordinating Authority of establishment **in accordance with paragraph 1**, transmit the report **also** to the EU Centre.

Amendment

5. The Coordinating Authority of establishment **shall** transmit the report **referred to in paragraph 1** to the EU Centre, **as well as any further information resulting from paragraph 3 and, where applicable, the positive opinion issued according to paragraph 4c.**

Amendment 160

Proposal for a regulation Article 5 – paragraph 6

Text proposed by the Commission

6. Providers shall, upon request, transmit the report to the providers of software application stores, insofar as necessary for the **assessment referred to** in Article **6(2)**. Where necessary, they may remove confidential information from the reports.

Amendment

6. Providers shall, upon request, transmit the report to the providers of software application stores, insofar as necessary for the **compliance with the obligations set out** in Article **6**. Where necessary, they may remove confidential information from the reports.

Amendment 161

Proposal for a regulation Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of software application stores shall:

Amendment

1. Providers of software application stores **considered as gatekeepers under the Regulation (EU) 2022/1925** shall, **based on the information provided by the providers of software applications:**

Amendment 162

Proposal for a regulation Article 6 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;***

(a) ***indicate that the provider of software application does not permit its use by children or that the software application has an age rating model in place;***

Amendment 163

Proposal for a regulation Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) ***take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;***

(b) ***when, according to Union law, parental consent is required for children to access the software application, make reasonable efforts to verify that the consent is given or authorised by the holder of parental responsibility over the child, taking into consideration the available technology.***

Amendment 164

Proposal for a regulation Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).***

deleted

Amendment 165

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. ***In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk assessment conducted or updated pursuant to Article 3.***

Amendment

2. ***Providers of software application stores considered as gatekeepers under the Regulation (EU) 2022/1925 may, when the provider of software application has indicated to the provider of software application store that it does not permit its use by children, take additional measures to implement those restrictions on children, including reasonable measures to prevent children from accessing those software applications. When putting in place age verification systems, providers of software application stores shall meet the criteria set out in Article 4 (3a) of this Regulation.***

Amendment 166

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. ***Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.***

Amendment

3. ***Where software application stores take measures under this Article, those software application stores shall not be exempted from the obligations set out in this Regulation.***

Amendment 167

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public

Amendment

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having ***consulted the***

consultation, may issue guidelines on the application of *paragraphs 1, 2 and 3*, having due regard in particular to relevant technological developments and to the manners in which the services covered by *those provisions* are offered and used.

European Data Protection Board and after having conducted a public consultation, may issue guidelines on the application of *paragraph 1 and 2* having due regard in particular to relevant technological developments and to the manners in which the services covered by *that provision* are offered and used.

Amendment 168

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. *The* Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it *or another independent administrative authority of that Member State* to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect *online* child sexual abuse on a specific service.

Amendment

1. *The* Coordinating Authority of establishment shall have the power, *as a last resort after all the measures in Article 3, 4 and 5 have been exhausted*, to request the competent judicial authority of the Member State that designated it to issue a detection order requiring a provider of hosting services or a provider of *number-independent* interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect child sexual abuse *material* on a specific service.

The detection order shall be targeted, specified and limited to individual users, a specific group of users, either as such or as subscribers to a specific channel of communication, in respect of whom there are reasonable grounds of suspicion for a link, even an indirect one, with child sexual abuse material as defined in Article 2.

Interpersonal communications to which end-to-end encryption is, has been or will be applied shall not be subject to the measures specified in Article 10.

Detection orders shall be addressed to the service provider acting as controller in accordance with Regulation (EU) 2016/679. By way of exception, the

detection order may be directly addressed to the service provider that stores or otherwise processes the data on behalf of the controller, where:

(a) the controller cannot be identified despite reasonable efforts on the part of the issuing authority; or

(b) addressing the controller might be detrimental to an ongoing investigation

Amendment 169

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment shall, ***before requesting*** the issuance of ***a*** detection order, ***carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.***

Amendment

Based on a reasoned justification, the Coordinating Authority of establishment shall, ***request*** the issuance of ***the*** detection order ***and the competent judicial authority shall issue the detection order where it considers that all the following conditions are simultaneously met:***

(a) there are reasonable grounds of suspicion on individual users, or on a specific group of users, either as such or as subscribers to a specific channel of communication, in respect of whom there is a link, even an indirect one, with child sexual abuse material as defined in Article 2. Reasonable grounds of suspicion are those resulting from any information reliable and legally acquired that suggest that individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication might have a link, even an indirect or remote one, with online child sexual abuse material.

(b) the mitigation measures put in place by the provider have insufficient material impact on limiting the identified risk or the service provider fails to put in place reasonable and proportionate mitigation

measures set out in this Regulation.

(c) issuing the detection order is necessary and proportionate and outweighs negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties, and without jeopardising the security of communications.

Amendment 170

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

To that end, it may, where appropriate, require the provider to submit the necessary information, additional to the report and the further information referred to in Article 5(1) and (3), respectively, within a reasonable time period set by that Coordinating Authority, or request the EU Centre, another public authority or relevant experts or entities to provide the necessary additional information.

deleted

Amendment 171

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Where the Coordinating Authority of establishment takes the *preliminary* view that the conditions of paragraph 4 have been met, it shall:

Where the Coordinating Authority of establishment takes the view that *all* the conditions of paragraph 2 have been met, it shall:

Amendment 172

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) establish a draft request for the issuance of a detection order, specifying the main elements of the content of the detection order it intends to request and the reasons for requesting it;

Amendment

(a) establish a draft request **to the competent judicial authority of the Member State that designated it** for the issuance of a detection order, specifying **the factual and legal grounds upon which the request is based and the duration of the order, as well as**, the main elements of the content of the detection order it intends to request and the reasons for requesting it;

Amendment 173

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

(d) invite the EU Centre to provide its opinion on the draft request, within a time period of four weeks from the date of receiving the draft request.

Amendment

(d) invite the EU Centre, **and in particular its Technology Committee**, to provide its opinion on the draft request, within a time period of four weeks from the date of receiving the draft request.

Amendment 174

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 **have met**, it shall **re-submit the draft request, adjusted where appropriate, to the provider. In that case**, the provider **shall** do all of the following, within a reasonable time period set by that Coordinating Authority:

Amendment

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 2 **have been met and prior to requesting the competent judicial authority the issuance of the detection order**, it shall request the provider **to** do all of the following, within a reasonable time period set by that Coordinating Authority, **which cannot**

exceed four weeks:

Amendment 175

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;

Amendment

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and ***their technical feasibility and*** safeguards ***and if any, the negative impacts and safeguards on the rights of all parties involved. The provider may consult the EU Centre, and in particular its Technology Committee, to obtain support in identifying appropriate measures in this respect;***

Amendment 176

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) where the draft implementation plan concerns an intended detection order concerning ***the solicitation of children*** other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Amendment

(b) where the draft implementation plan concerns ***the use of any specific technology for the purpose of complying with*** an intended detection order concerning ***new child sexual abuse material*** other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Amendment 177

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take **into** account the opinion of the data protection authority provided in response to the prior consultation;

Amendment

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take **due** account **of** the opinion of the data protection authority provided in response to the prior consultation;

Amendment 178

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

(d) submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted **in view** of the outcome of the data protection impact assessment and of that opinion.

Amendment

(d) submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted **to take due account** of the outcome of the data protection impact assessment and of that opinion.

Amendment 179

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 **have** met, it shall submit the request for

Amendment

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority **and, where applicable, the opinion issued in accordance with article 5 (4c)**, that Coordinating Authority continues to be of

the issuance of the detection, adjusted where appropriate, to the competent judicial **authority or independent administrative** authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

the view that the conditions of paragraph 2 **have been** met, it shall submit the request for the issuance of the detection **order**, adjusted where appropriate, to the competent judicial authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Amendment 180

Proposal for a regulation Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority or independent administrative authority shall issue the detection order where it considers that the following conditions are met:

deleted

(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

(b) the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, in particular:

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to

Article 5(4) where applicable;

(b) any additional information obtained pursuant to paragraph 2 or any other relevant information available to it, in particular regarding the use, design and operation of the service, regarding the provider's financial and technological capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection order for all other parties affected;

(c) the views and the implementation plan of the provider submitted in accordance with paragraph 3;

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.

As regards the second subparagraph, point (d), where that Coordinating Authority substantially deviates from the opinion of the EU Centre, it shall inform the EU Centre and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

Amendment 181

Proposal for a regulation

Article 7 – paragraph 5 – introductory part

Text proposed by the Commission

5. As regards detection orders concerning the dissemination of known child sexual abuse material, the **significant risk** referred to in paragraph 4, **first subparagraph**, point (a), shall be deemed to exist where the following conditions are met:

Amendment

5. As regards detection orders concerning the dissemination of known child sexual abuse material, the **reasonable grounds of suspicion** referred to in paragraph 2, point (a), shall be deemed to exist where the following conditions are met:

Amendment 182

Proposal for a regulation
Article 7 – paragraph 5 – point a

Text proposed by the Commission

(a) ***it is likely, despite any*** mitigation measures that the provider ***may have taken or will take, that*** the service is ***used***, to an appreciable extent for the dissemination of known child sexual abuse material;

Amendment

(a) ***the*** mitigation measures that the provider ***has taken, have insufficient material impact on limiting the systemic risk and*** the service is ***being used by individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication***, to an appreciable extent, for the dissemination of known child sexual abuse material;

Amendment 183

Proposal for a regulation
Article 7 – paragraph 5 – point b

Text proposed by the Commission

(b) there is evidence of the service, ***or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order***, having been used in the past 12 months ***and*** to an appreciable extent for the dissemination of known child sexual abuse material.

Amendment

(b) there is evidence of the service, having been used in the past 12 months ***by individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication*** to an appreciable extent for the dissemination of known child sexual abuse material.

Amendment 184

Proposal for a regulation
Article 7 – paragraph 6 – introductory part

Text proposed by the Commission

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the ***significant risk*** referred to in paragraph 4, ***first subparagraph***, point (a), shall be deemed to exist where the following conditions are met:

Amendment

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the ***reasonable grounds of suspicion*** referred to in paragraph 2 point (a) shall be deemed to exist where the following conditions are met:

Amendment 185

Proposal for a regulation Article 7 – paragraph 6 – point a

Text proposed by the Commission

(a) *it is likely that, despite any* mitigation measures that the provider *may have taken or will take*, the service is *used*, to an appreciable extent, for the dissemination of new child sexual abuse material;

Amendment

(a) *the* mitigation measures that the provider *has taken, have insufficient material impact on limiting the systemic risk and* the service is *being used by individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication*, to an appreciable extent, for the dissemination of new child sexual abuse material;

Amendment 186

Proposal for a regulation Article 7 – paragraph 6 – point b

Text proposed by the Commission

(b) there is evidence of the service, *or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order*, having been used in the past 12 months *and* to an appreciable extent, for the dissemination of new child sexual abuse material;

Amendment

(b) there is evidence of the service, having been used in the past 12 months *by individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication* to an appreciable extent for the dissemination of new child sexual abuse material.

Amendment 187

Proposal for a regulation Article 7 – paragraph 6 – point c

Text proposed by the Commission

(c) *for services other than those enabling the live transmission of pornographic performances as defined in Article 2, point (e), of Directive 2011/93/EU:*

(1) *a detection order concerning the*

Amendment

deleted

dissemination of known child sexual abuse material has been issued in respect of the service;

(2) the provider submitted a significant number of reports concerning known child sexual abuse material, detected through the measures taken to execute the detection order referred to in point (1), pursuant to Article 12.

Amendment 188

Proposal for a regulation Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:

deleted

(a) the provider qualifies as a provider of interpersonal communication services;

(b) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the solicitation of children;

(c) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

The detection orders concerning the solicitation of children shall apply only to interpersonal communications where one of the users is a child user.

Amendment 189

Proposal for a regulation
Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial *or independent administrative authority* when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, *first subparagraph, point (b)*, remain limited to what is strictly necessary to effectively *address the significant risk* referred to in point (a) thereof.

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial when issuing the detection order, shall *in accordance with Article 8 of Regulation (EU) 2022/2065* target and specify it in such a manner that the negative consequences referred to in paragraph 2 (c) remain limited to what is strictly necessary, *justifiable and proportionate* to effectively *target individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication as* referred to in point (a) thereof, *while not jeopardising the security of communications*.

Amendment 190

Proposal for a regulation
Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

To that *aim*, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

Amendment

To that *end*, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible, *in accordance with the state of the art*, the rate of errors regarding the detection, and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

Amendment 191

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point a

Text proposed by the Commission

Amendment

(a) *where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;* *deleted*

Amendment 192

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point c

Text proposed by the Commission

Amendment

(c) subject to paragraph 9, the period of application remains limited to what is strictly necessary.

(c) subject to paragraph 9, the period of application remains limited to what is strictly necessary *and proportionate*;

Amendment 193

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

Amendment

The competent judicial *authority or independent administrative* authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

The competent judicial authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

Amendment 194

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 3

Text proposed by the Commission

Amendment

The period of application of detection

The period of application of detection

orders concerning the dissemination of known or new child sexual abuse material shall not exceed 24 months and that of detection orders concerning the solicitation of children shall not exceed 12 months.

orders concerning the dissemination of known or new child sexual abuse material shall ***be proportionate, taking all relevant factor into account, and*** not exceed 24 months and that of detection orders concerning the solicitation of children shall not exceed 12 months.

Amendment 195

Proposal for a regulation

Article 7 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Detections orders shall contain information about the right to appeal to a court of law according to the national legislation.

Amendment 196

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The competent judicial ***authority or independent administrative*** authority shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

1. The competent judicial authority shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

Amendment 197

Proposal for a regulation

Article 8 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) information regarding the measures to be taken to execute the detection order, including the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to

(a) information regarding the ***targeted and proportionate*** measures to be taken to execute the detection order, including, ***the individual users, or a specific group of users, either as such or as subscribers to a***

Article 9(3) and, where applicable, any additional safeguards as referred to in Article 7(8);

specific channel of communication, in respect of whom there are reasonable grounds of suspicion for a link, even an indirect one, with child sexual abuse material, the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards as referred to in Article 7(8);

Amendment 198

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) identification details of the competent judicial ***authority or the independent administrative*** authority issuing the detection order and authentication of the detection order by that judicial ***or independent administrative authority***;

Amendment

(b) identification details of the competent judicial authority issuing the detection order and authentication of the detection order by that judicial;

Amendment 199

Proposal for a regulation

Article 8 – paragraph 1 – point e

Text proposed by the Commission

(e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material ***or the solicitation of children***;

Amendment

(e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material;

Amendment 200

Proposal for a regulation

Article 8 – paragraph 1 – point g

Text proposed by the Commission

(g) a ***sufficiently*** detailed ***statement*** of

Amendment

(g) a detailed ***justification*** of reasons

reasons explaining why the detection order is issued;

explaining why the detection order is issued *and how is necessary, effective and proportionate*;

Amendment 201

Proposal for a regulation Article 8 – paragraph 1 – point i

Text proposed by the Commission

(i) the date, time stamp and electronic signature of the judicial *or independent administrative authority* issuing the detection order;

Amendment

(i) the date, time stamp and electronic signature of the judicial issuing the detection order;

Amendment 202

Proposal for a regulation Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The competent judicial *authority or independent administrative* authority issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment

The competent judicial authority issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment 203

Proposal for a regulation Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The detection order shall be transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

Amendment

The detection order shall be *securely* transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

Amendment 204

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. If the provider cannot execute the detection order because it contains manifest errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex II.

Amendment

3. If the provider cannot execute the detection order because it contains manifest errors or does not contain sufficient information for its execution, **or it is manifestly unfounded**, the provider shall, without undue delay, request the necessary **correction or** clarification to the Coordinating Authority of establishment, using the template set out in Annex II.

Amendment 205

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the competent judicial authority **or independent administrative authority** that issued the detection order.

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to **information and** effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the competent judicial authority that issued the detection order.

Amendment 206

Proposal for a regulation Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

When the detection order becomes final, the competent judicial **authority or**

Amendment

When the detection order becomes final, the competent judicial authority that issued

independent administrative authority that issued the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment 207

Proposal for a regulation Article 9 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In respect of the detection orders that the competent judicial *authority or independent administrative* authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether the conditions of Article 7(4) continue to be met. In that regard, it shall take account of additional mitigation measures that the provider may take to address the significant risk identified at the time of the issuance of the detection order.

Amendment

In respect of the detection orders that the competent judicial authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether the conditions of Article 7(2) continue to be met. In that regard, it shall take account of additional mitigation measures that the provider may take to address the significant risk identified at the time of the issuance of the detection order.

Amendment 208

Proposal for a regulation Article 9 – paragraph 4 – subparagraph 2

Text proposed by the Commission

That Coordinating Authority shall request to the competent judicial *authority or independent administrative* authority that issued the detection order the modification

Amendment

That Coordinating Authority shall request to the competent judicial authority that issued the detection order the modification or revocation of such order, where

or revocation of such order, where necessary in the light of the outcome of that assessment. The provisions of this Section shall apply to such requests, mutatis mutandis.

necessary in the light of the outcome of that assessment. The provisions of this Section shall apply to such requests, mutatis mutandis.

Amendment 209

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material ***or the solicitation of children***, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Amendment

1. Providers of hosting services and providers of ***number-independent*** interpersonal communication services that have received a detection order ***in accordance with to Article 7*** shall execute it by installing and operating ***available, secure and privacy-friendly*** technologies to detect the dissemination of known or new child sexual abuse material, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Amendment 210

Proposal for a regulation Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The technologies relied on for the purpose of executing the detection order, regardless of whether they are provided by the EU Centre or procured or developed by the provider itself, shall be audited independently as regards their performance, reliability and security. The audit shall be made publicly available.

Amendment 211

Proposal for a regulation
Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

3. The technologies shall **be**:

Amendment

3. The technologies shall:

Amendment 212

Proposal for a regulation
Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) effective in detecting the dissemination of known or new child sexual abuse material **or the solicitation of children**, as applicable;

Amendment

(a) **be** effective in detecting the dissemination of known or new child sexual abuse material, as applicable;

Amendment 213

Proposal for a regulation
Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) not be able to **extract** any other information from the relevant communications than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable;

Amendment

(b) not be able to **permit the acquisition of knowledge of the content of the communications or** any other information from the relevant communications than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable;

Amendment 214

Proposal for a regulation
Article 10 – paragraph 3 – point c

Text proposed by the Commission

(c) in accordance with the state of the art ***in the industry*** and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Amendment

(c) ***be*** in accordance with the ***technological*** state of the art and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Amendment 215

Proposal for a regulation

Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) sufficiently reliable, in that they limit to the maximum extent possible the rate of errors regarding the detection.

Amendment

(d) ***be*** sufficiently reliable, in that they limit to the maximum extent possible the rate of errors regarding the detection ***of online child sexual abuse, with special attention to avoid deviations and bias with proper testing and training of algorithms and models where applicable, and where such occasional errors occur, they are rectified without delay; and***

Amendment 216

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not apply to end-to-end encrypted communications.

Amendment 217

Proposal for a regulation

Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are **used** for the sole purpose of detecting the dissemination of known or new child sexual abuse material **or the solicitation of children**, as applicable, insofar as strictly necessary to execute the detection orders addressed to them;

Amendment

(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are **proportionate and limited to what is strictly necessary** for the sole purpose of detecting the dissemination of known or new child sexual abuse material, as applicable, insofar as strictly necessary to execute the detection orders addressed to them **and, unless alleged child sexual abuse material has been confirmed as such, the data is erased immediately**;

Amendment 218

Proposal for a regulation

Article 10 – paragraph 4 – point b

Text proposed by the Commission

(b) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including **unauthorized** access to, and unauthorised transfers of, such personal data and other data;

Amendment

(b) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including **unauthorised** access to, and unauthorised transfers of, such personal data and other data;

Amendment 219

Proposal for a regulation

Article 10 – paragraph 4 – point c

Text proposed by the Commission

(c) ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors **and potential solicitation of children** are detected, human

Amendment

(c) ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors are detected, **immediate** human intervention;

intervention;

Amendment 220

Proposal for a regulation

Article 10 – paragraph 4 – point d

Text proposed by the Commission

(d) establish and operate an accessible, age-appropriate and **user-friendly** mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

Amendment

(d) establish and operate an accessible, age-appropriate and **user- and child-friendly** mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

Amendment 221

Proposal for a regulation

Article 10 – paragraph 4 – point e

Text proposed by the Commission

(e) **inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);**

Amendment

deleted

Amendment 222

Proposal for a regulation

Article 10 – paragraph 4 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ensure privacy by design and safety-by-design and by default.

Amendment 223

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the fact that it operates technologies to detect **online** child sexual abuse to execute the detection order, the ways in which it operates those technologies and the impact on the confidentiality of users' communications;

(a) the fact that it operates technologies to detect child sexual abuse **material** to execute the detection order, the ways in which it operates those technologies and the impact on the confidentiality of users' communications;

Amendment 224

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. Where a provider detects potential **online** child sexual abuse through the measures taken to execute the detection order, it shall inform the users concerned without undue delay, after Europol or the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

6. Where a provider detects potential child sexual abuse **material** through the measures taken to execute the detection order, it shall inform the users concerned without undue delay, after Europol or the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment 225

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Amendment

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having **consulted the European Data Protection Board and having** conducted a public consultation, may **shall** issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and **trends reported by law enforcement, hotlines and civil society and** the manners in which the services covered by those provisions are offered and used.

Amendment 226

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Where a provider of hosting services or a provider of interpersonal communications services **becomes aware** in any manner other than through a removal order issued in accordance with this Regulation of any information indicating potential online child sexual abuse on its services, it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment

1. Where a provider of hosting services or a provider of **number-independent** interpersonal communications services **obtains actual knowledge** in any manner other than through a removal order issued in accordance with this Regulation of any information indicating potential online child sexual abuse on its services, it shall promptly submit a report thereon to the EU Centre in accordance with Article 13 **and providers of hosting services shall expeditiously remove or disable access to it, except where communicated otherwise under Article 48(6) point (b)**. It shall do so through the system established in accordance with Article 39(2).

Amendment 227

Proposal for a regulation
Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned, providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Amendment

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned ***without undue delay, except where the EU Centre has communicated otherwise under Article 48(6) point (a)***, providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Amendment 228

**Proposal for a regulation
Article 12 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

The provider shall inform the user concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be ***manifestly*** unfounded as referred to in Article 48(2), or after the expiry of a time period of three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article 48(6), point (a), whichever occurs first.

Amendment

The provider shall inform the user concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be unfounded as referred to in Article 48(2), or after the expiry of a time period of three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article 48(6), point (a), whichever occurs first.

Amendment 229

**Proposal for a regulation
Article 12 – paragraph 2 – subparagraph 3**

Text proposed by the Commission

Amendment

Where within the three months' time period referred to in the second subparagraph the provider receives such a communication from the EU Centre indicating that the information is not to be provided, it shall inform the user concerned, without undue delay, after the expiry of the time period set out in that communication.

deleted

Amendment 230

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. ***The provider*** shall establish and operate an ***accessible***, age-appropriate and user-friendly mechanism that allows users to flag ***to the provider*** potential online child sexual abuse ***on the service***.

3. ***Providers of hosting services and providers of number-independent interpersonal communication services*** shall establish and operate an ***easy to access***, age-appropriate, ***child-friendly*** and user-friendly mechanism that allows ***any*** users ***or entity*** to flag ***or notify them of the presence on their service of specific items of information that the individual or entity considers to be*** potential online child sexual abuse, ***including self-generated material. Those mechanisms shall allow for the submission of notices by users or entities exclusively by electronic means and allow for anonymous reporting already available through anonymous reporting channels as defined by Directive (EU) 2019/1937.***

Amendment 231

Proposal for a regulation Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission, in cooperation with Coordinating Authorities and the EU Centre after having conducted a public consultation shall, by [six months from the date of entry into force of this Regulation], adopt implementing acts laying down the practical and operational arrangements for the design of a uniform identifiable notification mechanism referred to in paragraph 3, including for the design of a uniform easily recognisable icon in the user interface. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 87.

Amendment 232

Proposal for a regulation Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

1. Providers of hosting services and providers of **number-independent** interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. **They shall make all the reasonable efforts to ensure the quality of the information submitted in order to facilitate the assessment and process by the EU Centre in accordance with Article 49(1).** The report shall include:

Amendment 233

Proposal for a regulation Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) all content data, **including images,**

(c) all content data **being reported;**

videos and text;

Amendment 234

Proposal for a regulation

Article 13 – paragraph 1 – point d

Text proposed by the Commission

(d) all available data other than content data related to the potential online child sexual abuse;

Amendment

(d) all **relevant** available data other than content data related to the potential online child sexual abuse;

Amendment 235

Proposal for a regulation

Article 13 – paragraph 1 – point e

Text proposed by the Commission

(e) whether the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material or the solicitation of children;

Amendment

(e) whether the potential online child sexual abuse **to their knowledge** concerns the dissemination of known or new child sexual abuse material or the solicitation of children;

Amendment 236

Proposal for a regulation

Article 13 – paragraph 1 – point f

Text proposed by the Commission

(f) information concerning the geographic location related to the potential online child sexual abuse, such as the Internet Protocol address;

Amendment

deleted

Amendment 237

Proposal for a regulation

Article 13 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) where applicable, an exact uniform resource locator and, where necessary, additional information for the identification of the potential child sexual abuse material;

Amendment 238

Proposal for a regulation

Article 13 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) information concerning the identity of any user involved in the potential online child sexual abuse;

(g) **available** information concerning the identity of any user involved in the potential online child sexual abuse;

Amendment 239

Proposal for a regulation

Article 13 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) where applicable, information on the reporting mechanism or on the specific technology that enabled the provider to become aware of the potential online child sexual abuse following measures taken to execute a detection order issued in accordance with Article 7;

Amendment 240

Proposal for a regulation

Article 13 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) whether the provider considers that the report requires urgent action;

(j) whether the provider considers that the report **involves an imminent threat to the live or safety of a child, or** requires

urgent action;

Amendment 241

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated ***it or another independent administrative authority of that Member State*** to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1) identified as constituting child sexual abuse material.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities ***subject to judicial validation*** referred to in Article 36(1) identified as constituting child sexual abuse material.

Removal orders shall be addressed to the service provider acting as controller in accordance with Regulation (EU) 2016/679. By way of derogation, the removal order may be directly addressed to the service provider that stores or otherwise processes the data on behalf of the controller, where:

(a) the controller cannot be identified despite reasonable efforts on the part of the issuing authority; or

(b) addressing the controller might be detrimental to an ongoing investigation.

Amendment 242

Proposal for a regulation Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Before issuing a removal order, the competent judicial authorities shall take all reasonable measures to ensure that executing the removal order does not interfere with activities for the investigation and prosecution of child sexual abuse offences.*

Amendment 243

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof.

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof, *except where the removal order indicates a shorter period. For micro and small enterprises, the removal order shall allow additional time, proportionate to the size and the resources of the provider, but in any case no longer than 3 working days.*

Amendment 244

Proposal for a regulation Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The competent judicial ***authority or the independent administrative*** authority shall issue a removal order using the template set out in Annex IV. Removal orders shall include:

3. The competent judicial authority shall issue a removal order using the template set out in Annex IV. Removal orders shall include:

Amendment 245

Proposal for a regulation
Article 14 – paragraph 3 – point a

Text proposed by the Commission

(a) identification details of the judicial ***or independent administrative authority*** issuing the removal order and authentication of the removal order by that authority;

Amendment

(a) identification details of the judicial issuing the removal order and authentication of the removal order by that authority;

Amendment 246

Proposal for a regulation
Article 14 – paragraph 3 – point g

Text proposed by the Commission

(g) a reference to this Regulation as the legal basis for the removal order;

Amendment

(g) a reference to ***Article 14 of*** this Regulation as the legal basis for the removal order;

Amendment 247

Proposal for a regulation
Article 14 – paragraph 3 – point h

Text proposed by the Commission

(h) the date, time stamp and electronic signature of the judicial ***or independent administrative authority*** issuing the removal order;

Amendment

(h) the date, time stamp and electronic signature of the judicial authority issuing the removal order;

Amendment 248

Proposal for a regulation
Article 14 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The judicial authority ***or the independent administrative authority*** issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its

Amendment

The judicial authority issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its legal representative

legal representative designated in accordance with Article 24.

designated in accordance with Article 24.

Amendment 249

Proposal for a regulation Article 14 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Where Europol or the national competent law enforcement authorities or the EU Centre pursuant to Article 49(2), become aware of the presence of child sexual abuse material on a hosting service, they shall notify the competent Coordinating Authority of its exact uniform resource locator, and the Coordinating Authority shall request a removal order where the conditions of paragraph 1 and 1a are met.

Amendment 250

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority ***or independent administrative authority*** that issued the removal order.

1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority that issued the removal order.

Amendment 251

Proposal for a regulation Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

When the removal order becomes final, the competent judicial authority *or independent administrative authority* that issued the removal order shall, without undue delay, *transmit a copy thereof to* the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, *transmit a copy thereof to* all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment 252

**Proposal for a regulation
Article 15 – paragraph 3 – point b**

Text proposed by the Commission

(b) the reasons for the removal or disabling, providing a copy of the removal order *upon the user's request*;

Amendment 253

**Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 1**

Text proposed by the Commission

The Coordinating Authority of establishment may request, when requesting the judicial *authority or independent administrative* authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of or disabling of access to the child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection,

Amendment

When the removal order becomes final, the competent judicial authority that issued the removal order shall, without undue delay, *inform* the Coordinating Authority of establishment *thereof*. The Coordinating Authority of establishment shall then, without undue delay, *inform the EU Centre and* all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment

(b) the reasons for the removal or disabling, providing a copy of the removal order;

Amendment

The Coordinating Authority of establishment may request, when requesting the judicial authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of or disabling of access to the child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

investigation and prosecution of child sexual abuse offences.

Amendment 254

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

(a) the judicial ***authority or independent administrative*** authority issuing the removal order shall set the time period not longer than necessary and not exceeding six weeks, during which the provider is not to disclose such information;

Amendment

(a) the judicial authority issuing the removal order shall set the time period not longer than necessary and not exceeding six weeks, during which the provider is not to disclose such information;

Amendment 255

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

(c) that judicial ***authority or independent administrative*** authority shall inform the provider of its decision, specifying the applicable time period.

Amendment

(c) that judicial authority shall inform the provider of its decision, specifying the applicable time period.

Amendment 256

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 3

Text proposed by the Commission

That judicial ***authority or independent administrative*** authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority ***or independent***

Amendment

That judicial authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority shall inform the provider of its decision, specifying the applicable

administrative authority shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.

time period. Article 14(3) shall apply to that decision.

Amendment 257

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it **or an independent administrative authority of that Member State** to issue a blocking order requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing known child sexual abuse material indicated by **all** uniform resource locators on the list of uniform resource locators included in the database of indicators, in accordance with Article 44(2), point (b) and provided by the EU Centre.

Amendment

1. **As a measure of last resort, when the known child sexual abuse material cannot be reasonable removed at source,** the Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a blocking order requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing known child sexual abuse material indicated by **the exact** uniform resource locators on the list of uniform resource locators included in the database of indicators, in accordance with Article 44(2), point (b) and provided by the EU Centre.

Amendment 258

Proposal for a regulation Article 16 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

(a) verify that, **in respect of all or a representative sample of the uniform resource locators on the list referred to in paragraph 1**, the conditions of Article 36(1), point (b), are met, including by carrying out checks to verify in cooperation with the EU Centre that the list is complete, accurate and up-to-date;

Amendment

(a) verify that, the conditions of Article 36(1), point (b), are met, including by carrying out checks to verify in cooperation with the EU Centre that the list is complete, accurate and up-to-date;

Amendment 259

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, ***the*** necessary information, in particular regarding the accessing or attempting to access by users of the child sexual abuse material indicated by the uniform resource locators, ***regarding the provider’s policy to address the risk of dissemination of the child sexual abuse material and regarding the provider’s financial and technological capabilities and size;***

Amendment

(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, ***any*** necessary information, in particular regarding the ***apparent*** accessing or attempting to access by users of the child sexual abuse material indicated by the uniform resource locators;

Amendment 260

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

(c) request the EU Centre to provide the necessary information, in particular explanations and assurances regarding the accuracy of the uniform resource locators in indicating child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;

Amendment

(c) request the EU Centre to provide the necessary information, in particular explanations and assurances regarding the accuracy of the uniform resource locators in indicating ***known*** child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;

Amendment 261

Proposal for a regulation

Article 16 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

The Coordinating Authority of establishment **shall** request the issuance of the blocking order, and the competent judicial authority **or independent authority** shall issue the blocking order, where it considers that the following conditions are met:

Amendment

The Coordinating Authority of establishment **may** request the issuance of the blocking order, and the competent judicial authority shall issue the blocking order, where it considers that **all** the following conditions are **simultaneously** met:

Amendment 262

Proposal for a regulation

Article 16 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

(a) ***there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to access the child sexual abuse material indicated by the uniform resource locators;***

Amendment

(a) the child sexual abuse material ***cannot reasonable be removed at source and the material is still online;***

Amendment 263

Proposal for a regulation

Article 16 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

(c) the uniform resource locators indicate, in a sufficiently reliable manner, child sexual abuse material;

Amendment

(c) the ***exact*** uniform resource locators indicate, in a sufficiently reliable manner, child sexual abuse material;

Amendment 264

Proposal for a regulation

Article 16 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

(d) the reasons for issuing the blocking order outweigh negative consequences for

Amendment

(d) the reasons for issuing the blocking order outweigh negative consequences for

the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties, including the exercise of the users' freedom of expression and information and the provider's freedom to conduct a business.

the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties, including the exercise of the users' freedom of expression and information and the provider's freedom to conduct a business;

Amendment 265

Proposal for a regulation

Article 16 – paragraph 4 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) it is technically feasible for the provider, without undermining web traffic encryption and without collateral blocking of access to lawful content accessible via other uniform resource locators.

Amendment 266

Proposal for a regulation

Article 16 – paragraph 5 – introductory part

Text proposed by the Commission

Amendment

5. The Coordinating Authority of establishment when requesting the issuance of blocking orders, and the competent judicial ***or independent administrative authority*** when issuing the blocking order, shall:

5. The Coordinating Authority of establishment when requesting the issuance of blocking orders, and the competent judicial when issuing the blocking order, shall:

Amendment 267

Proposal for a regulation

Article 16 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

The period of application of blocking

The period of application of blocking

orders shall not exceed five years.

orders shall not exceed five years, *but it can be renewed afterwards if necessary.*

Amendment 268

Proposal for a regulation Article 16 – paragraph 7 – subparagraph 1

Text proposed by the Commission

In respect of the blocking orders that the competent judicial *authority or independent administrative* authority issued at its request, the Coordinating Authority shall, where necessary and at least once every year, assess whether any substantial changes to the grounds for issuing the blocking orders occurred and, in particular, whether the conditions of paragraph 4 continue to be met.

Amendment

In respect of the blocking orders that the competent judicial authority issued at its request, the Coordinating Authority shall, where necessary and at least once every year, assess whether any substantial changes to the grounds for issuing the blocking orders occurred and, in particular, whether the conditions of paragraph 4 continue to be met.

Amendment 269

Proposal for a regulation Article 16 – paragraph 7 – subparagraph 2

Text proposed by the Commission

That Coordinating Authority shall request to the competent judicial *authority or independent administrative* authority that issued the blocking order the modification or revocation of such order, where necessary in the light of the outcome of that assessment or to take account of justified requests or the reports referred to in Article 18(5) and (6), respectively. The provisions of this Section shall apply to such requests, mutatis mutandis.

Amendment

That Coordinating Authority shall request to the competent judicial authority that issued the blocking order the modification or revocation of such order, where necessary in the light of the outcome of that assessment or to take account of justified requests or the reports referred to in Article 18(5) and (6), respectively. The provisions of this Section shall apply to such requests, mutatis mutandis.

Amendment 270

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. The competent judicial **authority or independent administrative** authority issuing the blocking order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment

2. The competent judicial authority issuing the blocking order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment 271

**Proposal for a regulation
Article 18 – paragraph 1**

Text proposed by the Commission

1. Providers of internet access services that have received a blocking order, as well as users who provided or were prevented from accessing a specific item of material indicated by the uniform resource locators in execution of such orders, shall have a right to effective redress. That right shall include the right to challenge the blocking order before the courts of the Member State of the competent judicial authority **or independent administrative authority** that issued the blocking order.

Amendment

1. Providers of internet access services that have received a blocking order, as well as users who provided or were prevented from accessing a specific item of material indicated by the uniform resource locators in execution of such orders, shall have a right to effective redress. That right shall include the right to challenge the blocking order before the courts of the Member State of the competent judicial authority that issued the blocking order.

Amendment 272

**Proposal for a regulation
Article 18 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

When the blocking order becomes final, the competent judicial **authority or independent administrative** authority that issued the blocking order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of

Amendment

When the blocking order becomes final, the competent judicial authority that issued the blocking order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue

establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment 273

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking or reporting online child sexual abuse in accordance with those requirements.

Amendment

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith ***and in a diligent manner***, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking, or reporting online child sexual abuse in accordance with those requirements.

Amendment 274

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. ***Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.***

Amendment

Victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside ***or a Coordinating Authority of their choice*** information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. The right to ***information shall cover both occasional information as well as periodic information on a weekly, monthly or yearly basis.***

Amendment 275

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. **Persons with disabilities** shall have the right to ask and receive such an information in **a manner accessible to them**.

Amendment

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. **Victims** shall have the right to ask and receive such an information in **the language indicated by that person, in a confidential, age-appropriate, accessible, understandable and gender-sensitive manner. The information in question shall be provided, within a reasonable period of time.**

Amendment 276

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

For the purpose of this Regulation, parents and guardians or legal representatives shall be entitled to exercise the rights of victims on their behalf where the victim is under 18 years of age or legally incompetent.

Amendment 277

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

That Coordinating Authority shall transmit

That Coordinating Authority shall transmit

the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the **person** making the request.

the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the **victim** making the request.

Amendment 278

Proposal for a regulation Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Where victims indicate in their request the preference for a periodic information, the Coordinating Authority shall provide periodically the victim, with the information referred to in paragraph 3. Victims may terminate such a request for periodic information at any time by notifying the competent Coordinating Authority.*

Amendment 279

Proposal for a regulation Article 20 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) where applicable, the individual or entity that is to receive the information on behalf of the person making the request;

(b) where applicable, the individual or entity **formally assisting or representing the victim** that is to receive the information on behalf of the person making the request;

Amendment 280

Proposal for a regulation Article 20 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) sufficient elements to **demonstrate** the identity of the **person** making the request.

(c) sufficient elements to **verify that the child sexual abuse material matches** the identity of the **victim** making the

request;

Amendment 281

Proposal for a regulation

Article 20 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) an indication of whether the request is occasional or covers a certain time period.

Amendment 282

Proposal for a regulation

Article 20 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside or the Coordinating Authority of their choice information regarding victims' rights, support and assistance. The information shall be age-appropriate, accessible, understandable and gender-sensitive and shall include:

(a) the type of support they can obtain and from whom, including, where relevant, basic information about access to medical support, any specialist support, including emotional, psychological or social support, and alternative accommodation;

(b) the procedures for making complaints with regard to a criminal offence and their role in connection with such procedures;

(c) how and under what conditions they can obtain protection, including protection measures;

(d) how and under what conditions they can access legal advice, legal aid and any

other sort of advice legal assistance;
(e) how and under what conditions they can access compensation;
(f) how and under what conditions they are entitled to interpretation and translation.

Amendment 283

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services shall provide reasonable assistance, on request, to **persons residing in the Union** that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Amendment

1. Providers of hosting services shall provide reasonable assistance, on request, to **victims** that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider. **That support shall be provided in a timely manner.**

Amendment 284

Proposal for a regulation Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where **the person** resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. **Persons with disabilities** shall have the right to **ask and** receive any information relating to such support in a **manner** accessible to them.

Amendment

To that end, victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where **they** resides **or from the Coordinating Authority of their choice**, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. **Victims** shall have the right to receive any information relating to such support in a **confidential, easily understandable and accessible manner** to them. **The support shall be provided by staff specifically**

trained to interact with victims and be able to address the specific needs and vulnerabilities of victims.

Amendment 285

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 2

Text proposed by the Commission

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the *person* making the request.

Amendment

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the *victim* making the request.

Amendment 286

Proposal for a regulation

Article 21 – paragraph 3

Text proposed by the Commission

3. The requests referred to in paragraphs 1 and 2 shall indicate the relevant item or items of child sexual abuse material.

Amendment

3. The requests referred to in paragraphs 1 and 2 shall indicate the relevant item or items of child sexual abuse material *and any other relevant information*.

Amendment 287

Proposal for a regulation

Article 21 – paragraph 4 – point d

Text proposed by the Commission

(d) where necessary, informing the Coordinating Authority of establishment of the presence of that item or those items on the service, with a view to the issuance of a removal order pursuant to Article 14.

Amendment

(d) where necessary, informing the Coordinating Authority of establishment of the presence of that item or those items on the *provider's* service, with a view to the issuance of a removal order pursuant to Article 14.

Amendment 288

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) **responding** to requests issued by competent law enforcement authorities and judicial authorities in accordance with the applicable law, with a view to providing them with the necessary information for the prevention, detection, investigation or prosecution of child sexual abuse offences, insofar as the content data and other data relate to a report that the provider has submitted to the EU Centre pursuant to Article 12.

Amendment

(e) **esponding** to requests issued by competent law enforcement authorities and judicial authorities in accordance with the applicable law, with a view to providing them with the necessary information for the prevention, detection, investigation or prosecution of child sexual abuse offences, insofar as the content data and other data relate to a report that the provider has submitted to the EU Centre pursuant to Article 12. **All such requests shall be logged.**

Amendment 289

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 2

Text proposed by the Commission

As regards the first subparagraph, point (a), the provider may also preserve the information for the purpose of improving the effectiveness and accuracy of the technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7. **However, it shall not store any** personal data for that purpose.

Amendment

As regards the first subparagraph, point (a), the provider **who uses its own detection** may also preserve the **fully anonymised** information for the purpose of improving the effectiveness and accuracy of the technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7. **No** personal data **shall be retained** for that purpose.

Amendment 290

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Providers shall preserve the information

Amendment

Providers shall **securely** preserve the

referred to in paragraph 1 for no longer than necessary for the applicable purpose and, in any event, no longer than 12 months from the date of the reporting or of the removal or disabling of access, whichever occurs first.

information referred to in paragraph 1 for no longer than necessary for the applicable purpose and, in any event, no longer than 12 months from the date of the reporting or of the removal or disabling of access, whichever occurs first.

Amendment 291

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Providers shall ensure that the information referred to in paragraph 1 is preserved in a secure manner and that the preservation is subject to appropriate technical and organisational **safeguards**. Those safeguards shall ensure, in particular, that the information can be accessed and processed only for the purpose for which it is preserved, that a high level of security is achieved and that the information is deleted upon the expiry of the applicable time periods for preservation. Providers shall regularly review those safeguards and adjust them where necessary.

Amendment

Providers shall ensure that the information referred to in paragraph 1 is preserved in a secure manner and that the preservation is subject to **state of art** appropriate technical and organisational **measures**. Those safeguards shall ensure, in particular, that the information can be accessed and processed only for the purpose for which it is preserved, that **unauthorised access to and unauthorised transfers of such personal data and other data are prevented, that** a high level of security is achieved, **all access to the data is logged**, and that the information is deleted upon the expiry of the applicable time periods for preservation. Providers shall regularly review those safeguards and adjust them where necessary.

Amendment 292

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Providers of relevant information society services which do not have their main establishment in the Union shall designate, in writing, a natural or legal person as its legal representative in the Union.

Amendment

1. Providers of relevant information society services which do not have their main establishment in the Union, **but which offer services in the Union**, shall designate, in writing, a natural or legal person as its legal representative in the

Union.

Amendment 293

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall, by the date referred to in paragraph 1, designate one of the competent authorities as their Coordinating Authority for child sexual abuse issues ('Coordinating Authority').

Amendment

Member States shall, by the date referred to in paragraph 1, designate one of the competent authorities as their Coordinating Authority for child sexual abuse issues ('Coordinating Authority'). ***Where they designate only one competent authority, that competent authority shall be the Coordinating Authority***

Amendment 294

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Coordinating Authority shall be responsible for all matters related to application and enforcement of this Regulation in the Member State concerned, unless that Member State has assigned certain specific tasks or sectors to other competent authorities.

Amendment

The Coordinating Authority shall be responsible for all matters related to ***the*** application and enforcement of this Regulation in the Member State concerned, unless that Member State has assigned certain specific tasks or sectors to other competent authorities.

Amendment 295

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Coordinating Authority shall in any event be responsible for ensuring coordination at national level in respect of those matters ***and*** for contributing to the effective, efficient and consistent

Amendment

The Coordinating Authority shall in any event be responsible for ensuring coordination at national level in respect of those matters ***including prevention and combating of child sexual abuse, issuing***

application and enforcement of this Regulation throughout the Union.

of recommendations and good practices on improving digital skills and competences, education and awareness raising campaigns and the organisation of regular training activities for officials dealing with cases which involve children.

The Coordinating Authority shall in any event be responsible for contributing to the effective, efficient and consistent application and enforcement of this Regulation throughout the Union

Amendment 296

Proposal for a regulation Article 25 – paragraph 5

Text proposed by the Commission

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement of this Regulation in that Member State. Member States shall make the information on the contact point **publicly available** and communicate **it** to the EU Centre. They shall keep that information updated.

Amendment

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to **efficiently** handle requests for clarification, feedback and other communications in relation to all matters related to the **objectives** application and enforcement of this Regulation in that Member State, **including communication with trusted organisations providing assistance to victims, education and awareness raising**. Member States shall make the information on the contact point **widely accessible through gender-sensitive and age-appropriate online and offline awareness raising campaigns** and communicate **this information** to the EU Centre. They shall keep that information updated.

Amendment 297

Proposal for a regulation Article 25 – paragraph 6

Text proposed by the Commission

6. Within two weeks after the designation of the Coordinating Authorities pursuant to paragraph 2, the EU Centre shall set up an online register listing the Coordinating Authorities and their contact points. The EU Centre shall regularly publish any modification thereto.

Amendment

6. Within two weeks after the designation of the Coordinating Authorities pursuant to paragraph 2, the EU Centre shall set up an online **public** register listing the Coordinating Authorities and their contact points. The EU Centre shall regularly publish any modification thereto.

Amendment 298

**Proposal for a regulation
Article 25 – paragraph 7 – point a**

Text proposed by the Commission

(a) provide certain information or technical expertise on matters covered by this Regulation;

Amendment

(a) provide certain information or technical expertise on matters covered by this Regulation, ***including knowledge and expertise on appropriate prevention techniques against child sexual abuse;***

Amendment 299

**Proposal for a regulation
Article 25 – paragraph 7 – point a a (new)**

Text proposed by the Commission

Amendment

(aa) provide information and expertise on gender-sensitive and age-appropriate victim assistance and support and prevention of online child sexual abuse;

Amendment 300

**Proposal for a regulation
Article 25 – paragraph 7 – point b**

Text proposed by the Commission

(b) assist in assessing, in accordance with Article 5(2), the risk assessment

Amendment

(b) assist in assessing, in accordance with Article 5(2), the risk assessment

conducted or updated or the mitigation measures taken by a provider of hosting or interpersonal communication services under the jurisdiction of the Member State that designated the requesting Coordinating Authority;

conducted or updated or the mitigation measures taken by a provider of **number-independent** hosting or interpersonal communication services under the jurisdiction of the Member State that designated the requesting Coordinating Authority;

Amendment 301

Proposal for a regulation Article 25 – paragraph 8

Text proposed by the Commission

8. The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this Regulation and insofar as its resources and priorities allow.

Amendment

8. The EU Centre shall provide, **without undue delay**, such assistance free of charge and in accordance with its tasks and obligations under this Regulation and insofar as its resources and priorities allow.

Amendment 302

Proposal for a regulation Article 25 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Coordinating Authorities shall, where necessary for the performance of their tasks under this Regulation and in order to promote the generation and sharing of knowledge and best practises in accordance with Article 43(6), cooperate with organisations and networks with expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations and professional organisations of practitioners.

Amendment 303

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected. **Member States** shall ensure that their Coordinating Authorities **have adequate** technical, financial and human resources to carry out their tasks.

Amendment

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected. **They shall also ensure that their Coordinating Authorities perform their tasks with utmost respect and sensitivity towards victims and their legal representatives. Member States shall also ensure provide their Coordinating Authorities with all necessary resources, including sufficient** technical, financial and human resources to **efficiently** carry out their tasks.

Amendment 304

Proposal for a regulation
Article 26 – paragraph 2 – point e

Text proposed by the Commission

(e) are not charged with tasks relating to the prevention or combating of child sexual abuse, other than their tasks under this Regulation.

Amendment

deleted

Amendment 305

Proposal for a regulation
Article 26 – paragraph 4

Text proposed by the Commission

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience and technical skills to perform their duties.

Amendment

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience, **integrity** and technical skills to perform their duties.

Amendment 306

Proposal for a regulation Article 26 – paragraph 5

Text proposed by the Commission

5. The management and other staff of the Coordinating Authorities shall, in accordance with Union or national law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks. Member States shall ensure that the management and other staff are subject to rules guaranteeing that they can carry out their tasks in an objective, impartial and independent manner, in particular as regards their appointment, dismissal, remuneration and career prospects.

Amendment

5. ***Without prejudice to national or the Union law regulating whistleblower protection,*** the management and other staff of the Coordinating Authorities shall, in accordance with Union or national law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks. Member States shall ensure that the management and other staff are subject to rules guaranteeing that they can carry out their tasks in an objective, impartial and independent manner, in particular as regards their appointment, dismissal, remuneration and career prospects.

Amendment 307

Proposal for a regulation Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***Where needed for carrying out their tasks,*** Coordinating Authorities shall have the following powers ***of investigation,*** in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them:

Amendment

1. Coordinating Authorities shall have the following ***investigatory*** powers in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them:

Amendment 308

Proposal for a regulation Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) the power to carry out on-site inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request ***other public authorities*** to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Amendment

(b) the power to carry out ***remote or*** on-site inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or ***the power*** to request ***the competent judicial authority of the Member State that designated it*** to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Amendment 309

**Proposal for a regulation
Article 27 – paragraph 2**

Text proposed by the Commission

2. Member States may grant additional investigative powers to the Coordinating Authorities.

Amendment

deleted

Amendment 310

**Proposal for a regulation
Article 28 – paragraph 1 – introductory part**

Text proposed by the Commission

1. Where needed for carrying out their tasks, Coordinating Authorities shall have the following enforcement powers, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them:

Amendment

1. Coordinating Authorities shall have the following enforcement powers, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them:

Amendment 311

Proposal for a regulation
Article 28 – paragraph 1 – point b

Text proposed by the Commission

(b) the power to order the cessation of infringements of this Regulation and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;

Amendment

(b) the power to order **specific measures to bring about** the cessation of infringements of this Regulation and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;

Amendment 312

Proposal for a regulation
Article 28 – paragraph 1 – point c

Text proposed by the Commission

(c) the power to impose fines, **or request a judicial authority in their Member State to do so**, in accordance with Article 35 for infringements of this Regulation, including non-compliance with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph;

Amendment

(c) the power to impose fines in accordance with Article 35 for infringements of this Regulation, including non-compliance with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph;

Amendment 313

Proposal for a regulation
Article 28 – paragraph 1 – point e

Text proposed by the Commission

(e) the power to adopt interim measures to **avoid the risk of** serious harm.

Amendment

(e) the power to adopt **appropriate, reasonable, and proportionate** interim measures to **prevent** serious harm.

Amendment 314

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may grant additional enforcement powers to the Coordinating Authorities.

deleted

Amendment 315

Proposal for a regulation

Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where needed for carrying out their tasks, Coordinating Authorities shall have the additional enforcement powers referred to in paragraph 2, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them, provided that:

1. Coordinating Authorities shall have the additional enforcement powers referred to in paragraph 2 in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them, provided that:

Amendment 316

Proposal for a regulation

Article 29 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) all other powers pursuant to Articles 27 and 28 to bring about the cessation of an infringement of this Regulation have been exhausted;

deleted

Amendment 317

Proposal for a regulation

Article 29 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the infringement persists;

(b) an infringement *of this Regulation* persists; **and**

Amendment 318

Proposal for a regulation

Article 29 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) request the competent judicial **authority or independent administrative** authority of the Member State that designated the Coordinating Authority to order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

Amendment

(b) request the competent judicial authority of the Member State that designated the Coordinating Authority to order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

Amendment 319

Proposal for a regulation

Article 29 – paragraph 2 – point b – point ii

Text proposed by the Commission

(ii) the infringement persists and causes serious harm;

Amendment

(ii) the infringement persists and causes serious harm; **and**

Amendment 320

Proposal for a regulation

Article 29 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The temporary restriction shall apply for a period of four weeks, subject to the possibility for the competent judicial **authority, in its order, to allow the Coordinating** Authority to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by that judicial authority.

Amendment

The temporary restriction shall apply for a period of four weeks, subject to the possibility for the competent judicial authority to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by that judicial authority.

Amendment 321

Proposal for a regulation

Article 29 – paragraph 4 – subparagraph 3 – point a

Text proposed by the Commission

(a) the provider has failed to take the necessary measures to terminate the infringement;

Amendment

(a) the provider has failed to take the necessary **and proportionate** measures to terminate the infringement;

Amendment 322

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27, 28 and 29 is subject to adequate safeguards laid down in the applicable national law to respect the fundamental rights of all parties affected. In particular, those measures shall **only** be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

Amendment

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27, 28 and 29 is subject to adequate safeguards laid down in the applicable national law to respect the fundamental rights of all parties affected. In particular, those measures shall be **targeted and precise, and** taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

Amendment 323

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

Coordinating Authorities shall have the power to carry out searches on publicly accessible **material** on hosting services to detect the dissemination of known or new child sexual abuse material, using the indicators contained in the databases

Amendment

Coordinating Authorities shall have the power to carry out searches on publicly accessible **content** on hosting services to detect the dissemination of known or new child sexual abuse material, using the indicators contained in the databases

referred to in Article 44(1), points (a) and (b), where necessary to verify whether the providers of hosting services under the jurisdiction of the Member State that designated the Coordinating Authorities comply with their obligations under this Regulation.

referred to in Article 44(1), points (a) and (b), where necessary to verify whether the providers of hosting services under the jurisdiction of the Member State that designated the Coordinating Authorities comply with their obligations under this Regulation.

Amendment 324

Proposal for a regulation

Article 33 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where a provider failed to appoint a legal representative in accordance with Article 24, all Member States shall have jurisdiction. Where a Member State decides to exercise jurisdiction under this subparagraph, it shall inform all other Member States and ensure that the principle of ne bis in idem is respected.

Amendment

Where a provider ***which does not have its main establishment in the Union*** failed to appoint a legal representative in accordance with Article 24, all Member States shall have jurisdiction. Where a Member State decides to exercise jurisdiction under this subparagraph, it shall inform all other Member States and ensure that the principle of ne bis in idem is respected.

Amendment 325

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State ***where the user resides or is established***.

Amendment

1. Users ***and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf*** shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State ***of his or her habitual residence, place of work or place of the alleged infringement***.

Amendment 326

Proposal for a regulation Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Coordinating Authority with which the complaint has been lodged shall inform the complainant and the provider on the progress and the outcome of the complaint in accordance with national law.

Amendment 327

Proposal for a regulation Article 34 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Directive (EU) 2019/1937 of the European Parliament and of the Council shall apply to the reporting of breaches of this Regulation and the protection of persons reporting such breaches.

Amendment 328

Proposal for a regulation Article 34 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. The Coordinating Authority shall offer easy to use mechanism to anonymously submit information about infringements of this Regulation.

Amendment 329

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

2. Coordinating Authorities shall provide ***child-friendly*** mechanisms to submit a complaint under this Article and adopt ***a child-sensitive*** approach when handling complaints ***submitted by children***, taking due account of the ***child's*** age, maturity, views, needs and concerns.

Amendment

2. Coordinating Authorities shall provide ***age-appropriate and accessible*** mechanisms to submit a complaint under this Article and adopt ***an age-appropriate and gender-sensitive*** approach when handling complaints taking due account of the ***complainant's*** age, maturity, views, needs and concerns. ***Coordinating Authorities shall diligently process the complaints.***

Amendment 330

Proposal for a regulation Article 34 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority receiving the complaint shall assess the complaint and, where appropriate, transmit it to the Coordinating Authority of establishment.

Amendment

The Coordinating Authority receiving the complaint shall assess the complaint and, where appropriate, transmit it to the Coordinating Authority of establishment ***of the provider. In this case paragraph 1a shall apply to the Coordinating Authority of establishment mutandis mutandis.***

Amendment 331

Proposal for a regulation Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34a

Judicial remedy and compensation

Users and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf shall have the right to seek, in accordance with Union and national law, judicial remedy, including the right to compensation for any damage or loss suffered due to an infringement of the

obligations under this Regulation.

Amendment 332

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the maximum amount of penalties imposed for an infringement of this Regulation shall not exceed 6 % of the annual **income or global** turnover of the preceding business year of the provider.

Amendment

2. Member States shall ensure that the maximum amount of penalties imposed for an infringement of this Regulation shall not exceed 6 % of the annual **worldwide** turnover of the preceding business year of the provider.

Amendment 333

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed 1% of the annual **income or global** turnover of the preceding business year of the provider or the other person referred to in Article 27.

Amendment

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed 1% of the annual **worldwide** turnover of the preceding business year of the provider or the other person referred to in Article 27.

Amendment 334

Proposal for a regulation Article 35 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily **global** turnover of the provider or the other person referred to in

Amendment

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily **worldwide** turnover of the provider or the other person referred to in

Article 27 in the preceding financial year per day, calculated from the date specified in the decision concerned.

point (a) of Article 27(1), point (a) in the preceding financial year per day, calculated from the date specified in the decision concerned.

Amendment 335

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) specific items of material and transcripts of conversations that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material or the solicitation of children, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

Amendment

(a) specific items of material and transcripts of conversations that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State **subject to judicial validation** have identified, after a diligent assessment, as constituting child sexual abuse material or the solicitation of children, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

Amendment 336

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) exact uniform resource locators indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for

Amendment

(b) exact uniform resource locators indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State **subject to judicial validation** have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having

the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

Amendment 337

Proposal for a regulation Article 36 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, the transcripts of conversations identified as the solicitation of children, and the uniform resource locators, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive ***in a secure manner***, without undue delay, the material identified as child sexual abuse material, the transcripts of conversations identified as the solicitation of children, and the uniform resource locators, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment 338

Proposal for a regulation Article 36 – paragraph 4

Text proposed by the Commission

4. They shall also ensure that, where the diligent assessment indicates that the material does not constitute child sexual abuse material or the solicitation of children, the Coordinating Authority is informed of that outcome and subsequently informs the EU Centre thereof, within the time periods specified in the first subparagraph.

Amendment

4. They shall also ensure that, where the diligent assessment indicates that the material does not constitute child sexual abuse material or the solicitation of children, the Coordinating Authority is informed of that outcome and subsequently informs the EU Centre thereof, within the time periods specified in the first subparagraph. ***Member States shall establish effective procedures that such material, including any associated data, which does not constitute child sexual abuse material or solicitation of children, is deleted from the records and databases***

at the Coordinating Authority and the Member States law enforcement authorities.

Amendment 339

Proposal for a regulation Article 37 – paragraph 4

Text proposed by the Commission

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, or the Commission, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, ***an explanation*** of the investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

Amendment

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, or the Commission, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, ***details*** of the investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

Amendment 340

Proposal for a regulation Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Coordinating Authorities may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

Amendment

Coordinating Authorities may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States. ***Those investigations shall also take place on the darkweb.***

Amendment 341

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including ***Europol***, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre, and other relevant Union agencies, including to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment 342

Proposal for a regulation Article 39 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Amendment

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems ***subject to highest state of art technical and organisational safeguards, such as the software provided by eu-LISA pursuant to Regulation (EU) 2023/969***, supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Amendment 343

Proposal for a regulation Article 39 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Coordinating Authorities shall

share information, best practice standards and guidance on the prevention and combating of child sexual abuse and solicitation of children.

Amendment 344

Proposal for a regulation Chapter IV – title

Text proposed by the Commission

IV EU CENTRE **TO PREVENT AND COMBAT CHILD SEXUAL ABUSE**

Amendment

IV EU CENTRE **FOR CHILD PROTECTION**

Amendment 345

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

1. A European Union Agency to prevent and combat child sexual abuse, the EU Centre *on* Child **Sexual Abuse**, is established.

Amendment

1. A European Union Agency to prevent and combat child sexual abuse, the EU Centre *for* child **protection**, is established.

Amendment 346

Proposal for a regulation Article 40 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall contribute to the achievement of the **objective** of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse **and** gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child

Amendment

2. The EU Centre shall contribute to the achievement of the **objectives** of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse. **The EU Centre shall** gather and share **anonymised** information, **gender-, and age-disaggregated statistics**, and expertise, **educational materials and best practices**

sexual abuse, in particular online.

and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online. ***It shall promote and ensure the appropriate support and assistance to victims.***

Amendment 347

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

The seat of the EU Centre shall be ***The Hague, The Netherlands.***

Amendment

The seat of the EU Centre shall be ***[..]***

Amendment 348

Proposal for a regulation Article 42 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The choice of the location of the seat of the EU Centre shall be made in accordance with the ordinary legislative procedure, based on the following criteria:

a) it shall not affect the EU Centre's execution of its tasks and powers, the organisation of its governance structure, the operation of its main organisation, or the main financing of its activities;

b) it shall ensure that the EU Centre is able to recruit the high-qualified and specialised staff it requires to perform the tasks provided by this Regulation;

c) it shall ensure that it can be set up on site upon the entry into force of this Regulation;

d) it shall ensure appropriate accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the

labour market, social security and medical care for both children and spouses;

e) it shall ensure a balanced geographical distribution of EU institutions, bodies and agencies across the Union;

f) it shall enable close cooperation with EU institutions, bodies and agencies but it shall be independent of any of the aforementioned;

g) it shall ensure sustainability and digital security and connectivity with regards to physical and IT infrastructure and working conditions.

Amendment 349

Proposal for a regulation

Article 43 – paragraph 1 – point 1 – point a

Text proposed by the Commission

(a) supporting the Commission in the preparation of the guidelines referred to in Article **3(8)**, Article 4(5), Article 6(4) and Article 11, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

Amendment

(a) supporting the Commission in the preparation of the guidelines referred to in Article **3(6)**, Article 4(5), Article 6(4) and Article 11, including by collecting and providing relevant *gender-sensitive and age-appropriate* information, expertise and best practices, taking into account advice, from the Technology Committee referred to in Article 66 *and from the Victims' Rights and Survivors Consultative Forum referred to in Article 66a new where applicable*;

Amendment 350

Proposal for a regulation

Article 43 – paragraph 1 – point 1 – point b

Text proposed by the Commission

(b) upon request from a provider of relevant information services, providing an analysis of *anonymised data samples for*

Amendment

(b) upon request from a provider of relevant information services, providing an analysis of *methodology for risk*

the purpose referred to in Article 3(3);

*assessment or, where appropriate,
performing a test on;*

Amendment 351

Proposal for a regulation

Article 43 – paragraph 1 – point 2 – point c

Text proposed by the Commission

(c) giving providers of hosting services and providers of interpersonal communications services that received a detection order access to the relevant databases of indicators in accordance with Article 46;

Amendment

(c) giving providers of hosting services and providers of ***number-independent***, interpersonal communications services that received a detection order access to the relevant databases of indicators in accordance with Article 46;

Amendment 352

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point d

Text proposed by the Commission

(d) providing information and support to victims in accordance with Articles 20 and 21;

Amendment

(d) providing information ***assistance*** and support to victims in accordance with Articles 20 and 21;

Amendment 353

Proposal for a regulation

Article 43 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4 a) conduct searches on publicly accessible content on hosting services for known child sexual abuse material in accordance with Article 49.1(ba);

Amendment 354

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – introductory part

Text proposed by the Commission

(6) facilitate the generation and sharing of knowledge with other Union institutions, bodies, offices and agencies, Coordinating Authorities or other relevant authorities of the Member States to contribute to the achievement of the objective of this Regulation, by:

Amendment

(6) facilitate the generation and sharing of knowledge ***and best practices***, with other Union institutions, bodies, offices and agencies, Coordinating Authorities or other relevant authorities of the Member States to contribute to the achievement of the objective of this Regulation, by:

Amendment 355

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point a

Text proposed by the Commission

(a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal data gathering, ***and providing expertise on matters regarding the prevention and combating of online child sexual abuse***, in accordance with Article 51;

Amendment

(a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal data gathering, ***including gender-, sex- and age-disaggregated data*** in accordance with Article 51;

Amendment 356

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point a a (new)

Text proposed by the Commission

Amendment

(a a) providing assistance, expertise and coordination on matters regarding the prevention and combating of online child sexual abuse in order to support them when taking measures or formulating courses of action within their respective spheres of competence;

Amendment 357

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point a b (new)

Text proposed by the Commission

Amendment

(a b) supporting the development of age-appropriate and gender-sensitive awareness-raising and prevention campaigns, educational and intervention programs, tools and materials, taking with a specific focus on vulnerable groups, in order to enhance digital literacy among users and to equip children and adults, including parents and educators, with adequate skills for detecting potential malicious behaviour online and to contribute to ensure safe use of the internet by children.

Amendment 358

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point a c (new)

Text proposed by the Commission

Amendment

(a c) facilitating the drafting of recommendations and guidelines for providers on prevention and mitigation of child sexual abuse, in particular in the digital space and taking into account technological developments.

Amendment 359

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b

Text proposed by the Commission

Amendment

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to victims, including by serving as a hub of expertise to support evidence-based policy;

(b) supporting the development and dissemination of research and expertise on those matters and on assistance ***and support*** to victims, ***taking into account the gender and age dimension and operating in a way that minimises risks to victims, specially children***, including by:

i) serving as a hub of expertise to support evidence-based policy and by linking

- researchers to practitioners;*
- ii) acting on behalf of supporting victims in liaising with other relevant authorities of the Member States for reparations and all other victim support programmes;*
- iii) referring victims to the appropriate national child protection services and to pro bono legal support services;*
- iv) facilitating access to qualified health care support services, including mental health and psychological support;*
- v) supporting the collaboration of victim support services and elaborating best practices;*

Amendment 360

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point c a (new)

Text proposed by the Commission

Amendment

(c a) create, maintain and operate the online European Child Protection Platform established by Article 54a.

Amendment 361

Proposal for a regulation

Article 44 – title

Text proposed by the Commission

Amendment

Databases of indicators

European Union Databases of ***hashes and*** indicators

Amendment 362

Proposal for a regulation

Article 44 – paragraph 2 – point a

Text proposed by the Commission

(a) relevant indicators, consisting of digital identifiers to be used to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, on hosting services and interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;

Amendment

(a) relevant indicators, consisting of digital identifiers to be used to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, on hosting services and ***number-independent*** interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;

Amendment 363

Proposal for a regulation

Article 44 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The EU Centre shall generate the indicators referred to in paragraph 2, point (a), solely on the basis of the child sexual abuse material and the solicitation of children identified as such by the Coordinating Authorities or the courts or other independent authorities of the Member States, submitted to it by the Coordinating Authorities pursuant to Article 36(1), point (a).

Amendment

The EU Centre shall generate the indicators referred to in paragraph 2, point (a), solely on the basis of the child sexual abuse material and the solicitation of children identified as such by the Coordinating Authorities or the courts or other independent authorities of the Member States ***subject to judicial validation***, submitted to it by the Coordinating Authorities pursuant to Article 36(1), point (a).

Amendment 364

Proposal for a regulation

Article 44 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The EU Centre shall ensure through all technical means available that the databases of indicators are secure and the content cannot be altered by any other actor.

Amendment 365

Proposal for a regulation Article 45 – paragraph 1

Text proposed by the Commission

1. The EU Centre shall create, maintain and operate a database for the reports submitted to it by providers of hosting services and providers of interpersonal communications services in accordance with Article 12(1) and assessed and processed in accordance with Article 48.

Amendment

1. The EU Centre shall create, maintain and operate a database for the reports submitted to it by providers of hosting services and providers of ***number-independent*** interpersonal communications services in accordance with Article 12(1) and assessed and processed in accordance with Article 48.

Amendment 366

Proposal for a regulation Article 45 – paragraph 2 – point b

Text proposed by the Commission

(b) where the EU Centre considered the report manifestly unfounded, the reasons and the date and time of informing the provider in accordance with Article 48(2);

Amendment

deleted

Amendment 367

Proposal for a regulation Article 45 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Where the EU Centre considered the report manifestly unfounded, all data shall be anonymized and in case of videos or images only a cryptographic hash value from the reported file, the reasons and the date and time of informing the provider in accordance with Article 48(2) shall be stored;

Amendment 368

Proposal for a regulation Article 46 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall give providers of hosting services, providers of interpersonal communications services and providers of internet access services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection **or** blocking orders that they received in accordance with Articles 7 **or** 16. **It** shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection **or** blocking orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

Amendment

2. The EU Centre shall give providers of hosting services, providers of interpersonal communications services and providers of internet access services access to the databases of indicators referred to in Article **44(1) points (a) and (b)**, where and to the extent necessary for them to execute the detection, blocking orders that they received in accordance with Articles **5a, 7, 16. The EU Centre** shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection, blocking orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

Amendment 369

Proposal for a regulation Article 46 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall give Europol access to the databases of reports referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of **suspected** child sexual abuse offences

Amendment

5. The EU Centre shall give Europol access to the databases of reports **which it considered not unfounded as** referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of child sexual abuse offences.

Amendment 370

Proposal for a regulation Article 46 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose.

Amendment

The EU Centre shall diligently assess those requests ***on a case-by-case basis*** and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose, ***and in accordance with the Union law. Where it considers that an access request by Europol is necessary and proportionate, it shall transmit the relevant data via an available secure exchange communication tool, such as the Secure Information Exchange Network Application (SIENA).***

Amendment 371

**Proposal for a regulation
Article 46 – paragraph 8**

Text proposed by the Commission

8. The EU Centre shall ensure that the data contained in the databases referred to in Articles 44 and 45 is stored in a secure manner and that the storage is subject to ***appropriate*** technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary.

Amendment

8. The EU Centre shall ensure that the data contained in the databases referred to in Articles 44 and 45 is stored in a secure manner and that the storage is subject to ***highest state of the art*** technical and organisational safeguards, ***that ensure an effective supervision***. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary.

Amendment 372

**Proposal for a regulation
Article 47 – paragraph 1 – point d**

Text proposed by the Commission

(d) access to the databases referred to in Articles 44 and 45, **including the modalities of the access referred to** in Article 46(1) to (5), the content, processing and assessment of the requests **referred to** in Article 46(6), procedural matters related to such requests and the necessary measures **referred to** in Article 46(6);

Amendment

(d) **the modalities of the** access to the databases referred to in Articles 44 and 45 **in accordance with** Article 46(1) to (5), the content, processing and assessment of the requests **in accordance with** Article 46(6), procedural matters related to such requests and the necessary measures **in accordance with** Article 46(6);

Amendment 373

**Proposal for a regulation
Article 48 – paragraph 1**

Text proposed by the Commission

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are **manifestly** unfounded or **are to be forwarded**.

Amendment

1. The EU Centre shall expeditiously **and accurately** assess and process reports submitted by providers of hosting services and providers of **number-independent**, interpersonal communications services in accordance with Article 12 to determine whether the reports are unfounded or **not**.

Amendment 374

**Proposal for a regulation
Article 48 – paragraph 2**

Text proposed by the Commission

2. Where the EU Centre considers that the report is **manifestly** unfounded, it shall inform the provider that submitted the report, specifying the reasons why it considers the report to be unfounded.

Amendment

2. Where the EU Centre considers that the report is unfounded, it shall inform the provider that submitted the report, specifying the reasons why it considers the report to be unfounded.

Amendment 375

**Proposal for a regulation
Article 48 – paragraph 3 – subparagraph 1**

Text proposed by the Commission

Where the EU Centre considers that a report is not **manifestly** unfounded, it shall forward the report, together with any additional relevant information available to it, to Europol and to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates.

Amendment 376

Proposal for a regulation
Article 48 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty, the EU Centre shall forward the report, together with any additional relevant information available to it, to Europol, for further analysis and subsequent referral by Europol to the competent law enforcement authority or authorities.

Amendment 377

Proposal for a regulation
Article 48 – paragraph 7

Text proposed by the Commission

7. The time periods referred to in **the first subparagraph**, points (a) and (b), shall be those specified in the competent law enforcement authority's request to the EU Centre, provided that they remain limited to what is necessary **to avoid**

Amendment

Where, **after a thorough legal and factual assessment**, the EU Centre considers that a report is not unfounded, it shall forward the report, together with any additional relevant information available to it, to Europol and to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates.

Amendment

Where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty **by a thorough factual assessment**, the EU Centre shall forward the report, together with any additional relevant information available to it, to Europol, for further analysis and subsequent referral by Europol to the competent law enforcement authority or authorities.

Amendment

7. The time periods referred to in **paragraph 6**, points (a) and (b), shall be those specified in the competent law enforcement authority's request to the EU Centre, provided that they remain limited to what is necessary **and proportionate to**

interference with the relevant activities and does not exceed 18 months.

safeguard the prevention, detection, investigation and prosecution of child sexual abuse offences in a specific case These time periods shall not in any case exceed 12 months.

Amendment 378

Proposal for a regulation

Article 49 – paragraph 1 – introductory part

Text proposed by the Commission

1. The EU Centre shall have the power to conduct searches on hosting services for ***the dissemination of publicly accessible*** child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) and (b), in the following situations:

Amendment

1. The EU Centre shall have the power to conduct searches ***of publicly accessible content*** on hosting services for child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) and (b), in the following situations:

Amendment 379

Proposal for a regulation

Article 49 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) proactively on its own initiative for known child sexual abuse material. The European Data Protection Board shall issue guidelines regarding the compliance with Regulation (EU) 2016/679 of existing and future technologies that are used for this purpose.

Amendment 380

Proposal for a regulation

Article 49 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The technologies used by the EU

Centre to conduct the searches referred to in paragraph 1 shall comply with the requirements set out in Article 10 (3).

Amendment 381

Proposal for a regulation

Article 49 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The EU Centre shall ***have the power to*** notify, after having conducted the searches referred to in paragraph 1, providers of hosting services of the presence of one or more specific items of known child sexual abuse material on their services and request them to remove or disable access to that item or those items, for the providers' voluntary consideration.

Amendment

The EU Centre shall notify, after having conducted the searches referred to in paragraph 1 ***(a) and (b)***, providers of hosting services of the presence of one or more specific items of known child sexual abuse material on their services and request them to remove or disable access to that item or those items, for the providers' voluntary consideration.

Amendment 382

Proposal for a regulation

Article 49 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

After having conducted the searches referred to in paragraph 1 (ba), the EU Centre shall notify the competent Coordinating Authority which shall request the provider to remove or disable access to that item or those items pursuant to Article 32 or request a removal order pursuant to Article 14.

Amendment 383

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

Amendment

3. Where ***so requested by a competent***

3. Where ***it is necessary and***

law enforcement authority of a Member State in order to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall not ***submit a notice, for as long as necessary to avoid such interference but*** no longer than ***18*** months.

proportionate to safeguard the prevention, detection, investigation and prosecution of child sexual abuse offences ***in a specific case and where requested by a competent law enforcement authority of a Member State***, the EU Centre shall not ***proceed according to paragraph 2. This non-submission shall be in any case*** no longer than ***12*** months.

Amendment 384

Proposal for a regulation Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The EU Centre shall make available technologies that providers of hosting services and providers of interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1).

Amendment

The EU Centre shall make available technologies that providers of hosting services and providers of ***number-independent*** interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1). ***The EU Centre shall make available tools, technologies and relevant best practices for the implementation of the mitigation measures referred to in Article 4 of this Regulation. The EU Centre shall make publicly available the relevant information related to the making available of these technologies or tools, including the names of the manufacturers of the technologies.***

Amendment 385

Proposal for a regulation Article 50 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Before including specific technologies on those lists, the EU Centre shall request the ***opinion*** of its Technology Committee and

Amendment

Before including specific technologies on those lists, the EU Centre shall request the ***opinions*** of its Technology Committee and

of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Victims' Rights and Survivors Consultative Forum, and through the European Commission, the opinion of the European Data Protection Board. The Technology Committee, the Victims' Consultative Forum and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay. Where the EU Centre substantially deviates from those opinions, it shall inform, where applicable, the Technology Committee, the Victims' Rights and Survivors Consultative Forum, or the European Data Protection Board and the Commission thereof, specifying the points where it deviated and the main reasons for that deviation.

Amendment 386

Proposal for a regulation

Article 50 – paragraph 2 – introductory part

Text proposed by the Commission

2. The EU Centre shall collect, record, analyse and make available relevant, objective, reliable and comparable information on matters related to the prevention and combating of child sexual abuse, in particular:

Amendment

2. The EU Centre shall collect, record, **aggregate**, analyse and **proactively** make available relevant, objective, reliable and comparable information on matters related to the prevention and combating of child sexual abuse, in particular:

Amendment 387

Proposal for a regulation

Article 50 – paragraph 2 – point c

Text proposed by the Commission

(c) information resulting from research or other activities conducted by Member States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres and civil society organisations.

Amendment

(c) information resulting from research or other activities conducted by Member States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres, **hotlines, helplines** and civil society organisations.

Amendment 388

**Proposal for a regulation
Article 50 – paragraph 2 – point c a (new)**

Text proposed by the Commission

Amendment

(c a) information obtained in the performance of its tasks under this Regulation concerning victim assistance and support.

Amendment 389

**Proposal for a regulation
Article 50 – paragraph 3**

Text proposed by the Commission

Amendment

3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage research, surveys and studies, either on its own initiative or, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission.

3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage research, surveys and studies, either on its own initiative or, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission. ***The outcome of the research, surveys and studies referred to in this paragraph, including its analysis thereof, shall be made publicly available.***

Amendment 390

Proposal for a regulation Article 50 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The EU Centre shall support Member States and the Coordinating Authorities in conducting research, taking into account age, gender, vulnerable groups and national specificities. The collected knowledge shall serve as a tool to elaborate prevention methods adapted and implemented by Coordinating Authorities in each Member State.

Amendment 391

Proposal for a regulation Article 50 – paragraph 4

Text proposed by the Commission

Amendment

4. The EU Centre shall provide the information referred to in paragraph 2 **and the information resulting from the research, surveys and studies referred to in paragraph 3, including its analysis thereof**, and its opinions on matters related to the prevention and combating of online child sexual abuse to other Union institutions, bodies, offices and agencies, Coordinating Authorities, other competent authorities and other public authorities of the Member States, either on its own initiative or at request of the relevant authority. Where appropriate, the EU Centre shall make such information publicly available.

4. The EU Centre shall provide the information referred to in paragraph 2 and its opinions on matters related to the prevention and combating of online child sexual abuse to other Union institutions, bodies, offices and agencies, Coordinating Authorities, other competent authorities and other public authorities of the Member States, either on its own initiative or at request of the relevant authority. Where appropriate, the EU Centre shall make such information publicly available.

Amendment 392

Proposal for a regulation Article 50 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations **and providers of hosting or interpersonal communication** services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

Amendment

5. The EU Centre shall develop a communication strategy and promote dialogue **and cooperation** with civil society organisations, **hotlines, helplines, public authorities, and relevant information society** services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse. **Communication campaigns shall be easily understandable and accessible to all children, their families and educators in formal and non-formal education in the Union, aiming to improve digital literacy and ensure a safe digital environment for children. Communication campaigns shall take into account the gender dimension of the crime and the contributions of the Victims' Rights and Survivors Consultative Forum.**

Amendment 393

Proposal for a regulation Article 50 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The EU Centre shall support the development of technologies to detect the dissemination of online child sexual material, having regard to the requirements of this Regulation and in particular those under Article 10(3), and make them, free and open source, available for relevant information society services. The EU Centre shall make publicly available the relevant information related to the support it provides, including the names of the manufacturers of the technologies.

Amendment 394

Proposal for a regulation Article 51 – paragraph 4

Text proposed by the Commission

4. It shall ensure that the personal data is stored in a secure manner and that the storage is subject to **appropriate** technical and organisational safeguards. Those safeguards shall ensure, in particular, that the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary.

Amendment

4. It shall ensure that the personal data is stored in a secure manner and that the storage is subject to **highest state of the art**, technical and organisational safeguards. **Security requirements for data security pursuant to Article 88 of Regulation (EU) 2018/1725, Article 32 of Regulation (EU) 767/2008, Article 16 of Regulation (EU) 1987/2006, Article 16 of Regulation (EU) 2018/1862 and Article 34 of Regulation (EU) 603/2013 shall apply accordingly.** Those safeguards shall ensure, in particular, that the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary.

Amendment 395

Proposal for a regulation Article 51 a (new)

Text proposed by the Commission

Amendment

Article 51a

Logging

1. The EU Centre shall provide for logs to be kept for at least the following processing operations, in relation to tasks performed under this Regulation: collection, alteration, consultation, disclosure including transfers, combination and erasure.

2. The logs of consultation and disclosure

shall make possible to establish the justification, date and time of such operations and, as far as possible, the identification of the person who consulted or disclosed the data, and the identity of the recipients of such data.

3. The logs shall be used solely for verification of the lawfulness of processing, self-monitoring, ensuring the integrity and security of the personal data.

4. The EU Centre shall make the logs available to the relevant data protection supervisory authority on request.

Amendment 396

Proposal for a regulation Article 52 – paragraph 4

Text proposed by the Commission

4. *Where contact officers are seconded to the EU Centre, the EU Centre shall cover the costs of providing them with the necessary premises within the building and adequate support for contact officers to perform their duties. All other costs that arise in connection with the designation of contact officers and the performance of their tasks shall be borne by the Coordinating Authority that designated them.*

Amendment

4. Costs that arise in connection with the designation of contact officers and the performance of their tasks shall be borne by the Coordinating Authority that designated them. *Where contact officers are seconded to the EU Centre, the EU Centre shall cover the costs of office space in the building and adequate equipment for them to perform their duties.*

Amendment 397

Proposal for a regulation Article 53 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Europol *and* the EU Centre *shall provide each other* with *the fullest possible* access to relevant information and information systems, where necessary for the performance of *their respective* tasks and

Amendment

Europol *shall provide* the EU Centre with *(part. 1744 The Left)* access to relevant information and information systems, where *deemed strictly* necessary for the performance of *the EU Centre's* tasks and

in accordance with the acts of Union law regulating *such* access.

in accordance with the acts of Union law regulating *that*. *Any access to personal data processed in Europol's information systems shall be granted only on a case-by-case basis, upon submission of an explicit and justified request, which documents the specific purpose. Europol shall be required to diligently assess those requests and only transmit personal data to the EU Centre where strictly necessary and proportionate to the specified purpose.*

The EU Centre shall provide Europol with access to relevant information where deemed strictly necessary for the performance of Europol's tasks. Any access to personal data processed in the EU Centre's information systems shall be granted only on a case-by-case basis, upon submission of an explicit and justified request, which documents the specific purpose. The EU Centre shall be required to diligently assess those requests and only transmit personal data to Europol where strictly necessary and proportionate to the specified purpose.

That access and subsequent transmission of personal data shall only take place via an available secure exchange communication tool, such as the Secure Information Exchange Network Application (SIENA).

Amendment 398

Proposal for a regulation Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT)

Amendment

deleted

and budget implementation.

Amendment 399

Proposal for a regulation Article 53 – paragraph 3

Text proposed by the Commission

3. The terms of cooperation and working arrangements shall be laid down in a memorandum of understanding.

Amendment

3. The terms of cooperation and working arrangements shall be laid down in a **publically accessible** memorandum of understanding.

Amendment 400

Proposal for a regulation Article 54 – paragraph 1

Text proposed by the Commission

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre **may** cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

Amendment

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre **shall** cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, **and victim support**, including civil society organisations and semi-public organisations **acting in the public interest, and professional organisations of practioners**.

Amendment 401

Proposal for a regulation Article 54 – paragraph 2

Text proposed by the Commission

2. The EU Centre may conclude memoranda of understanding with organisations referred to in paragraph 1, laying down the terms of cooperation.

Amendment

2. The EU Centre may conclude **publically accessible** memoranda of understanding with organisations referred to in paragraph 1, laying down the terms of

cooperation.

Amendment 402

Proposal for a regulation Article 54 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The EU Centre shall cooperate with other organizations and bodies carrying out, in other jurisdictions, similar functions on matters related to the prevention and combating of online child sexual abuse and victim support, as well as in order to avoid potential duplication of reporting obligations for providers.

Amendment 403

Proposal for a regulation Article 54 a (new)

Text proposed by the Commission

Amendment

Article 54a

Establishment of an online European Child Protection Platform

1. The EU Centre shall create, maintain and operate an online platform for the presentation of information about Member States hotlines and helplines ('Child Protection Platform'). That platform may also be used for the promotion of awareness-raising and prevention campaigns. The platform shall be accessible 24 hours a day and seven days a week in all Union languages and shall be child-friendly, age-appropriate and accessible.

2. Providers of hosting services and providers of number-independent interpersonal communications services shall, where relevant in order to fulfil their tasks as laid down in Article 4

*paragraph 1 point (cc) of this Regulation,
make reference to the Platform.*

Amendment 404

Proposal for a regulation Article 55 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

*(d a) a Victims' Rights and Survivors
Consultative Forum which shall exercise
the tasks set out in Article 66a.*

Amendment 405

Proposal for a regulation Article 55 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

*(d b) a Fundamental Rights Officer,
which shall exercise the tasks set out in
Art. 66b.*

Amendment 406

Proposal for a regulation Article 55 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

*When appointing the members that
compose these bodies, all parties involved
shall aim for an appropriate gender
representation.*

Amendment 407

Proposal for a regulation Article 56 – paragraph 1

Text proposed by the Commission

1. The Management Board shall be composed of one representative from each Member State **and two** representatives of the Commission, all as members with voting rights.

Amendment

1. The Management Board shall be composed of one representative from each Member State, **one** representatives of the Commission, **one independent representative designated by the European Parliament**, all as members with voting rights.

Amendment 408

Proposal for a regulation Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Management Board shall also include one independent expert observer designated by the European Parliament, without the right to vote.

Amendment

deleted

Amendment 409

Proposal for a regulation Article 56 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

One member of the Victims' Rights and Survivors Consultative Forum as established in Art. 66a shall attend the meetings of the Management Board as an observer, without the right to vote.

The Technological Committee shall designate a representative to attend the meetings of the Management Board as an observer on matters related to technologies.

Amendment 410

Proposal for a regulation Article 56 – paragraph 3

Text proposed by the Commission

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in **his/her** absence.

Amendment

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in **their** absence.

Amendment 411

Proposal for a regulation

Article 56 – paragraph 4

Text proposed by the Commission

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of combating child sexual abuse, taking into account **relevant managerial, administrative and budgetary skills**. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall **aim to achieve a balanced representation** between men and women on the Management Board.

Amendment

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of **preventing and** combating child sexual abuse **and victim support**, taking into account **their expertise and professional records**. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall **ensure that gender balance** between men and women **is achieved** on the Management Board.

Amendment 412

Proposal for a regulation

Article 56 – paragraph 5

Text proposed by the Commission

5. The term of office for members and their alternates shall be four years. That term may be renewed.

Amendment

5. The term of office for members and their alternates shall be four years. That term may be renewed **only once**.

Amendment 413

Proposal for a regulation Article 57 – title

Text proposed by the Commission

Amendment

Functions of the Management Board

Tasks of the Management Board

Amendment 414

Proposal for a regulation Article 57 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) give the general orientations for the EU Centre's activities;

deleted

Amendment 415

Proposal for a regulation Article 57 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) adopt the draft Single Programming Document referred to in Article 66d before its submission to the Commission for its opinion;

Amendment 416

Proposal for a regulation Article 57 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) adopt, having requested the opinion of the Commission and the European Parliament, the Agency's Single Programming Document by a majority of two-thirds of the members entitled to vote in accordance with Article 56 for the following year, as well as any

other updated version of the document;

Amendment 417

Proposal for a regulation

Article 57 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) adopt by a majority of two-thirds of the members entitled to vote, the annual budget of the EU Centre and exercise other tasks in respect of the EU Centre's budget;

Amendment 418

Proposal for a regulation

Article 57 – paragraph 1 – point a d (new)

Text proposed by the Commission

Amendment

(ad) assess and adopt, by a majority of two-thirds of the members entitled to vote, a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public;

Amendment 419

Proposal for a regulation

Article 57 – paragraph 1 – point a e (new)

Text proposed by the Commission

Amendment

(ae) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy with other

Union decentralised agencies and bodies, a strategy for cooperation with third countries and/or international organisations, and a strategy for the organisational management and internal control systems;

Amendment 420

**Proposal for a regulation
Article 57 – paragraph 1 – point a f (new)**

Text proposed by the Commission

Amendment

(af) exercise, with respect to the staff of the EU Centre, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment^{1a} ("the appointing authority powers");

^{1a} Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)

Amendment 421

**Proposal for a regulation
Article 57 – paragraph 1 – point a g (new)**

Text proposed by the Commission

Amendment

(ag) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the

Staff Regulations;

Amendment 422

**Proposal for a regulation
Article 57 – paragraph 1 – point a h (new)**

Text proposed by the Commission

Amendment

(ah) appoint the Executive Director and remove him/her from office, in accordance with Article 65;

Amendment 423

**Proposal for a regulation
Article 57 – paragraph 1 – point a i (new)**

Text proposed by the Commission

Amendment

(ai) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her the Officer's duties;

Amendment 424

**Proposal for a regulation
Article 57 – paragraph 1 – point a j (new)**

Text proposed by the Commission

Amendment

(aj) adopt the financial rules applicable to the EU Centre;

Amendment 425

**Proposal for a regulation
Article 57 – paragraph 1 – point a k (new)**

Text proposed by the Commission

Amendment

(ak) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their modification;

Amendment 426

Proposal for a regulation

Article 57 – paragraph 1 – point a l (new)

Text proposed by the Commission

Amendment

(al) appoint a Data Protection Officer in accordance with Regulation (EU) 2018/1725;

Amendment 427

Proposal for a regulation

Article 57 – paragraph 1 – point a m (new)

Text proposed by the Commission

Amendment

(am) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51;

Amendment 428

Proposal for a regulation

Article 57 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of any other advisory group it may establish and publish annually on its website the declaration of interests of the

(c) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee, ***the Victims' Rights and Survivors Consultative Forum*** and of any other advisory group it may establish and publish

members of the Management Board;

annually on its website the declaration of interests of the members of the Management Board;

Amendment 429

Proposal for a regulation Article 57 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) adopt the assessment of performance of the Executive Board referred to in Article 61(2);

deleted

Amendment 430

Proposal for a regulation Article 57 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) appoint the members of the Technology Committee, and of any other advisory group it may establish;

(f) appoint the members of the Technology Committee, *of the Victims' Consultative Forum* and of any other advisory group it may establish;

Amendment 431

Proposal for a regulation Article 57 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) designate the *Fundamental Rights Officer* referred to in Article 66b;

Amendment 432

Proposal for a regulation Article 57 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(h a) consult the Victims' Rights and Survivors Consultative Forum as regards the obligations referred to in points (aa) and (h) of this Article.

Amendment 433

**Proposal for a regulation
Article 57 – paragraph 1 – point h b (new)**

Text proposed by the Commission

Amendment

(hb) authorise the conclusion of memoranda of understanding referred to in Article 53(3) and Article 54(2).

Amendment 434

**Proposal for a regulation
Article 57 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. With respect to the powers referred to in paragraph 2, 1 points (af) and (ag) of this Article, the Management Board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment, delegating relevant appointing authority powers to the Executive Director. The Executive Director shall be authorised to sub-delegate those powers.

Amendment 435

**Proposal for a regulation
Article 57 – paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. In exceptional circumstances, the Management Board may decide to temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

Amendment 436

Proposal for a regulation Article 58 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Deputy Chairperson shall automatically replace the Chairperson ***if he/she is prevented from attending to his/her duties.***

Amendment

The Deputy Chairperson shall automatically replace the Chairperson ***when necessary.***

Amendment 437

Proposal for a regulation Article 59 – paragraph 3

Text proposed by the Commission

3. The Management Board shall hold at least ***two*** ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one-third of its members.

Amendment

3. The Management Board shall hold at least ***four*** ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one-third of its members.

Amendment 438

Proposal for a regulation Article 59 – paragraph 4

Text proposed by the Commission

4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.

Amendment

4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer ***on matters related to a specific item on the Management Board's agenda.***

Amendment 439

**Proposal for a regulation
Article 60 – paragraph 2**

Text proposed by the Commission

2. Each member shall have one vote. In the absence of a member, ***his/her*** alternate shall be entitled to exercise ***his/her*** right to vote.

Amendment

2. Each member, ***including the Chairperson and the Deputy Chairperson,*** shall have one vote. In the absence of a member, ***the*** alternate ***member*** shall be entitled to exercise ***the*** right to vote.

Amendment 440

**Proposal for a regulation
Article 61 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, ***two*** other members appointed by the Management Board from among its members with the right to vote ***and*** two representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Amendment

The Executive Board shall be ***gender-balanced and*** composed of the Chairperson and the Deputy Chairperson of the Management Board, ***three*** other members appointed by the Management Board from among its members with the right to vote, two representatives of the Commission ***and the independent representative of the European Parliament*** to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. ***All parties shall ensure that gender balance between men and women is achieved on the Executive Board.***

Amendment 441

Proposal for a regulation Article 61 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Executive Director shall participate in meetings of the Executive Board without the right to vote.

Amendment

The Executive Director shall participate in meetings of the Executive Board without the right to vote. ***The Executive Board may invite other observers to attend its meetings.***

Amendment 442

Proposal for a regulation Article 61 – paragraph 2

Text proposed by the Commission

2. The term of office of members of the Executive Board shall be four years. ***In the course of the 12 months preceding the end of the four-year term of office of the Chairperson and five members of the Executive Board, the Management Board or a smaller committee selected among Management Board members including a Commission representative shall carry out an assessment of performance of the Executive Board. The assessment shall take into account an evaluation of the Executive Board members' performance and the EU Centre's future tasks and challenges. Based on the assessment, the Management Board may extend their term of office once.***

Amendment

2. The term of office of members of the Executive Board shall be four years.

Amendment 443

Proposal for a regulation Article 62 – paragraph 1

Text proposed by the Commission

1. ***The Executive Board shall be*** ***deleted***

Amendment

responsible for the overall planning and the execution of the tasks conferred on the EU Centre pursuant to Article 43. The Executive Board shall adopt all the decisions of the EU Centre with the exception of the decisions that shall be taken by the Management Board in accordance with Article 57.

Amendment 444

Proposal for a regulation

Article 62 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. *In addition*, the Executive Board shall have the following tasks:

2. The Executive Board shall have the following tasks:

Amendment 445

Proposal for a regulation

Article 62 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) adopt, by 30 November of each year, on the basis of a proposal by the Executive Director, the draft Single Programming Document, and shall transmit it for information to the European Parliament, the Council and the Commission by 31 January the following year, as well as any other updated version of the document;

deleted

Amendment 446

Proposal for a regulation

Article 62 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) adopt the draft annual budget of the EU Centre and exercise other

deleted

functions in respect of the EU Centre's budget;

Amendment 447

**Proposal for a regulation
Article 62 – paragraph 2 – point c**

Text proposed by the Commission

Amendment

(c) assess and adopt a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public; **deleted**

Amendment 448

**Proposal for a regulation
Article 62 – paragraph 2 – point d**

Text proposed by the Commission

Amendment

(d) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations, and a strategy for the organisational management and internal control systems **deleted**

Amendment 449

**Proposal for a regulation
Article 62 – paragraph 2 – point g**

Text proposed by the Commission

Amendment

(g) exercise, with respect to the staff of the EU Centre, the powers conferred by **deleted**

the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the EU Centre Empowered to Conclude a Contract of Employment⁵¹ ("the appointing authority powers");

⁵¹ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)

Amendment 450

Proposal for a regulation Article 62 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the Staff Regulations; *deleted*

Amendment 451

Proposal for a regulation Article 62 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) appoint the Executive Director and remove him/her from office, in accordance with Article 65; *deleted*

Amendment 452

Proposal for a regulation
Article 62 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties; *deleted*

Amendment 453

Proposal for a regulation
Article 62 – paragraph 2 – point l

Text proposed by the Commission

Amendment

(l) adopt the financial rules applicable to the EU Centre; *deleted*

Amendment 454

Proposal for a regulation
Article 62 – paragraph 2 – point m

Text proposed by the Commission

Amendment

(m) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their modification. *deleted*

Amendment 455

Proposal for a regulation
Article 62 – paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) appoint a Data Protection Officer; *deleted*

Amendment 456

Proposal for a regulation Article 62 – paragraph 2 – point o

Text proposed by the Commission

Amendment

(o) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51, after consulting the European Data Protection Supervisor; *deleted*

Amendment 457

Proposal for a regulation Article 62 – paragraph 2 – point p

Text proposed by the Commission

Amendment

(p) authorise the conclusion of memoranda of understanding referred to in Article 53(3) and Article 54(2). *deleted*

Amendment 458

Proposal for a regulation Article 62 – paragraph 2 – point p a (new)

Text proposed by the Commission

Amendment

(p a) decide on matters provided for in the financial rules adopted pursuant to Article 68 that are not reserved to the Management Board by this Regulation;

Amendment 459

Proposal for a regulation Article 62 – paragraph 2 – point p b (new)

Text proposed by the Commission

Amendment

(p b) without prejudice to the responsibilities of the Executive Director,

as set out in Article 64, monitor and supervise the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.

Amendment 460

Proposal for a regulation Article 62 – paragraph 3

Text proposed by the Commission

Amendment

3. With respect to the powers mentioned in paragraph 2 point (g) and (h), the Executive Board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment, delegating relevant appointing authority powers to the Executive Director. The Executive Director shall be authorised to sub-delegate those powers.

deleted

Amendment 461

Proposal for a regulation Article 62 – paragraph 4

Text proposed by the Commission

Amendment

4. In exceptional circumstances, the Executive Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

deleted

Amendment 462

Proposal for a regulation Article 63 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The representatives of the Commission shall have a right to vote whenever matters pertaining to Article 62(2), points (a) to (l) and (p) are discussed and decided upon. For the purposes of taking the decisions referred to in Article 62(2), points (f) and (g), the representatives of the Commission shall have one vote each. The decisions referred to in Article 62(2), points (b) to (e), (h) to (l) and (p), may only be taken if the representatives of the Commission casts a positive vote. For the purposes of taking the decisions referred to in Article 62(2), point (a), the consent of the representatives of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working programme of the EU Centre.

deleted

Amendment 463

Proposal for a regulation Article 64 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Without prejudice to the powers of the Commission, of the Management Board and of the Executive Board, the Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.

Amendment 464

Proposal for a regulation Article 64 – paragraph 2

Text proposed by the Commission

2. The Executive Director shall report to the European Parliament on the performance of *his/her* duties when invited to do so. The Council may invite the Executive Director to report on the performance of *his/her* duties.

Amendment

2. The Executive Director shall report to the European Parliament on the performance of *the Executive Director's* duties when invited to do so. The Council may invite the Executive Director to report on the performance of *the Executive Director's* duties.

Amendment 465

Proposal for a regulation Article 64 – paragraph 4 – point d

Text proposed by the Commission

(d) preparing the Single Programming Document and submitting it to the *Executive* Board after consulting the Commission;

Amendment

(d) preparing the Single Programming Document and submitting it to the *Management* Board after consulting the Commission;

Amendment 466

Proposal for a regulation Article 64 – paragraph 4 – point e

Text proposed by the Commission

(e) implementing the Single Programming Document and reporting to the *Executive* Board on its implementation;

Amendment

(e) implementing the Single Programming Document and reporting to the *Management* Board on its implementation;

Amendment 467

Proposal for a regulation Article 64 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(e a) implementing gender mainstreaming and gender budgeting in all areas, including drafting a gender

action plan (GAP);

Amendment 468

Proposal for a regulation

Article 64 – paragraph 4 – point f

Text proposed by the Commission

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre’s activities and presenting it to the **Executive** Board for assessment and adoption;

Amendment

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre’s activities ***including the activities of the Technology Committee and the Victims’ Rights and Survivors Consultative Forum*** and presenting it to the **Management** Board for assessment and adoption;

Amendment 469

Proposal for a regulation

Article 64 – paragraph 4 – point g

Text proposed by the Commission

(g) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-Fraud Office (OLAF) and by the European Public Prosecutor’s Office (EPPO) and reporting on progress twice a year to the Commission and regularly to the Management Board and the Executive Board;

Amendment

(g) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-Fraud Office (OLAF) and by the European Public Prosecutor’s Office (EPPO) and reporting on progress twice a year to the Commission, ***the European Parliament*** and regularly to the Management Board and the Executive Board;

Amendment 470

Proposal for a regulation

Article 64 – paragraph 4 – point i

Text proposed by the Commission

(i) preparing an anti-fraud strategy, an efficiency gains and synergies strategy, a

Amendment

(i) preparing an anti-fraud strategy, an efficiency gains and synergies strategy, a

strategy for cooperation with third countries and/or international organisations and a strategy for the organisational management and internal control systems for the EU Centre and presenting them to the *Executive* Board for approval;

strategy for cooperation with third countries and/or international organisations and a strategy for the organisational management and internal control systems for the EU Centre and presenting them to the *Management* Board for approval;

Amendment 471

Proposal for a regulation

Article 64 – paragraph 4 – point m

Text proposed by the Commission

(m) implementing the annual work programme of the EU Centre under the control of the *Executive* Board;

Amendment

(m) implementing the annual work programme of the EU Centre under the control of the *Management* Board;

Amendment 472

Proposal for a regulation

Article 64 – paragraph 4 – point p a (new)

Text proposed by the Commission

Amendment

(pa) authorise the conclusion of memoranda of understanding, others than the referred to in Article 53(3) and Article 54(2), after having informed the Management Board.

Amendment 473

Proposal for a regulation

Article 64 – paragraph 5

Text proposed by the Commission

5. Where exceptional circumstances so require, the Executive Director may decide to locate one or more staff in another Member State for the purpose of carrying out the EU Centre's tasks in an a more efficient, effective and coherent manner. Before deciding to establish a local office, the Executive Director shall

Amendment

5. Where exceptional circumstances so require, the Executive Director may decide to locate one or more staff in another Member State for the purpose of carrying out the EU Centre's tasks in an a more efficient, effective and coherent manner ***according to the principles of good governance***. Before deciding to

obtain the prior consent of the Commission, the Management Board and the Member State concerned. The decision shall be based on an appropriate cost-benefit analysis that demonstrates in particular the added value of such decision and specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the EU Centre. A headquarters agreement with the Member State(s) concerned may be concluded.

establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State concerned. The decision shall be based on an appropriate cost-benefit analysis that demonstrates in particular the added value of such decision and specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the EU Centre. A headquarters agreement with the Member State(s) concerned may be concluded.

Amendment 474

Proposal for a regulation Article 65 – paragraph 2

Text proposed by the Commission

2. The Executive Director shall be appointed by the **Executive** Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

Amendment

2. The Executive Director shall be appointed by the **Management** Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

Before appointment, the candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members.

Following such statements, the European Parliament shall adopt an opinion setting out its views and may indicate a preferred candidate.

The Management Board shall appoint by common accord with the European Parliament the Executive Director.

Amendment 475

Proposal for a regulation Article 65 – paragraph 3

Text proposed by the Commission

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Executive** Board.

Amendment

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Management** Board.

Amendment 476

Proposal for a regulation

Article 65 – paragraph 4

Text proposed by the Commission

4. The term of office of the Executive Director shall be five years. ***Six months before the end of the Executive Director's term of office, the Commission shall complete an assessment that takes into account an evaluation of the Executive Director's performance and the EU Centre's future tasks and challenges.***

Amendment

4. The term of office of the Executive Director shall be five years.

Amendment 477

Proposal for a regulation

Article 65 – paragraph 5

Text proposed by the Commission

5. The **Executive** Board, acting on a proposal from the Commission ***that takes into account the assessment referred to in paragraph 3***, may extend the term of office of the Executive Director once, for no more than five years.

Amendment

5. The **Management** Board, acting on a proposal from the Commission may extend the term of office of the Executive Director once, for no more than five years.

Amendment 478

Proposal for a regulation

Article 65 – paragraph 6

Text proposed by the Commission

6. An Executive Director whose term of office has been extended **may** not participate in another selection procedure for the same post at the end of the overall period.

Amendment 479

Proposal for a regulation
Article 65 – paragraph 7

Text proposed by the Commission

7. The Executive Director may be dismissed only upon a decision of the **Executive** Board acting on a proposal from the Commission.

Amendment 480

Proposal for a regulation
Article 65 – paragraph 8

Text proposed by the Commission

8. The **Executive** Board shall take decisions on appointment, extension of the term of office or dismissal of the Executive Director by a majority of two-thirds of its members with voting rights.

Amendment 481

Proposal for a regulation
Article 66 – paragraph 1

Text proposed by the Commission

1. The Technology Committee shall consist of technical experts appointed by the Management Board in view of their excellence and their independence,

Amendment

6. An Executive Director whose term of office has been extended **shall** not participate in another selection procedure for the same post at the end of the overall period.

Amendment

7. The Executive Director may be dismissed only upon a decision of the **Management** Board acting on a proposal from the Commission.

Amendment

8. The **Management** Board shall take decisions on appointment, extension of the term of office or dismissal of the Executive Director by a majority of two-thirds of its members with voting rights.

Amendment

1. The Technology Committee shall consist of technical experts **on all matters related to the technologies relevant for the purposes of this Regulation** appointed by

following the publication of a call for expressions of interest in the Official Journal of the European Union.

the Management Board in view of their excellence and their independence, ***ensuring that gender balance is respected***, following the publication of a call for expressions of interest in the Official Journal of the European Union.

Amendment 482

Proposal for a regulation Article 66 – paragraph 4

Text proposed by the Commission

4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure for ordinary members.

Amendment

4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke the ***appointment of the*** person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure for ordinary members.

Amendment 483

Proposal for a regulation Article 66 – paragraph 5

Text proposed by the Commission

5. The mandates of members of the Technology Committee shall be four years. Those mandates shall be renewable once.

Amendment

5. The mandates of members of the Technology Committee shall be four years. Those mandates shall be renewable once. ***On the expiry of their term of office, members shall remain in office until they are replaced or until their appointments are renewed. If a member resigns before the expiry of his or her term of office, the member shall be replaced for the remainder of the term by a member appointed by the Management Board.***

Amendment 484

Proposal for a regulation Article 66 – paragraph 6 – point c a (new)

Text proposed by the Commission

Amendment

(c a) introduce a regular reviewing and reporting process to assess and share expertise on the most recent technological innovations and developments related to detection technology.

Amendment 485

Proposal for a regulation Article 66 a (new)

Text proposed by the Commission

Amendment

Article 66a

Establishment and tasks of the Victims' Rights and Survivors Consultative Forum

1. The EU Centre shall establish a Consultative Forum to assist it by providing it with independent advice on victims related matters. The Consultative Forum shall act upon request of the Management Board or the Executive Director.

2. The Consultative Forum shall consist of a maximum of fifteen members. Members of the Consultative Forum will be appointed among victims of child sexual abuse and exploitation, both online and offline, as well as from representatives of organisations acting in the public interest against child sexual abuse and representing and promoting victims' and survivors' rights. They shall be appointed in view of their personal experience if applicable, expertise and scope of work by the Management Board following the publication of a call for expression of interest in the Official Journal of the European Union.

3. Procedures concerning the appointment of the members of the Consultative Forum and its operation shall be specified in the rules of procedure of the Management Board and shall be made public.

4. The members of the Consultative Forum shall be independent and shall act in the public interest. The list of members of the Committee shall be made public and shall be updated by the EU Centre on its website.

5. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke the appointment of the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure for ordinary members.

6. The mandates of members of the Victims' Rights and Survivors Consultative Forum shall be of four years. Those mandates shall be renewable once. On the expiry of their term of office, members shall remain in office until they are replaced or until their appointments are renewed. If a member resigns before the expiry of his or her term of office, the member shall be replaced for the remainder of the term by a member appointed by the Management Board.

7. The Consultative Forum shall:

a) provide the Management Board and the Executive Director with advice on any matter related to victims;

b) contribute to the EU Centre communication strategy referred to in Article 50 (5);

c) provide its opinion on the technologies used to detect online child sexual abuse regarding their relevance to the

conditions in which child sexual abuse is committed;

d) maintain an open dialogue with the Management Board and the Executive Director on all matters related to victims, particularly on the protection of victims' rights;

e) contribute experience and expertise in preventing and combating child sexual abuse and victim support and assistance.

Amendment 486

Proposal for a regulation Article 66 b (new)

Text proposed by the Commission

Amendment

Article 66b

Fundamental Rights Officer

1. The Management Board shall, upon a proposal of a list of three candidates made by the Executive Director, designate a Fundamental Rights Officer. The Fundamental Rights Officer may be a member of the existing staff of the EU Centre who received special training in fundamental rights law and practice.

2. The Fundamental Rights Officer shall perform the following tasks:

(a) contribute to the EU Centre's fundamental rights strategy and the corresponding action plan, including by issuing recommendations for improving them;

(b) monitor the EU Centre's compliance with fundamental rights, including by conducting investigations into any of its activities;

(c) promote the EU Centre's respect of fundamental rights in the performance of its tasks;

(d) advise the EU Centre where he or she deems it necessary or where requested on

any activity of the EU Centre without impeding or delaying those activities;

(e) provide non-binding opinions on working arrangements;

(g) inform the Executive Director about possible violations of fundamental rights during activities of the EU Centre;

(h) performe any other tasks, where provided for by this Regulation.

3. The EU Centre shall ensure that the Fundamental Rights Officer does not receive any instructions regarding the exercise of his or her tasks and is able to act autonomously. The Fundamental Rights Officer shall have sufficient and adequate resources at his or her disposal necessary for the fulfilment of his or her tasks.

4. The Fundamental Rights Officer shall report directly to the Executive Director and prepare annual reports on his or her activities, including the extent to which the activities of the EU Centre respect fundamental rights. Those reports shall be made available to the Management Board and a meaningful summary is made publicly available.

5. The Fundamental Rights Officer shall have access to all the appropriate information concerning respect for fundamental rights in all the activities of the Centre.

Amendment 487

Proposal for a regulation Article 66 c (new)

Text proposed by the Commission

Amendment

Article 66c

Budget

1. Estimates of all revenue and expenditure for the EU Centre shall be

prepared each financial year, which shall correspond to the calendar year, and shall be shown in the EU Centre's budget, which shall be balanced in terms of revenue and of expenditure.

2. Without prejudice to other resources, the EU Centre's revenue shall comprise a contribution from the Union entered in the general budget of the Union.

3. The EU Centre may benefit from Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 68 and with the provisions of the relevant instruments supporting the policies of the Union.

4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs, including the operating costs of the Technology Committee, the Victims' Rights and Survivors Consultative Forum and of any other advisory group it may establish for serving its purposes.

5. Budgetary commitments for actions relating to large-scale projects extending over more than one financial year may be broken down into several annual instalments.

6. The budget shall comply with the principle of gender mainstreaming and practise of gender budgeting shall be implemented.

Amendment 488

Proposal for a regulation Article 66 d (new)

Text proposed by the Commission

Amendment

Article 66d

Single Programming Document

1. By 30 November of each year, the Management Board shall adopt a draft single programming document containing multi-annual and annual programming as well as all the documents listed in Article 32 of Commission Delegated Regulation (EU) 2019/715, based on a draft put forward by the Executive Director, after consulting the Technology Committee and the Victims' Rights and Survivors Consultative Forum, taking into account the opinion of the Commission, and in relation to multiannual programming after consulting the European Parliament. If the Management Board decides not to take into account elements of the opinion of the Commission or of the Technology Committee or the Victims' Rights and Survivors Consultative Forum, it shall provide a thorough justification therefor. The obligation to provide a thorough justification shall also apply to the elements raised by the European Parliament when it is consulted.

The Management Board shall forward the draft Single Programming Document to the European Parliament, the Council and the Commission by 31 January of the following year. The Single Programming Document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.

2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 4 of this Article.

It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial

year. Annual or multi-annual programming shall include the information about the Agency's planned research, surveys and studies referred to in Article 50(3).

3. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

4. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 85.

5. The multi-annual and annual work programmes shall be prepared in compliance with Article 32 of Delegated Regulation (EU) 2019/715.

Amendment 489

Proposal for a regulation Article 67 – paragraph 1

Text proposed by the Commission

1. Each year the Executive Director shall draw up a draft statement of estimates of the EU Centre's revenue and expenditure for the following financial year, including an establishment plan, and shall send it to the *Executive* Board.

Amendment

1. Each year the Executive Director shall draw up a draft statement of estimates of the EU Centre's revenue and expenditure for the following financial year, including an establishment plan, *a gender impact analysis* and shall *use*

gender mainstreaming and gender budgeting and send it to the *Management Board*.

Amendment 490

Proposal for a regulation Article 67 – paragraph 2

Text proposed by the Commission

2. The *Executive* Board shall, on the basis of the draft statement of estimates, adopt a provisional draft estimate of the EU Centre's revenue and expenditure for the following financial year and shall send it to the Commission by 31 January each year.

Amendment

2. The *Management* Board shall, on the basis of the draft statement of estimates, adopt a provisional draft estimate of the EU Centre's revenue and expenditure for the following financial year and shall send it to the Commission by 31 January each year.

Amendment 491

Proposal for a regulation Article 67 – paragraph 3

Text proposed by the Commission

3. The *Executive* Board shall send the final draft estimate of the EU Centre's revenue and expenditure, which shall include a draft establishment plan, to the European Parliament, the Council and the Commission by 31 March each year.

Amendment

3. The *Management* Board shall send the final draft estimate of the EU Centre's revenue and expenditure, which shall include a draft establishment plan, to the European Parliament, the Council and the Commission by 31 March each year.

Amendment 492

Proposal for a regulation Article 67 – paragraph 8

Text proposed by the Commission

8. The EU Centre's budget shall be adopted by the *Executive* Board. It shall become final following the final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.

Amendment

8. The EU Centre's budget shall be adopted by the *Management* Board *by a majority of two-thirds of members entitled to vote*. It shall become final following the final adoption of the general budget of the

Union. Where necessary, it shall be adjusted accordingly.

Amendment 493

Proposal for a regulation Article 68 – paragraph 1

Text proposed by the Commission

The financial rules applicable to the EU Centre shall be adopted by the **Executive** Board after consultation with the Commission. They shall not depart from Delegated Regulation (EU) 2019/715⁵² unless such a departure is specifically required for the operation of the EU Centre and the Commission has given its prior consent.

⁵² OJ L 122, 10.5.2019, p. 1.

Amendment

The financial rules applicable to the EU Centre shall be adopted by the **Management** Board after consultation with the Commission. They shall not depart from Delegated Regulation (EU) 2019/715⁵² unless such a departure is specifically required for the operation of the EU Centre and the Commission has given its prior consent.

⁵² OJ L 122, 10.5.2019, p. 1.

Amendment 494

Proposal for a regulation Article 69

Text proposed by the Commission

Article 69

Budget

1. Estimates of all revenue and expenditure for the EU Centre shall be prepared each financial year, which shall correspond to the calendar year, and shall be shown in the EU Centre's budget, which shall be balanced in terms of revenue and of expenditure.

2. Without prejudice to other resources, the EU Centre's revenue shall comprise a contribution from the Union entered in the general budget of the Union.

Amendment

deleted

3. *The EU Centre may benefit from Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 68 and with the provisions of the relevant instruments supporting the policies of the Union.*

4. *The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs.*

5. *Budgetary commitments for actions relating to large-scale projects extending over more than one financial year may be broken down into several annual instalments.*

Amendment 495

Proposal for a regulation Article 71 – paragraph 3

Text proposed by the Commission

3. The EU Centre staff, in particular those working in areas related to detection, reporting and removal of online child sexual abuse, shall have access to appropriate counselling and support services.

Amendment

3. The EU Centre staff, in particular those working in areas related to detection, reporting and removal of online child sexual abuse, shall have access to appropriate counselling and support services, ***meeting any other possible physical or socio-psychological needs.***

Amendment 496

Proposal for a regulation Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services, providers of interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre upon request:

Amendment

1. Providers of hosting services, providers of ***number-independent*** interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU

Centre upon request:

Amendment 497

Proposal for a regulation

Article 83 – paragraph 1 – point a – indent 2

Text proposed by the Commission

– the error rates of the technologies deployed to detect **online** child sexual abuse and measures taken to prevent or remedy any errors;

Amendment

– the error rates of the technologies deployed to detect child sexual abuse **material, including the rates of false positives and negatives and confirmed positives and negatives**, and measures taken to prevent or remedy any errors;

Amendment 498

Proposal for a regulation

Article 83 – paragraph 1 – point b

Text proposed by the Commission

(b) the number of removal orders issued to the provider in accordance with Article 14 and the average time needed for removing or disabling access to the item or items of child sexual abuse material in question;

Amendment

(b) the number of removal orders issued to the provider in accordance with Article 14 and the average time, **upon the moment the provider receives the order**, needed for removing or disabling access to the item or items of child sexual abuse material in question;

Amendment 499

Proposal for a regulation

Article 83 – paragraph 1 – point c

Text proposed by the Commission

(c) the total number of items of child sexual abuse material that the provider removed or to which it disabled access, broken down by whether the items were removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a Competent Authority, the

Amendment

(c) the total number of items of child sexual abuse material **when possible gender-and age-disaggregated** that the provider removed or to which it disabled access, broken down by whether the items were removed or access thereto was disabled pursuant to a removal order or to a

EU Centre or a third party or at the provider's own initiative;

notice submitted by a Competent Authority, the EU Centre or a third party or at the provider's own initiative;

Amendment 500

Proposal for a regulation Article 83 – paragraph 2 – point b

Text proposed by the Commission

(b) the most important and recurrent risks of online child sexual abuse, as reported by providers of hosting services and providers of interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

Amendment

(b) the most important and recurrent risks of online child sexual abuse, as reported by providers of hosting services and providers of **number-independent** interpersonal communications services in accordance with Article 3 **and 5** or identified through other information available to the Coordinating Authority;

Amendment 501

Proposal for a regulation Article 83 – paragraph 2 – point c

Text proposed by the Commission

(c) a list of the providers of hosting services and providers of interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;

Amendment

(c) a list of the providers of hosting services and providers of **number independent** interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;

Amendment 502

Proposal for a regulation Article 83 – paragraph 2 – point d

Text proposed by the Commission

(d) the number of detection orders issued in accordance with Article 7, broken down by provider and by type of **online** child sexual abuse, and the number of

Amendment

(d) the number of detection orders issued in accordance with Article 7, broken down by provider and by type of child sexual abuse **material**, and the number of

instances in which the provider invoked Article 8(3);

instances in which the provider invoked Article 8(3);

Amendment 503

Proposal for a regulation Article 83 – paragraph 2 – point f

Text proposed by the Commission

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove or disable access to the item or items of child sexual abuse material concerned, and the number of instances in which the provider invoked Article 14(5) and (6);

Amendment

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove or disable access to the item or items of child sexual abuse material concerned, ***including the time it took the Coordinating Authority to process the order***, and the number of instances in which the provider invoked Article 14(5) and (6);

Amendment 504

Proposal for a regulation Article 83 – paragraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(ia) the measures taken regarding prevention and victim assistance programmes.

Amendment 505

Proposal for a regulation Article 83 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of or disabling of access to online child sexual abuse under this Regulation. The data shall ***be in particular on the following topics***:

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of or disabling of access to online child sexual abuse under this Regulation. The data shall ***include***:

Amendment 506

Proposal for a regulation Article 83 – paragraph 3 – point c

Text proposed by the Commission

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of ***number independent*** interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment 507

Proposal for a regulation Article 83 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the total number of reports forwarded to Europol in accordance with Article 48(3), and the total number of access requests received from Europol under Article 46(4) and 46(5), including the number of those requests granted and refused by the EU Centre;

Amendment 508

Proposal for a regulation Article 83 – paragraph 3 – point e

Text proposed by the Commission

(e) the number of reports that the EU Centre considered ***manifestly*** unfounded, as referred to in Article 48(2);

Amendment

(e) the number of reports that the EU Centre considered unfounded, as referred to in Article 48(2);

Amendment 509

Proposal for a regulation Article 83 – paragraph 3 – point j

Text proposed by the Commission

(j) number of victims of online child sexual abuse assisted by the EU Centre pursuant to Article 21(2), and the number of these victims that requested to receive such assistance in a manner accessible to them due to disabilities.

Amendment

(j) **the** number of victims of online child sexual abuse assisted by the EU Centre pursuant to Article 21(2), and the number of these victims that requested to receive such assistance in a manner accessible to them due to disabilities.

Amendment 510

Proposal for a regulation Article 83 – paragraph 4

Text proposed by the Commission

4. The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Amendment

4. The providers of hosting services, providers of **number-independent** interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Amendment 511

Proposal for a regulation Article 83 – paragraph 5

Text proposed by the Commission

5. They shall ensure that the data is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed

Amendment

5. They shall ensure that the data is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed

only for the purpose for which it is stored, that a high level of security is achieved and that the information is deleted when no longer necessary for that purpose. They shall regularly review those safeguards and adjust them where necessary.

only for the purpose for which it is stored, that a high level of security is achieved and that the information is deleted when no longer necessary for that purpose. ***All access to this data shall be logged.*** They shall regularly review those safeguards and adjust them where necessary.

Amendment 512

Proposal for a regulation Article 84 – paragraph 1

Text proposed by the Commission

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by ***31 January*** of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.

Amendment

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by ***1 March*** of every year subsequent to the year to which the report relates, make the report available to the public ***in an structured commonly used and machine-readable format*** and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.

Amendment 513

Proposal for a regulation Article 86 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 3, 8, 13, 14, 17, 47 and 84 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of adoption of the Regulation].

Amendment

2. The power to adopt delegated acts referred to in Articles 3, 8, 13, 14, 17, 47 and 84 shall be conferred on the Commission for ***a*** period of ***5 years*** from [date of adoption of the Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an***

identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

Amendment 514

Proposal for a regulation Article 87 – paragraph 1

Text proposed by the Commission

1. For the purposes of the adoption of the implementing acts referred to in Article 39(4), the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Amendment

1. For the purposes of the adoption of the implementing acts referred to in Article 39(4) **and in Article 12(3a)**, the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Amendment 515

Proposal for a regulation Article 87 – paragraph 2

Text proposed by the Commission

2. Where reference is made to this **paragraph**, Article 4 of Regulation (EU) No 182/2011 shall apply.

Amendment

2. Where reference is made to this **Article**, Article 4 of Regulation (EU) No 182/2011 shall apply.

Amendment 516

Proposal for a regulation Article 87 a (new)

Text proposed by the Commission

Amendment

Article 87a

Representative actions

The following is added to Annex I of Directive (EU) 2020/1828 on Representative actions for the protection of the collective interests of consumers:

“Regulation xxxx/xxxx of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse”

Amendment 517

**Proposal for a regulation
Article 88 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

Article 10, second subparagraph, of Regulation (EU) 2021/1232 is deleted.

Amendment 518

**Proposal for a regulation
Article 88 – paragraph 1**

Text proposed by the Commission

Amendment

Regulation (EU) 2021/1232 is repealed from ***[date of application]*** of this Regulation/.

Regulation (EU) 2021/1232 is repealed from ***9 months after the entry into force*** of this Regulation.

Amendment 519

**Proposal for a regulation
Article 88 a (new)**

Text proposed by the Commission

Amendment

Article 88a

Review

Within three years from the entry into force of the Regulation, the Commission shall submit a report to the European Parliament and to the Council on the necessity and feasibility of including the solicitation of children in the scope of the detection orders, taking into account in particular the reliability and accuracy of the state of art of the detection

technologies. The Commission shall take into account the opinions of the EU Centre, in particular of its Technology Committee and the Victims' Rights and Survivors Consultative Forum, and the opinion of the European Data Protection Board.

Where appropriate, the report shall be accompanied by legislative proposals.

Member States shall provide the Commission with the information necessary for the drafting of the report.

Amendment 520

Proposal for a regulation Article 89 – paragraph 2

Text proposed by the Commission

It shall apply **from 6 months** after its entry into force.

Amendment

It shall apply after its entry into force.
However, Articles 7 to 18, Articles 20 to 21 and Chapter IV shall apply from 9 months after the entry into force of this Regulation.

EXPLANATORY STATEMENT

The Rapporteur welcomes the European Commission's legislative proposal laying down rules to prevent and combat child sexual abuse. It is urgent to establish a long-term regulatory framework capable of giving an answer according to the magnitude of the problem: internet service providers in Europe are the largest hosts of child sexual abuse material in the world.

The rapporteur shares the need to migrate from a voluntary system to detect, report and take down child sexual abuse material to a mandatory one. The current Interim Regulation (Regulation (EU) 2021/1232) meant a remarkable progress in the legislative approach on tackling child sexual abuse online but it has been proven insufficient due to an uneven commitment or engagement on the side of the relevant information society services.

Likewise, he supports the approach based on the assessment conducted by each provider of the risks of their services being misused for the purpose of child sexual abuse. Previously introduced by the Digital Service Act (Regulation (EU) 2022/2065), the risk assessment should be the basis for reporting those risks and implementing the necessary measures to mitigate them.

The rapporteur also agrees that these rules should be laid down in a technology-neutral and a future-proof manner. Thus, providers will not be required to use any specific technology and, consequently, will not be asked to do what is not legally feasible or technologically viable according to the state of the art. This approach will definitely contribute and encourage innovation. It is crucial for the legislative framework to keep the pace of technological progress which will deliver new tools to prevent and combat online child sexual abuse.

A key guiding principle of the rapporteur's report, aligned with the Proposal, is the compliance with the prohibition of a general monitoring obligation enshrined in European legislation and case-law of the European Court of Justice. The rapporteur welcomes the set of safeguards introduced in the proposal and the EDPB-EDPS Joint Opinion 04/2022 as a major contribution which has been taken into account in the drafting of this report.

The rapporteur considers that end-to-end encryption is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Consequently, nothing in this Regulation should be interpreted as prohibiting or weakening end-to-end encryption, while the Regulation remains open, where applicable, to existing and future technological developments.

To the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, providers should be authorised by the competent judicial authority or another independent administrative authority to process metadata that can detect suspicious patterns of behaviour without having access to the content of the encrypted communication.

Having stated the guiding principles of the rapporteur's report, the specific proposals of the rapporteur are listed below:

Regarding the scope of application, the rapporteur considers that it should cover online search

engines and any other artificial intelligence systems, both of which will be subject to delisting orders.

Concerning detection orders and its consequent detection obligations, the rapporteur is of the view that they should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (known material), but also material not previously detected that is likely to constitute child sexual abuse material but has not yet been confirmed as such (new material), as well as activities constituting the solicitation of children (grooming). The Interim Regulation already covers the three instances of online child sexual abuse material. Limiting the scope of the child sexual abuse material covered by the Regulation would undoubtedly mean a setback in the fight against sexual abuse of minors.

The rapporteur is of the opinion that detection orders have to be a mechanism of last resort that might entail a negative reputational component for those providers who do not comply with the obligations established in the Regulation.

In order to stress detection orders as a mechanism of last resort, the rapporteur proposes reinforcing prevention as part of the mitigation measures to be taken by relevant society communication services. Mitigation measures may include targeted measures to protect the rights of the child, including safety and security design for children by default, functionalities enabling age assurance and age scoring, age-appropriate parental control tools, allowing flagging and/or notifying mechanisms, self-reporting functionalities, or participating in codes of conduct for protecting children.

The rapporteur puts forward the establishment of a complementary mechanism: voluntary detection orders. The voluntary detection orders will not only contribute to make mandatory detection orders a measure of last resort, but will also cover a possible gap between the entry into force and the effective application of the new Regulation.

Moreover, it needs to be taken into account that the Interim Regulation, which currently enables providers to continue lawful detection, reporting and removal of online child sexual abuse from their services on a voluntary basis, lapses on the 3rd of August 2024.

Consequently, the rapporteur proposes that, where applicable, providers should assess in their risk assessment, in a separate section, the voluntary use of specific technologies for the processing of personal data and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services. Based on this separated assessment, providers may request to the competent Coordinating Authority the need of continuing, as part of their mitigation measures, using specific technologies for the processing of personal data and other data for this purposes. Following this request of the provider, the competent Coordinating Authority shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue an order that authorizes the provider to maintain or implement mitigation measures that consist of using specific technologies for the processing of personal and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services.

The rapporteur welcomes and expresses his strong support for the creation of a European Union Agency to prevent and combat child sexual abuse, the EU Centre on Child Sexual

Abuse. He considers that a greater role has to be given to victims/survivors. Accordingly, the report proposes setting up a Victims' Consultative Forum. The rapporteur highlights the importance of the cooperation between authorities and civil society organizations acting in the public interest, including hotlines, whose contribution to the fight against child sexual abuse has to be acknowledge.

Regarding the seat of the EU Center, the rapporteur considers that it is necessary to align the provisions of the proposal with the recent case-law of the European Court of Justice. Additionally, the rapporteur has introduced some changes in the proposal to rebalance the tasks assigned to the Executive Director and the Management Board of the EU Centre.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
Brave Movement
Information Technology Industry Council (ITIC)
META
EuroISPA
DIGITAL EUROPE
Thorn
Microsoft Corporation
Match Group
GSMA Europe
Internet Watch Foundation
Telefonica, S.A.
European Digital Rights
ISFE - Representing the European Videogames Industry
Centre for Democracy & Technology, Europe
Yahoo! EMEA Ltd.
Fundación Aprender a Mirar
Discord Inc.
National Center for Missing and Exploited Childre (NCMEC)
fapmi-ECPAT

3.7.2023

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse
(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

Rapporteur for opinion: Alex Agius Saliba

(*) Associated committee – Rule 57 of the Rules of Procedure

SHORT JUSTIFICATION

The European Commission's proposal "Regulation laying down rules to prevent and combat child sexual abuse (CSAM)" seeks to combat child sexual abuse online and to set out uniform rules and obligations on providers of hosting services, interpersonal communication services, and other services to prevent the dissemination of online child sexual abuse material in the internal market. The Proposal is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU).

The IMCO Committee is responsible for the functioning of the Single Market, including measures aimed at identifying and removing potential obstacles to the implementation of the Single Market, including the Digital Single Market. The IMCO Committee also has horizontal competence for digital services and consumer protection. It is, therefore, appropriate that IMCO makes an informed decision to ensure that the new rules set out high standards of protection of users online and that there is consistency with existing rules, such as the Digital Services Act (DSA) and the E-commerce Directive.

To this end, the Rapporteur has endeavoured to consult stakeholders as widely and transparently as possible to ensure that the opinion tackles real problems and to limit unnecessary unintended consequences.

The Rapporteur fully supports the key objective of the Commission's proposal to prevent and combat child sexual abuse material online. Sexual abuse of children is a particularly serious and heinous crime, and the objective of enabling effective action to combat it and to protect the rights and freedoms of victims amounts to an objective of general interest recognised by the Union. The Parliament has long been a strong advocate for securing a safer internet for children, as well as for defending their rights and protection online.

The Proposal is intrinsically linked to the DSA, which is *lex generalis* for service providers' obligations regarding illegal content. It builds on the horizontal framework of the DSA and the

E-commerce Directive, and sets out further obligations for the particular case of combating online child sexual abuse, for example, as regards the assessment of systemic risks and mitigation measures. The same applies to due diligence obligations for information society service providers, orders, liability and enforcement.

In this context, the Rapporteur believes that some aspects of the proposed Regulation require improvement to create legal clarity and coherence between the relevant provisions and existing legal instruments, such as the DSA. To this end, the Rapporteur recommends building on the horizontal framework of the DSA, relying on it as a baseline, and, where possible and needed, setting out more specific rules for the particular case of combatting online child sexual abuse.

The Rapporteur believes that a number of checks and balances should be introduced to increase the efficiency of the new rules as regards the protection of children online on the one hand, and to ensure the respect of key principles, such as the prohibition of general monitoring obligations, the respect for private life and confidentiality of communications, freedom of expression as well as innovation and the growth of the digital economy on the other. Such balanced approach relies on the high level of trust and confidence that such technologies should provide. Furthermore, the Rapporteur believes that in order to guarantee the effectiveness and proportionality of the proposed measures and to provide a safer online environment for children, it is essential to ensure a strong protection for users and guarantee that legal content remains online.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children **but also for** perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union ('Charter'), and to protect society at large. Users of such services offered in the Union should be able to trust that the services concerned can be used safely, especially by children.

Amendment

(1) Information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children. **However, these services are also used by** perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union ('Charter'), and to protect society at large. Users of such services offered in the Union should be able to trust that the services concerned can be used safely **in a trusted online environment**, especially by children.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Given the central importance of relevant information society services, those **aims can only be achieved by ensuring** that providers offering such services in the Union behave responsibly and take

Amendment

(2) Given the central importance of relevant information society services **for the digital single market and the fact that** those **services might be abused by third parties to carry out illegal activities**

reasonable measures to minimise the risk of their services being *misused* for the purpose of child sexual abuse, those providers often being *the only ones* in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

related to child sexual abuse online, it is important to ensure that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being *used* for the purpose of child sexual abuse, those providers often being in a position to prevent and *to help* combat such abuse. The measures taken should be targeted, carefully balanced, *effective, necessary* and proportionate, *and subject to constant review*, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. *In the light of* the inherently cross-border nature of the internet and the service provision concerned, *those* national laws, *which diverge*, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment

(3) Member States *are aware of the existing issues and* are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. *On the other hand*, the inherently cross-border nature of the internet and the service provision concerned, *and the diverging* national laws, *may* have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform **and** balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation.

Amendment

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform, **effective, proportionate and carefully** balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation **and the fight against crime**.

Amendment 5

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The measures set out in this Regulation should be complemented by the Member States' strategies to avoid victimisation, to increase public awareness and inform people about victims' rights and on how to seek child-friendly and age appropriate reporting mechanisms.

Amendment 6

Proposal for a regulation

Recital 5

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services **should** include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those **service as** publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of **gaming**, image-sharing and video-hosting are **equally** at risk of **misuse**, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services **could** include publicly available **number-independent** interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those **services are** publicly available. **The mere use of a number as an identifier should not be considered to be equivalent to the use of a number to connect with publicly assigned numbers and should therefore, in itself, not be considered to be sufficient to qualify a service as a number-based interpersonal communications service. To this end, obligations under this Regulation should apply to number-independent interpersonal communications services, regardless of whether they use numbers for the provision of their service, such as messaging services, in so far as those services are publicly available and they allow for the dissemination and exchange of images and videos.** As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of **online games**, image-sharing and video-hosting are **also** at risk of **use for the purpose of online child sexual abuse**, they should also be covered by this Regulation, **in so far as they allow for the dissemination and exchange of images and videos uploaded by their users.** However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned

to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner. *For example, where it is necessary to involve providers of information society services, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the specific provider that has the technical and operational ability to act against specific child sexual abuse material, so as to prevent and minimise any possible negative effects on the availability and accessibility of information that is not child sexual abuse material.*

Amendment 7

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Considering the specific nature of search engines and their role in addressing the dissemination of child sexual abuse material, they should be subject to tailored obligations, namely delisting of instances of confirmed online child sexual abuse.

Amendment 8

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) Online child sexual abuse *frequently involves* the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this

(6) Online child sexual abuse *can also involve* the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing

Regulation and a level playing field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

Amendment 9

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) .../... of the European Parliament and of the Council⁴⁰ ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***, Directive 2010/13/EU of the European Parliament and of the Council⁴¹, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive 2002/58/EC of the European Parliament and of the Council⁴³.

³⁸ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic

Amendment

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) **2022/2065** of the European Parliament and of the Council⁴⁰, Directive 2010/13/EU of the European Parliament and of the Council⁴¹, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive 2002/58/EC of the European Parliament and of the Council⁴³.

³⁸ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic

commerce') (OJ L 178, 17.7.2000, p. 1).

⁴⁰ Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L).

⁴¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

⁴² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

commerce') (OJ L 178, 17.7.2000, p. 1).

⁴⁰ Regulation (EU) **2022/2065** of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (*OJ L 277, 27.10.2022, p. 1*).

⁴¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

⁴² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

Amendment 10

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** laying down harmonised rules on the provision of certain

Amendment

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) **2022/2065** laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) **2022/2065** apply in

information society services in the internal market. The rules set out in Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]* apply in respect of issues that are not or not fully addressed by this Regulation.

respect of issues that are not or not fully addressed by this Regulation.

Amendment 11

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) In the interest of clarity and consistency, the definitions provided for in this Regulation should, where possible and appropriate, be based on and aligned with the relevant definitions contained in other acts of Union law, such as Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*.

Amendment

(10) In the interest of clarity and consistency, the definitions provided for in this Regulation should, where possible and appropriate, be based on and aligned with the relevant definitions contained in other acts of Union law, such as Regulation (EU) **2022/2065**.

Amendment 12

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) A substantial connection to the Union should be considered to exist where the relevant information society **services** has an establishment in the Union or, in its absence, **on the basis of the existence of a significant** number of **users** in one or more Member States, **or the** targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as

Amendment

(11) A substantial connection to the Union should be considered to exist where the relevant information society **service** has an establishment in the Union or, in its absence, **where the** number of **recipients of the service** in one or more Member States **is significant in relation to the population thereof, or on the basis of** targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant

the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union should not, alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union should not, *on that ground* alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Amendment 13

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The term ‘online child sexual abuse’ should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (‘known’ material), but also of material not

Amendment

(13) The term ‘online child sexual abuse’ should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (‘known’ material), but also of material not

previously detected that is likely to constitute child sexual abuse material but that has not yet been confirmed as such ('new' material), **as well as activities constituting the solicitation of children ('grooming')**. That is needed in order to address not only past abuse, the re-victimisation and violation of the victims' rights it entails, such as those to privacy and protection of personal data, but to also address recent, ongoing and imminent abuse, so as to prevent it as much as possible, to effectively protect children and to increase the likelihood of rescuing victims and stopping perpetrators.

previously detected that is likely to constitute child sexual abuse material but that has not yet been confirmed as such ('new' material). That is needed in order to address not only past abuse, the re-victimisation and violation of the victims' rights it entails, such as those to privacy and protection of personal data, but to also address recent, ongoing and imminent abuse, so as to prevent it as much as possible, to effectively protect children and to increase the likelihood of rescuing victims and stopping perpetrators.

Amendment 14

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Providers of online games falling under the scope of this Regulation should take the necessary technical and organisational measures to ensure safety and security by design and by default for children, including the option to prevent unsolicited contact between users, facilitating user-friendly reporting mechanisms and providing tools in a prominent way on their platform that allow users and potential victims to seek help from a help-line.

Amendment 15

Proposal for a regulation Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) Where an online platform is

primarily used for the dissemination of user-generated pornographic content, that platform should take the necessary technical and organisational measures to ensure the safety of children, such as user-friendly reporting mechanisms to report alleged child sexual abuse material, adequate professional human content moderation to rapidly process notices of alleged child sexual abuse material and provide tools to inform users in a prominent way about prevention programmes.

Amendment 16

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) With a view to minimising the risk that their services are *misused* for the dissemination of known *or new* child sexual abuse material *or the solicitation of children*, providers of hosting services and providers of publicly available interpersonal communications services should assess *such* risk *for each* of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment *is* updated regularly and when needed for particular reasons.

Amendment

(14) With a view to minimising the risk that their services are *used* for the dissemination of known child sexual abuse material, providers of hosting services and providers of publicly available *number-independent* interpersonal communications services should assess *the existence of a systemic risk stemming from the design and functioning* of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements *and safeguards* to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment, *as well as the effectiveness and proportionality of specific measures, are* updated regularly and when needed for particular reasons. *That risk assessment should be specific to*

the services offered and proportionate to the systemic risk considering its severity and probability.

Amendment 17

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]* with respect to information that they store and disseminate to the public. For the purposes of *the present* Regulation, *those* providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.

Amendment

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) 2022/2065 with respect to information that they store and disseminate to the public. *The obligations under this Regulation should not affect the obligations for very large online platforms and very large online search engines under Regulation (EU) 2022/2065. However, in order to ensure consistency and avoid duplication, very large online platforms and very large online search engines could also use, for the purpose of the risk assessment under this Regulation, the information already gathered for the purposes of Regulation (EU) 2022/2065, so that these providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.*

Amendment 18

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]* may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, *including age verification and parental control tools*, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available *number-independent* interpersonal communications services should take reasonable *specific* measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers *should consider, in particular, the negative impacts of such measures on the fundamental rights enshrined in the Charter on all parties involved and adopt appropriate and proportionate measures to protect children, for example by designing their online interfaces or parts thereof in line with the highest level of privacy, safety and security for children by default, where appropriate, by adopting standards for protection of children, or by participating in codes of conduct for protecting children.* Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) **2022/2065** may consider to which extent mitigation measures adopted comply with that obligation, which may include targeted measures to protect the rights of the child, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Amendment 19

**Proposal for a regulation
Recital 16 a (new)**

Text proposed by the Commission

Amendment

(16a) To further address online child sexual abuse effectively, an emphasis

should be placed on public awareness raising, including through easily understandable campaigns, and on education with a focus on strengthening digital skills and empowering children to use the internet safely. In addition, awareness raising should also focus on hotlines and help-lines where children can report abuse, as well as on improving access to institutional reporting by law enforcement and other authorities.

Amendment 20

Proposal for a regulation Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) Providers seeking to assess the age of child users as part of measures to ensure the effective protection of children online should process children's data in a privacy preserving and secure manner and in accordance with Regulation (EU) 2016/679, in particular during sign up. The measures and methods used should not lead to excessive data processing, profiling or identification of users, nor the processing of biometric or biometric-based data, should not allow data to be used for any other purpose and minimise the data shared with the provider or any other third party to the maximum extent possible in accordance with Regulation (EU) 2016/679. Self-reporting with minimal checks could be appropriate in many cases, in particular if the provider offers services with an age-appropriate design where children of all relevant age groups are recommended content that is likely to interest them. Methods for assessing the age of users should respect the rights of the child and take particular regard of the risks for exclusion from the online world for children that are unable to comply with the age assessment

requirements.

Amendment 21

Proposal for a regulation Recital 16 c (new)

Text proposed by the Commission

Amendment

(16c) Parental control features and functionalities should be limited to allowing parents or guardians to prevent children from accessing platforms or services that are inappropriate for their age, or to help prevent them from being exposed to content that is inappropriate. These measures should be in line Regulation (EU) 2016/679 and the Convention on the Rights of the Child, respect the integrity and safety of the device and should not allow unauthorised access or control by third parties.

Amendment 22

Proposal for a regulation Recital 17

Text proposed by the Commission

Amendment

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect online child sexual abuse in their services ***and indicate as part of the risk reporting their willingness and***

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement ***specific*** measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used ***in line with children's increasing need for autonomy and rights to access to information and freedom of expression as they grow.*** In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices

preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.

to detect online child sexual abuse in their services. *For example, providers of hosting services and providers of number-independent interpersonal communications services should take the necessary targeted measures and tools to adapt their online interface and protect child users from solicitation, including through increased user information and awareness-raising tools, parental control tools or mechanisms aimed at helping children signal abuse or obtain support. Specific measures could include providing technical measures and tools that allow users to manage their own privacy visibility, reachability and safety, such as mechanisms for users to block or mute other users, mechanisms that ask for confirmation before displaying certain content, and tools that prompt or warn users.*

Amendment 23

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Fundamental rights in the digital sphere have to be guaranteed to the same extent as in the offline world. Safety and privacy need to be ensured, amongst others through end-to-end encryption in private online communication and the protection of private content against any kind of general or targeted surveillance, be it by public or private actors. End-to-end encryption is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Any restrictions of encryption could potentially be abused by malicious third parties. In order to ensure effective consumer trust, nothing in this Regulation should be interpreted as prohibiting providers of information

society services from providing their services applying encryption, or restricting or undermining such encryption in the sense of being detrimental to users' expectations of confidential and secure communication services. Member States should not prevent providers of information society services from providing their services applying encryption, considering that such encryption is essential for trust in and security of the digital services, and effectively prevents unauthorised third party access.

Amendment 24

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the mitigation measures, give importance **not only** to ensuring their effectiveness, **but also** to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well

Amendment

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available **number-independent** interpersonal communications services should, when designing and implementing the mitigation measures, give importance to ensuring their effectiveness, **and** to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation,

as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. ***Those mitigation measures should always be the least intrusive option possible, with the level of intrusiveness increasing only if justified by the lack of effectiveness or implementation of the less intrusive option.*** When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

Amendment 25

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be ***made*** subject to obligations ***to take certain reasonable measures to assess and mitigate that risk. The providers should make that assessment in a diligent manner, making efforts that are reasonable*** under ***the given circumstances, having regard inter alia to the nature and extent of that risk as well as their financial and technological capabilities and size, and cooperating with the providers of the services offered through the software application where possible.***

Amendment

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be subject to ***specific*** obligations under ***this Regulation.***

Amendment 26

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of ***misuse*** of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available ***interpersonal communications services, and that solicitation of children mostly takes place in publicly available*** interpersonal communications services, it should only be possible to address detection orders to providers of such services.

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of ***use*** of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request, ***as a last resort***, the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of ***targeted*** limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available ***number-independent*** interpersonal communications services, it should only be possible to address detection orders to providers of such services ***taking into account information on the specific suspects, or specific group of suspects or a specific incident***.

Amendment 27

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a ***significant*** risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be taken into account in this regard is the

Amendment

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a ***systemic*** risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be taken into account in this regard is the

likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

Amendment 28

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) However, the finding of such a **significant** risk should in itself be insufficient to justify the issuance of a detection order, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial authority **or independent administrative authority having** objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the

Amendment

(22) However, the finding of such a **systemic** risk should in itself be insufficient to justify the issuance of a detection order, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial authority **have** objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the **specific results anticipated by the measure, as well as the** likelihood and seriousness of any potential negative consequences for other parties affected, **including the users of the service**. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the

provider concerned.

provider concerned.

Amendment 29

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted **and specified** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the **significant** risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service **where possible without prejudice to the effectiveness of the measure**, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Amendment

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted, **justified, proportionate, limited in time and territorial scope and it is specific enough** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the **systemic** risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service, such as specific types of channels of a publicly available **number-independent** interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation **and be reasonably suspected of distributing child sexual abuse material or a limitation to the purpose of obtaining information to effectively investigate a specific incident and collect the information required to assess the existence of criminal offence** for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid

unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Amendment 30

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to specify that given the specific nature of cloud computing services and web-hosting services when serving as infrastructure, imposing on their providers the same obligations as for any hosting service provider might have a broader impact on users of cloud-hosted services. The detection order should therefore not be directed to cloud computing services and directed to the providers of hosting services and providers of number-independent interpersonal communications that can reasonably be expected to have the technical and operational ability to act against specific child abuse material.

Amendment 31

Proposal for a regulation Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) Monitoring private communications of all users of a number-independent interpersonal

communications service in a general and indiscriminate manner is likely to infringe on the essence of their fundamental rights and the prohibition of general monitoring. The detection order should be targeted against a specific user or a specific group of users suspected of distributing child sexual abuse material, or against a specific person or persons the authority intends to investigate, or limited to the purpose of obtaining information to effectively investigate a case and collect the information required to assess the existence of criminal offence.

Amendment 32

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) The competent judicial authority *or the competent independent administrative authority, as applicable in accordance with the detailed procedural rules set by the relevant Member State*, should *be in a position* to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach, *especially in connection to detection orders concerning the solicitation of children. Therefore*, a procedure should be provided for that allows the providers concerned, the EU Centre on Child Sexual Abuse established by this Regulation ('EU Centre') and, where so provided in this Regulation, the competent data protection authority designated under Regulation (EU) 2016/679 to provide their views on the measures in question. They should do so *as soon as possible*, having regard to the important public policy objective at stake and the need to act without undue delay to protect children. In particular, data

Amendment

(24) The competent judicial authority should *have the data* to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach. *In particular, the territorial scope of the detection orders should be clearly set out on the basis of the applicable law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In a cross-border context, the effect of the detection order should in principle be limited to the territory of the issuing Member State, unless the judicial authority considers that the rights at stake require a wider territorial scope, in accordance with Union and international law, namely in line with the principle of proportionality. Moreover, the duration of application of the detection order should be limited in time to what is strictly necessary and proportionate. Furthermore*, a procedure should be

protections authorities should do their utmost to avoid extending the time period set out in Regulation (EU) 2016/679 for providing their opinions in response to a prior consultation. Furthermore, they should normally be able to provide their opinion well within that time period in situations where the European Data Protection Board has already issued guidelines regarding the technologies that a provider envisages deploying and operating to execute a detection order addressed to it under this Regulation.

provided for that allows the providers concerned, the EU Centre on Child Sexual Abuse established by this Regulation ('EU Centre') and, where so provided in this Regulation, the competent data protection authority designated under Regulation (EU) 2016/679 to provide their views on the measures in question. They should do so *without undue delay*, having regard to the important public policy objective at stake and the need to act without undue delay to protect children. In particular, data protections authorities should do their utmost to avoid extending the time period set out in Regulation (EU) 2016/679 for providing their opinions in response to a prior consultation. Furthermore, they should normally be able to provide their opinion well within that time period in situations where the European Data Protection Board has already issued guidelines regarding the technologies that a provider envisages deploying and operating to execute a detection order addressed to it under this Regulation.

Amendment 33

Proposal for a regulation Recital 25

Text proposed by the Commission

Amendment

(25) Where new services are concerned, that is, services not previously offered in the Union, the evidence available on the potential misuse of the service in the last 12 months is normally non-existent. Taking this into account, and to ensure the effectiveness of this Regulation, the Coordinating Authority should be able to draw on evidence stemming from comparable services when assessing whether to request the issuance of a detection order in respect of such a new service. A service should be considered comparable where it provides a functional

deleted

equivalent to the service in question, having regard to all relevant facts and circumstances, in particular its main characteristics and functionalities, the manner in which it is offered and used, the user base, the applicable terms and conditions and risk mitigation measures, as well as the overall remaining risk profile.

Amendment 34

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. ***That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children.*** When executing the detection order,

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available ***number-independent*** interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. ***In particular, any action taken by a provider pursuant to the reception of a detection order should also be strictly targeted, in the sense that it should serve to remove or disable access to the specific***

providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

items of information considered to constitute child sexual abuse material, without unduly affecting the freedom of expression and of information of the user. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties *or states*, and thus to avoid undermining the security and confidentiality of the communications of users. *In particular, providers should ensure effective internal procedures and safeguards to prevent general monitoring, surveillance and foreign espionage.*

Amendment 35

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers **detection** technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by the EU Centre or by others or technologies that

Amendment

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers **approved** technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by the EU Centre or by others or technologies that

they developed themselves, as long as they meet the requirements of this Regulation.

they developed themselves, as long as they meet the requirements of this Regulation.

Amendment 36

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently reliable, as well as to identify false positives and avoid ***to the extent*** erroneous reporting to the EU Centre, providers should ensure human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and positives generated by the technologies, based on an analysis of anonymised representative data samples. ***In particular where the detection of the solicitation of children in publicly available interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children.***

Amendment

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently ***accurate and*** reliable, as well as to identify false positives and ***false negatives in order to*** avoid erroneous reporting to the EU Centre, providers should ensure ***adequate*** human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and ***false*** positives generated by the technologies, based on an analysis of anonymised representative data samples.

Amendment 37

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) Providers of hosting services and providers of publicly available

Amendment

(29) Providers of hosting services and providers of publicly available

interpersonal communications services are uniquely positioned to **detect potential** online child sexual abuse involving their services. The information that they may obtain when offering their services **is often indispensable** to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to report on potential online child sexual abuse on their services, whenever they **become aware of it**, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

interpersonal communications services are uniquely positioned to **address** online child sexual abuse involving their services. The information that they may obtain when offering their services **may help** to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to report on potential online child sexual abuse on their services, whenever they **obtain actual knowledge or awareness of illegal activities or illegal content**, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative **or through notices submitted to it by individuals in accordance with this Regulation in so far as such notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and, where appropriate, act against the allegedly illegal content**. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

Amendment 38

Proposal for a regulation Recital 29 a (new)

(29a) It is important that relevant information society service providers, regardless of their size, put in place easily accessible and user- and child-friendly notification mechanisms that facilitate the notification of child sexual abuse online, in particular new child sexual abuse material and solicitation. Such mechanisms should be clearly identifiable, located close to the information in question and easy to find and use by children. Having regard to the need to take due account of the fundamental rights of all parties concerned, as guaranteed under the Charter, any action taken by a provider after receiving a notification should be strictly targeted, in the sense that it should serve to report, remove or disable access to the specific child sexual abuse material, without unduly affecting the freedom of expression and of information of the recipients of the service. Micro and small sized enterprises should get support from the EU Centre to build up a corresponding mechanism.

Amendment 39

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial ***authorities or independent administrative*** authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided

Amendment

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should

the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences. ***Parents or guardians should have equal legal standing to request removal in the instance that the child is not able to do so due to age or other limitations.***

Amendment 40

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***.

Amendment

(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) **2022/2065**.

Amendment 41

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) Considering that acquiring, possessing, knowingly obtaining access and transmitting child sexual abuse material constitute criminal offences under Directive 2011/93/EU, it is necessary to exempt providers of relevant information society services from criminal liability when they are involved in such activities, insofar as their activities remain strictly limited to what is needed for the purpose of

Amendment

(34) ***The legal certainty provided by the horizontal framework set out by Regulation (EU) 2022/2065 as regards conditional exemptions from liability for providers of intermediary services should be preserved. The rules on liability of providers of intermediary services set out in this Regulation should therefore be consistent with Regulation (EU) 2022/2065 and only establish when the***

complying with their obligations *under* this Regulation and they act in good faith.

provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should not be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine. In order to allow for an efficient reporting system and considering that acquiring, possessing, knowingly obtaining access and transmitting child sexual abuse material constitute criminal offences under Directive 2011/93/EU, it is necessary to exempt providers of relevant information society services from criminal liability when they are involved in such activities, *including when carrying out voluntary own-initiative investigations, or taking other measures*, insofar as their activities remain strictly limited to what is needed for the purpose of complying with their obligations *in compliance with Union law, including* this Regulation, and they act in good faith *and in a diligent manner*.

Amendment 42

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes

Amendment

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. ***The single point of contact should allow for direct communication with the users of the***

and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

service for issues related to this Regulation. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) **2022/2065**, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

Amendment 43

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) Where relevant and convenient, subject to the choice of the provider of relevant information society services and the need to meet the applicable legal requirements in this respect, it should be possible for those providers to designate a single point of contact and a single legal representative for the purposes of Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] and this Regulation.*

Amendment

(42) Where relevant and convenient, subject to the choice of the provider of relevant information society services and the need to meet the applicable legal requirements in this respect, it should be possible for those providers to designate a single point of contact and a single legal representative for the purposes of Regulation (EU) **2022/2065**.

Amendment 44

Proposal for a regulation Recital 44

Text proposed by the Commission

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to **the application** of this Regulation, without prejudice to the enforcement powers of other national authorities.

Amendment

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to **contributing to the achievement of the objective** of this Regulation, **including for recognised organisations providing assistance to victims, education and awareness raising**, without prejudice to the enforcement powers of other national authorities.

Amendment 45

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) The Coordinating Authority, as well as other competent authorities, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities have not only the necessary investigatory and enforcement powers, but also **the** necessary financial, human, technological and other resources to **adequately** carry out their tasks under this Regulation. In particular, given the variety of providers of relevant information society services and their use of advanced technology in offering their

Amendment

(47) The Coordinating Authority, as well as other competent authorities, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities have not only the necessary investigatory and enforcement powers, but also **all** necessary **resources, including sufficient** financial, human, technological and other resources to **efficiently** carry out their tasks under this Regulation. In particular, given the variety of providers of relevant information society services and their use of advanced

services, it is essential that the Coordinating Authority, as well as other competent authorities, are equipped with the necessary number of staff, including experts with specialised skills. The resources of Coordinating Authorities should be determined taking into account the size, complexity and potential societal impact of the providers of relevant information society services under the jurisdiction of the designating Member State, as well as the reach of their services across the Union.

technology in offering their services, it is essential that the Coordinating Authority, as well as other competent authorities, are equipped with the necessary number of staff, including experts with specialised skills. The resources of Coordinating Authorities should be determined taking into account the size, complexity and potential societal impact of the providers of relevant information society services under the jurisdiction of the designating Member State, as well as the reach of their services across the Union.

Amendment 46

Proposal for a regulation

Recital 49

Text proposed by the Commission

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal orders or blocking orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of *known or new child* sexual abuse material through publicly available material *in the hosting services* of the providers concerned.

Amendment

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal orders or blocking orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of *online* sexual abuse material through publicly available material of the providers concerned.

Amendment 47

Proposal for a regulation

Recital 50

Text proposed by the Commission

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to

Amendment

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to

afford them an opportunity to take expeditious action to remove or disable access on a voluntary basis, Coordinating Authorities of establishment should be able to notify those providers of the presence of known child sexual abuse material on their services and requesting removal or disabling of access thereof, **for the providers' voluntary consideration**. Such notifying activities should be clearly distinguished from the Coordinating Authorities' powers under this Regulation to request the issuance of removal orders, which impose on the provider concerned a binding legal obligation to remove or disable access to the material in question within a set time period.

afford them an opportunity to take expeditious action to remove or disable access on a voluntary basis, Coordinating Authorities of establishment should be able to notify those providers of the presence of known child sexual abuse material on their services and requesting removal or disabling of access thereof. Such notifying activities should be clearly distinguished from the Coordinating Authorities' powers under this Regulation to request the issuance of removal orders, which impose on the provider concerned a binding legal obligation to remove or disable access to the material in question within a set time period.

Amendment 48

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) It is essential for the proper functioning of the system of mandatory detection and blocking of online child sexual abuse set up by this Regulation that the EU Centre receives, via the Coordinating Authorities, material identified as constituting child sexual abuse material or transcripts of conversations identified as constituting the solicitation of children, such as may have been found for example during criminal investigations, so that that material or conversations can serve as an accurate and reliable basis for the EU Centre to generate indicators of such abuses. In order to achieve that result, the identification should be made after a diligent assessment, conducted in the context of a procedure that guarantees a fair and objective outcome, either by the Coordinating Authorities themselves or by a court or another independent administrative authority than the

Amendment

(55) It is essential for the proper functioning of the system of mandatory detection and blocking of online child sexual abuse set up by this Regulation that the EU Centre receives, via the Coordinating Authorities, **the encrypted copies of specific items of** material identified as constituting child sexual abuse material or transcripts of conversations identified as constituting the solicitation of children, **related to a specific person, a specific group of people or a specific incident**, such as may have been found for example during criminal investigations, so that that material or conversations can serve as an accurate and reliable basis for the EU Centre to generate indicators of such abuses. In order to achieve that result, the identification should be made after a diligent assessment, conducted in the context of a procedure that guarantees a fair and objective outcome, either by the

Coordinating Authority. Whilst the swift assessment, identification and submission of such material is important also in other contexts, it is crucial in connection to *new* child sexual abuse material *and the solicitation of children* reported under this Regulation, considering that this material can lead to the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set in connection to such reporting.

Coordinating Authorities themselves or by a court or another independent administrative authority than the Coordinating Authority. Whilst the swift assessment, identification and submission of such material is important also in other contexts, it is crucial in connection to child sexual abuse material reported under this Regulation, considering that this material can lead to the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set in connection to such reporting.

Amendment 49

Proposal for a regulation Recital 70

Text proposed by the Commission

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they *work together* effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

Amendment

(70) ***Hotlines play a very important role in the fight against child sexual abuse online at Union level, namely with regard to the reporting, detection and rapid removal of child sexual abuse material. Help-lines are also essential in providing support for children in need.***

Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they *cooperate and coordinate* effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union. ***Member States are therefore encouraged to further enhance the operational capacities of hotlines and***

help-lines.

Amendment 50

Proposal for a regulation

Recital 75

Text proposed by the Commission

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse information, based on anonymised gathering of non-personal data and to publish annual reports on their activities under this Regulation. The Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in gathering that information.

Amendment

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available ***number-independent*** interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse information, based on anonymised gathering of non-personal data and to publish ***in a machine-readable format*** annual reports on their activities under this Regulation. The Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in gathering that information.

Amendment 51

Proposal for a regulation

Recital 77

Text proposed by the Commission

(77) The evaluation should be based on the criteria of efficiency, necessity, effectiveness, proportionality, relevance, coherence and Union added value. It should assess the functioning of the different operational and technical measures provided for by this Regulation, including the effectiveness of measures to

Amendment

(77) The evaluation should be based on the criteria of efficiency, necessity, effectiveness, proportionality, relevance, coherence and Union added value. It should assess the functioning of the different operational and technical measures provided for by this Regulation, including the effectiveness of measures to

enhance the detection, reporting and removal of online child sexual abuse, the effectiveness of safeguard mechanisms as well as the impacts on potentially affected fundamental rights, the freedom to conduct a business, the right to private life and the protection of personal data. The Commission should also assess the impact on potentially affected interests of third parties.

enhance the detection, reporting and removal of online child sexual abuse, the effectiveness of safeguard mechanisms, ***the possible use of new technologies, their impact, effectiveness and accuracy for the purpose of combating online child sexual abuse*** as well as the impacts on potentially affected fundamental rights, the freedom to conduct a business, the right to private life and the protection of personal data. The Commission should also assess the impact on potentially affected interests of third parties.

Amendment 52

Proposal for a regulation

Recital 78

Text proposed by the Commission

(78) Regulation (EU) 2021/1232 of the European Parliament and of the Council⁴⁵ provides for a temporary solution in respect of the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, ***pending the preparation and adoption of a long-term legal framework. This Regulation provides that long-term legal framework.*** Regulation (EU) 2021/1232 should therefore be repealed.

⁴⁵ Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41).

Amendment

(78) Regulation (EU) 2021/1232 of the European Parliament and of the Council⁴⁵ provides for a temporary solution in respect of the use of technologies by certain providers of publicly available number-independent interpersonal communications services for the purpose of combating online child sexual abuse. Regulation (EU) 2021/1232 should therefore be repealed.

⁴⁵ Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41).

Amendment 53

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1

Text proposed by the Commission

This Regulation lays down uniform rules to address the ***misuse*** of relevant information society services for online child sexual abuse in the internal market.

Amendment

This Regulation lays down uniform rules to address the ***use*** of relevant information society services for online child sexual abuse in ***order to contribute to the proper functioning of*** the internal market ***and to create a safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights enshrined in the Charter are effectively protected.***

Amendment 54

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) obligations on ***providers of hosting services and*** providers of ***interpersonal communication*** services ***to detect*** and report online child sexual abuse;

Amendment

(b) obligations on ***relevant*** providers of ***information society*** services ***that allow the dissemination, exchange and sharing of images, video and audio material to identify*** and report online child sexual abuse;

Amendment 55

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

(c) obligations on providers of ***hosting*** services to remove or disable access to child sexual abuse material on their

Amendment

(c) obligations on ***relevant*** providers of ***information society*** services to remove or disable access to child sexual abuse

services;

material on their services;

Amendment 56

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) *obligations on providers of internet access services to disable access to child sexual abuse material;*

(d) *deleted*

Amendment 57

Proposal for a regulation

Article 1 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) Directive 2000/31/EC and Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*;

(b) Directive 2000/31/EC and Regulation (EU) **2022/2065**;

Amendment 58

Proposal for a regulation

Article 1 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) Regulation (EU) .../... [laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts;

Amendment 59

Proposal for a regulation
Article 1 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) Directive (EU) 2022/2555 of the European Parliament and of the Council^{48a};

^{48a} Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80).

Amendment 60

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ‘hosting service’ means an information society service as defined in Article 2, point (f), third indent, of Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***;

(a) ‘hosting service’ means an information society service as defined in Article 2, point (f), third indent, of Regulation (EU) **2022/2065**;

Amendment 61

Proposal for a regulation
Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) ‘cloud computing service’ means a service as defined in Article 6, point (30),

Amendment 62

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘interpersonal communications service’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972, including services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service;

Amendment

(b) ‘interpersonal communications service’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972, including services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service ***in so far as they allow the dissemination and sharing of images, video and audio material;***

Amendment 63

Proposal for a regulation

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) ‘number-independent interpersonal communications service’ means a publicly available service as defined in Article 2, point 7, of Directive (EU) 2018/1972;

Amendment 64

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ‘software application’ means a

(c) ‘software application’ means a

digital product or service as defined in Article 2, point **13**, of Regulation (EU) .../... [*on contestable and fair markets in the digital sector (Digital Markets Act)*];

digital product or service as defined in Article 2, point **15**, of Regulation (EU) **2022/1925**;

Amendment 65

Proposal for a regulation Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) ‘software application store’ means a service as defined in Article 2, point **12**, of Regulation (EU) .../... [*on contestable and fair markets in the digital sector (Digital Markets Act)*];

Amendment

(d) ‘software application store’ means a service as defined in Article 2, point **14**, of Regulation (EU) **2022/1925**;

Amendment 66

Proposal for a regulation Article 2 – paragraph 1 – point f – point ii

Text proposed by the Commission

(ii) **an** interpersonal communications service;

Amendment

(ii) **a number-independent** interpersonal communications service;

Amendment 67

Proposal for a regulation Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 2, point **(d)**, of Regulation (EU) .../... [*on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC*];

Amendment

(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article **3**, point **(g)**, of Regulation (EU) **2022/2065**;

Amendment 68

Proposal for a regulation

Article 2 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) ‘hotline’ means a service provided by an entity, other than the reporting channels provided by law enforcement agencies, under which victims or other members of the public are able to anonymously report alleged child sexual abuse to that entity, and which is officially recognised by the Member State of establishment of that entity for the purpose of combating child sexual abuse;

Amendment 69

Proposal for a regulation

Article 2 – paragraph 1 – point h b (new)

Text proposed by the Commission

Amendment

(hb) ‘help-line’ means a service provided by an entity, which is officially recognised by the Member State of establishment of that entity, consisting in providing information and support to children in need;

Amendment 70

Proposal for a regulation

Article 2 – paragraph 1 – point r

Text proposed by the Commission

Amendment

(r) ‘recommender system’ means the system as defined in Article 2, point (o), of Regulation (EU) .../... *[on a Single*

(r) ‘recommender system’ means the system as defined in Article 3, point (s), of

Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];

Regulation (EU) 2022/2065;

Amendment 71

Proposal for a regulation

Article 2 – paragraph 1 – point t

Text proposed by the Commission

(t) ‘content moderation’ means the activities as defined in Article 2, point (p), of Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];**

Amendment

(t) ‘content moderation’ means the activities as defined in Article 3, point (t), of Regulation (EU) 2022/2065;

Amendment 72

Proposal for a regulation

Article 2 – paragraph 1 – point v

Text proposed by the Commission

(v) ‘terms and conditions’ means terms and conditions as defined in Article 2, point (q), of Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];**

Amendment

(v) ‘terms and conditions’ means terms and conditions as defined in Article 3, point (u), of Regulation (EU) 2022/2065;

Amendment 73

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess,

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services

*for each such service that they offer, the risk of use of **the** service for the purpose of online child sexual abuse.*

shall identify, analyse and assess **any systemic** risk of use of **their** service for the purpose of online child sexual abuse. ***That risk assessment shall be specific to the services they offer and proportionate to the systemic risk considering its severity and probability, including in the specific cases where the service was misused to disseminate child sexual abuse materials.***

Amendment 74

Proposal for a regulation Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to Regulation (EU) 2022/2065, when conducting the risk assessment, providers of hosting services and providers of number-independent interpersonal communications services shall respect fundamental rights and avoid any actual or foreseeable negative effects for the exercise of those rights, in particular the fundamental rights to human dignity, respect for private and family life, the protection of personal data, freedom of expression and information, including the freedom and pluralism of the media, the prohibition of discrimination, the rights of the child and consumer protection, as enshrined in Articles 1, 7, 8, 11, 21, 24 and 38 of the Charter respectively.

Amendment 75

Proposal for a regulation Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) any previously identified instances

(a) ***systemic risks and*** any previously

of use of its services for the purpose of online child sexual abuse;

identified instances of use of its services for the purpose of online child sexual abuse;

Amendment 76

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) the existence and implementation by the provider of a policy and the availability of functionalities to address the risk referred to in paragraph 1, including through the following:

Amendment

(b) the existence and implementation by the provider of a policy and the availability ***and effectiveness*** of functionalities to address the risk referred to in paragraph 1, including through the following:

Amendment 77

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

— functionalities enabling ***age verification***;

Amendment

— functionalities enabling ***the effective protection of children online and preventing online child sexual abuse, without prejudice to Regulation (EU) 2016/679***;

Amendment 78

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3 a (new)

Text proposed by the Commission

Amendment

— ***functionalities enabling appropriate parental control measures***;

Amendment 79

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 a (new)

Text proposed by the Commission

Amendment

— *functionalities enabling detection of known child sexual abuse material, insofar as they remain strictly limited to what is needed for the purpose of complying with their obligations under this Regulation, proportionate and effective, and the relevant technology used is sufficiently reliable to limit to the maximum extent possible the rate of errors in distinguishing between lawful and unlawful content, without the need of independent human assessment;*

Amendment 80

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 b (new)

Text proposed by the Commission

Amendment

— *functionalities allowing access to the dark web;*

Amendment 81

Proposal for a regulation

Article 3 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the resources to meaningfully deal with reports and notifications about child sexual abuse in a timely manner;

Amendment 82

Proposal for a regulation
Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) the manner in which users use the service and the impact thereof on that risk;

Amendment

(c) the manner in which users use the service and the ***negative*** impact thereof on that risk;

Amendment 83

Proposal for a regulation
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;

Amendment

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, ***the design of its recommender systems and any other relevant algorithmic system*** and the ***negative*** impact thereof on that risk, ***without prejudice to trade secrets under Directive (EU) 2016/943***;

Amendment 84

Proposal for a regulation
Article 3 – paragraph 2 – point e – point i

Text proposed by the Commission

(i) the extent to which the service is ***used or is likely to be*** used by children;

Amendment

(i) the extent to which the service ***is targeting and is*** used by children;

Amendment 85

Proposal for a regulation
Article 3 – paragraph 2 – point e – point ii

Text proposed by the Commission

Amendment

(ii) where the service is used by children, the ***different age groups of the child users and the*** risk of solicitation of children in relation to ***those*** age groups;

(ii) where the service is used by children, the risk of solicitation of children ***particularly*** in relation to ***different*** age groups;

Amendment 86

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 1

Text proposed by the Commission

Amendment

— enabling users to search for other users and, in particular, for adult users to search for child users;

— enabling users to search for other users and, in particular, for adult users to ***openly*** search for child users;

Amendment 87

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 1 a (new)

Text proposed by the Commission

Amendment

— ***enabling unsolicited contact for users and, in particular, for adult users to engage and connect with unknown child users;***

Amendment 88

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

Amendment

— enabling users to ***establish*** contact with other users directly, in particular through private communications;

— enabling users to ***initiate unsolicited direct*** contact with other users directly, in particular ***on services targeting child users or*** through private

communications;

Amendment 89

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3 a (new)

Text proposed by the Commission

Amendment

— *enabling child users to create usernames that contain information on their location, age or a representation about, or imply, their age;*

Amendment 90

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3 b (new)

Text proposed by the Commission

Amendment

— *enabling users to know or infer the location of child users.*

Amendment 91

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Where providers of hosting services and number-independent interpersonal communication services seek to conduct the age assurance of users or to assess the age of child users, including through parental control tools, such measures shall not lead to maintaining, acquiring or processing more personal data than they already have and are strictly necessary in order to assess if the user is a child user, including*

not processing sensitive data such as biometric data. Thus, this obligation shall not incentivise providers of hosting services and number-independent interpersonal communication services to collect the age of the user. Any methods used to assess the age of users shall be without prejudice to Union law on protection of personal data and shall respect the rights of the child, take particular regard of the risks for exclusion from the online world for children that are unable to comply with the requirements and provide for appropriate remedies and redress mechanisms.

Amendment 92

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The provider may request the EU Centre to perform *an* analysis of *representative*, anonymized data samples *to identify potential online child sexual abuse*, to support the risk assessment.

Amendment

The provider may request the EU Centre to perform *a methodology analysis of risk assessments and* anonymized data samples, *available to the EU Centre* to support the risk assessment. *The request cannot serve the purpose of evading the provider's obligations set up in this Regulation. The EU Centre shall perform the analysis in a timely manner. The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk assessment.*

Amendment 93

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. The risk assessment shall include an assessment of **any potential** remaining risk that, after taking the mitigation measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse.

Amendment

5. The risk assessment shall include an assessment of **the** remaining **systemic** risk that, after taking the mitigation measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse.

Amendment 94

Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

6. The Commission, in cooperation with Coordinating Authorities **and** the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment

6. The Commission, in cooperation with Coordinating Authorities, the EU Centre **and the European Data Protection Board** and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, **in particular to present best practices and support for micro and small sized enterprises to be able to fulfil the obligations under this Article**, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment 95

Proposal for a regulation
Article 3 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. By way of derogation, providers that qualify as small and micro sized enterprises as defined in Commission

Recommendation 2003/361/EC shall submit a simplified risk assessment by [Date of application of this Regulation + 6 months], from the date referred to in Article 3(4) or by 6 months from the date at which the provider started offering the service in the Union.

Amendment 96

Proposal for a regulation Article 3 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. *The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to provide practical support for micro and small enterprises and to supplement this Regulation with the rules on the simplified risk assessment under paragraph 6a of this Article.*

Amendment 97

Proposal for a regulation Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall **take** reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, **to minimise** that risk. Such measures shall include some or all of the following:

1. Providers of hosting services and providers of **number-independent** interpersonal communications services shall **put in place** reasonable, **effective and targeted specific** mitigation measures, tailored **to the type of service offered and proportionate** to the risk identified pursuant to Article 3, **with the aim of mitigating** that risk. Such measures shall include **at least** some or all of the following:

Amendment 98

Proposal for a regulation

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) adapting the design, features and functions of their services in order to ensure a high level of privacy, safety, and security by design and by default for children;

Amendment 99

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, ***or the content or enforcement of its terms and conditions;***

(a) ***testing and*** adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, ***including the speed and quality of processing notices and reports related to online child sexual abuse and, where appropriate, the expeditious removal of the content notified;***

Amendment 100

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) introducing parental control features and functionalities that allow the parents or the legal guardians to exercise oversight over the child's activity;

Amendment 101

Proposal for a regulation

Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) informing users about services or organisations in the user’s region on preventing child sexual abuse, counselling, victim support and educational resources by hotlines and child protection organisations, including platform mechanisms or tools placed in a prominent way that allows users and potential victims to seek help;

Amendment 102

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) reinforcing the provider’s internal processes or the internal supervision of the functioning of the service;

(b) **adapting or** reinforcing the provider’s internal processes or the internal supervision of the functioning of the service;

Amendment 103

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in

accordance with Article **19** of Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]* .

accordance with Article **22** of Regulation (EU) **2022/2065**.

Amendment 104

Proposal for a regulation Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) initiating and reinforcing awareness-raising measures and adapting their online interface for increased user information, including automatic mechanisms and interface design elements to inform users about external preventive intervention programmes;

Amendment 105

Proposal for a regulation Article 4 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) initiating tools aimed at helping users to indicate child sexual abuse material and at helping children to signal abuse or obtain support, as appropriate.

Amendment 106

Proposal for a regulation Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) effective in mitigating the identified *risk*;

(a) effective *and proportionate* in mitigating the identified *systemic risk*, *taking into account the characteristics of*

the service provided and the manner in which that service is used;

Amendment 107

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk as well as the provider’s financial and technological *capabilities* and the number of users;

Amendment

(b) targeted and proportionate in relation to that risk, taking into account, in particular, *any impact on the functionality of the service and* the seriousness of the risk as well as the provider’s financial *capabilities* and technological *limitations* and the number of users;

Amendment 108

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

Amendment

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected *and in line with the right to privacy and the safety of individuals;*

Amendment 109

Proposal for a regulation

Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) based on clear objectives and methodologies for identifying and

quantifying impacts on the identified risk and on the exercise of the fundamental rights of all affected parties;

Amendment 110

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary ***age verification and age*** assessment measures to reliably ***identify child users on their services, enabling*** them to take the mitigation measures.

Amendment

3. Providers of ***number-independent*** interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary ***targeted*** assessment measures ***adapted to their online interface*** to reliably ***enable*** them to take the mitigation measures.

Amendment 111

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. ***That description shall not include information that may reduce the effectiveness of the mitigation measures.***

Amendment

4. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken.

Amendment 112

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, **may** issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

Amendment

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, **shall** issue guidelines on the application of paragraphs 1, 2, 3 and 4, **in particular to present best practices and recommend mitigation measures and support for micro and small sized enterprises to be able to fulfil the obligations under this Article**, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

Amendment 113

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services shall transmit, by three months, from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following

Amendment 114

Proposal for a regulation
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) the process and the results of the risk assessment conducted or updated

Amendment

(a) the process and the results of the risk assessment conducted or updated

pursuant to Article 3, including the assessment of *any potential* remaining risk referred to in Article 3(5);

pursuant to Article 3, including the assessment of *the* remaining *systemic* risk referred to in Article 3(5);

Amendment 115

Proposal for a regulation Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) any mitigation measures taken pursuant to Article 4.

Amendment

(b) any *specific* mitigation measures taken pursuant to Article 4, *and the effectiveness of such measures in the prevention, dissemination and detection of online child sexual abuse, and the level of intrusiveness of such measures on their users and assessment of alternative options, and whether this was the least intrusive option available;*

Amendment 116

Proposal for a regulation Article 5 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where applicable, any indicators of accuracy or margin of error of the technology used, as well as rates of false positives, false negatives, and number of appeals;

Amendment 117

Proposal for a regulation Article 5 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) where applicable, the number of

orders received pursuant to Articles 7 and 14, including information on the median time needed to inform about its receipt and to give an effect to the order;

Amendment 118

Proposal for a regulation Article 5 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(bc) where applicable, the number of notices submitted by users;

Amendment 119

Proposal for a regulation Article 5 – paragraph 1 – point b d (new)

Text proposed by the Commission

Amendment

(bd) actions taken pursuant to online child sexual abuse by differentiating whether the action was taken on the basis of the law or on the basis of Articles 7, 8a new, 12 or 14.

Amendment 120

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Within three months after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the mitigation

2. Within three months after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the *specific*

measures have been taken in accordance with the requirements of Articles 3 and 4.

mitigation measures **and plans** have been taken in accordance with the requirements of Articles 3 and 4.

Amendment 121

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. Without prejudice to Articles 7 and 27 to 29, where the requirements of Articles 3 and 4 have not been met, **that** Coordinating Authority shall require the provider to **re-conduct or update** the risk assessment or to introduce, review, discontinue or expand, as applicable, the mitigation measures, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month.

Amendment

4. Without prejudice to Articles 7 and 27 to 29, where the requirements of Articles 3 and 4 have not been met, **before taking any other steps pursuant to Article 7, the** Coordinating Authority shall require the provider **to make specific updates to** the risk assessment or to introduce, review, discontinue or expand, as applicable, the mitigation measures **that do not adversely affect the fundamental rights or legitimate interests of the users of the service**, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month.

Amendment 122

Proposal for a regulation Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where the requirements of Articles 3 and 4 have been met and the provider has successfully implemented and enforced mitigation measures that minimise and prevent the risk of use of its service for the purpose of online child sexual abuse, the Coordinating Authority shall issue a positive opinion that needs to be taken into account prior to any decision pursuant to Article 7.

Amendment 123

Proposal for a regulation Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *By way of derogation, providers that qualify as small and micro enterprises as defined in Commission Recommendation 2003/361/EC shall submit a simplified version of the report by ... [6 months from the date referred to in Article 3(4)].*

Amendment 124

Proposal for a regulation Article 5 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. *The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to provide practical support for micro and small enterprises and supplement this Regulation with the rules on simplified reporting under paragraph 6a of this Article.*

Amendment 125

Proposal for a regulation Article 6 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate*

(a) *indicate, based on the information provided by the providers of software applications, whether the software applications contain features that could*

presents a risk of being used for the purpose of the solicitation of children;

pose a risk to children;

Amendment 126

Proposal for a regulation Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;*

(b) *indicate, based on the information provided by the software applications, if measures have been taken by the software applications to mitigate the risks, and which measures have been taken to ensure safety and security by design and by default for children;*

Amendment 127

Proposal for a regulation Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).*

(c) *indicate, based on the information provided by the provider of the applications, the minimum age for using an application, as set out in the terms and conditions of the provider of the application;*

Amendment 128

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. *In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information,*

deleted

including the results of the risk assessment conducted or updated pursuant to Article 3.

Amendment 129

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. *Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.* **deleted**

Amendment 130

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission, in cooperation with Coordinating Authorities **and** the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

4. The Commission, in cooperation with Coordinating Authorities, the EU Centre, **the European Data Protection Board and the Fundamental Rights Agency**, after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment 131

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

***Security of communications and
prohibition on general monitoring***

1. Nothing in this Regulation shall be construed as prohibiting, restricting or undermining the provision or the use of encrypted services nor shall be interpreted as prohibiting providers of information society services from providing their services applying end-to-end encryption. Member States shall not prevent or discourage providers of relevant information society services from offering encrypted services or from providing their services applying encryption.

2. Nothing in this Regulation should undermine the prohibition of general monitoring under EU law.

Amendment 132

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. ***The Coordinating Authority of establishment shall have the power to request*** the competent judicial authority of the Member State that designated it ***or another independent administrative authority of that Member State to issue a*** detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

1. ***As a last resort after all the measures in Article 3, 4 and 5 have been exhausted, the competent judicial authority may issue, following a request by the Coordinating Authority of the Member State that designated it, a*** detection order ***that is necessary and proportionate,*** requiring a provider of hosting services or a provider of ***number-independent*** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 ***taking into account information on the specific user, specific***

group of users, or a specific incident to detect for a limited period of time and for the sole purpose of detecting online known or new child sexual abuse on a specific service without jeopardising the security of communications, as referred to in Article 6a.

Amendment 133

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

As a general rule, the detection order shall be directed to the providers of hosting services and number-independent interpersonal communications services that can reasonably be expected to have the technical and operational ability to act.

Amendment 134

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Coordinating Authority of establishment shall, before requesting the issuance of a detection order, carry out the investigations and assessments necessary to determine whether *the* conditions of paragraph 4 have been met.

The Coordinating Authority of establishment shall, before requesting the issuance of a detection order, carry out the investigations and assessments necessary to determine whether *all* conditions of paragraph 4 have been met.

Amendment 135

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Where the Coordinating Authority of establishment takes the **preliminary** view that the conditions of paragraph 4 have been met, it shall:

Amendment

Where the Coordinating Authority of establishment takes the view that the conditions of paragraph 4 have been met **and the actions required by the detection order are strictly necessary, justified and proportionate**, it shall:

Amendment 136

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) establish a draft request for the issuance of a detection order, specifying the main elements of the content of the detection order it intends to request and the reasons for requesting it;

Amendment

(a) establish a draft request **to the competent judicial authority of the Member State that designated it** for the issuance of a detection order, specifying **the grounds upon which the request is based, the territorial, personal and the material scope and the duration of the order, as well as** the main elements of the content of the detection order it intends to request and the reasons for requesting it;

Amendment 137

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) submit the draft request to the provider and the EU Centre;

Amendment

(b) submit the draft request to the **relevant** provider and the EU Centre;

Amendment 138

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

(d) invite the EU Centre to provide its opinion on the draft request, within a time period of **four** weeks from the date of receiving the draft request.

Amendment

(d) invite the EU Centre to provide its opinion on the draft request, within a time period of **two** weeks from the date of receiving the draft request.

Amendment 139

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 **have** met, it shall re-submit the draft request, adjusted where appropriate, to the provider. In that case, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority:

Amendment

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 **are** met, it shall re-submit the draft request **to the competent judicial authority and upon issuing an order, it shall submit that order**, adjusted where appropriate, to the provider. In that case, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority:

Amendment 140

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;

Amendment

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order **limited to the personal, territorial and material scope of the order and** including detailed information regarding the envisaged technologies and safeguards **and if any, the negative impacts and**

safeguards on the rights of all parties involved;

Amendment 141

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) *where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes*, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Amendment

(b) conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Amendment 142

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

(c) *where point (b) applies, or* where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take *into* account the opinion of the data protection authority provided in response to the prior consultation;

Amendment

(c) where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take *utmost* account *of* the opinion of the data protection authority provided in response to the prior consultation *referred to in point (b)*;

Amendment 143

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

(d) submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted *in view* of the outcome of the data protection impact assessment and of that opinion.

Amendment

(d) submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted *to take full account* of the outcome of the data protection impact assessment and of that opinion.

Amendment 144

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial *authority or independent administrative* authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Amendment

Where, having regard to the implementation plan of the provider and *taking utmost account of* the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection *order*, adjusted where appropriate, to the competent judicial authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request

Amendment 145

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

The Coordinating Authority of establishment shall request the issuance of

Amendment

The Coordinating Authority of establishment shall request the issuance of

the detection order, and the competent judicial *authority or independent administrative* authority shall issue the detection order where it considers that the following conditions are met:

the detection order and the competent judicial authority shall issue the detection order where it considers that the following conditions are met:

Amendment 146

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

Amendment

(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, *by one or more suspects*, within the meaning of paragraphs 5, 6 and 7, as applicable;

Amendment 147

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

(b) the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

Amendment

(b) the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties *and without jeopardising the security of communications as referred to in Article 6a*.

Amendment 148

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – introductory part

Text proposed by the Commission

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, in particular:

Amendment

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, ***implications for the rights and legitimate interest of all parties concerned, and the respect of fundamental rights enshrined in the Charter***, in particular:

Amendment 149

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

(c) the views and the implementation plan of the provider submitted in accordance with paragraph 3;

Amendment

(c) the views and the implementation plan ***and, where relevant the technical feasibility*** of the provider submitted in accordance with paragraph 3;

Amendment 150

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.

Amendment

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3 ***and, where applicable, the opinion of the Coordinating Authority issued in accordance with Article 5(4b)***.

Amendment 151

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

As regards the second subparagraph, point (d), where that Coordinating Authority substantially deviates from the opinion of the EU Centre, it shall inform the EU Centre and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

Amendment

As regards the second subparagraph, point (d), where that Coordinating Authority substantially deviates from the opinion of the EU Centre, it shall inform the EU Centre and the Commission thereof, specifying ***and justifying in detail*** the points at which it deviated and the main reasons for the deviation.

Amendment 152

Proposal for a regulation

Article 7 – paragraph 5 – introductory part

Text proposed by the Commission

5. As regards detection orders concerning the dissemination of ***known*** child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:

Amendment

5. As regards detection orders concerning the dissemination of ***known or new*** child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:

Amendment 153

Proposal for a regulation

Article 7 – paragraph 5 – point a

Text proposed by the Commission

(a) ***it is likely, despite any*** mitigation measures that the provider may have taken or will take, that the service is ***used***, to an appreciable extent for the dissemination of known child sexual abuse material;

Amendment

(a) ***the*** mitigation measures that the provider may have taken or will take, ***have insufficient material impact on limiting the systemic risk and*** that the service is ***being used by suspect or suspects***, to an appreciable extent, for the dissemination of known child sexual abuse material;

Amendment 154

Proposal for a regulation Article 7 – paragraph 5 – point b

Text proposed by the Commission

(b) there is evidence of the service, ***or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order***, having been used in the past 12 months ***and to an appreciable extent*** for the dissemination of known child sexual abuse material.

Amendment

(b) there is evidence of the service having been used in the past 12 months ***by one or more suspects*** for the dissemination of known child sexual abuse material.

Amendment 155

Proposal for a regulation Article 7 – paragraph 6 – introductory part

Text proposed by the Commission

6. ***As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:***

Amendment

deleted

Amendment 156

Proposal for a regulation Article 7 – paragraph 6 – point a

Text proposed by the Commission

(a) ***it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the dissemination of new child sexual abuse material;***

Amendment

deleted

Amendment 157

Proposal for a regulation

Article 7 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) *there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the dissemination of new child sexual abuse material;* **deleted**

Amendment 158

Proposal for a regulation

Article 7 – paragraph 6 – point c – introductory part

Text proposed by the Commission

Amendment

(c) *for services other than those enabling the live transmission of pornographic performances as defined in Article 2, point (e), of Directive 2011/93/EU:* **deleted**

Amendment 159

Proposal for a regulation

Article 7 – paragraph 6 – point c – point 1

Text proposed by the Commission

Amendment

(1) *a detection order concerning the dissemination of known child sexual abuse material has been issued in respect of the service;* **deleted**

Amendment 160

Proposal for a regulation

Article 7 – paragraph 6 – point c – point 2

Text proposed by the Commission

Amendment

(2) the provider submitted a significant number of reports concerning known child sexual abuse material, detected through the measures taken to execute the detection order referred to in point (1), pursuant to Article 12. *deleted*

Amendment 161

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met: *deleted*

Amendment 162

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the provider qualifies as a provider of interpersonal communication services; *deleted*

Amendment 163

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the solicitation of children;* *deleted*

Amendment 164

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) *there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.* *deleted*

Amendment 165

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The detection orders concerning the solicitation of children shall apply only to interpersonal communications where one of the users is a child user. *deleted*

Amendment 166

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

The Coordinating Authority of

The Coordinating Authority of

establishment when requesting the issuance of detection orders, and the competent judicial *or independent administrative authority* when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the *significant* risk referred to in point (a) thereof.

establishment when requesting the issuance of detection orders, and the competent judicial when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary *and proportionate* to effectively address the *systemic* risk referred to in point (a) thereof, *while not jeopardising the security of communication as referred to in Article 6a*.

Amendment 167

Proposal for a regulation Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

To that *aim*, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

Amendment

To that *end*, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

Amendment 168

Proposal for a regulation Article 7 – paragraph 8 – subparagraph 3 – point b

Text proposed by the Commission

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to

Amendment

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to

those listed in Article 10(4), **(5) and (6)** are provided for;

those listed in Article 10(4) **and (5)** are provided for;

Amendment 169

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point c

Text proposed by the Commission

Amendment

(c) subject to paragraph 9, the period of application remains limited to what is strictly necessary.

(c) subject to paragraph 9, the period of application remains limited to what is strictly necessary **and proportionate**;

Amendment 170

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) under no circumstances does the detection order require providers of interpersonal communications services to access the content of communications or make provision for methods to access these communications or to compromise their encryption.

Amendment 171

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

Amendment

The competent judicial **authority or independent administrative** authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

The competent judicial authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

Amendment 172

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 3

Text proposed by the Commission

The period of application of detection orders concerning the dissemination of known *or new* child sexual abuse material shall not exceed 24 months *and that of detection orders concerning the solicitation of children shall not exceed 12 months.*

Amendment

The period of application of detection orders concerning the dissemination of known child sexual abuse material shall *be proportionate, taking all relevant factors into account, and* not exceed 24 months.

Amendment 173

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent judicial *authority or independent administrative* authority shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

Amendment

1. The competent judicial authority shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

Amendment 174

Proposal for a regulation

Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) information regarding the measures to be taken to execute the detection order, including the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards *as referred to in Article 7(8)*;

Amendment

(a) information regarding the *targeted and proportionate* measures to be taken to execute the detection order, including the *specific user or group of users concerned*, indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards *to protect the rights and*

legitimate interests of all users affected by the detection order;

Amendment 175

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) identification details of the competent judicial *authority or the independent administrative* authority issuing the detection order and authentication of the detection order by that judicial *or independent administrative* authority;

Amendment

(b) identification details of the competent judicial authority issuing the detection order and authentication of the detection order by that judicial authority;

Amendment 176

Proposal for a regulation

Article 8 – paragraph 1 – point d

Text proposed by the Commission

(d) the specific service in respect of which the detection order is issued and, where applicable, the part or component of the service affected as referred to in Article 7(8);

Amendment

(d) the specific service *and content* in respect of which the detection order is issued and, where applicable, the part or component of the service affected as referred to in Article 7(8);

Amendment 177

Proposal for a regulation

Article 8 – paragraph 1 – point e

Text proposed by the Commission

(e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material *or the solicitation of children*;

Amendment

(e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material;

Amendment 178

Proposal for a regulation

Article 8 – paragraph 1 – point f

Text proposed by the Commission

(f) the start date and the end date of the detection order;

Amendment

(f) the ***territorial scope and*** start date and the end date of the detection order;

Amendment 179

Proposal for a regulation

Article 8 – paragraph 1 – point g

Text proposed by the Commission

(g) a sufficiently detailed statement of reasons explaining why the detection order is issued;

Amendment

(g) a sufficiently detailed statement of reasons explaining why the detection order is issued, ***including grounds justifying the order;***

Amendment 180

Proposal for a regulation

Article 8 – paragraph 1 – point i

Text proposed by the Commission

(i) the date, time stamp and electronic signature of the judicial ***or independent administrative*** authority issuing the detection order;

Amendment

(i) the date, time stamp and electronic signature of the judicial authority issuing the detection order;

Amendment 181

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The competent judicial **authority or independent administrative** authority issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment

The competent judicial authority issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment 182

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The detection order shall be transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

Amendment

The detection order shall be **securely** transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

Amendment 183

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. If the provider cannot execute the detection order because it contains manifest errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex II.

Amendment

3. If the provider cannot execute the detection order because it contains manifest errors, **or it is disproportionate**, or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary **correction or** clarification to the Coordinating Authority of establishment, using the template set out in Annex II.

Amendment 184

Proposal for a regulation Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Notification mechanism

- 1. Without prejudice to Article 16 of Regulation (EU) 2022/2065, relevant information society service providers shall establish mechanisms or use existing mechanisms that allow users to notify them of the presence on their service of specific content or activities that the user considers to be potential child sexual abuse, in particular of new child sexual abuse material and solicitation of children for sexual purposes.***
- 2. Those mechanisms shall be easy to access, user- and child-friendly, and allow for the submission of the notification exclusively by electronic means.***
- 3. Providers shall ensure that such notices are processed effectively without undue delay.***
- 4. Where the notification contains an electronic contact information of the individual or entity that submitted it, the provider of the relevant information society services shall, without undue delay, send a confirmation of receipt of the notification and inform the user of its decision and actions taken in relation to the notification.***

Amendment 185

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the competent judicial authority **or independent administrative authority** that issued the detection order.

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the competent judicial authority that issued the detection order.

Amendment 186

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

When the detection order becomes final, the competent judicial **authority or independent administrative** authority that issued the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment

When the detection order becomes final, the competent judicial authority that issued the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment 187

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Those reports shall include a detailed description of the measures taken to

Amendment

Those reports shall include a detailed description of the measures taken to

execute the detection order, including the safeguards provided, and information on the functioning in practice of those measures, in particular on their effectiveness in detecting the dissemination of known or new child sexual abuse material *or the solicitation of children, as applicable*, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

execute the detection order, including the safeguards provided, and information on the functioning in practice of those measures, in particular on their effectiveness in detecting the dissemination of known or new child sexual abuse material, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

Amendment 188

Proposal for a regulation Article 9 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In respect of the detection orders that the competent judicial *authority or independent administrative* authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether the conditions of Article 7(4) continue to be met. In that regard, it shall take account of additional mitigation measures that the provider may take to address the significant risk identified at the time of the issuance of the detection order.

Amendment

In respect of the detection orders that the competent judicial authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether the conditions of Article 7(4) continue to be met. In that regard, it shall take account of additional mitigation measures that the provider may take to address the significant risk identified at the time of the issuance of the detection order.

Amendment 189

Proposal for a regulation Article 9 – paragraph 4 – subparagraph 2

Text proposed by the Commission

That Coordinating Authority shall request to the competent judicial *authority or*

Amendment

That Coordinating Authority shall request to the competent judicial authority that

independent administrative authority that issued the detection order the modification or revocation of such order, where necessary in the light of the outcome of that assessment. The provisions of this Section shall apply to such requests, *mutatis mutandis*.

issued the detection order the modification or revocation of such order, where necessary in the light of the outcome of that assessment. The provisions of this Section shall apply to such requests, *mutatis mutandis*.

Amendment 190

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it ***by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided*** by the EU Centre in accordance with Article 46.

Amendment

1. Providers of hosting services and providers of ***number-independent*** interpersonal communication services that have received a detection order shall execute it ***using, if necessary, specific technologies approved for this purpose*** by the EU Centre in accordance with Article 46.

Amendment 191

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order. ***The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU***

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order.

Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Amendment 192

Proposal for a regulation

Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) effective in detecting the dissemination of known or new child sexual abuse material *or the solicitation of children, as applicable*;

Amendment

(a) effective in *collecting evidence and* detecting the dissemination of known or new child sexual abuse material *online*;

Amendment 193

Proposal for a regulation

Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) not be able to extract any other information from the relevant communications than the information strictly necessary *to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable*;

Amendment

(b) *able to ensure that the processing is limited to what is strictly necessary and* not be able to extract any other information from the relevant communications than the information strictly necessary *for the purpose of detecting, reporting and removing* child sexual abuse material;

Amendment 194

Proposal for a regulation

Article 10 – paragraph 3 – point c

Text proposed by the Commission

(c) in accordance with the state of the art ***in the industry*** and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Amendment

(c) in accordance with the ***technological*** state of the art and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Amendment 195

Proposal for a regulation
Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) sufficiently reliable, ***in that they limit to the maximum extent possible the rate of errors regarding the detection.***

Amendment

(d) sufficiently reliable ***and able to distinguish between lawful and unlawful content without the need for any independent human assessment;***

Amendment 196

Proposal for a regulation
Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) to limit to the maximum extent possible the rate of errors regarding the detection and where such errors occur, their consequences are rectified without delay;

Amendment 197

Proposal for a regulation
Article 10 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) to respect the confidentiality of communications enshrined in Article 7 of the Charter of Fundamental Rights of the European Union and without jeopardising the security of communication as referred to in Article 6a;

Amendment 198

Proposal for a regulation Article 10 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, insofar as strictly necessary to execute the detection orders addressed to them;

4. The issuing authority shall take all the necessary measures to ensure that the technologies specified in detection orders and indicators are proportionate and strictly necessary for the sole purpose of detecting the dissemination of known or new child sexual abuse material;

Amendment 199

Proposal for a regulation Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The provider shall:
(a) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including unauthorised access to, and unauthorised transfers of,

such personal data and other data;

(b) ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors are detected, human intervention;

(c) ensure effective internal procedures and safeguards to prevent general monitoring, surveillance and espionage;

(d) establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

(e) inform the Coordinating Authority, as appropriate, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

(f) regularly review the functioning of the measures referred to in points (a)- (d) of this paragraph and adjust them where necessary to ensure that the requirements set out therein are met, as well as document the review process and the outcomes thereof and include that information in the report referred to in Article 9(3).

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

(a) the fact that it operates technologies to detect online child sexual abuse to execute the detection order, the ways in which it operates those technologies **and the impact on the confidentiality of users' communications**;

Amendment

(a) the fact that it operates technologies to detect online child sexual abuse to execute the detection order **and** the ways in which it operates those technologies;

Amendment 201

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

6. ***Where a provider detects potential online child sexual abuse through the measures taken to execute the detection order, it shall inform the users concerned without undue delay, after Europol or the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.***

Amendment

deleted

Amendment 202

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, ***may issue guidelines*** on the

Amendment

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, ***shall be empowered to adopt***

application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

a delegated act on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Amendment 203

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. Where a provider of hosting services or a provider of interpersonal communications services *becomes aware* in any manner other than through a removal order issued in accordance with this Regulation of *any information indicating potential* online child sexual abuse on its services, it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment

1. Where a provider of hosting services or a provider of *number-independent* interpersonal communications services *obtains* in any manner other than through a removal order issued in accordance with this Regulation *actual knowledge* of online child sexual abuse *content* on its services, *or becomes aware of facts or circumstances from which the existence of such content is apparent*, it shall promptly submit a report thereon to the *competent law enforcement authorities and to the EU Centre* in accordance with Article 13 *and it shall expeditiously remove such content*. It shall do so through the system established in accordance with Article 39(2).

Amendment 204

Proposal for a regulation Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned, providing information on the main content of the report, on the manner in which the provider has become

Amendment

Where the provider submits a report pursuant to paragraph 1, it shall *request from the competent law enforcement authorities or the EU Centre an authorisation to* inform the user

aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

concerned, ***which shall reply without undue delay, at maximum within two days. The notification to the user shall include*** providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Amendment 205

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

3. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service.

Amendment

3. The provider shall establish and operate an ***easily found, accessible, effective***, age-appropriate and user-friendly mechanism that allows users to ***easily*** flag to the provider potential online child sexual abuse on the service, ***including self-reporting of self-generated content. Those mechanisms shall allow for the submission of notices anonymously and by electronic means and for a clear indication of the exact electronic location of that information. The providers shall process any notices that they receive under the mechanisms referred to in this paragraph in a timely, diligent, non-arbitrary and objective manner.***

Amendment 206

Proposal for a regulation Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Amendment 207

**Proposal for a regulation
Article 13 – paragraph 1 – point c**

Text proposed by the Commission

(c) **all** content data, including images, videos **and text**;

Amendment

(c) content data **being reported**, including images **and** videos;

Amendment 208

**Proposal for a regulation
Article 13 – paragraph 1 – point d**

Text proposed by the Commission

(d) **all available** data other than content data related to the potential online child sexual abuse;

Amendment

(d) **available and relevant** data other than content data related to the potential online child sexual abuse, **in line with Regulation (EU) 2016/679**;

Amendment 209

**Proposal for a regulation
Article 13 – paragraph 1 – point e**

Text proposed by the Commission

(e) whether the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material

Amendment

(e) whether the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material;

or the solicitation of children;

Amendment 210

Proposal for a regulation Article 13 – paragraph 1 – point f

Text proposed by the Commission

(f) *information concerning the geographic location related to the potential online child sexual abuse, such as the Internet Protocol address;*

Amendment

(f) *a clear indication of the exact electronic location of the child sexual abuse material and, where necessary, additional information enabling the identification of such material;*

Amendment 211

Proposal for a regulation Article 13 – paragraph 1 – point g

Text proposed by the Commission

(g) information concerning the identity of *any user* involved in the potential online child sexual abuse;

Amendment

(g) information concerning the identity of *users suspected to be* involved in the potential online child sexual abuse; *the report shall not contain information about the identity of the person to whom the content relates;*

Amendment 212

Proposal for a regulation Article 13 – paragraph 1 – point h

Text proposed by the Commission

(h) whether *the provider has also reported, or will also report*, the potential online child sexual abuse to a public authority or other entity competent to receive such reports of a third country and if so, which authority or entity;

Amendment

(h) *an indication* whether the potential online child sexual abuse *was reported* to a public authority or other entity competent to receive such reports of a third country and if so, which authority or entity;

Amendment 213

Proposal for a regulation

Article 13 – paragraph 1 – point i

Text proposed by the Commission

(i) where the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material, whether the provider has removed or disabled access to the material;

Amendment

(i) where the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material, ***information on the actions taken by the provider and*** whether the provider has removed or disabled access to the material;

Amendment 214

Proposal for a regulation

Article 13 – paragraph 1 – point j

Text proposed by the Commission

(j) whether the provider considers that the report requires urgent action;

Amendment

(j) ***an indication*** whether the provider considers that the report requires urgent action;

Amendment 215

Proposal for a regulation

Article 13 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) information on how the provider has become aware of the reported online child sexual abuse;

Amendment 216

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial **authority** of the Member State that designated it **or another independent administrative authority of that Member State** to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts **or other independent administrative authorities referred to in Article 36(1)** identified as constituting child sexual abuse material.

Amendment 217

**Proposal for a regulation
Article 14 – paragraph 2**

Text proposed by the Commission

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof.

Amendment 218

**Proposal for a regulation
Article 14 – paragraph 2 a (new)**

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial **authorities** of the Member State that designated it to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts identified as constituting child sexual abuse material.

Amendment

2. The provider shall execute the removal order as soon as possible and in any event within **the timeframe indicated in the order or, if no timeframe is indicated, within** 24 hours of receipt thereof. **For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider.**

Text proposed by the Commission

Amendment

2a. *Before issuing a removal order, the judicial authorities of establishment shall take all reasonable measures to ensure that implementing the order does not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.*

Amendment 219

Proposal for a regulation

Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The competent judicial ***authority or the independent administrative*** authority shall issue a removal order using the template set out in Annex IV. Removal orders shall include:

3. The competent judicial authority shall issue a removal order using the template set out in Annex IV. Removal orders shall include:

Amendment 220

Proposal for a regulation

Article 14 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) identification details of the judicial ***or independent administrative*** authority issuing the removal order and authentication of the removal order by that authority;

(a) identification details of the judicial authority issuing the removal order and authentication of the removal order by that authority;

Amendment 221

Proposal for a regulation

Article 14 – paragraph 3 – point h

Text proposed by the Commission

(h) the date, time stamp and electronic signature of the judicial ***or independent administrative*** authority issuing the removal order;

Amendment

(h) the date, time stamp and electronic signature of the judicial authority issuing the removal order;

Amendment 222

Proposal for a regulation

Article 14 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The judicial authority ***or the independent administrative*** issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment

The judicial authority issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment 223

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority ***or independent administrative authority*** that issued the removal order.

Amendment

1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority that issued the removal order.

Amendment 224

Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If the order is modified or repealed as a result of a redress procedure, the provider shall take the necessary measures as soon as possible to comply with the modified or repealed order.

Amendment 225

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

When the removal order becomes final, the competent judicial ***authority or independent administrative*** authority that issued the removal order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

When the removal order becomes final, the competent judicial authority that issued the removal order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment 226

Proposal for a regulation
Article 15 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) the reasons for the removal or disabling, providing a copy of the removal order ***upon the user's request***;

(b) the reasons for the removal or disabling, providing a copy of the removal order;

Amendment 227

Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment may request, when requesting the judicial ***authority or independent administrative*** authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of or disabling of access to the child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment

The Coordinating Authority of establishment may request, when requesting the judicial authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of or disabling of access to the child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment 228

Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

(a) the judicial ***authority or independent administrative*** authority issuing the removal order shall set the time period not longer than necessary and not exceeding six weeks, during which the provider is not to disclose such information;

Amendment

(a) the judicial authority issuing the removal order shall set the time period not longer than necessary and not exceeding six weeks, during which the provider is not to disclose such information;

Amendment 229

Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

(c) that judicial ***authority or***

Amendment

(c) that judicial authority shall inform

independent administrative authority shall inform the provider of its decision, specifying the applicable time period.

the provider of its decision, specifying the applicable time period.

Amendment 230

Proposal for a regulation Article 15 – paragraph 4 – subparagraph 3

Text proposed by the Commission

That judicial ***authority or independent administrative*** authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority ***or independent administrative authority*** shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.

Amendment

That judicial authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.

Amendment 231

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, ***the necessary activities*** to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking or reporting online child sexual abuse in accordance with those requirements.

Amendment

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith ***and in a diligent manner, voluntary own-initiative investigations or take other measures*** to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking or reporting online child sexual abuse in accordance with those requirements.

Amendment 232

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

1. Providers of relevant information society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation.

Amendment

1. Providers of relevant information society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation. ***The single point of contact shall allow for direct communication with the users of the service for issues related to this Regulation.***

Amendment 233

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

1. Providers of relevant information society services which do not have their main establishment in the Union shall designate, in writing, a natural or legal person as its legal representative in the Union.

Amendment

1. Providers of relevant information society services which do not have their main establishment in the Union, ***but which offer services in the Union,*** shall designate, in writing, a natural or legal person as its legal representative in the Union.

Amendment 234

Proposal for a regulation Article 24 – paragraph 6

Text proposed by the Commission

6. The provider shall notify the name,

Amendment

6. The provider shall notify the name,

address, the electronic mail address and telephone number of its legal representative designated pursuant to paragraph 1 to the Coordinating Authority in the Member State where that legal representative resides or is established, and to the EU Centre. They shall ensure that that information is up to date and publicly available.

postal address, the electronic mail address and telephone number of its legal representative designated pursuant to paragraph 1 to the Coordinating Authority in the Member State where that legal representative resides or is established, and to the EU Centre. They shall ensure that that information is up to date and publicly available.

Amendment 235

Proposal for a regulation Article 25 – paragraph 5

Text proposed by the Commission

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement of this Regulation in that Member State. Member States shall make the information on the contact point publicly available and communicate it to the EU Centre. They shall keep that information updated.

Amendment

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to *efficiently* handle requests for clarification, feedback and other communications in relation to all matters related to the *objective*, application and enforcement of this Regulation in that Member State, *including communication with trusted organisations providing assistance to victims, education and awareness raising*. Member States shall make the information on the contact point publicly available and communicate it to the EU Centre. They shall keep that information updated.

Amendment 236

Proposal for a regulation Article 25 – paragraph 7 – introductory part

Text proposed by the Commission

7. Coordinating Authorities may, where necessary for the performance of their tasks under this Regulation, request

Amendment

7. Coordinating Authorities may, where necessary for the performance of their tasks under this Regulation, request

the assistance of the EU Centre in carrying out those tasks, *in particular by requesting the EU Centre* to:

the assistance of the EU Centre in carrying out those tasks to:

Amendment 237

Proposal for a regulation Article 25 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) *assist in assessing, in accordance with Article 5(2), the risk assessment conducted or updated or the mitigation measures taken by a provider of hosting or interpersonal communication services under the jurisdiction of the Member State that designated the requesting Coordinating Authority;*

deleted

Amendment 238

Proposal for a regulation Article 25 – paragraph 7 – point d

Text proposed by the Commission

Amendment

(d) *verify the effectiveness of a detection order or a removal order issued upon the request of the requesting Coordinating Authority.*

(d) *help with regard to risk assessments, mitigation measures and orders.*

Amendment 239

Proposal for a regulation Article 25 – paragraph 8

Text proposed by the Commission

Amendment

8. The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this

8. The EU Centre shall provide such assistance, *without undue delay*, free of charge and in accordance with its tasks and

Regulation *and insofar as its resources and priorities allow.*

obligations under this Regulation.

Amendment 240

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected. Member States shall **ensure that** their Coordinating Authorities **have adequate** technical, financial and human resources to carry out their tasks.

Amendment

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected. Member States shall **provide** their Coordinating Authorities **with all necessary resources, including sufficient** technical, financial and human resources to **efficiently** carry out their tasks.

Amendment 241

Proposal for a regulation Article 26 – paragraph 2 – point a

Text proposed by the Commission

(a) are **legally and functionally** independent **from any other public authority**;

Amendment

(a) are independent;

Amendment 242

Proposal for a regulation Article 26 – paragraph 2 – point e

Text proposed by the Commission

(e) **are not charged with tasks relating**

Amendment

deleted

to the prevention or combating of child sexual abuse, other than their tasks under this Regulation.

Amendment 243

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

3. Paragraph 2 shall not prevent supervision of the Coordinating Authorities in accordance with national constitutional law, to the extent that such supervision does not affect their independence as required under this Regulation.

Amendment

3. Paragraph 2 shall not prevent supervision of the Coordinating Authorities in accordance with national constitutional law, ***or coordination with public authorities responsible for combatting child sexual abuse*** to the extent that such supervision ***and coordination*** does not affect their independence as required under this Regulation.

Amendment 244

Proposal for a regulation Article 26 – paragraph 4

Text proposed by the Commission

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience and technical skills to perform their duties.

Amendment

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience, ***integrity*** and technical skills to perform their duties.

Amendment 245

Proposal for a regulation Article 26 – paragraph 5

Text proposed by the Commission

5. The management and other staff of

Amendment

5. ***Without prejudice to national or***

the Coordinating Authorities shall, in accordance with Union or national law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks. Member States shall ensure that the management and other staff are subject to rules guaranteeing that they can carry out their tasks in an objective, impartial and independent manner, in particular as regards their appointment, dismissal, remuneration and career prospects.

Union legislation on whistle-blower protection, the management and other staff of the Coordinating Authorities shall, in accordance with Union or national law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks. Member States shall ensure that the management and other staff are subject to rules guaranteeing that they can carry out their tasks in an objective, impartial and independent manner, in particular as regards their appointment, dismissal, remuneration and career prospects.

Amendment 246

Proposal for a regulation Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) the power to carry out ***on-site*** inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Amendment

(b) the power to carry out, ***or to request a judicial authority in their Member States to order*** inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Amendment 247

Proposal for a regulation Article 27 – paragraph 1 – point d

Text proposed by the Commission

(d) the power to request information, ***including*** to assess whether the measures taken ***to execute a detection order, removal order or blocking order*** comply with the requirements of this Regulation.

Amendment

(d) the power to request information and to assess whether the measures taken comply with the requirements of this Regulation.

Amendment 248

Proposal for a regulation

Article 28 – paragraph 1 – point b

Text proposed by the Commission

(b) the power to order the cessation of infringements of this Regulation and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;

Amendment

(b) the power to order ***specific measures to bring about*** the cessation of infringements of this Regulation and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;

Amendment 249

Proposal for a regulation

Article 29 – paragraph 1 – point b

Text proposed by the Commission

(b) the infringement persists;

Amendment

(b) the infringement persists ***and***;

Amendment 250

Proposal for a regulation

Article 29 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) request the competent judicial ***authority or independent administrative***

Amendment

(b) request the competent judicial authority of the Member State that

authority of the Member State that designated the Coordinating Authority to order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

designated the Coordinating Authority to order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

Amendment 251

Proposal for a regulation

Article 29 – paragraph 4 – subparagraph 3 – point a

Text proposed by the Commission

(a) the provider has failed to take the necessary measures to terminate the infringement;

Amendment

(a) the provider has failed to take the necessary ***and proportionate*** measures to terminate the infringement;

Amendment 252

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27, 28 and 29 is subject to adequate safeguards laid down in the applicable national law ***to respect the fundamental rights of all parties affected***. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

Amendment

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27, 28 and 29 is subject to adequate safeguards, ***specific rules and procedures*** laid down in the applicable national law, ***in compliance with the Charter and with the general principles of Union law***. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

Amendment 253

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

Coordinating Authorities shall have the power to carry out searches on publicly accessible material **on hosting services** to detect the dissemination of **known or new** child sexual abuse material, using the indicators contained in the databases referred to in Article 44(1), **points** (a) and (b), **where necessary to verify whether** the providers of hosting services under the jurisdiction of the Member State that designated the Coordinating Authorities **comply with their** obligations under this Regulation.

Amendment

Coordinating Authorities shall have the power to carry out searches on publicly accessible material to detect the dissemination of child sexual abuse material, using the indicators contained in the databases referred to in Article 44(1), **point** (a) and (b), **in relation to** the providers of hosting services under the jurisdiction of the Member State that designated the Coordinating Authorities **and the** obligations under this Regulation.

Amendment 254

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

Coordinating Authorities shall have the power to notify providers of hosting services under the jurisdiction of the Member State that designated them of the presence on their service of one or more specific items of known child sexual abuse material and to request them to remove or disable access to that item or those items, **for the providers' voluntary consideration.**

Amendment

Coordinating Authorities shall have the power to notify providers of hosting services under the jurisdiction of the Member State that designated them of the presence on their service of one or more specific items of known child sexual abuse material and to request them to remove or disable access to that item or those items.

Amendment 255

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

The request shall clearly set out the identification details of the Coordinating Authority making the request and information on its contact point referred to in Article 25(5), the necessary information for the identification of the item or items of known child sexual abuse material concerned, as well as the reasons for the request. ***The request shall also clearly state that it is for the provider's voluntary consideration.***

Amendment

The request shall clearly set out the identification details of the Coordinating Authority making the request and information on its contact point referred to in Article 25(5), the necessary information for the identification of the item or items of known child sexual abuse material concerned, as well as the reasons for the request.

Amendment 256

**Proposal for a regulation
Article 32 a (new)**

Text proposed by the Commission

Amendment

Article 32a

Public awareness campaigns

Coordinating Authorities shall, in coordination with the EU Centre, increase public awareness regarding the nature of the problem of online child sexual abuse material, how to seek assistance, and how to work with providers of relevant information society services to remove content and coordinate victim identification efforts undertaken in collaboration with existing victim identification programmes. Coordinating Authorities and the EU Centre shall regularly carry out public awareness campaigns to inform about victims' rights and measures to prevent and combat child sexual abuse and how to seek child-friendly and age appropriate reporting and assistance.

Amendment 257

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

Amendment

1. Users ***and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf*** shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

Amendment 258

Proposal for a regulation
Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. During these proceedings, both parties shall have the right to be heard and receive appropriate information about the status of the complaint, in accordance with national law.

Amendment 259

Proposal for a regulation
Article 34 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority receiving the complaint shall assess the complaint and, where appropriate, transmit it to the Coordinating Authority of establishment.

Amendment

The Coordinating Authority receiving the complaint shall assess the complaint and, where appropriate, transmit it to the Coordinating Authority of establishment ***accompanied, where considered appropriate, by an opinion.***

Amendment 260

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the maximum amount of penalties imposed for an infringement of this Regulation shall not exceed 6 % of the annual **income or global** turnover of the preceding business year of the provider.

Amendment

2. Member States shall ensure that the maximum amount of penalties imposed for an infringement of this Regulation shall not exceed 6 % of the annual **worldwide** turnover of the preceding business year of the provider.

Amendment 261

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed 1% of the annual income or **global** turnover of the preceding business year of the provider or the other person referred to in Article 27.

Amendment

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed 1% of the annual income or **worldwide** turnover of the preceding business year of the provider or the other person referred to in Article 27.

Amendment 262

Proposal for a regulation Article 35 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily **global** turnover of the

Amendment

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily **worldwide** turnover of the

provider or the other person referred to in Article 27 in the preceding financial year per day, calculated from the date specified in the decision concerned.

provider or the other person referred to in Article 27(1)(a) in the preceding financial year per day, calculated from the date specified in the decision concerned.

Amendment 263

Proposal for a regulation Article 35 – paragraph 5 – point c

Text proposed by the Commission

(c) any previous infringements by the provider or the other person;

Amendment

(c) any previous infringements by the provider or the other person, *referred to in Article 27(1)(a)*;

Amendment 264

Proposal for a regulation Article 35 – paragraph 5 – point d

Text proposed by the Commission

(d) the financial strength of the provider or the other person;

Amendment

(d) the financial strength of the provider or the other person, *referred to in Article 27(1)(a)*;

Amendment 265

Proposal for a regulation Article 35 – paragraph 5 – point e

Text proposed by the Commission

(e) the level of cooperation of the provider or the other person;

Amendment

(e) the level of cooperation of the provider or the other person, *referred to in Article 27(1)(a)*;

Amendment 266

Proposal for a regulation Article 35 – paragraph 5 – point g

Text proposed by the Commission

Amendment

(g) the degree of fault of the provider or other person, taking into account the technical and organisational measures taken by it to comply with this Regulation.

(g) the degree of fault of the provider or other person, ***referred to in Article 27(1)(a)***, taking into account the technical and organisational measures taken by it to comply with this Regulation.

Amendment 267

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) specific items of material and transcripts of conversations that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material or the solicitation of children, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

(a) specific items of material and transcripts of conversations ***related to a specific person, specific group of people, or specific incident*** that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material or the solicitation of children, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

Amendment 268

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) exact uniform resource locators indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual

(b) exact uniform resource locators indicating specific items of material ***related to a specific person, specific group of people, or specific incident*** that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member

abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

Amendment 269

Proposal for a regulation Article 36 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, the transcripts of conversations identified as the solicitation of children, and the uniform resource locators, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the ***encrypted copies of*** material identified as child sexual abuse material, the transcripts of conversations ***related to a specific person, specific group of people or specific incident*** identified as the solicitation of children, and the uniform resource locators, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment 270

Proposal for a regulation Article 37 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the Commission has reasons to

Amendment

Where, the Commission has reasons to

suspect that a provider of relevant information society services infringed this Regulation in a manner involving at least three Member States, it may recommend that the Coordinating Authority of establishment assess the matter and take the necessary *investigatory and enforcement* measures to ensure compliance with this Regulation.

suspect that a provider of relevant information society services infringed this Regulation in a manner involving at least three Member States, it may recommend that the Coordinating Authority of establishment assess the matter and take the necessary measures to ensure compliance with this Regulation.

Amendment 271

Proposal for a regulation Article 37 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment shall assess the suspected infringement, taking into *utmost* account the request or recommendation referred to in paragraph 1.

Amendment

The Coordinating Authority of establishment shall assess the suspected infringement, taking into account the request or recommendation referred to in paragraph 1.

Amendment 272

Proposal for a regulation Article 37 – paragraph 4

Text proposed by the Commission

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, or the Commission, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, *an explanation* of the investigatory or enforcement measures taken or envisaged in relation thereto to

Amendment

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, or the Commission, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, *details* of the investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance

ensure compliance with this Regulation.

with this Regulation.

Amendment 273

Proposal for a regulation Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Coordinating Authorities may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

Amendment

Coordinating Authorities ***shall exchange best practice standards and guidance on the detection and removal of child sexual abuse material and*** may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

Amendment 274

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment

1. Coordinating Authorities shall ***efficiently*** cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, ***hotlines and help-lines***, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment 275

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Amendment

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, **hotlines and help-lines**, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Amendment 276

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

3. The Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Amendment

3. The Coordinating Authorities, **hotlines and help-lines**, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Amendment 277

Proposal for a regulation
Article 39 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the EU Centre receives a report from a hotline, or where a provider that submitted the report to the EU Centre has indicated that the report is based on the information received from a hotline, the EU Centre shall coordinate with the

relevant Coordinating Authorities in order to avoid duplicated reporting on the same material that has already been reported to the national law enforcement authorities by the hotlines and monitor the removal of the child sexual abuse material or cooperate with the relevant hotline to track the status.

Amendment 278

Proposal for a regulation

Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services, providers of interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre upon request:

Amendment

1. Providers of hosting services, providers of ***number-independent*** interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre ***and*** upon request ***to the public***:

Amendment 279

Proposal for a regulation

Article 83 – paragraph 1 – point a – indent 2

Text proposed by the Commission

— the ***error*** rates of the technologies deployed to detect online child sexual abuse ***and*** measures taken to prevent or remedy any errors;

Amendment

— the rates of ***false positives and false negatives of*** the technologies deployed to detect online child sexual abuse, measures taken to prevent or remedy any errors ***and steps taken to mitigate the harm caused by any inaccuracy***;

Amendment 280

Proposal for a regulation

Article 83 – paragraph 1 – point a – indent 3

Text proposed by the Commission

— in relation to complaints and cases submitted by users in connection to the measures taken to comply with the order, the number of complaints submitted directly to the provider, the number of cases brought before a judicial authority, the basis for those complaints and cases, the decisions taken in respect of those complaints and in those cases, the **average** time needed for taking those decisions and the number of instances where those decisions were subsequently reversed;

Amendment

— in relation to complaints and cases submitted by users in connection to the measures taken to comply with the order, the number of complaints submitted directly to the provider, the number of cases brought before a judicial authority, the basis for those complaints and cases, the decisions taken in respect of those complaints and in those cases, the **median** time needed for taking those decisions and the number of instances where those decisions were subsequently reversed;

Amendment 281

Proposal for a regulation

Article 83 – paragraph 1 – point b

Text proposed by the Commission

(b) the number of removal orders issued to the provider in accordance with Article 14 and the **average time needed** for removing or disabling access to the item or items of child sexual abuse material in question;

Amendment

(b) the number of removal orders issued to the provider in accordance with Article 14 and the **median time** for removing or disabling access to the item or items of child sexual abuse material in question, **counting from the moment the order entered the provider's system**;

Amendment 282

Proposal for a regulation

Article 83 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the number and duration of delayed removals, requested by competent authorities or law enforcement authorities for the integrity of the investigations;

Amendment 283

Proposal for a regulation Article 83 – paragraph 1 – point c

Text proposed by the Commission

(c) the total number of items of child sexual abuse material that the provider removed or to which it disabled access, broken down by whether the items were removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre or a third party or at the provider's own initiative;

Amendment

(c) the total number of items of child sexual abuse material that the provider removed or to which it disabled access, broken down by whether the items were removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre or a third party ***including a national hotline, a trusted flagger or a private individual*** or at the provider's own initiative;

Amendment 284

Proposal for a regulation Article 83 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the number of instances the provider was asked to provide additional support to law enforcement authorities in relation to content that was removed;

Amendment 285

Proposal for a regulation Article 83 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Coordinating Authorities shall collect data on the following topics and make that information available to the EU Centre upon request:

2. The Coordinating Authorities shall collect data on the following topics and make that information available to the EU Centre ***and*** upon request ***to the public***:

Amendment 286

Proposal for a regulation

Article 83 – paragraph 2 – point a – indent -1 (new)

Text proposed by the Commission

Amendment

- *the nature of the report and its key characteristics;*

Amendment 287

Proposal for a regulation

Article 83 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the most important and recurrent risks of online child sexual abuse, as reported by providers of hosting services and providers of interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

(b) the most important and recurrent risks of online child sexual abuse *encountered*, as reported by providers of hosting services and providers of *number-independent* interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

Amendment 288

Proposal for a regulation

Article 83 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove or disable access to the item or items of child sexual abuse material concerned, and the number of instances in which the provider invoked Article 14(5) and (6);

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove or disable access to the item or items of child sexual abuse material concerned, *including the time it took the Coordinating Authority to process the order* and the number of instances in which the provider invoked Article 14(5) and (6);

Amendment 289

Proposal for a regulation

Article 83 – paragraph 3 – introductory part

Text proposed by the Commission

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of or disabling of access to online child sexual abuse under this Regulation. The data shall ***be in particular on the following topics:***

Amendment

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of or disabling of access to online child sexual abuse under this Regulation. The data shall ***include:***

Amendment 290

Proposal for a regulation

Article 83 – paragraph 3 – point a

Text proposed by the Commission

(a) the number of indicators in the databases of indicators referred to in Article 44 and the ***development*** of that number as compared to previous years;

Amendment

(a) the number of indicators in the databases of indicators referred to in Article 44 and the ***change*** of that number as compared to previous years;

Amendment 291

Proposal for a regulation

Article 83 – paragraph 3 – point b

Text proposed by the Commission

(b) the number of submissions of child sexual abuse material and solicitation of children referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof and the number of uniform resource locators included in the list of uniform resource locators in accordance with Article 44(3);

Amendment

(b) the number of submissions of child sexual abuse material and solicitation of children referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof and the number of ***still active*** uniform resource locators included in the list of uniform resource locators in accordance with Article 44(3);

Amendment 292

Proposal for a regulation

Article 83 – paragraph 3 – point c

Text proposed by the Commission

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of **number-independent** interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment 293

Proposal for a regulation

Article 83 – paragraph 3 – point d

Text proposed by the Commission

(d) the online child sexual abuse to which the reports relate, including the number of items of potential **known and new** child sexual abuse material and instances of potential solicitation of children, the Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3), and type of relevant information society service that the reporting provider offers;

Amendment

(d) the online child sexual abuse to which the reports relate, including the number of items of potential child sexual abuse material and instances of potential solicitation of children, the Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3), and type of relevant information society service that the reporting provider offers;

Amendment 294

Proposal for a regulation

Article 83 – paragraph 3 – point e

Text proposed by the Commission

(e) the number of reports that the EU Centre considered manifestly unfounded, as referred to in Article 48(2);

Amendment

(e) the number of reports that the EU Centre considered ***unfounded or*** manifestly unfounded, as referred to in Article 48(2);

Amendment 295

**Proposal for a regulation
Article 83 – paragraph 4**

Text proposed by the Commission

4. The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Amendment

4. The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data ***stored*** referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Amendment 296

**Proposal for a regulation
Article 84 – paragraph 1**

Text proposed by the Commission

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by 31 January of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.

Amendment

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by 31 January of every year subsequent to the year to which the report relates, make the report available to the public ***in a machine-readable way*** and communicate it to the Coordinating Authority of establishment, the

Amendment 297

**Proposal for a regulation
Article 84 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. The annual report shall also include the following information:

(a) the number and subject matter of detection orders and removal orders to act against alleged online child sexual abuse and the number of notifications received in accordance with Article 32 and the effects given to those orders;

(b) the number of notifications and requests received pursuant to Article 8a and an overview of their follow-up;

(c) the number of users affected by detection and removal orders;

(d) information on the effectiveness of the different technologies used and on the false positive and false negative rates of those technologies, as well as statistics on appeals and the effect they have on the users of its services and information of the effectiveness of the measures and obligations under Articles 3, 4, 5 and 7;

(e) information on the tools used by the provider to become aware of the reported online child sexual abuse, including data and aggregate statistics on how technologies used by the provider work.

Amendment 298

**Proposal for a regulation
Article 85 – paragraph 1**

Text proposed by the Commission

1. By [five years after the entry into force of this Regulation], and every five years thereafter, the Commission shall evaluate this Regulation and submit a report on its application to the European Parliament and the Council.

Amendment

1. By [five years after the entry into force of this Regulation], and every five years thereafter, the Commission shall evaluate this Regulation and submit a report on its application to the European Parliament and the Council. ***The implementation report shall address, among others, the possible use of new technologies, their impact, effectiveness and accuracy for the purpose of combating online child sexual abuse. The report shall be accompanied, where appropriate, by an impact assessment and a legislative proposal.***

Amendment 299

**Proposal for a regulation
Article 85 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. By ... [two years after the entry into force of this Regulation] the Commission shall carry out an evaluation on the effectiveness of the detection order in relation to the amount of detected child sexual abuse material compared to the years before the entry into force of this Regulation. The Commission shall submit a report on its main findings to the European Parliament and the Council. The report shall be accompanied, where appropriate, by an impact assessment and a legislative proposal.

Amendment 300

**Proposal for a regulation
Article 86 – paragraph 2**

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 3, 8, 13, 14, 17, 47 and 84 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of adoption of the Regulation].

Amendment

2. The power to adopt delegated acts referred to in Articles 3, 8, 13, 14, 17, 47 and 84 shall be conferred on the Commission for ***a*** period of ***5 years*** from [date of adoption of the Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down rules to prevent and combat child sexual abuse		
References	COM(2022)0209 – C9-0174/2022 – 2022/0155(COD)		
Committee responsible Date announced in plenary	LIBE 12.9.2022		
Opinion by Date announced in plenary	IMCO 12.9.2022		
Associated committees - date announced in plenary	16.2.2023		
Rapporteur for the opinion Date appointed	Alex Agius Saliba 5.7.2022		
Discussed in committee	2.3.2023	25.4.2023	23.5.2023
Date adopted	29.6.2023		
Result of final vote	+: –: 0:	35 3 4	
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Biljana Borzan, Vlad-Marius Botoș, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Alexandra Geese, Maria Grapini, Svenja Hahn, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Kateřina Konečná, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Antonius Manders, Beata Mazurek, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Kim Van Sparrentak, Marion Walsmann		
Substitutes present for the final vote	Marco Campomenosi, Maria da Graça Carvalho, Geoffroy Didier, Francisco Guerreiro, Tsvetelina Penkova, Catharina Rinzema, Kosma Złotowski		
Substitutes under Rule 209(7) present for the final vote	Asger Christensen, Nicolás González Casares, Grzegorz Tobiszowski		

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
ECR	Eugen Jurzyca, Beata Mazurek, Grzegorz Tobiszowski, Kosma Złotowski
ID	Alessandra Basso, Marco Campomenosi, Virginie Joron
NI	Miroslav Radačovský
PPE	Pablo Arias Echeverría, Maria da Graça Carvalho, Deirdre Clune, Geoffroy Didier, Krzysztof Hetman, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Marion Walsmann
Renew	Vlad-Marius Botoș, Asger Christensen, Catharina Rinzeema
S&D	Alex Agius Saliba, Biljana Borzan, Nicolás González Casares, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose
The Left	Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, Alexandra Geese, Kim Van Sparrentak

3	-
PPE	Arba Kokalari
Renew	Andrus Ansip, Svenja Hahn

4	0
Renew	Dita Charanzová
The Left	Kateřina Konečná
Verts/ALE	David Cormand, Francisco Guerreiro

Key to symbols:

+ : in favour

- : against

0 : abstention

9.6.2023

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse.

(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

Rapporteur for opinion: Niclas Herbst

SHORT JUSTIFICATION

At least one in five children falls victim to sexual violence during childhood¹. A 2021 global study found that more than one in three respondents had been asked to do something sexually explicit online during their childhood, and over half had experienced a form of child sexual abuse online². Despite the fact that the sexual abuse and sexual exploitation of children and child sexual abuse materials are criminalised across the EU by the Child Sexual Abuse Directive³, adopted in 2011, the EU is currently still failing to protect children from sexual abuse, and that the online dimension represents a particular challenge.

In this context, the Commission proposal seeks to establish a clear and harmonised legal framework on preventing and combating online child sexual abuse. The Commission suggests establishing a new decentralised agency - the European Centre to prevent and counter child sexual abuse (the “EU Centre”) - to facilitate and support the implementation of its proposal and help remove obstacles to the internal market, especially in connection to the obligations of providers to detect online child sexual abuse, report it and remove child sexual abuse material.

Your Rapporteur welcomes the overarching aims of the proposal and is convinced that the EU Centre can be instrumental in implementation. Nevertheless, in line with his approach to decentralised agency files, he considers that the policy substance of the proposal should be dealt with by the lead committee.

As such, the draft opinion focuses on those areas where the Committee on Budgets can add value, therefore in particular on the financial provisions, governance rules and provisions relating to reporting and evaluation to ensure proper parliamentary scrutiny. Your Rapporteur assesses the proposal notably against the 2019 Schoepflin report⁴, the Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies of 19 July

¹ [One in Five Campaign](#), Council of Europe, 2010-2015.

² [Economist Impact survey](#) of more than 5,000 18-20 year olds in 54 countries, published in the [Global Threat Assessment, WeProtect Global Alliance, 2021](#).

³ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

⁴ https://www.europarl.europa.eu/doceo/document/TA-8-2019-0134_EN.html

2012 and the Common Approach⁵ and the Framework Financial Regulation governing decentralised agencies⁶.

Budgetary impact and financial provisions

According to the Commission proposal, the start-up phase for the establishment of the EU Centre will start in 2025 and last until 2029, with a total annual budget of EUR 28,5 million for the Centre in 2030 at cruising speed. The EU Centre would then have estimated annual staff of 113. The EU budget contribution is to come from the allocations in the Multi-annual Financial Framework (MFF) 2021-27 under the Internal Security Fund.

Your Rapporteur introduces a set of amendments in chapter IV of the proposal on the EU Centre:

- a) to oppose the Commission's intention of financing the additional resources for the agency in heading 5 through a compensatory reduction of the Internal Security Fund envelope.
- b) to emphasise the need for the agency to be resourced in a manner commensurate with its tasks and responsibilities and to have the necessary autonomy over contract agent recruitment, learning the lessons from the early staffing challenges of the European Public Prosecutor's Office. This is all the more relevant when looking at the Legislative Financial Statement accompanying the proposal which does not include financial support for infrastructure and operating expenditure such as rental or IT (Title 2), operational expenditure (Title 3) and does not include the impact of the correction coefficient in the Netherlands (110.3 in 2022) on staff expenditure (Title 1).
- c) to clarify the costs related to the contact officers which can be covered by the EU Centre.
- d) to clarify the content and the adoption procedure of the Single Programming Document, which includes crucial documents for the establishment, implementation and scrutiny of the budget of the EU Centre.

Governance, parliamentary scrutiny and evaluation

Your Rapporteur also introduces a number of amendments to ensure that all the provisions comply fully with the principles in the Common Approach and the Framework Financial Regulation.

This includes reallocating a number of tasks from the Executive Board to the Management Board and de facto removing the Commission's veto right over administrative and budgetary decisions. Autonomy in budgetary and administrative decision-making is key for the Agency's effectiveness.

AMENDMENTS

The Committee on Budgets calls on the Committee on Economic and Monetary Affairs and the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

⁵ <https://data.consilium.europa.eu/doc/document/ST-11450-2012-INIT/en/pdf>

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0715>

Amendment 1

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation.

Amendment

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat **online** child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation.

Amendment 2

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or

Amendment

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question **in a timely manner**. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and

disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities. .

Amendment 3

Proposal for a regulation Recital 59

Text proposed by the Commission

(59) To support the implementation of this Regulation and contribute to the achievement of its objectives, the EU Centre should serve as a central facilitator, carrying out a range of specific tasks. The performance of those tasks requires strong guarantees of independence, in particular from law enforcement authorities, ***as well as*** a governance structure ensuring the effective, efficient and coherent performance of its different tasks, ***and*** legal personality to be able to interact effectively with all relevant stakeholders. Therefore, it should be established as a decentralised Union agency.

Amendment

(59) To support the implementation of this Regulation and contribute to the achievement of its objectives, the EU Centre should serve as a central facilitator, carrying out a range of specific tasks. The performance of those tasks requires strong guarantees of independence, in particular from law enforcement authorities, a governance structure ensuring the effective, efficient and coherent performance of its different tasks, legal personality to be able to interact effectively with all relevant stakeholders ***and an autonomous budget***. Therefore, it should be established as a decentralised Union agency ***and provided with the necessary human and financial resources to fulfil the objectives, tasks and responsibilities assigned to it under this Regulation, including expenditure related to the making available of technologies and the costs related to the analysis of data samples undertaken for micro, small and medium enterprises. It should be mainly financed by a contribution from the general budget of the Union, with the necessary appropriations drawn exclusively from unallocated margins under the relevant heading of the Multiannual Financial Framework and/or through the mobilisation of the relevant special instruments. In order to***

ensure that the Agency can respond flexibly to human resource needs, it is in particular appropriate that it has autonomy regarding the recruitment of contract agents.

Amendment 4

Proposal for a regulation Recital 59 a (new)

Text proposed by the Commission

Amendment

Taking into consideration the central role of the EU Centre in the implementation of the Regulation and in view of the date of expiry of the interim Regulation on 3 August 2024, the EU Centre activities should start as soon as possible. The Commission should allocate an adequate level of resources for the quick establishment and initial operation of the EU Centre and provide commensurate assistance, including by seconding staff, to help the EU Centre reaching cruising speed in due time and no later than three years after the adoption of this Regulation.

Amendment 5

Proposal for a regulation Recital 66

Text proposed by the Commission

Amendment

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having

conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned to remove or disable access to the item or items in question, given that the provider may not be aware of their presence and may be willing to do so on a voluntary basis.

conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned to remove or disable access to the item or items in question, ***as soon as possible***, given that the provider may not be aware of their presence and may be willing to do so on a voluntary basis.

Amendment 6

Proposal for a regulation Recital 70 a (new)

Text proposed by the Commission

Amendment

(70a) The Union budget should provide complementary funding to ensure a high level of support and protection for child victims of sexual abuse, including through sufficient resources in dedicated funding programmes, and through the promotion of innovative solutions to improve the quality and accessibility of the needed services. The relevant programmes under the next Multiannual Financial Framework should contain sufficient financial and human resources to ensure sufficient funding for an adequate Union contribution to the proper implementation.

Amendment 7

Proposal for a regulation Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk assessment ***and compliant with***

the risk assessment.

available budgetary resources. The requests shall not impose either administrative or economic burden for those enterprises.

Amendment 8

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules on the determination and charging of those costs and the application of the exemption for micro, small and medium-sized enterprises.

Amendment

The Commission shall be empowered to adopt delegated acts *as soon as possible* in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules on the determination and charging of those costs and the application of the exemption for micro, small and medium-sized enterprises.

Amendment 9

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Amendment

1. Providers of hosting services shall provide reasonable assistance, on request, *in a timely manner*, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Amendment 10

Proposal for a regulation

Article 43 – paragraph 1 – point 1 – point a

Text proposed by the Commission

(a) supporting the Commission in the preparation of the guidelines referred to in

Amendment

(a) supporting the Commission in the preparation of the guidelines referred to in

Article 3(8), Article 4(5), Article 6(4) and Article 11, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

Article 3(6), Article 4(5), Article 6(4) and Article 11, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

Amendment 11

Proposal for a regulation Article 52 – paragraph 4

Text proposed by the Commission

4. *Where contact officers are seconded to the EU Centre, the EU Centre shall cover the costs of providing them with the necessary premises within the building and adequate support for contact officers to perform their duties. All other costs that arise in connection with the designation of contact officers and the performance of their tasks shall be borne by the Coordinating Authority that designated them.*

Amendment

4. Costs that arise in connection with the designation of contact officers and the performance of their tasks shall be borne by the Coordinating Authority that designated them. *Where contact officers are seconded to the EU Centre, the EU Centre shall cover the costs of office space in the building and adequate equipment for them to perform their duties.*

Amendment 12

Proposal for a regulation Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT) and budget implementation.

Amendment

deleted

Amendment 13

Proposal for a regulation Article 53 – paragraph 3 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing support functions with Europol, including financial and human resources management and information technology (IT) services.

Amendment 14

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Management Board shall also include one independent expert observer designated by the European Parliament, ***without*** the right to vote.

The Management Board shall also include one independent expert observer designated by the European Parliament, ***with*** the right to vote.

Amendment 15

Proposal for a regulation

Article 57 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) adopt the draft Single Programming Document referred to in Article 66a before its submission to the Commission for its opinion;

Amendment 16

Proposal for a regulation

Article 57 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) adopt, having requested the opinion of the Commission, the Agency's Single Programming Document by a majority of two-thirds of the members

entitled to vote in accordance with Article 56;

Amendment 17

Proposal for a regulation

Article 57 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) adopt, by a majority of two-thirds of the members entitled to vote, the annual budget of the EU Centre and exercise other functions in respect of the EU Centre's budget;

Amendment 18

Proposal for a regulation

Article 57 – paragraph 1 – point a d (new)

Text proposed by the Commission

Amendment

(ad) assess and adopt, by a majority of two-thirds of the members entitled to vote, a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public;

Amendment 19

Proposal for a regulation

Article 57 – paragraph 1 – point a e (new)

Text proposed by the Commission

Amendment

(ae) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy with other

Union decentralised agencies and bodies, a strategy for cooperation with third countries and/or international organisations, and a strategy for the organisational management and internal control systems;

Amendment 20

Proposal for a regulation Article 57 – paragraph 1 – point a f (new)

Text proposed by the Commission

Amendment

(af) exercise, with respect to the staff of the EU Centre, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment^{1a} ("the appointing authority powers");

^{1a} Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

Amendment 21

Proposal for a regulation Article 57 – paragraph 1 – point a g (new)

Text proposed by the Commission

Amendment

(ag) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the

Staff Regulations;

Amendment 22

Proposal for a regulation

Article 57 – paragraph 1 – point a h (new)

Text proposed by the Commission

Amendment

(ah) appoint the Executive Director and remove him/her from office, in accordance with Article 65;

Amendment 23

Proposal for a regulation

Article 57 – paragraph 1 – point a i (new)

Text proposed by the Commission

Amendment

(ai) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties;

Amendment 24

Proposal for a regulation

Article 57 – paragraph 1 – point a j (new)

Text proposed by the Commission

Amendment

(aj) adopt the financial rules applicable to the EU Centre;

Amendment 25

Proposal for a regulation

Article 57 – paragraph 1 – point a k (new)

Text proposed by the Commission

Amendment

(ak) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their modification;

Amendment 26

**Proposal for a regulation
Article 57 – paragraph 1 – point a l (new)**

Text proposed by the Commission

Amendment

(al) appoint a Data Protection Officer;

Amendment 27

**Proposal for a regulation
Article 57 – paragraph 1 – point a m (new)**

Text proposed by the Commission

Amendment

(am) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51, after consulting the European Data Protection Supervisor;

Amendment 28

**Proposal for a regulation
Article 57 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. With respect to the powers referred to in paragraph 1, points (g) and (h), of this Article, the Management Board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment, delegating relevant appointing authority powers to the

Executive Director. The Executive Director shall be authorised to sub-delegate those powers.

Amendment 29

Proposal for a regulation Article 57 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In exceptional circumstances, the Management Board may decide to temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

Amendment 30

Proposal for a regulation Article 60 – paragraph 2

Text proposed by the Commission

Amendment

2. Each member shall have one vote. In the absence of a member, his/her alternate shall be entitled to exercise his/her right to vote.

2. Each member shall have one vote. In the absence of a member, his/her alternate shall be entitled to exercise his/her right to vote. ***The Chairperson and Deputy Chairperson shall take part in the voting.***

Amendment 31

Proposal for a regulation Article 61 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the

Management Board from among its members *with the right to vote and two representatives* of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Management Board from among its members *and one representative* of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Amendment 32

Proposal for a regulation

Article 61 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Executive Director shall participate in meetings of the Executive Board without the right to vote.

Amendment

The Executive Director shall participate in meetings of the Executive Board without the right to vote. ***The Executive Board may invite other observers to attend its meetings.***

Amendment 33

Proposal for a regulation

Article 61 – paragraph 2

Text proposed by the Commission

2. The term of office of members of the Executive Board shall be four years. ***In the course of the 12 months preceding the end of the four-year term of office of the Chairperson and five members of the Executive Board, the Management Board or a smaller committee selected among Management Board members including a Commission representative shall carry out an assessment of performance of the Executive Board. The assessment shall take into account an evaluation of the Executive Board members' performance and the EU Centre's future tasks and challenges. Based on the assessment, the Management Board may extend their term of office once.***

Amendment

2. The term of office of members of the Executive Board shall be four years.

Amendment 34

Proposal for a regulation Article 62 – paragraph 1

Text proposed by the Commission

1. The Executive Board shall *be responsible for the overall planning and the execution of the tasks conferred on the EU Centre pursuant to Article 43. The Executive Board shall adopt all the decisions of the EU Centre with the exception of the decisions that shall be taken by the Management Board in accordance with Article 57.*

Amendment

1. The Executive Board shall:

Amendment 35

Proposal for a regulation Article 62 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) decide on the matters provided for in the financial rules adopted pursuant to Article 68 that are not reserved to the Management Board by this Regulation;

Amendment 36

Proposal for a regulation Article 62 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of OLAF and of EPPO;

Amendment 37

Proposal for a regulation Article 62 – paragraph 1 – point c (new)

Text proposed by the Commission

Amendment

(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 64, monitor and supervise the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management;

Amendment 38

**Proposal for a regulation
Article 62 – paragraph 1 – point d (new)**

Text proposed by the Commission

Amendment

(d) adopt rules for the prevention and management of conflicts of interest in respect of its members;

Amendment 39

**Proposal for a regulation
Article 62 – paragraph 1 – point e (new)**

Text proposed by the Commission

Amendment

(e) adopt its rules of procedure.

Amendment 40

**Proposal for a regulation
Article 62 – paragraph 2**

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 41

**Proposal for a regulation
Article 62 – paragraph 3**

Text proposed by the Commission

Amendment

3. With respect to the powers mentioned in paragraph 2 point (g) and (h), the Executive Board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment, delegating relevant appointing authority powers to the Executive Director. The Executive Director shall be authorised to sub-delegate those powers. *deleted*

Amendment 42

Proposal for a regulation Article 62 – paragraph 4

Text proposed by the Commission

Amendment

4. In exceptional circumstances, the Executive Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director. *deleted*

Amendment 43

Proposal for a regulation Article 63 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The representatives of the Commission shall have a right to vote whenever matters pertaining to Article 62(2), points (a) to (l) and (p) are discussed and decided upon. For the purposes of taking the decisions referred to in Article 62(2), points (f) and (g), the representatives of *deleted*

the Commission shall have one vote each. The decisions referred to in Article 62(2), points (b) to (e), (h) to (l) and (p), may only be taken if the representatives of the Commission casts a positive vote. For the purposes of taking the decisions referred to in Article 62(2), point (a), the consent of the representatives of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working programme of the EU Centre.

Amendment 44

Proposal for a regulation Article 64 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to the powers of the Commission, of the Management Board and of the Executive Board, the Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.

Amendment 45

Proposal for a regulation Article 64 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) preparing the Single Programming Document and submitting it to the **Executive** Board after consulting the Commission;

(d) preparing the Single Programming Document and submitting it to the **Management** Board after consulting the Commission;

Amendment 46

Proposal for a regulation Article 64 – paragraph 4 – point e

Text proposed by the Commission

(e) implementing the Single Programming Document and reporting to the **Executive** Board on its implementation;

Amendment

(e) implementing the Single Programming Document and reporting to the **Management** Board on its implementation;

Amendment 47

Proposal for a regulation

Article 64 – paragraph 4 – point f

Text proposed by the Commission

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre's activities and presenting it to the **Executive** Board for assessment and adoption;

Amendment

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre's activities and presenting it to the **Management** Board for assessment and adoption;

Amendment 48

Proposal for a regulation

Article 64 – paragraph 4 – point i

Text proposed by the Commission

(i) preparing an anti-fraud strategy, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations and a strategy for the organisational management and internal control systems for the EU Centre and presenting them to the **Executive** Board for approval;

Amendment

(i) preparing an anti-fraud strategy, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations and a strategy for the organisational management and internal control systems for the EU Centre and presenting them to the **Management** Board for approval;

Amendment 49

Proposal for a regulation

Article 64 – paragraph 4 – point m

Text proposed by the Commission

(m) implementing the annual work programme of the EU Centre under the

Amendment

(m) implementing the annual work programme of the EU Centre under the

control of the *Executive* Board;

control of the *Management* Board;

Amendment 50

Proposal for a regulation

Article 64 – paragraph 4 – point p a (new)

Text proposed by the Commission

Amendment

(pa) signing the memoranda of understanding referred to in Article 53(3) and Article 54(2) after having informed the Management Board.

Amendment 51

Proposal for a regulation

Article 64 – paragraph 5

Text proposed by the Commission

Amendment

5. Where exceptional circumstances so require, the Executive Director may decide to locate one or more staff in another Member State for the purpose of carrying out the EU Centre's tasks in an a more efficient, effective and coherent manner. Before deciding to establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State concerned. The decision shall be based on an appropriate cost-benefit analysis that demonstrates in particular the added value of such decision and specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the EU Centre. A headquarters agreement with the Member State(s) concerned may be concluded.

5. Where exceptional circumstances so require, the Executive Director may decide to locate one or more staff in another Member State for the purpose of carrying out the EU Centre's tasks in an a more efficient, effective and coherent manner **according to principles of good governance**. Before deciding to establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State concerned. The decision shall be based on an appropriate cost-benefit analysis that demonstrates in particular the added value of such decision and specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the EU Centre. A headquarters agreement with the Member State(s) concerned may be concluded.

Amendment 52

Proposal for a regulation
Article 65 – paragraph 2

Text proposed by the Commission

2. The Executive Director shall be appointed by the **Executive** Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

Amendment

2. The Executive Director shall be appointed by the **Management** Board, from a list of candidates proposed by the Commission **and having obtained the consent of the European Parliament**, following an open and transparent selection procedure. **The Commission shall ensure gender balance when drawing up the list of candidates.**

Amendment 53

Proposal for a regulation
Article 65 – paragraph 3

Text proposed by the Commission

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Executive** Board.

Amendment

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Management** Board.

Amendment 54

Proposal for a regulation
Article 65 – paragraph 5

Text proposed by the Commission

5. The **Executive** Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.

Amendment

5. The **Management** Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.

Amendment 55

Proposal for a regulation
Article 65 – paragraph 7

Text proposed by the Commission

7. The Executive Director may be dismissed only upon a decision of the **Executive** Board acting on a proposal from the Commission.

Amendment

7. The Executive Director may be dismissed only upon a decision of the **Management** Board acting on a proposal from the Commission.

Amendment 56

Proposal for a regulation
Article 66 – paragraph 2

Text proposed by the Commission

2. Procedures concerning the appointment of the members of the Technology Committee and its operation shall be specified in the rules of procedure of the Management Board and shall be made public.

Amendment

2. Procedures concerning the appointment of the members of the Technology Committee and its operation shall be **further** specified in the rules of procedure of the Management Board and shall be made public. **Before appointing members of the Technology Committee, the Management Board shall first consult the European Parliament.**

Amendment 57

Proposal for a regulation
Article 66 – paragraph 4

Text proposed by the Commission

4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure for ordinary members.

Amendment

4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke the **appointment of the** person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure for ordinary members.

Amendment 58

Proposal for a regulation
Article 66 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) provide an annual activity report to the Executive Director as part of the Consolidated Annual Activity Report;

Amendment 59

Proposal for a regulation
Article 66 a (new)

Text proposed by the Commission

Amendment

Article 66a

Single Programming Document

1. By 30 November of each year, the Management Board shall adopt a draft single programming document containing multi-annual and annual programming as well as all the documents listed in Article 32 of Commission Delegated Regulation (EU) 2019/715, based on a draft put forward by the Executive Director, after consulting the Technology Committee, taking into account the opinion of the Commission, and in relation to multiannual programming after consulting the European Parliament. If the Management Board decides not to take into account elements of the opinion of the Commission or of the Technology Committee, it shall provide a thorough justification therefor. The obligation to provide a thorough justification shall also apply to the elements raised by the European Parliament when it is consulted. The Management Board shall forward the Single Programming Document to the European Parliament, the Council and the Commission by 31 January of the following year. The Single Programming Document shall become definitive after final adoption of the general budget and if

necessary shall be adjusted accordingly.

2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 4 of this Article. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual or multi-annual programming shall include the information about the Agency's planned research, surveys and studies referred to in Article 50(3).

3. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

4. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 85.

5. The multi-annual and annual work programmes shall be prepared in compliance with Article 32 of Delegated

Regulation (EU) 2019/715.

Article 66 a (new) is inserted in Section 6.

Amendment 60

**Proposal for a regulation
Article 66 b (new)**

Text proposed by the Commission

Amendment

Article 66b

Budget

- 1. Estimates of all revenue and expenditure for the EU Centre shall be prepared each financial year, which shall correspond to the calendar year, and shall be shown in the EU Centre's budget, which shall be balanced in terms of revenue and of expenditure.**
- 2. Without prejudice to other resources, the EU Centre's revenue shall comprise a contribution from the Union entered in the general budget of the Union.**
- 3. The EU Centre may benefit from Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 68 and with the provisions of the relevant instruments supporting the policies of the Union.**
- 4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs while following the appropriate EU budgetary rules.**
- 5. Budgetary commitments for actions relating to large-scale projects extending over more than one financial year may be broken down into several annual instalments.**

Article 66 b (new) is inserted in Section 6.

Amendment 61

Proposal for a regulation Chapter IV – Section 6 – title

Text proposed by the Commission

Amendment

***Establishment and Structure of the
Budget***

Financial provisions

Amendment 62

Proposal for a regulation Chapter IV – Section 6 – subsection 1 – title

Text proposed by the Commission

Amendment

Subsection 1

deleted

Single Programming Document

Amendment 63

Proposal for a regulation Article 67 – paragraph 1

Text proposed by the Commission

Amendment

1. Each year the Executive Director shall draw up a draft statement of estimates of the EU Centre's revenue and expenditure for the following financial year, including an establishment plan, and shall send it to the ***Executive*** Board.

1. Each year the Executive Director shall draw up a draft statement of estimates of the EU Centre's revenue and expenditure for the following financial year, including an establishment plan, and shall send it to the ***Management*** Board.

Amendment 64

Proposal for a regulation Article 67 – paragraph 2

Text proposed by the Commission

Amendment

2. The ***Executive*** Board shall, on the basis of the draft statement of estimates, adopt a provisional draft estimate of the

2. The ***Management*** Board shall, on the basis of the draft statement of estimates, adopt a provisional draft

EU Centre's revenue and expenditure for the following financial year and shall send it to the Commission by 31 January each year.

estimate of the EU Centre's revenue and expenditure for the following financial year and shall send it to the Commission by 31 January each year.

Amendment 65

Proposal for a regulation Article 67 – paragraph 3

Text proposed by the Commission

3. The **Executive** Board shall send the final draft estimate of the EU Centre's revenue and expenditure, which shall include a draft establishment plan, to the European Parliament, the Council and the Commission by 31 March each year.

Amendment

3. The **Management** Board shall send the final draft estimate of the EU Centre's revenue and expenditure, which shall include a draft establishment plan, to the European Parliament, the Council and the Commission by 31 March each year.

Amendment 66

Proposal for a regulation Article 67 – paragraph 8

Text proposed by the Commission

8. The EU Centre's budget shall be adopted by the **Executive** Board. It shall become final following the final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.

Amendment

8. The EU Centre's budget shall be adopted by the **Management** Board **by a majority of two-thirds of members entitled to vote**. It shall become final following the final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.

Amendment 67

Proposal for a regulation Article 68 – paragraph 1

Text proposed by the Commission

The financial rules applicable to the EU Centre shall be adopted by the **Executive** Board after consultation with the Commission. They shall not depart from Delegated Regulation (EU) 2019/715⁵²

Amendment

The financial rules applicable to the EU Centre shall be adopted by the **Management** Board after consultation with the Commission. They shall not depart from Delegated Regulation (EU)

unless such a departure is specifically required for the operation of the EU Centre and the Commission has given its prior consent.

⁵² OJ L 122, 10.5.2019, p. 1.

2019/715⁵² unless such a departure is specifically required for the operation of the EU Centre and the Commission has given its prior consent.

⁵² OJ L 122, 10.5.2019, p. 1.

Amendment 68

Proposal for a regulation Chapter IV – Section 6 – subsection 2 – title

Text proposed by the Commission

Amendment

Subsection 2

deleted

Presentation, implementation and control of the budget

Amendment 69

Proposal for a regulation Article 69

Text proposed by the Commission

Amendment

Article 69

deleted

Budget

1. Estimates of all revenue and expenditure for the EU Centre shall be prepared each financial year, which shall correspond to the calendar year, and shall be shown in the EU Centre's budget, which shall be balanced in terms of revenue and of expenditure.

2. Without prejudice to other resources, the EU Centre's revenue shall comprise a contribution from the Union entered in the general budget of the Union.

3. The EU Centre may benefit from Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 68 and with the

provisions of the relevant instruments supporting the policies of the Union.

4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs.

5. Budgetary commitments for actions relating to large-scale projects extending over more than one financial year may be broken down into several annual instalments.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down rules to prevent and combat child sexual abuse
References	COM(2022)0209 – C9-0174/2022 – 2022/0155(COD)
Committee responsible Date announced in plenary	LIBE 12.9.2022
Opinion by Date announced in plenary	BUDG 12.9.2022
Rapporteur for the opinion Date appointed	Niclas Herbst 21.6.2022
Discussed in committee	2.3.2023
Date adopted	8.6.2023
Result of final vote	+: 28 –: 0 0: 1
Members present for the final vote	Olivier Chastel, Katalin Cseh, Andor Deli, Pascal Durand, José Manuel Fernandes, Vlad Gheorghe, Valérie Hayer, Eero Heinäluoma, Niclas Herbst, Adam Jarubas, Moritz Körner, Zbigniew Kuźmiuk, Camilla Laureti, Janusz Lewandowski, Siegfried Mureșan, Dimitrios Papadimoulis, Bogdan Rzońca, Eleni Stavrou, Nicolae Ștefănuță, Nils Ušakovs, Rainer Wieland
Substitutes present for the final vote	Jonás Fernández, Jens Geier, Fabienne Keller, Petri Sarvamaa
Substitutes under Rule 209(7) present for the final vote	Asim Ademov, Markus Ferber, Inma Rodríguez-Piñero, Massimiliano Smeriglio

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

28	+
ECR	Zbigniew Kuźmiuk, Bogdan Rzońca
NI	Andor Deli
PPE	Asim Ademov, Markus Ferber, José Manuel Fernandes, Niclas Herbst, Adam Jarubas, Janusz Lewandowski, Siegfried Mureşan, Petri Sarvamaa, Eleni Stavrou, Rainer Wieland
Renew	Olivier Chastel, Katalin Cseh, Vlad Gheorghe, Valérie Hayer, Fabienne Keller
S&D	Pascal Durand, Jonás Fernández, Jens Geier, Eero Heinäluoma, Camilla Laureti, Inma Rodríguez-Piñero, Massimiliano Smeriglio, Nils Ušakovs
The Left	Dimitrios Papadimoulis
Verts/ALE	Nicolae Ştefănuţă

0	-

1	0
Renew	Moritz Körner

Key to symbols:

+ : in favour

- : against

0 : abstention

29.3.2023

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse
(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

Rapporteur for opinion: Niyazi Kizilyürek

SHORT JUSTIFICATION

On 11 May 2022, the European Commission published its legislative proposal for a Regulation on laying down rules to prevent and combat child sexual abuse, which aims to introduce uniform rules to address the misuse of relevant information society services for online child sexual abuse in the internal market (Article 1 of the proposal).

The Rapporteur would like to highlight the importance of combating online child sexual abuse and suggests a series of amendments in order to reinforce the prevention measures among children through education and with a focus on digital skills and competences including media literacy. In addition, the Rapporteur emphasises the need to support the victims and their families.

Regarding the governance structures, the Rapporteur believes that the EU Centre and the national Coordinating Authorities can serve as important research and awareness raising hubs in order to prevent and combat online child sexual abuse.

Finally, the Rapporteur believes that this Regulation, together with the new European strategy for a better internet for kids (BIK+), could create safe digital experiences for children and promote their empowerment and active participation in the digital environment.

AMENDMENTS

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements ***and appropriate prevention techniques*** should be laid down at Union level.

Amendment 2

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) To ensure full achievement of the objectives of this Regulation, Member States should introduce and implement prevention strategies and awareness campaigns in their schools and educational institutions. The EU Centre and Coordinating Authorities, in close cooperation with relevant stakeholders, such as law enforcement agencies and existing hotlines across the Union, should elaborate prevention techniques, in order to prevent and combat child sexual abuse. It is important that digital skills and competences, including media literacy, are recognised as a mandatory skill and an essential part of education, focusing on educating children, parents and educators and the general public on online safety, including online parental control and how to recognize and report online solicitation. The Union and its

Member States should allocate more investment in education and training to ensure digital literacy, including protection from bullying and cyberbullying in schools, for children of different age groups, taking into consideration new technological developments, such as the metaverse.

Amendment 3

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore ***have the right to obtain, upon request, from the EU Centre yet via*** the Coordinating Authorities, ***relevant information if*** known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation.

Amendment

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore ***be timely informed by*** the Coordinating Authorities ***designated by the Member State where the victim resides, of the existence of*** known child sexual abuse material depicting them, ***which*** is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation ***and have the right to request the deletion of this child sexual abuse material. In such a case, victims should have the right to obtain relevant information, upon request, from the EU Centre via the Coordinating Authorities.***

Amendment 4

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to

Amendment

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to

limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question ***in a timely manner, in order to minimise the impact that such offences have on the physical and mental health of the minor***. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to ***receive adequate support and to be assisted by the EU Centre in this regard, via the Coordinating Authorities. Providers should establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag the provider of potential online child sexual abuse on the service and to receive reasonable assistance. ‘Reasonable assistance’ could constitute, among others, putting in place alert and alarm mechanisms in a prominent way on their platforms, linking potential victims to local organisations such as helplines, victims’ right organisations or hotlines. Such providers shall ensure adequate follow-up when a report is made, in the language that the user has initially chosen for their service.***

Amendment 5

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) To ensure the efficient management of such victim support functions, victims should be allowed to contact and rely on the Coordinating Authority that is most accessible to them, which should channel all communications between victims and the EU Centre.

Amendment

(37) To ensure the efficient management of such victim support functions, victims should ***be informed about the existence of such functions and*** be allowed to contact and rely on the Coordinating Authority that is most accessible to them, which should channel all communications between victims and the EU Centre.

Amendment 6

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities.

Amendment

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities. ***The Coordinating Authority should oversee the implementation of the Regulation, including issues related to prevention, education and awareness raising, and organise and promote regular trainings for officials, including law enforcement authorities, who deal with cases which involve children.***

Amendment 7

Proposal for a regulation Recital 60

Text proposed by the Commission

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the detection, reporting and blocking obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

Amendment

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the detection, reporting and blocking obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, ***as well as tackling the reappearance of known material. The EU Centre should also be charged with*** the provision of assistance to Coordinating Authorities, as well as the generation ***of research, prevention techniques*** and sharing of knowledge, ***best practices*** and expertise related to online child sexual abuse, ***successful initiatives on digital skills and competences in an age-appropriate manner, including media literacy, on sex education, and reacting timely to the evolving trends of child sexual abuse material dissemination and monetisation.***

Amendment 8

Proposal for a regulation

Recital 62

Text proposed by the Commission

(62) For the system established by this Regulation to function properly, the EU Centre should be charged with creating databases for each of those three types of online child sexual abuse, and with maintaining and operating those databases. For accountability purposes and to allow for corrections where needed, it should keep records of the submissions and the process used for the generation of the indicators.

Amendment

(62) For the system established by this Regulation to function properly, the EU Centre should be charged with creating databases for each of those three types of online child sexual abuse, and with maintaining, ***timely updating*** and operating those databases. For accountability purposes and to allow for corrections where needed, it should keep records of the submissions and the process used for the generation of the indicators.

Amendment 9

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) Given its central position resulting from the performance of its primary tasks under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and research on matters related to the prevention and combating of online child sexual abuse. In this connection, the EU Centre should cooperate with relevant stakeholders from both within and outside the Union ***and*** allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned.

Amendment

(67) Given its central position resulting from the performance of its primary tasks under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and research on matters related to the prevention and combating of online child sexual abuse, ***including lessons learned from proactive reporting based on known material, prevention and awareness raising campaigns***. In this connection, the EU Centre should cooperate with relevant stakeholders from both within and outside the Union, ***including law enforcement authorities, educators, civil society and service providers***. ***The Centre should also*** allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned ***on creating safe digital experiences for children and promoting their empowerment and active participation in***

the digital environment, in line with the Communication of the Commission of 11 May 2022 entitled ‘A Digital Decade for children and youth: the new European strategy for a better internet for kids (BIK+)’ and the Communication of the Commission of 26 January 2022 entitled ‘Establishing a European Declaration on Digital rights and principles for the Digital Decade’.

Amendment 10

Proposal for a regulation Recital 70

Text proposed by the Commission

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they work together effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines’ expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

Amendment

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. ***This role played by hotlines should be reinforced and they should continue to facilitate this fight. Each Member State should ensure that at least one official hotline is operating in its territory.*** The EU Centre should leverage the network of hotlines and encourage that they work together effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines’ expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union. ***Anonymous public reporting is crucial to countering child sexual abuse. Member States should ensure that the public has the possibility to anonymously report child sexual abuse material and child sexual exploitation activities to hotlines specialised in combatting online child sexual abuse material and shall safeguard the role of such hotlines in anonymous public reporting. The***

promotion of hotlines by the EU Centre and the Coordinating Authorities through the educational systems of Member States in order to educate youth and reach potential victims is of great importance. Their experience and expertise should help the EU Centre and Coordinating Authorities to design appropriate prevention techniques and awareness campaigns.

Amendment 11

Proposal for a regulation Recital 76

Text proposed by the Commission

(76) In the interest of good governance and drawing on the statistics and information gathered and transparency reporting mechanisms provided for in this Regulation, the Commission should carry out an evaluation of this Regulation within **five** years of the date of its entry into force, and every five years thereafter.

Amendment

(76) In the interest of good governance and drawing on the statistics and information gathered and transparency reporting mechanisms provided for in this Regulation, the Commission should carry out an evaluation of this Regulation within **three** years of the date of its entry into force, and every five years thereafter.

Amendment 12

Proposal for a regulation Article 2 – paragraph 1 – point p

Text proposed by the Commission

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material **and** the solicitation of children;

Amendment

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material **or** the solicitation of children;

Amendment 13

Proposal for a regulation Article 2 – paragraph 1 – point w a (new)

Text proposed by the Commission

Amendment

(w a) ‘hotline’ means an organisation providing a mechanism, other than the reporting channels provided by law enforcement agencies, for receiving anonymous information from the public about potential child sexual abuse material and online child sexual exploitation, which is officially recognised by its home Member State as expressed in the Directive 2011/93/EU of the European Parliament and of the Council and has the mission of combatting child sexual abuse material in its articles of association;

Amendment 14

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations, ***hotlines*** or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

Amendment 15

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The provider shall establish and operate an accessible, age-appropriate and

3. The provider shall establish and operate an accessible, age-appropriate and

user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service.

user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service. ***Such providers shall ensure adequate follow-up and provide reasonable assistance, when a report is made, in the language that the user has initially chosen for their service.***

Amendment 16

Proposal for a regulation Article 20 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Where an instance of dissemination of known child sexual abuse material is reported to the EU Centre pursuant to Article 12, the Coordinating Authority designated by the Member State of residence shall, in a timely manner, inform the persons residing in the Union depicted therein of the existence of that material.

Amendment 17

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them. ***The information shall be provided to the persons requesting it in a confidential, easily understandable and***

accessible manner.

Amendment 18

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Amendment

1. Providers of hosting services shall provide reasonable assistance, on request, ***in the most efficient and timely manner***, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Amendment 19

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Amendment

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them. ***The information shall be provided to the persons requesting it in a confidential, easily understandable and accessible way.***

Amendment 20

Proposal for a regulation
Article 21 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Each Member State shall ensure the functioning of hotlines, including through funding and capacity building, in order for victims and their families to receive support from the competent authority in a timely manner.

Amendment 21

Proposal for a regulation
Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The Coordinating Authority shall be responsible for all matters related to application and enforcement of this Regulation in the Member State concerned, unless that Member State has assigned certain specific tasks or sectors to other competent authorities.

The Coordinating Authority shall be responsible for all matters related to application and enforcement of this Regulation in the Member State concerned, unless that Member State has assigned certain specific tasks or sectors to other competent authorities. ***The Coordinating Authority shall also be responsible for the coordination and adaptation of prevention techniques, elaborated by the EU Centre. The Coordinating Authority shall issue recommendations and good practices on improving digital skills and competences, including media literacy, amongst the population through the realization of awareness campaigns on a national level, targeting in particular parents and children on the detection and prevention of child sexual abuse online.***

Amendment 22

Proposal for a regulation
Article 25 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Coordinating Authority shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective, efficient and consistent application and enforcement of this Regulation throughout the Union.

Amendment

The Coordinating Authority shall in any event be responsible for ensuring coordination ***and overseeing the implementation*** at national level in respect of those matters, ***including issues related to prevention, education and awareness raising and the organisation of regular training activities for officials, including in law enforcement authorities who deal with cases which involve children*** and for contributing to the effective, efficient and consistent application and enforcement of this Regulation throughout the Union.

Amendment 23

**Proposal for a regulation
Article 25 – paragraph 5**

Text proposed by the Commission

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement of this Regulation in that Member State. Member States shall make the information on the contact point publicly available ***and*** communicate it to the EU Centre. They shall keep that information updated.

Amendment

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office ***to coordinate prevention within the Member State and*** to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement of this Regulation in that Member State. Member States shall make the information on the contact point publicly available, ***shall promote its dissemination and visibility in order to raise awareness, especially in public places, and shall*** communicate it to the EU Centre. They shall keep that information updated ***and easily accessible***.

Amendment 24

**Proposal for a regulation
Article 25 – paragraph 7 – point d a (new)**

Text proposed by the Commission

Amendment

(d a) provide knowledge and expertise on appropriate prevention techniques against online solicitation of children and the dissemination of CSAM online.

Amendment 25

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

Amendment

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established. ***Users shall also have the right to lodge such a complaint through the national hotlines of the Member State where the user resides or is established. Those hotlines shall transmit such complaints to the relevant Coordinating Authority.***

Amendment 26

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

Amendment

2. Coordinating Authorities shall provide ***child-friendly mechanisms to*** submit a complaint under this Article and adopt a child-sensitive approach ***when handling complaints submitted by children,*** taking ***due*** account of the child's age, ***maturity, views, needs and concerns.***

2. Coordinating Authorities shall ***also*** provide ***children with the necessary tools to recognize suspicious behavior and potentially dangerous content online and easily*** submit a complaint under this Article. ***Coordinating Authorities shall examine every complaint*** and adopt a child-sensitive approach taking ***into*** account ***the specificities of all elements of the complaint (website or interpersonal communication service, child's age,***

specific concern).

Amendment 27

Proposal for a regulation Article 34 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The user making a complaint shall be informed about the outcome of the investigation.

Amendment 28

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

Amendment

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

1. Coordinating Authorities shall cooperate with each other, ***national hotlines, relevant organisations and networks, and*** any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement. ***Coordinating Authorities shall exchange information and best practices related to the prevention and combating of online child sexual abuse and solicitation of children.***

Amendment 29

Proposal for a regulation Article 40 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

Amendment

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse and gather and share information, **educational materials, good practices** and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online. **The EU Centre shall perform its duties in line with the objectives of the European strategy for a better internet for kids (BIK+).**

Amendment 30

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – introductory part

Text proposed by the Commission

(6) facilitate the generation and sharing of knowledge with other Union institutions, bodies, offices and agencies, Coordinating Authorities or other relevant authorities of the Member States to contribute to the achievement of the objective of this Regulation, by:

Amendment

(6) facilitate the generation and sharing of knowledge with other Union institutions, bodies, offices and agencies, Coordinating Authorities or other relevant authorities of the Member States, **hotlines, NGOs and other stakeholders** to contribute to the achievement of the objective of this Regulation, by:

Amendment 31

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point a

Text proposed by the Commission

(a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal

Amendment

(a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal

data gathering, and providing expertise on matters regarding the prevention and combating of online child sexual abuse, in accordance with Article 51;

data gathering, and providing expertise on matters regarding the prevention and combating of online child sexual abuse, in accordance with Article 51, ***including educational, prevention and awareness raising programmes and campaigns, including intervention programmes according to Article 22 of Directive 2011/93/EU, taking into consideration new technological developments, and good practices carried out in different Member States;***

Amendment 32

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b

Text proposed by the Commission

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to victims, including by serving as a hub of expertise to support evidence-based policy;

Amendment

(b) supporting the development and dissemination of research, ***age-appropriate educational materials*** and expertise on those matters and on assistance to victims, including by serving as a hub of expertise to support evidence-based policy ***and linking researchers to practitioners;***

Amendment 33

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b a (new)

Text proposed by the Commission

Amendment

(b a) providing technical expertise, supporting and promoting the regular exchange of best practices among Member States and educational institutions on raising awareness for the prevention of child sexual abuse and on promoting, in an age-appropriate manner, sex education, digital skills and competences, including media literacy, cyber safety, in formal, non-formal and informal education, targeting educators,

parents and pupils;

Amendment 34

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point c a (new)

Text proposed by the Commission

Amendment

(c a) exchanging best practices among Coordinating Authorities regarding the available tools with regards to reducing the risk of children becoming victims of sexual abuse and the provision of personalised assistance to victims, taking into account their individual characteristics, such as their age, ethnic and cultural background or sexual orientation and coordinating the organisation of regular trainings for officials, including in law enforcement authorities, who deal with cases which involve children.

Amendment 35

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

Amendment

3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage research, surveys and studies, either on its own initiative or, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission.

3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage research, surveys and studies, either on its own initiative or, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission. ***The EU Centre shall support Member States and the Coordinating Authorities in conducting research, taking into account national specificities. The collected knowledge shall serve as a tool to elaborate prevention methods adapted***

and implemented by Coordinating Authorities in each Member State.

Amendment 36

Proposal for a regulation Article 50 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

Amendment

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse. ***Communication campaigns shall be easily understandable and accessible to children, their families and educators in formal, non-formal and informal education in the Union, aiming to improve digital literacy and ensure a safe digital environment for children. Those campaigns shall also take into account the particular situation of people with disabilities.***

Amendment 37

Proposal for a regulation Article 54 – paragraph 1

Text proposed by the Commission

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre ***may*** cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

Amendment

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre ***shall*** cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations. ***The EU Centre shall also gather and share information and expertise and facilitate cooperation with***

such organisations and networks.

Amendment 38

Proposal for a regulation Article 54 – paragraph 2

Text proposed by the Commission

2. The EU Centre may conclude **memoranda of understanding** with organisations referred to in paragraph 1, laying down the terms of cooperation.

Amendment

2. The EU Centre may conclude **strategic and/or operational cooperation agreements** with organisations referred to in paragraph 1, laying down the terms of cooperation.

Amendment 39

Proposal for a regulation Article 56 – paragraph 3

Text proposed by the Commission

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in **his/her** absence.

Amendment

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in **the member's** absence.

Amendment 40

Proposal for a regulation Article 58 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Deputy Chairperson shall automatically replace the Chairperson **if he/she is prevented from attending to his/her duties.**

Amendment

The Deputy Chairperson shall automatically replace the Chairperson **when necessary.**

Amendment 41

Proposal for a regulation Article 60 – paragraph 2

Text proposed by the Commission

2. Each member shall have one vote. In the absence of a member, **his/her** alternate shall be entitled to exercise **his/her** right to vote.

Amendment

2. Each member shall have one vote. In the absence of a member, **the** alternate **member** shall be entitled to exercise **the** right to vote.

Amendment 42

Proposal for a regulation

Article 62 – paragraph 2 – point j

Text proposed by the Commission

(j) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of **his/her** duties;

Amendment

(j) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of **the Officer's** duties;

Amendment 43

Proposal for a regulation

Article 64 – paragraph 2

Text proposed by the Commission

2. The Executive Director shall report to the European Parliament on the performance of **his/her** duties when invited to do so. The Council may invite the Executive Director to report on the performance of **his/her** duties.

Amendment

2. The Executive Director shall report to the European Parliament on the performance of **the Executive Director's** duties when invited to do so. The Council may invite the Executive Director to report on the performance of **the Executive Director's** duties.

Amendment 44

Proposal for a regulation

Article 83 – paragraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(i a) the measures taken regarding prevention and victim assistance

programmes, including the number of children in primary education who are taking part in awareness raising campaigns and through education programmes about the risks of all forms of sexual exploitation of children, including in the online environment.

Amendment 45

Proposal for a regulation

Article 83 – paragraph 3 – point j a (new)

Text proposed by the Commission

Amendment

(j a) the measures taken by Member States regarding prevention, awareness raising, and victim assistance programmes, including the impact, outreach and effectiveness of the activities carried out on the targeted audience, where possible, disaggregated into different categories based on demographics.

Amendment 46

Proposal for a regulation

Article 84 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Coordinating Authority shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(2). It shall, by 31 March of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Commission and the EU Centre.

2. Each Coordinating Authority shall draw up an annual report on its activities under this Regulation **taking into account national specificities**. That report shall compile the information referred to in Article 83(2). It shall, by 31 March of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Commission and the EU Centre.

Amendment 47

Proposal for a regulation
Article 85 – paragraph 1

Text proposed by the Commission

1. By [**five** years after the entry into force of this Regulation], and every five years thereafter, the Commission shall evaluate this Regulation and submit a report on its application to the European Parliament and the Council.

Amendment

1. By [**three** years after the entry into force of this Regulation], and every five years thereafter, the Commission shall evaluate this Regulation and submit a report on its application to the European Parliament and the Council.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down rules to prevent and combat child sexual abuse
References	COM(2022)0209 – C9-0174/2022 – 2022/0155(COD)
Committee responsible Date announced in plenary	LIBE 12.9.2022
Opinion by Date announced in plenary	CULT 12.9.2022
Rapporteur for the opinion Date appointed	Niyazi Kizilyürek 24.6.2022
Discussed in committee	14.11.2022
Date adopted	28.3.2023
Result of final vote	+: 29 –: 0 0: 0
Members present for the final vote	Asim Ademov, Christine Anderson, Andrea Bocskor, Ilana Cicurel, Laurence Farreng, Tomasz Frankowski, Alexis Georgoulis, Catherine Griset, Sylvie Guillaume, Hannes Heide, Irena Joveva, Petra Kammerevert, Niyazi Kizilyürek, Predrag Fred Matić, Peter Pollák, Diana Riba i Giner, Marcos Ros Sempere, Monica Semedo, Massimiliano Smeriglio, Michaela Šojdrová, Sabine Verheyen, Maria Walsh, Theodoros Zagorakis
Substitutes present for the final vote	João Albuquerque, Chiara Gemma, Marcel Kolaja, Rob Rooker
Substitutes under Rule 209(7) present for the final vote	Franc Bogovič, Ana Miranda

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

29	+
ECR	Chiara Gemma, Rob Rooken
ID	Christine Anderson, Catherine Griset
NI	Andrea Bocskor
PPE	Asim Ademov, Franc Bogovič, Tomasz Frankowski, Peter Pollák, Michaela Šojdrová, Sabine Verheyen, Maria Walsh, Theodoros Zagorakis
Renew	Ilana Cicurel, Laurence Farreng, Irena Joveva, Monica Semedo
S&D	João Albuquerque, Sylvie Guillaume, Hannes Heide, Petra Kammerevert, Predrag Fred Matić, Marcos Ros Sempere, Massimiliano Smeriglio
The Left	Alexis Georgoulis, Niyazi Kizilyürek
Verts/ALE	Marcel Kolaja, Ana Miranda, Diana Riba i Giner

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

29.6.2023

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse
(COM (2022)0209 – C9-0174/2022 – 2022/0155(COD))

Rapporteur for opinion: Helène Fritzon

SHORT JUSTIFICATION

On 11 May 2022, the European Commission published its legislative proposal for a Regulation on laying down rules to prevent and combat child sexual abuse. The aim of this proposal is to lay down rules to detect and report child sexual abuse online, prevent child sexual abuse and save and support victims, 96% of which were estimated in 2021 to be girls according to the INHOPE network. Central to the proposal is addressing the misuse of relevant information society services for online child sexual abuse material and grooming, both of which predominantly concern and target girls and young women while the perpetrators are pre-dominantly men.

The Rapporteur would like to highlight the importance of recognising that child sexual abuse is to a large extent an expression of gender-based violence. Therefore, combating the online aspects of this crime has to take into consideration gender specific approaches.

The Rapporteur suggests a series of amendments in order to reinforce prevention measures through, among other things, awareness raising campaigns tailored specifically by age and gender. She also emphasises the need to provide specialised response and support to victims and survivors with an integrated gender perspective. In this regard, the Rapporteur supports the creation of the EU Centre and proposes the establishment of an Advisory Board representing survivors and children's rights experts. The Advisory Board would provide structured advice to the governance structures of the EU Centre on matters concerning children's rights, prevention measures and victims' and survivors' support.

In addition, the Rapporteur would like to strengthen overall data collection disaggregated by age and gender, and on research and statistics, she proposes close collaboration between the EU Centre and the European Institute for Gender Equality.

Finally, the Rapporteur believes that this Regulation could make a significant difference in combating child sexual abuse for all children and contributing to a safer online experience.

AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take the following into account the following amendments:

Amendment 1

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) Information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children but also for perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union ('Charter'), **and to protect society at large**. Users of such services offered in the Union should be able to trust that the services concerned can be used safely, especially by children.

Amendment

(1) Information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children but also for perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union ('Charter'), **and in line with the United Nations Convention on the Rights of the Child (UNCRC), which has been ratified by all Member States**. Users of such services offered in the Union should be able to trust that the services concerned can be used safely, especially by children .

Amendment 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Over the last 20 years, there has been a significant rise in child sexual abuse material (CSAM) following the growing technological development and connectivity. The reporting of suspected online child sexual abuse rose by 35% in 2021, compared with the cases in 2020.

Such an increase is observed in child grooming as well, where for example perpetrators approach children online in order to convince them to produce and share sexual material of themselves. CSAM crime is also becoming more severe, as ever-younger children are being abused^{1a}. Over the past years, globally the average age at which children are first exposed to sexually explicit content and online sexual harms has continued to drop^{1b}. Child sexual abuse has a disproportionate impact on girls as the vast majority of child sexual abuse material is depicting girls. Girls are overrepresented in cases of solicitation of children, while men are overrepresented as perpetrators. According to reports of 2021, 96% of child sexual abuse material is estimated in 2021 to have affected girls^{1c}. 91% of the reports in 2022 depict girls and 7% depict the abuse of boys, taking into account that the statistics on the abuse of boys are often underestimated and such cases are less frequently reported.

^{1a} *EPRS briefing, December 2022, 'Combating child sexual abuse online'.*

^{1b} *We protect global alliance organisation-global survey 2023*
<https://www.weprotect.org/economist-impact-global-survey>

^{1c} *INHOPE network of hotlines for reporting child sexual abuse material, Annual Report 2021.*
<https://inhope.org/media/pages/articles/annual-reports/8fd77f3014-1652348841/inhope-annual-report-2021.pdf>

Amendment 3

Proposal for a regulation Recital 1 b (new)

(1b) Gender based cyber violence disproportionately affects women and girls and constitutes a serious risk online. Online sexual violence is at an all-time high, with sexual harassment, sexual abuse and grooming exponentially affecting girls and young women. Overall, one in ten women has experienced some form of gender-based cyber violence since the age of 15. 58% of girls have experienced online harassment^{1a}. Child sexual abuse is largely an expression of violence against girls and young women, therefore it is key to integrate a gender perspective in all measures taken to prevent and combat online child sexual abuse and intercepting online solicitation of children while at the same time addressing the root causes of gender-based violence. Gender inequality, structural violence and discrimination against women in society can have harmful consequences in the life of children as revealed by CSAM related statistics, where girls are more likely to be harmed. The digital dimension of gender-based violence has a serious impact on the lives of women and girls, including their safety, their physical and psychological health, livelihoods, family ties, dignity and reputation.

^{1a} ***EIGE. Combating Cyber Violence against Women in Girls, report 2022. <https://eige.europa.eu/publications/combatting-cyber-violence-against-women-and-girls>.***

Amendment 4

Proposal for a regulation Recital 1 c (new)

(1c) In 2022, IWF received 127,732 global reports with ‘self-generated’ imagery, which could be intimate images originally shared in consent or images in which children have been groomed, deceived or extorted into producing and sharing a sexual image or video of themselves. 50% of all actioned reports and 64% of ‘self-generated’ child sexual abuse reports depicted 11-13 year old girls. 24% of all actioned reports and 31% of ‘self-generated’ child sexual abuse reports included 7-10 year old girls. ^{1a} Such data emphasise the gender-aspect of the CSAM crime and the need to provide gender-tailored solutions.

^{1a} *IWF annual report 2022*
<https://annualreport2022.iwf.org.uk/>

Amendment 5

Proposal for a regulation Recital 2

Text proposed by the Commission

Amendment

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often ***being the only ones*** in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced, ***effective, evidence-based***, proportionate, ***and subject to constant review***, so as to avoid any undue negative consequences, ***to fight against online crime, including the serious crime of CSAM and*** for those who use the services for lawful purposes, in

Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid ***directly or indirectly*** imposing any excessive burdens on the providers of the services.

Amendment 6

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, ***may*** have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment 7

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In order to effectively prevent child sexual abuse both online and offline, Member States should establish and implement effective intervention measures aimed at preventing sexual abuse against children; children need to be educated in

a child friendly and child sensitive way, regarding the possible risks of sexual abuse to develop their understanding on what constitutes a healthy relationship at an early age, through an age appropriate comprehensive sexuality and relationships education, teaching children about consent from the earliest age possible and ensuring children's ability to verbalise their experiences after experiencing abuse. Guaranteeing these educational measures in all schools helps children, their families, teachers, and social services, to identify and report abuse.

Amendment 8

Proposal for a regulation Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) As pointed out in the Commission Strategy^{1a}, children need to have the knowledge and tools that could help them stay safe online and they need to be informed about behaviours they could encounter that are unacceptable. When abuse occurs, children need to feel secure and empowered to speak up, react and report, even when the abuse comes from within their circle of trust, as it is often the case. It is essential in this regard to introduce digital skills, literacy and safety online programs targeted at both children and holders of parental responsibility, in order to give them the tools to support children online and recognise signs of child sexual abuse; As stated in the Recommendation of the UN Committee on the Rights of the Child^{1b}, States should ensure that digital literacy is taught in schools, as part of basic education curricula, from preschool level and throughout all school years, and that such pedagogies are assessed on the basis of their results. Curricula should include the knowledge and skills to safely handle a

wide range of digital tools and resources, including those relating to content, creation, collaboration, participation, socialization and civic engagement EU strategy for a more effective fight against child sexual abuse online and offline.

^{1a} COM(2020) 607 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU strategy for a more effective fight against child sexual abuse.

^{1b} CRC/C/GC/25, General comment No. 25 (2021) on children's rights in relation to the digital environment from UN Committee on the Rights of the Child.

Amendment 9

Proposal for a regulation Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) Member States should develop public awareness programmes through the media, on the crime of child sexual abuse, in a gender sensitive and child friendly way; the Commission-funded network of Safer Internet Centres raises awareness on online safety and provides information, resources and assistance via helplines and hotlines on a wide range of digital safety topics including grooming and sexting. The One in Five campaign by the Council of Europe and Europol's "#SayNo" initiative are further examples of how this can be done.

Amendment 10

Proposal for a regulation Recital 3 d (new)

(3d) Targeted cooperation with online platforms for gender sensitive and age-appropriate awareness raising can complement the educational measures targeted at both children and parents. As a growing number of teenagers are sharing intimate images as a part of sexual interaction and behaviour, platforms can have an important role, informing children about the risks associated with sharing of images, and give them guidance on the risks and effects of such behaviour.

Amendment 11

Proposal for a regulation Recital 4

(4) Therefore, this Regulation should contribute to ***the proper functioning of the internal market by setting out*** clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation.

(4) Therefore, this Regulation should ***directly*** contribute to ***establishing*** clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is ***demonstrably and durably*** effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation, ***in the fight against crime, including CSAM. It should also contribute to raising awareness of the broad scope of the phenomenon of child sexual abuse, which does not only affect children of different ages, genders and social, cultural and economic backgrounds, taking into account the particular impact on the close and extended family circle.***

Amendment 12

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Member states should ensure the promotion of policies to prevent and combat sexual abuse, particularly in the following four areas: justice to ensure the safety of victims and the accountability of perpetrators, education so that new generations learn how to engage in healthy relationships as well as how to identify abuse and violence, health to prioritise the healthy physical and psychological development of children, and social action to ensure that all victims have the same opportunities and support to report the abuse, overcome any traumas with professional help, and seek help outside their family unit if necessary and ensure the full availability of specialized support services tailored by gender and age for child victims of sexual abuse and children in vulnerable situations.

Amendment 13

Proposal for a regulation Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Member States should guarantee the provision of needed recourses to ensure that the justice system functions at adequate speed. That should include resources to carry out psychological support assessments and ensure priority mechanisms for continuous, universal and therapeutic support to victims and their families, who can benefit from it throughout their lives, and to provide capacity to public health systems.

Amendment 14

Proposal for a regulation Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) The risks associated with children falling victim to child sexual abuse are vast, including but not limited to glorification and promotion of self-harm, suicide, violence, hate speech online and offline, drug taking, eating disorders and dangerous dieting practices. These risks deriving from the exposure of children to child sexual abuse, harassment and access to harmful content have detrimental effect on children's rights and their physical and psychological wellbeing. Among other consequences, it can discourage children's, especially girls' participation in online activities. Equally significant is that research demonstrates that certain groups are particularly vulnerable to different types of child sexual abuse and exploitation and therefore, special focus must be given to them. This includes those experiencing intersectional forms of discrimination. Many of the online risks associated with child sexual abuse continue to pose a threat to adults, and many adults have already fallen victim, therefore this regulation should also focus on prevention of online risks, mandating the integration into applications of features that help children learn about, identify and avoid risks, making use of a "learning through doing" approach.

Amendment 15

Proposal for a regulation Recital 4 d (new)

Text proposed by the Commission

Amendment

(4d) Fighting these crimes, both online and in the real world, is a fundamental priority. In addition, it is essential to protect child victims of sexual abuse and their fundamental rights and the protection of personal data, private and family life, freedom of expression and information. No child image should be subject to the production of illegal content and no child should be re-victimised by the sharing or repeated dissemination of child sexual abusive material which may reach extreme levels in cases of so-called 'highly traded' material, that is traded and shared across multiple platforms.

Amendment 16

Proposal for a regulation Recital 4 e (new)

Text proposed by the Commission

Amendment

(4e) The regulatory measures to address the dissemination of CSAM online shall be complemented by EU wide campaigns coordinated by the EU Centre and the Coordinating Authorities of the Member States. Those campaigns shall include increasing public information and awareness on the phenomenon, including on child-friendly and age-appropriate reporting, as well as informing about victims' rights.

Amendment 17

Proposal for a regulation Recital 4 f (new)

Text proposed by the Commission

Amendment

(4f) Developers should focus on

responsibility by design, with the goal of preventing child sexual abuse online, developing risk-mitigation and safety features for applications. To achieve this, it is important that developers understand how children use their services, and the threats they face. Therefore, children, especially girls should be involved in the development process of risk-mitigation and safety features that are built for them.

Amendment 18

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) With a view to minimising the risk that their services are misused for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment *is* updated regularly and when needed for particular reasons.

Amendment

(14) With a view to minimising the risk that their services are misused for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available interpersonal communications services should assess such risk ***including based on gender and age of child users*** for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment, updated regularly and when needed for particular reasons.

Amendment 19

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, ***including age verification and parental control tools***, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation. ***Providers should also assess any possible negative impacts of proposed mitigation measures, and if they disproportionately affect people experiencing intersectional discrimination, including on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender or sexual orientation. Particular care should be taken to assess the impact on girls, who are at a greater risk of being subject to child sexual abuse and gender-based violence.***

Amendment 20

Proposal for a regulation
Recital 16 a (new)

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Text proposed by the Commission

Amendment

(16a) Notably, parental controls that allow parents to access children’s private correspondence without their consent can pose a significant risk to children’s privacy, and safety, in particular in the cases of children being abused by their family, and LGBTIQ+ children in hostile households.

Amendment 21

Proposal for a regulation Recital 17

Text proposed by the Commission

Amendment

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect online child sexual abuse in their services and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect ***and prevent*** online child sexual abuse in their services and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.

Amendment 22

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be made subject to obligations to take certain reasonable measures to assess and mitigate that risk. The providers should make that assessment in a diligent manner, making efforts that are reasonable under the given circumstances, having regard inter alia to the nature and extent of that risk as well as their financial and technological capabilities and size, and cooperating with the providers of the services offered through the software application where possible.

Amendment

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be made subject to obligations to take certain reasonable measures to assess and mitigate that risk. The providers should make that assessment in a diligent manner, making efforts that are reasonable under the given circumstances, having regard inter alia to the nature and extent of that risk as well as their financial and technological capabilities and size, and cooperating with the providers of the services offered through the software application where possible. ***They should provide holders of parental responsibility with information on the features in applications that present a risk to children, as well as age and gender-sensitive guidance on how to discuss those risks with children.***

Amendment 23

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) However, the finding of such a significant risk should in itself be insufficient to justify the issuance of a detection order, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial authority or independent administrative authority having objectively and diligently assessed, identified and weighted, on a

Amendment

(22) However, the finding of such a significant risk should in itself be insufficient to justify the issuance of a detection order, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial authority or independent administrative authority having objectively and diligently assessed, identified and weighted, on a

case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the likelihood and seriousness of any potential negative consequences for other parties affected, ***in particular girls and those experiencing intersectional discrimination***. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

Amendment 24

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation.

Amendment

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data ***including with the Charter of Fundamental Rights***. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation.

Amendment 25

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation.

Amendment

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted, ***whom to the vast majority are girls.*** Victims ***or the holders of parental responsibility or their approved legal representative*** should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant ***and age-appropriate*** information if known child sexual abuse material depicting them is reported ***or has been removed*** by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation. ***This should both include the option for a singular information request, as the option to receive this information on a continuous and regular basis. Online service providers, including social network platforms, should adopt mandatory procedures in order to effectively prevent, detect and report child sexual abuse that occurs on their services and remove CSAM.***

Amendment 26

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the

Amendment

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the

material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. ***Such assistance should be tailored to the specific vulnerabilities of the victims, such as age, or disability, in a gender sensitive way.*** The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to ***receive adequate psycho-social, age appropriate and gender-sensitive support and to be assisted by the EU Centre and its relevant partners, such as child helplines or other psycho-social support mechanisms*** in this regard, via the Coordinating Authorities ***taking into account the vulnerabilities of the victim and disproportionate psychological effects on girls. Member States should establish and improve the functioning of child helplines and hotlines, including through funding and capacity building, in line with Article 96 of Directive (EU) 2018/1972. Victim identification is key not only for tracking down online child sexual abuse but also to prevent victimisation, and to stop further spread of damaging material and to ensure that victims can benefit from available assistance. Such victim identification requires a high degree of specialisation and adequate resources. Therefore the European Cybercrime Centre's efforts in victim identification should be***

complemented at national level.

Amendment 27

Proposal for a regulation Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) In order to prevent children falling victims to online abuse, providers for which there is evidence that their service is routinely or systematically used for the purpose of online child sexual abuse should, in line with Article 3 provide reasonable assistance, by putting in place alert and alarm mechanisms in a prominent way on their platforms. The alert mechanism could consist of, for example, linking potential victims to the local services such as helplines, victims' rights and support organisations or hotlines. They should ensure adequate follow-up, when a report or alert is made, in the language chosen by the user.

Amendment 28

Proposal for a regulation Recital 37

Text proposed by the Commission

Amendment

(37) To ensure the efficient management of such victim support functions, victims should be allowed to contact and rely on the Coordinating Authority that is most accessible to them, which should channel all communications between victims and the EU Centre.

(37) To ensure the efficient management of such victim support functions, victims should be allowed to contact and rely on the Coordinating Authority that is most accessible to them, which should channel all communications between victims and the EU Centre. ***Coordinating authorities should provide gender- and age- sensitive support to victims, as well as psychological support. Under no circumstances should victims be blamed for what has happened to them.***

Amendment 29

Proposal for a regulation Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) Member States should ensure and safeguard the existence of effective mechanisms for reporting child sexual abuse and that such investigative tools are effectively used to identify victims and rescue them as quickly as possible from ongoing abuse.

Amendment 30

Proposal for a regulation Recital 44

Text proposed by the Commission

Amendment

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities.

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, ***and related to achieving the objectives of this Regulation***, without prejudice to the enforcement powers of other national authorities. ***Training of officials in close contact with victims, including law enforcement officers, judges, prosecutors, lawyers and forensic experts and social workers, is essential in order to understand the problem that victims can face, and in order to ensure that the***

situation is prevented and mitigated if necessary. The Coordinating Authority should therefore also act as a single point of contact with regard to matters related to the achievement of the objectives of this Regulation, including prevention, with regard to awareness raising and training of officials.

Amendment 31

Proposal for a regulation

Recital 60

Text proposed by the Commission

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the detection, reporting and blocking obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

Amendment

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the detection, reporting and blocking obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse. ***The EU Centre will act as a centre for expertise, collecting, facilitating the exchange and dissemination of best practices and approaches on prevention, educational developments related to media literacy and digital skills in accordance with the Commission Communication A Digital***

Decade for children and youth: the new European strategy for a better internet for kids (BIK+), while integrating a child rights perspective and ensuring a gender-sensitive and age-appropriate approach.

Amendment 32

Proposal for a regulation Recital 66

Text proposed by the Commission

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned to remove or disable access to the item or items in question, given that the provider may not be aware of their presence and may be willing to do so on a voluntary basis.

Amendment

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned to remove or disable access to the item or items in question, given that the provider may not be aware of their presence and may be willing to do so on a voluntary basis. ***The EU Centre should be able to work in cooperation with, and refer child victims to, relevant competent authorities and support services, such as victim protection centres, women's shelters, children's rights or children's specialised services, social services and healthcare professionals in the Member States, while ensuring a gender-sensitive approach and a child rights perspective. The EU Centre should support Member States in conducting studies, with nationally representative samples, on child sexual abuse in their socialisation spaces, in order to structure preventive and multidisciplinary response measures.***

Amendment 33

Proposal for a regulation Recital 67

Text proposed by the Commission

(67) Given its central position resulting from the performance of its primary tasks under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and research on matters related to the prevention and combating of online child sexual abuse. In this connection, the EU Centre should cooperate with relevant stakeholders from both within and outside the Union and allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned.

Amendment

(67) Given its central position resulting from the performance of its primary tasks under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, ***gathering of best practices***, expertise and research on matters related to the prevention and combating of online child sexual abuse, ***including education and awareness raising, and prevention programmes available for potential offenders and offenders during and after criminal proceedings***. In this connection, the EU Centre should ***bring together practitioners and researchers***. ***The EU Centre should also*** cooperate with relevant stakeholders from both within and outside the Union and allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned. ***The EU Centre should allow Member States to benefit from knowledge and expertise on digital empowerment programs for children that are age-appropriate and gender-sensitive. The EU centre shall also provide knowledge, expertise and best practice on preventive measures.***

Amendment 34

Proposal for a regulation Recital 70

Text proposed by the Commission

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they work together effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

Amendment

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they work together effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union. ***Child helplines are equally in the frontline in the fight against online child sexual abuse. Therefore, the EU Centre should also recognise the work of child helplines in victim response, and the existing referral mechanisms between child helplines and hotlines.***

Amendment 35

**Proposal for a regulation
Recital 74 a (new)**

Text proposed by the Commission

Amendment

(74a) Given the purpose of this Regulation, to combat and prevent child sexual abuse, the EU Centre should have a Victims' Rights and Survivors Advisory Board composed of experts with advisory functions relating to the rights of children victims and survivors. The Victims' Rights and Survivors Advisory Board may, in particular, provide independent advice through expertise knowledge, deriving from victims of sexual abuse and taking into account the views of the children to support the work of the EU Centre, within the scope of its mandate.

Amendment 36

Proposal for a regulation Recital 74 b (new)

Text proposed by the Commission

Amendment

(74b) In order to achieve the objectives of this Regulation all staffing related to the EU Centre and the Coordinating authorities, the Advisory Committees, as well as the composition throughout administrative and management structures as established in Article 55 shall be diverse and gender balanced, taking into account the principle of gender mainstreaming. A gender sensitive approach is instrumental to achieving the objectives of this Regulation.

Amendment 37

Proposal for a regulation Recital 75

Text proposed by the Commission

Amendment

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse information, based on anonymised gathering of non-personal data and to publish annual reports on their activities under this Regulation. The Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse ***gender-, sex- and age-disaggregated data and*** information, based on anonymised gathering of non-personal data and to publish annual reports on their activities under this Regulation. The Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in

gathering that information.

gathering that information.

Amendment 38

Proposal for a regulation

Recital 77

Text proposed by the Commission

(77) The evaluation should be based on the criteria of efficiency, necessity, effectiveness, proportionality, relevance, coherence and Union added value. It should assess the functioning of the different operational and technical measures provided for by this Regulation, including the effectiveness of measures to enhance the detection, reporting and removal of online child sexual abuse, the effectiveness of safeguard mechanisms as well as the impacts on potentially affected fundamental rights, the freedom to conduct a business, the right to private life and the protection of personal data. The Commission should also assess the impact on potentially affected interests of third parties.

Amendment

(77) The evaluation should be based on the criteria of efficiency, necessity, effectiveness, proportionality, relevance, coherence, ***the principle of gender mainstreaming***, and Union added value. It should assess the functioning of the different operational and technical measures provided for by this Regulation, including the effectiveness of measures to enhance the detection, reporting and removal of online child sexual abuse, the effectiveness of safeguard mechanisms as well as the impacts on potentially affected fundamental rights, ***children's rights***, the freedom to conduct a business, the right to private life and the protection of personal data. The Commission should also assess the impact on potentially affected interests of third parties.

Amendment 39

Proposal for a regulation

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) 'safety assistant' means a tool integrated into interpersonal communications services and active only for child users of the service, which assists children in learning about, identifying and avoiding risks online, including but not limited to self-generated abuse material and solicitation;

Amendment 40

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of **17** years;

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of **18** years;

Amendment 41

Proposal for a regulation

Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) ‘victim’ means the child or person having suffered harm caused after being subject to ‘child sexual abuse material’ or ‘solicitation of children’ or ‘online sexual abuse’ or ‘child sexual abuse offences’;

Amendment 42

Proposal for a regulation

Article 3 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) any implications for the exercise of fundamental rights or possible infringement of EU law;

Amendment 43

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4

Text proposed by the Commission

Amendment

— functionalities enabling users to flag online child sexual abuse to the

— functionalities enabling users to flag online child sexual abuse to the

provider through tools that are easily accessible and age-appropriate;

provider through tools that are easily accessible and age-appropriate **and that respect users' privacy**;

Amendment 44

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 a (new)

Text proposed by the Commission

Amendment

— ***the integration of tools such as safety assistants to prevent child sexual abuse online;***

Amendment 45

Proposal for a regulation

Article 3 – paragraph 2 – point e – point ii

Text proposed by the Commission

Amendment

(ii) where the service is used by children, the different age groups of the child users and the risk of solicitation of children in relation to those age groups;

(ii) where the service is used by children, the different age groups of the child users and the risk of solicitation of children in relation to those age groups, ***as well as the risk posed by adults using the service for the purpose of solicitation of children;***

Amendment 46

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

Amendment

— enabling users to ***establish*** contact with other users directly, in particular through private communications;

— enabling users to ***initiate unsolicited*** contact with other users directly, in particular through private communications ;

Amendment 47

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) the existing measures to mitigate risks where the functionalities of the application can be used for the solicitation of children, or for the sharing of abuse material, including but not limited to safety assistants, and safe defaults for visibility and reachability of children on the platform;

Amendment 48

Proposal for a regulation

Article 3 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

6. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and ***trends reported by authorities, civil society organisations and victim support organisations, and*** to the manners in which the services covered by those provisions are offered and used.

Amendment 49

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) providing technical measures and tools, in an age appropriate way, that allow users, and in particular children, to manage their own privacy, visibility, reachability and safety, and that are set to

the most secure levels by default;

Amendment 50

Proposal for a regulation

Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) informing users, keeping in mind children’s needs, about external resources and services in the user’s vicinity on preventing child sexual abuse, counselling by help-lines or online, educational resources provided by hotlines and child protection organisations, and information on victims support;

Amendment 51

Proposal for a regulation

Article 4 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) providing tools in a prominent way on their platform that allow users to seek help from their local or national hotline;

Amendment 52

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations, **hotlines** or, where applicable, entities awarded the status of trusted flaggers in accordance with Article

(EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

Amendment 53

Proposal for a regulation Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) providing users of interpersonal communications services, in particular children, with tools to help them learn about, identify and avoid online risks, in particular through the integration of safety assistants.

Amendment 54

Proposal for a regulation Article 4 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) targeted and proportionate in relation to that risk, taking into account specific online and offline vulnerabilities of children, especially girls, as well as risk faced by those experiencing intersectional discrimination, on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender or sexual orientation;

Amendment 55

Proposal for a regulation Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) developed in cooperation with children who use the service;

Amendment 56

Proposal for a regulation

Article 4 – paragraph 4 a – introductory part (new)

Text proposed by the Commission

Amendment

4a. Where an online platform is primarily used for the dissemination of user generated pornographic content, the platform shall take the necessary technical and organisational measures to ensure:

Amendment 57

Proposal for a regulation

Article 4 – paragraph 4 a – point a (new)

Text proposed by the Commission

Amendment

(a) user-friendly and child friendly reporting mechanisms to report alleged child sexual abuse material;

Amendment 58

Proposal for a regulation

Article 4 – paragraph 4 a – point b (new)

Text proposed by the Commission

Amendment

(b) adequate professional human content moderation to rapidly process notices of alleged child sexual abuse material;

Amendment 59

Proposal for a regulation
Article 4 – paragraph 4 a – point c (new)

Text proposed by the Commission

Amendment

(c) automatic mechanisms and interface design elements to inform users about external preventive intervention programmes in the user’s vicinity.

Amendment 60

Proposal for a regulation
Article 4 – paragraph 4 b – introductory part (new)

Text proposed by the Commission

Amendment

4b. Providers of online games that operate number-independent interpersonal communications service within their games shall take the necessary technical and organisational measures

Amendment 61

Proposal for a regulation
Article 4 – paragraph 4 b – point a (new)

Text proposed by the Commission

Amendment

(a) preventing users from initiating unsolicited contact with other users;

Amendment 62

Proposal for a regulation
Article 4 – paragraph 4 b – point b (new)

Text proposed by the Commission

Amendment

(b) facilitating user-friendly reporting of alleged child sexual abuse material;

Amendment 63

Proposal for a regulation Article 4 – paragraph 4 b – point c (new)

Text proposed by the Commission

Amendment

(c) providing technical measures and tools that allow users to manage their own privacy, visibility reachability and safety, and that are set to the most secure levels by default;

Amendment 64

Proposal for a regulation Article 4 – paragraph 4 b – point d (new)

Text proposed by the Commission

Amendment

(d) providing tools in a prominent way on their platform that allow users to seek help from their local hotline.

Amendment 65

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and ***trends and evidence reported by law enforcement, hotlines, civil society organisations, EIGE and technology companies, in combating child sexual abuse online*** and in the manners in which the services covered by those provisions are offered and used.

Amendment 66

Proposal for a regulation Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. To complement the risk mitigation measures taken by the providers, gender-sensitive and child-friendly education and prevention measures shall be introduced and implemented.

Amendment 67

Proposal for a regulation Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

(b) take reasonable measures to prevent child users from accessing the software applications ***not intended for their use or adapted to their safety needs*** in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

Amendment 68

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments, ***trends and evidence reported by law enforcement, hotlines, civil society organisations, EIGE and technology companies, in combating child sexual abuse online***, and to the manners in which the services covered by

those provisions are offered and used.

Amendment 69

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct **a** data protection **impact assessment** and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Amendment

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct **impact assessments on** data protection, **gender, and child rights**, and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Amendment 70

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection **impact assessment** and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;

Amendment

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the **impact assessments on** data protection, **gender, and child rights**, and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;

Amendment 71

Proposal for a regulation

Article 10 – paragraph 4 – point d

Text proposed by the Commission

(d) establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

Amendment

(d) establish and operate an accessible, age-appropriate, ***gender-sensitive***, and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

Amendment 72

**Proposal for a regulation
Article 11**

Text proposed by the Commission

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Amendment

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and ***trends and evidence reported by law enforcement, hotlines, civil society organisations, EIGE and technology companies, in combating child sexual abuse online***, and the manners in which the services covered by those provisions are offered and used.

Amendment 73

**Proposal for a regulation
Article 12 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned, **providing** information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Amendment

Where the provider submits a report pursuant to paragraph 1, it shall **request authorisation from the EU Centre** to inform the user concerned, **where the Centre shall reply without undue delay. The notification to the user shall include** information on the main content of the report, on the manner in which the provider has become aware of the **potential child** sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Amendment 74

**Proposal for a regulation
Article 12 – paragraph 3**

Text proposed by the Commission

3. The provider shall establish and operate an accessible, **age-appropriate** and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service.

Amendment

3. The provider shall establish and operate an accessible, and user-friendly mechanism **with gender and age-appropriate options** that allows users to flag **anonymously if preferred** to the provider, potential online child sexual abuse on the service.

Amendment 75

**Proposal for a regulation
Article 12 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. If the potential online child sexual abuse on the service is flagged the provider shall provide the user who reported the material with essential

information on online safety and specialist child support services, such as helplines and hotlines, in addition to the reporting of the material. If the user is a child, the above mentioned provision of the information shall be done in a child friendly and age-appropriate manner.

Amendment 76

Proposal for a regulation

Article 13 – paragraph 1 – point j

Text proposed by the Commission

(j) whether the provider considers that the report requires urgent action;

Amendment

(j) ***an indication*** whether the provider considers that the report requires urgent action;

Amendment 77

Proposal for a regulation

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Before requesting a removal order, the authorities named in paragraph shall take all reasonable steps to ensure that implementing the order will not interfere with activities for the investigation and prosecution of child sexual abuse offences.

Amendment 78

Proposal for a regulation

Article 14 – paragraph 3 – point i

Text proposed by the Commission

(i) easily understandable information about the redress available to the addressee of the removal order, including information about redress to a court and about the time

Amendment

(i) easily understandable ***and accessible*** information about redress ***options that the service has to make*** available to the addressee of the removal

periods applicable to such redress.

order *in their language setting*, including information about redress to a court and about the time periods applicable to such redress, *taking into account the different needs of people with a disability*.

Amendment 79

Proposal for a regulation Article 15 – paragraph 3 – point c b (new)

Text proposed by the Commission

Amendment

(cb) if the user is a child, referral to competent national support services and essential information on online safety, in a child-friendly language;

Amendment 80

Proposal for a regulation Article 15 – paragraph 3 – point c c (new)

Text proposed by the Commission

Amendment

(cc) external resources and services in the user's vicinity on preventing child sexual abuse, counselling by help-lines, information on victim support and educational resources provided by hotlines and child protection organisations;

Amendment 81

Proposal for a regulation Article 15 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The information referred to in the first subparagraph shall be provided in an easily understandable, accessible manner, in the language setting of the user, taking into account the different needs of

persons with a disability.

Amendment 82

Proposal for a regulation Article 20

Text proposed by the Commission

Victims' right to information

Amendment

Article 20

Victims' right to information **and support**

Amendment 83

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. *Persons* with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Amendment

Any victim and/or their legal representative, with their informed consent residing in the Union **and victims of child sexual abuse material hosted or disseminated in the Union or their representatives** shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they **live or Coordinating Authority of their choosing, easily understandable and accessible age-appropriate** information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12 **and referral to support services. The request can cover both an occasional request as well as a periodic request. Victims** with disabilities shall have the right to ask and receive such an information in a manner accessible to them, **and the information in question should be given on the basis of the indicated language by that person. This shall be done within a reasonable period of time.**

Amendment 84

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the person making the request.

Amendment

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the person making the request. ***The transmission of the request shall be made with due regard to the protection of the identity and the privacy of the victim, together with measures for the protection of the privacy and the images of their family members, in a victim sensitive or age-appropriate and gender-sensitive way. Such protection is particularly important for child victims and includes non-disclosure of the name of the child. A child-sensitive approach, taking due account of the child's age, maturity, views, needs and concerns, shall prevail. The child and the holder of parental responsibility or other legal representative, if any, shall be informed of their rights as victims. The Coordinating Authority shall also provide information to victims, regarding access to specialist support services available.***

Amendment 85

Proposal for a regulation Article 20 – paragraph 1 a – introductory part (new)

Text proposed by the Commission

Amendment

1a. Victims of child sexual abuse or their representatives and persons living in the Union shall have the right to receive, upon their request, from the Coordinating Authority information regarding victims'

rights, support and assistance. The information shall be age-appropriate, accessible and gender-sensitive and shall include at a minimum:

Amendment 86

Proposal for a regulation Article 20 – paragraph 1 a – point a (new)

Text proposed by the Commission

Amendment

(a) the type of support they can obtain and from which services, including, where relevant, basic information about access to medical support, any specialist support, including psychological or social support, and alternative accommodation;

Amendment 87

Proposal for a regulation Article 20 – paragraph 1 a – point b (new)

Text proposed by the Commission

Amendment

(b) the procedures for making complaints with regard to a criminal offence and their role in connection with such procedures;

Amendment 88

Proposal for a regulation Article 20 – paragraph 1 a – point c (new)

Text proposed by the Commission

Amendment

(c) how and under what conditions they can obtain protection, including protection measures;

Amendment 89

Proposal for a regulation
Article 20 – paragraph 1 a –point d (new)

Text proposed by the Commission

Amendment

(d) how and under what conditions they can access legal advice, legal aid and any other sort of advice;

Amendment 90

Proposal for a regulation
Article 20 – paragraph 1 a – point e (new)

Text proposed by the Commission

Amendment

(e) how and under what conditions they can access compensation;

Amendment 91

Proposal for a regulation
Article 20 – paragraph 1 a – point f (new)

Text proposed by the Commission

Amendment

(f) how and under what conditions they are entitled to interpretation and translation;

Amendment 92

Proposal for a regulation
Article 20 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In case a victim or victim representative indicates the preference for a periodic request, the Coordinating Authority shall submit without delay, the information referred to in paragraph 3 proactively to the requester after the first submitted reply, in any new instances of reports referred to in paragraph 1 on a

weekly basis. Victims or victim representatives can terminate the periodic request at any time by notifying the Coordinating Authority in question.

Amendment 93

Proposal for a regulation Article 20 – paragraph 2 – point b

Text proposed by the Commission

(b) where applicable, the individual or entity that is to receive the information on behalf of the person making the request;

Amendment

(b) where applicable, the individual or entity ***formally assisting or representing the person*** that is to receive the information on behalf of the person making the request ***with verifiable proof of approval of the person making the request***;

Amendment 94

Proposal for a regulation Article 20 – paragraph 2 – point c

Text proposed by the Commission

(c) sufficient elements to ***demonstrate the identity of*** the person making the request.

Amendment

(c) sufficient elements to ***verify that the child sexual abuse material in question matches with*** the person making the request.

Amendment 95

Proposal for a regulation Article 20 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) an indication if the request is occasional or whether it covers a certain time period.

Amendment 96

Proposal for a regulation
Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Coordinating Authority shall ensure that victims and/or their legal representatives and adult survivors are informed about victim support services where the victims can receive age-appropriate and gender-sensitive information and support.

Amendment 97

Proposal for a regulation
Article 20 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the identification of the provider that submitted the report;

(a) the identification of the provider(s) that submitted the report;

Amendment 98

Proposal for a regulation
Article 20 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) the date of the report;

(b) the date(s) of the report(s);

Amendment 99

Proposal for a regulation
Article 20 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) whether the EU Centre forwarded the report in accordance with Article 48(3) and, if so, to which authorities;

(c) whether the EU Centre forwarded the report(s) in accordance with Article 48(3) and, if so, to which authorities;

Amendment 100

Proposal for a regulation Article 20 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) information regarding age-appropriate and gender-sensitive victim support services to provide the child, family and survivors with adequate emotional and psychosocial support as well as practical and legal assistance;

Amendment 101

Proposal for a regulation Article 20 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) new relevant age-appropriate, accessible and gender-sensitive information on victim support and assistance in the victim's region.

Amendment 102

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services shall provide ***reasonable*** assistance, on request, to ***persons*** residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

1. Providers of hosting services shall provide ***without delay***, assistance, on request, to ***victims or the holders of parental responsibility for the victims or the legal guardians of the victims*** residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider ***acting in the best interest of the child***.

Amendment 103

Proposal for a regulation Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Professionals likely to come into contact with victims of child sexual abuse shall be adequately trained to deal with such victims, taking into account gender sensitivities.

Amendment 104

Proposal for a regulation Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Persons *residing* in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Victims of child sexual abuse material hosted or disseminated in the Union or their legal representatives or persons in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides or the Coordinating Authority of their choosing, age appropriate and gender-sensitive information on support for removal, including support from civil society organisations, hotlines and from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner that is appropriate and accessible to them.

Amendment 105

Proposal for a regulation Article 21 – paragraph 3

Text proposed by the Commission

3. The requests referred to in paragraphs 1 and 2 shall indicate the relevant item or items of child sexual abuse material.

Amendment

3. The requests referred to in paragraphs 1 and 2 shall indicate the relevant item or items of child sexual abuse material **and any other relevant information**.

Amendment 106

Proposal for a regulation

Article 21 – paragraph 4 – point b

Text proposed by the Commission

(b) verifying whether the provider removed or disabled access to that item or those items, including by conducting the searches referred to in Article 49(1);

Amendment

(b) verifying whether **and when** the provider removed or disabled access to that item or those items, including by conducting the searches referred to in Article 49(1);

Amendment 107

Proposal for a regulation

Article 21 – paragraph 4 – point d

Text proposed by the Commission

(d) where necessary, informing the Coordinating Authority of establishment of the presence of that item or those items on the service, with a view to the issuance of a removal order pursuant to Article 14.

Amendment

(d) where necessary, informing the Coordinating Authority of establishment of the presence of that item or those items on the **provider's** service, with a view to the issuance of a removal order pursuant to Article 14 **and the obligations under Article 21**.

Amendment 108

Proposal for a regulation

Article 21 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) information regarding victim's

rights, assistance and support pursuant to Article 21.

Amendment 109

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Providers of hosting services and providers of interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Amendment

Providers of hosting services and providers of interpersonal communications services shall preserve the **necessary** content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Amendment 110

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 2

Text proposed by the Commission

As regards the first subparagraph, point (a), the provider may also preserve the information for the purpose of improving the effectiveness and accuracy of the technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7. However, it shall not store any personal data for that purpose.

Amendment

As regards the first subparagraph, point (a), the provider may also preserve the information, **including data on gender and age**, for the purpose of improving the effectiveness and accuracy of the technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7. However, it shall not store any personal data for that purpose.

Amendment 111

Proposal for a regulation

Article 25 – paragraph 5

Text proposed by the Commission

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement of this Regulation in that Member State. Member States shall make the information on the contact point publicly available and communicate it to the EU Centre. They shall keep that information updated.

Amendment

5. Each Member State shall ensure that a **sufficiently staffed** contact point is designated or established within the Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement of this Regulation **and enforcement of Directive 2011/93/EU** in that Member State. Member States shall make the information on the contact point publicly available and **shall disseminate this information through gender-sensitive awareness raising campaigns in public places frequented by children, and girls in particular, as well as online and shall** communicate it to the EU Centre. They shall keep that information updated. **The Coordinating Authority shall contribute with relevant information and material for the promotion of targeted child-sensitive awareness raising or education campaigns for children as well for adults about the risks of online child sexual abuse. Such contribution shall be based on the expertise and the feedback from the EU Centre and shall be made with a gender-sensitive perspective.**

Amendment 112

**Proposal for a regulation
Article 25 – paragraph 7 – point a**

Text proposed by the Commission

(a) provide certain information or **technical** expertise on matters covered by this Regulation;

Amendment

(a) provide certain information or expertise on matters covered by this Regulation;

Amendment 113

Proposal for a regulation
Article 25 – paragraph 7 – point a a (new)

Text proposed by the Commission

Amendment

(aa) provide information on the know-how and techniques developed to prevent online solicitation of children and the dissemination of child sexual abuse material online, with a particular focus on the age and gender dimension;

Amendment 114

Proposal for a regulation
Article 25 – paragraph 7 – point d a (new)

Text proposed by the Commission

Amendment

(da) provide knowledge and expertise on appropriate prevention measures and techniques tailored by age and gender against online solicitation of children and the dissemination of child sexual abuse material online.

Amendment 115

Proposal for a regulation
Article 25 – paragraph 8

Text proposed by the Commission

Amendment

8. The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this Regulation and insofar as its resources ***and priorities*** allow.

8. The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this Regulation and insofar as its resources allow.

Amendment 116

Proposal for a regulation
Article 25 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. In its contact with victims and survivors or in any decision affecting victims and survivors, the Coordinating Authority shall operate in an age-appropriate and gender-sensitive way that minimises risks to victims and survivors, especially children, addresses harm of victims and meets their needs. It shall operate in a victim and gender sensitive manner which prioritises recognising and listening to the victim, avoids secondary victimisation and re-traumatisation, and systematically focuses on their safety, rights, well-being, expressed needs and choices, and ensures they are treated in an empathetic, sensitive and non-judgmental way.

Amendment 117

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected. Member States shall ensure that their Coordinating Authorities have adequate technical, financial and human resources to carry out their tasks.

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected. **They shall also ensure that their Coordinating Authorities perform their tasks with utmost respect and sensitivity towards victims and their representatives, with a focus on avoidance of re-victimization, the safety of the victim and their needs.** Member States shall also ensure that their Coordinating Authorities have adequate technical, financial and human resources to carry out their tasks.

Amendment 118

Proposal for a regulation
Article 26 – paragraph 4

Text proposed by the Commission

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience and technical skills to perform their duties.

Amendment

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience and technical skills to perform their duties.
They shall also ensure that members of staff coming into contact with victims are adequately and frequently trained in intersectional victim support.

Amendment 119
Proposal for a regulation
Article 26 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Coordinating Authorities shall ensure that the appointment of management and hiring of staff is subject to an employment background check.

Amendment 120

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Coordinating Authorities shall provide ***child-friendly*** mechanisms to submit a complaint under this Article and adopt ***a child-sensitive*** approach when handling complaints ***submitted by children***, taking due account of ***the child's age, maturity***, views, needs and concerns.

Amendment

2. Coordinating Authorities shall provide ***age-appropriate and accessible*** mechanisms to submit a complaint under this Article and adopt ***an age-appropriate and gender-sensitive*** approach when handling complaints, taking due account of ***the*** views, needs and concerns. ***The processing of complaints shall take into account due diligence and will provide necessary information to the complainant.***

Amendment 121

Proposal for a regulation
Article 34 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Users shall be duly informed of the outcome of the complaint.

Amendment 122

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

Amendment

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.
Coordinating Authorities shall establish systematic mechanisms on the exchange of information and best practices related to the prevention and combating of online child sexual abuse and solicitation of children.

Amendment 123

Proposal for a regulation
Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and

blocking of online child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

blocking of online child sexual abuse and gather and share information, ***gender-, sex- and age-disaggregated statistics***, and expertise and facilitate cooperation ***and sharing of best practices*** between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

Amendment 124

Proposal for a regulation Article 43 – paragraph -1 (new)

Text proposed by the Commission

Amendment

The EU Centre shall provide relevant institutions, bodies, offices and agencies of the EU and its Member States as well as civil society organisations and research bodies when involved with implementing EU law, with assistance, expertise and coordination in relation to the preventing and combating of child sexual abuse, in order to support them when taking measures or formulating courses of action within their respective spheres of competence with full respect of fundamental rights.

In its engagement with, or in any decision affecting, victims or persons in high risk groups,, the EU Centre shall operate in a way that minimises risks to victims, especially children, addresses harm to victims and meets their needs in an age-appropriate and gender- and victim-sensitive manner, and shall fully respect human and civil rights of dignity and privacy.

Amendment 125

Proposal for a regulation Article 43 – paragraph 1 – point 1 – point a

Text proposed by the Commission

(a) supporting the Commission in the preparation of the guidelines referred to in Article 3(8), Article 4(5), Article 6(4) and Article 11, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

Amendment

(a) supporting the Commission in the preparation of the guidelines referred to in Article 3(8), Article 4(5), Article 6(4) and Article 11, including by collecting and providing relevant ***gender-sensitive and age-disaggregated*** information, expertise and best practices, taking into account advice from the Technology Committee ***and Victims' Rights and Survivors Advisory Board*** referred to in Article 66 ***and 50a***;

Amendment 126

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point d

Text proposed by the Commission

(d) providing information and support to victims in accordance with Articles 20 and 21;

Amendment

(d) providing information, ***assistance*** and support to victims in accordance with Articles 20 and 21;

Amendment 127

Proposal for a regulation

Article 43 – paragraph 1 – point 6

Text proposed by the Commission

(6) facilitate the generation ***and sharing*** of knowledge ***with*** other Union institutions, bodies, offices and agencies, Coordinating Authorities or other relevant authorities of the Member States to contribute to the achievement of the objective of this Regulation, by:

Amendment

(6) facilitate the generation of knowledge, ***the development of tools and techniques and their sharing with and between*** other Union institutions, bodies, offices and agencies, Coordinating Authorities or other relevant authorities of the Member States to contribute to the achievement of the objective of this Regulation, by:

Amendment 128

Proposal for a regulation
Article 43 – paragraph 1 – point 6 – point a

Text proposed by the Commission

(a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal data gathering, and providing expertise on matters regarding the prevention and combating of online child sexual abuse, in accordance with Article 51;

Amendment

(a) collecting, recording, analysing and providing ***gender and age specific*** information, providing analysis based on anonymised and non-personal data gathering, ***including gender-, sex- and age-disaggregated data*** and providing expertise on matters regarding the prevention and combating of online child sexual abuse ***and victim support***, in accordance with Article 51;

Amendment 129

Proposal for a regulation
Article 43 – paragraph 1 – point 6 – point b

Text proposed by the Commission

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to victims, including by serving as a hub of expertise to support evidence-based policy;

Amendment

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to victims, ***in a gender sensitive and age specific way***, including by serving as a hub of expertise to support evidence-based policy ***and by connecting researchers to practitioners***;

Amendment 130

Proposal for a regulation
Article 43 – paragraph 1 – point 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) providing technical expertise and promoting the exchange of best practices among Member States on raising awareness for the prevention of child sexual abuse online in formal, and non-formal education, including in comprehensive sexuality and relationships education programs and digital skills,

literacy and online safety programs with an age-appropriate and gender-sensitive approach;

Amendment 131

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b b (new)

Text proposed by the Commission

Amendment

(bb) exchanging best practices among Coordinating Authorities regarding the available tools to reduce the risk of children becoming victims of sexual abuse and to provide specialized assistance to victims, in an age-appropriate and gender-sensitive way.

Amendment 132

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point c b (new)

Text proposed by the Commission

Amendment

(cb) establish mechanisms to listen to and incorporate the views of children in its work, in accordance with the UNCRC, the Directive 2012/29/EU and the Charter of Fundamental Rights of the European Union;

Amendment 133

Proposal for a regulation

Article 43 – paragraph 1 – point 6 b (new)

Text proposed by the Commission

Amendment

(6b) refer victims to the appropriate bodies and services for relevant victim support and assistance according to their needs;

Amendment 134

Proposal for a regulation Article 43 – paragraph 1 – point 6 c (new)

Text proposed by the Commission

Amendment

(6c) set up a public anonymous reporting service for reports concerning child sexual abuse material for all persons in the Union;

Amendment 135

Proposal for a regulation Article 43 – paragraph 1 – point 6 d (new)

Text proposed by the Commission

Amendment

(6d) facilitate and coordinate cooperation, including information sharing, with international law enforcement organisations, law enforcement authorities in third countries.

Amendment 136

Proposal for a regulation Article 50 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. **That** period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee, **its Victims' Rights and Survivors Advisory Board**, and of the European Data Protection Board, **including for conducting a fundamental rights impact assessment on those technologies**. The Technology Committee, **the Victims' Rights and Survivors Advisory Board**, and the European Data Protection Board shall deliver their respective opinions within eight weeks **of the request by the EU**

extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Centre. The EU Centre shall ensure all needed information is made available in order to form a balanced opinion and conduct the fundamental rights impact assessment. This period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee, the Victims' Rights and Survivors Advisory Board, and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay. This process must be repeated on a yearly basis.

Amendment 137

Proposal for a regulation

Article 50 – paragraph 2 – introductory part

Text proposed by the Commission

2. The EU Centre shall collect, record, analyse and make available relevant, objective, reliable and comparable information on matters related to the prevention and **combating** of child sexual abuse, in particular:

Amendment

2. The EU Centre shall collect, record, **aggregate**, analyse and **proactively** make available **to the Commission, Member States, the European Institute for Gender Equality, civil society organisations and the public** relevant, **anonymous gender-, sex- and age-disaggregated data**, objective, reliable and comparable information on matters related to the prevention and **combating** of child sexual abuse, **such as education or awareness raising campaigns**, in particular:

Amendment 138

Proposal for a regulation

Article 50 – paragraph 2 – point c

Text proposed by the Commission

(c) information resulting from research or other activities conducted by Member

Amendment

(c) information resulting from research or other activities conducted by Member

States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres and civil society organisations.

States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres and civil society organisations, ***including hotlines***.

Amendment 139

Proposal for a regulation Article 50 – paragraph 3

Text proposed by the Commission

3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage research, surveys and studies, either on its own initiative or, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission.

Amendment

3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage ***and support*** research, surveys and studies, ***in a gender and age sensitive way*** either on its own initiative or, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission. ***The EU Centre will support Member States, the Coordinating Authorities and other relevant actors including the European Institute for Gender Equality in conducting research, taking into account specificities on age and gender.***

Amendment 140

Proposal for a regulation Article 50 – paragraph 4

Text proposed by the Commission

4. The EU Centre shall provide the information referred to in paragraph 2 and the information resulting from the research, surveys and studies referred to in paragraph 3, including its analysis thereof, and its opinions on matters related to the prevention and combating of online child sexual abuse to other Union institutions,

Amendment

4. The EU Centre shall provide the information referred to in paragraph 2 and the information resulting from the research, surveys and studies referred to in paragraph 3, including its analysis thereof, and its opinions on matters related to the prevention and combating of online child sexual abuse to other Union institutions,

bodies, offices and agencies, Coordinating Authorities, other competent authorities and other public authorities of the Member States, either on its own initiative or at request of the relevant authority. Where appropriate, the EU Centre shall make such information publicly available.

bodies, offices and agencies, Coordinating Authorities, other competent authorities, **including hotlines** and other public authorities of the Member States, either on its own initiative or at request of the relevant authority. Where appropriate, the EU Centre shall make such information publicly available.

Amendment 141

Proposal for a regulation Article 50 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall develop a communication strategy and **promote** dialogue with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

Amendment

5. The EU Centre shall develop a **gender and age sensitive** communication strategy and **exchange in** dialogue with civil society organisations, **public authorities, hotlines** and providers of hosting or interpersonal communication services **and other relevant stakeholders** to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse **and victim support. Communication campaigns shall be easily understandable and accessible to all children, their families and educators, formulated together with specialised experts or psychologists, adapted to the children and in a way that is easy to understand. The campaigns should be rolled out in formal, and non-formal education in the Union, aiming to improve digital literacy and ensure a safe digital environment for children. Communication campaigns shall take into account the gender dimension of the crime. They will take into account the advice of the Victims' Rights and Survivors Advisory Board.**

Amendment 142

Proposal for a regulation
Article 50 a – title (new)

Text proposed by the Commission

Amendment

Article 50a

Victims' Rights and Survivors Advisory Board

Amendment 143

Proposal for a regulation
Article 50 a – paragraph 1 (new)

Text proposed by the Commission

Amendment

1. An Advisory Board representing child, victim and survivors' rights experts and representatives will be established by the EU Centre. The Advisory Board shall consist of survivors and representatives of relevant organisations and experts on the needs of survivors and victims of child sexual abuse and exploitation, both online and offline, such as civil society and children's rights organisations working in the field. The members of the Advisory Board shall be appointed by the Management Board in view of their experience, expertise and scope of work, following the publication of a call for expressions of interest in the Official Journal of the European Union.

Amendment 144

Proposal for a regulation
Article 50 a – paragraph 2 (new)

Text proposed by the Commission

Amendment

2. Procedures concerning the appointment of the members of the Survivors' Advisory Board, its operation, as well as establishing of independence and revoking the position of the member

of the advisory board shall be further specified in the rules of procedure of the Management Board and shall be made public.

Amendment 145

Proposal for a regulation Article 50 a – paragraph 3 (new)

Text proposed by the Commission

Amendment

3. The members of the Advisory Board shall act in the best interest of child sexual abuse survivors and the public. The list of members of the Advisory Board shall be made public and shall be updated by the EU Centre on its website.

Amendment 146

Proposal for a regulation Article 50 a – paragraph 4 (new)

Text proposed by the Commission

Amendment

4. The members shall be appointed from the Member States taking into consideration geographical distribution and ensuring gender balance.

Amendment 147

Proposal for a regulation Article 50 a – paragraph 5 (new)

Text proposed by the Commission

Amendment

5. The term of office of the members of the Survivors' Advisory Board shall be four years. It may be renewed once.

Amendment 148

Proposal for a regulation
Article 50 a – paragraph 6 (new)

Text proposed by the Commission

Amendment

6. The members shall liaise with the contact officers of the Coordinating Authority, as per their Member State. If they have dual nationality, they must choose the relevant Coordinating Authority.

Amendment 149

Proposal for a regulation
Article 50 a – paragraph 7 (new)

Text proposed by the Commission

Amendment

7. The Executive Director and the Management Board shall consult the Survivors Advisory Board on any matter relating to victims' rights and preventing and combating child sexual abuse. The members will be called on to provide structured advice at least two times a year.

Amendment 150

Proposal for a regulation
Article 50 a – paragraph 8 – introductory part (new)

Text proposed by the Commission

Amendment

8. The Advisory Board shall:

Amendment 151

Proposal for a regulation
Article 50 a – paragraph 8 – point a (new)

Text proposed by the Commission

Amendment

(a) contribute to the EU Centre's assistance to the Management Board, the

Executive Board and the Executive Director, and the Technology Committee in respect to matters related to children's rights, victims and survivors, and within tasks set out in Article 50 paragraph 5;

Amendment 152

**Proposal for a regulation
Article 50 a – paragraph 8 – point b (new)**

Text proposed by the Commission

Amendment

(b) ensure visibility of the interests and needs of survivors and victims of child sexual abuse;

Amendment 153

**Proposal for a regulation
Article 50 a – paragraph 8 – point c (new)**

Text proposed by the Commission

Amendment

(c) advise the Management Board on matters set out in Article 57 point (h a)

Amendment 154

**Proposal for a regulation
Article 50 a – paragraph 8 – point d (new)**

Text proposed by the Commission

Amendment

(d) advise the Executive Director and the Management Board as set out in paragraph 6 of this Article;

Amendment 155

**Proposal for a regulation
Article 50 a – paragraph 8 – point e (new)**

Text proposed by the Commission

Amendment

(e) provide an annual activity report to the Executive Director as part of the Consolidated Annual Activity Report;

Amendment 156

Proposal for a regulation

Article 50 a – paragraph 8 – point f (new)

Text proposed by the Commission

Amendment

(f) be granted the rights to comment, as one, on any documentation or public matters shared by the EU Centre, such as the technological list of detection techniques;

Amendment 157

Proposal for a regulation

Article 50 a – paragraph 8– point g (new)

Text proposed by the Commission

Amendment

(g) provide internally, upon request, independent expertise for the purposes of preventing and combating child sexual abuse and victims assistance online, including on the technologies used to detect online child sexual abuse regarding their relevance to the conditions in which child sexual abuse is committed;

Amendment 158

Proposal for a regulation

Article 50 a – paragraph 8 – point h (new)

Text proposed by the Commission

Amendment

(h) contribute to the EU wide raising awareness raising campaigns by

providing related material and information.

Amendment 159

Proposal for a regulation Article 54 – paragraph 1

Text proposed by the Commission

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre *may* cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

Amendment

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre *shall* cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, *and victim support* including civil society organisations *hotlines* and semi-public organisations.

Amendment 160

Proposal for a regulation Article 54 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. With regards to the gender dimension of child sexual abuse, particular focus shall be placed on cooperation with the European Institute for Gender Equality. The EU Centre shall also gather anonymised gender-, sex- and age-disaggregated child sexual abuse statistics and prevalence rates, best practices for prevention and assistance to victims, and share their expertise and facilitate cooperation with the European Institute for Gender Equality.

Amendment 161

Proposal for a regulation Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

The administrative and management structure of the EU Centre shall comprise:

Amendment

The administrative and management structure of the EU Centre shall ***be gender-balanced and*** comprise:

Amendment 162

Proposal for a regulation

Article 55 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) a Victims’ Rights and Survivors Advisory Board, which shall exercise the tasks set out in Article 50a.

Amendment 163

Proposal for a regulation

Article 56 – paragraph 1

Text proposed by the Commission

Amendment

1. The Management Board shall be composed of one representative from each Member State and two representatives of the Commission, all as members with voting rights.

1. The Management Board shall be ***gender-balanced and*** composed of one representative from each Member State and two representatives of the Commission, all as members with voting rights.

Amendment 164

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Europol ***may*** designate a representative to attend the meetings of the Management Board as an observer on matters involving Europol, at the request of the Chairperson of the Management Board.

Europol ***shall*** designate a representative to attend the meetings of the Management Board as an observer on matters involving Europol, at the request of the Chairperson of the Management Board.

Amendment 165

Proposal for a regulation Article 56 – paragraph 3

Text proposed by the Commission

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in *his/her* absence.

Amendment

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in *their* absence.

Amendment 166

Proposal for a regulation Article 56 – paragraph 4

Text proposed by the Commission

4. Members of the Management Board and their alternates shall be appointed in the light of their *knowledge* in the field of combating child sexual abuse, taking into account relevant managerial, administrative and budgetary skills. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall *aim to achieve a balanced representation* between men and women on the Management Board.

Amendment

4. Members of the Management Board and their alternates shall be appointed in the light of their *proven expertise* in the field of *preventing and combating child sexual abuse and victim support*, taking into account relevant managerial, administrative and budgetary skills. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall *ensure that gender balance* between men and women *is achieved* on the Management Board.

Amendment 167

Proposal for a regulation Article 57 – paragraph 1 – point c

Text proposed by the Commission

(c) adopt rules for the prevention and

Amendment

(c) adopt *transparency* rules for the

management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of *any other* advisory *group it may* establish and publish annually on its website the declaration of interests of the members of the Management Board;

prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of *the Victims' Rights and Survivors Advisory Board* and publish annually on its website the declaration of interests of the members of the Management Board, *Technological Committee and the Victims' Rights and Survivors Advisory Board*;

Amendment 168

Proposal for a regulation Article 57 – paragraph 1 – point f

Text proposed by the Commission

(f) appoint the members of the Technology Committee, and of any other advisory group it may establish;

Amendment

(f) appoint the members of the Technology Committee, *the Victims' Rights and Survivors Advisory Board* and of any other advisory group it may establish *for serving its purposes*;

Amendment 169

Proposal for a regulation Article 57 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) consult the Victims' Rights and Survivors Advisory Board as regards the obligations referred to in points (a), and (h).

Amendment 170

Proposal for a regulation Article 59 – paragraph 3

Text proposed by the Commission

3. The Management Board shall hold at least two ordinary meetings a year. In

Amendment

3. The Management Board shall hold at least two ordinary meetings a year. In

addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one-third of its members.

addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one-third of its members. ***The Management Board may invite the members of the Victims' Rights and Survivors Advisory Board at least twice a year.***

Amendment 171

Proposal for a regulation

Article 61 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members with the right to vote and two representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Amendment

The Executive Board shall be ***gender-balanced and*** composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members with the right to vote and two representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. ***The composition of the Executive Board shall ensure gender balance.***

Amendment 172

Proposal for a regulation

Article 64 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) implementing gender mainstreaming and gender budgeting in all areas, including drafting a gender action plan (GAP);

Amendment 173

Proposal for a regulation
Article 64 – paragraph 4 – point f

Text proposed by the Commission

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre's activities and presenting it to the Executive Board for assessment and adoption;

Amendment

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre's activities, ***including the activities of the Technology Committee and the Victims' Rights and Survivors Advisory Board*** and presenting it to the Executive Board for assessment and adoption;

Amendment 174

Proposal for a regulation
Article 66 – paragraph 1

Text proposed by the Commission

1. The Technology Committee shall consist of technical experts appointed by the Management Board in view of their excellence and their independence, following the publication of a call for expressions of interest in the Official Journal of the European Union.

Amendment

1. The Technology Committee shall consist of technical experts appointed by the Management Board in view of their excellence and their independence, following the publication of a call for expressions of interest in the Official Journal of the European Union, ***ensuring that gender balance is respected.***

Amendment 175

Proposal for a regulation
Article 66 – paragraph 4

Text proposed by the Commission

4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance

Amendment

4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke ***appointment of*** the person concerned. The Management Board shall appoint a new member for the remaining term of office in

with the procedure for ordinary members.

accordance with the procedure for ordinary members.

Amendment 176

Proposal for a regulation Article 67 – paragraph 1

Text proposed by the Commission

1. Each year the Executive Director shall draw up a draft statement of estimates of the EU Centre's revenue and expenditure for the following financial year, including an establishment plan, and shall send it to the Executive Board.

Amendment

1. Each year the Executive Director shall draw up a draft statement of estimates of the EU Centre's revenue and expenditure for the following financial year, including an establishment plan, **a gender impact analysis** and shall **use gender mainstreaming and gender budgeting and** send it to the Executive Board.

Amendment 177

Proposal for a regulation Article 69 – paragraph 4

Text proposed by the Commission

4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs.

Amendment

4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs, **including the operating costs of the Technology Committee, the Victims' Rights and Survivors Advisory Board and of any other advisory group it may establish for serving its purposes.**

Amendment 178

Proposal for a regulation Article 69 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The budget shall comply with the principle of gender mainstreaming and

practise of gender budgeting shall be implemented.

Amendment 179

Proposal for a regulation Article 71 – paragraph 2

Text proposed by the Commission

2. The Executive Board, in agreement with the Commission, shall adopt the necessary implementing measures, in accordance with the arrangements provided for in Article 110 of the Staff Regulations.

Amendment

2. The Executive Board, in agreement with the Commission, shall adopt the necessary implementing measures, in accordance with the arrangements provided for in Article 110 of the Staff Regulations, ***and shall ensure that staff will be appropriately skilled and experienced while guaranteeing gender balance.***

Amendment 180

Proposal for a regulation Article 71 – paragraph 3

Text proposed by the Commission

3. The EU Centre staff, in particular those working in areas related to detection, reporting and removal of online child sexual abuse, shall have access to appropriate counselling and support services.

Amendment

3. The EU Centre staff, in particular those working in areas related to detection, reporting and removal of online child sexual abuse, shall have access to appropriate counselling and support services, ***meeting, any other possible physical or socio-psychological needs.***

Amendment 181

Proposal for a regulation Article 72 – paragraph 1

Text proposed by the Commission

1. The EU Centre may make use of seconded national experts or other staff not employed by it.

Amendment

1. The EU Centre may make use of seconded national experts or other staff not employed by it ***taking into consideration their experience and skills, while ensuring***

that gender balance is respected.

Amendment 182

Proposal for a regulation

Article 83 – paragraph 1 – point c

Text proposed by the Commission

(c) the total number of items of child sexual abuse material that the provider removed or to which it disabled access, broken down by whether the items were removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre or a third party or at the provider's own initiative;

Amendment

(c) the total number of items of child sexual abuse material ***when possible gender-, sex- and age-disaggregated*** that the provider removed or to which it disabled access, broken down by whether the items were removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre or a third party or at the provider's own initiative;

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down rules to prevent and combat child sexual abuse		
References	COM(2022)0209 – C9-0174/2022 – 2022/0155(COD)		
Committee responsible Date announced in plenary	LIBE 12.9.2022		
Opinion by Date announced in plenary	FEMM 12.9.2022		
Rapporteur for the opinion Date appointed	Helène Fritzon 13.12.2022		
Discussed in committee	21.3.2023	25.4.2023	24.5.2023
Date adopted	27.6.2023		
Result of final vote	+: –: 0:	25 0 4	
Members present for the final vote	Isabella Adinolfi, Christine Anderson, Robert Biedroń, Vilija Blinkevičiūtė, Annika Bruna, Margarita de la Pisa Carrión, Rosa Estaràs Ferragut, Frances Fitzgerald, Lina Gálvez Muñoz, Alice Kuhnke, Elżbieta Katarzyna Łukacijewska, Radka Maxová, Karen Melchior, Johan Nissinen, Maria Noichl, Sandra Pereira, Pina Picierno, Samira Rafaela, Evelyn Regner, Diana Riba i Giner, Maria Veronica Rossi, Sylwia Spurek, Marco Zullo		
Substitutes present for the final vote	Helène Fritzon, Ewa Kopacz, Eleni Stavrou, Monika Vana		
Substitutes under Rule 209(7) present for the final vote	Colm Markey, Sira Rego		

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

25	+
ECR	Johan Nissinen, Margarita de la Pisa Carrión
ID	Annika Bruna, Maria Veronica Rossi
PPE	Isabella Adinolfi, Rosa Estaràs Ferragut, Frances Fitzgerald, Ewa Kopacz, Elżbieta Katarzyna Łukacijewska, Colm Markey, Eleni Stavrou
S&D	Robert Biedroń, Vilija Blinkevičiūtė, Heléne Fritzon, Lina Gálvez Muñoz, Radka Maxová, Maria Noichl, Pina Picierno, Evelyn Regner
The Left	Sandra Pereira, Sira Rego
Verts/ALE	Alice Kuhnke, Diana Riba i Giner, Sylwia Spurek, Monika Vana

0	-

4	0
ID	Christine Anderson
Renew	Karen Melchior, Samira Rafaela, Marco Zullo

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Laying down rules to prevent and combat child sexual abuse			
References	COM(2022)0209 – C9-0174/2022 – 2022/0155(COD)			
Date submitted to Parliament	12.5.2022			
Committee responsible Date announced in plenary	LIBE 12.9.2022			
Committees asked for opinions Date announced in plenary	BUDG 12.9.2022	IMCO 12.9.2022	CULT 12.9.2022	FEMM 12.9.2022
Associated committees Date announced in plenary	IMCO 16.2.2023			
Rapporteurs Date appointed	Javier Zarzalejos 10.10.2022			
Discussed in committee	26.4.2023			
Date adopted	14.11.2023			
Result of final vote	+: 51 –: 2 0: 1			
Members present for the final vote	Abir Al-Sahlani, Konstantinos Arvanitis, Pietro Bartolo, Vasile Blaga, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Damien Carême, Lena Düpont, Lucia Ďuriš Nicholsonová, Cornelia Ernst, Nicolaus Fest, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Marina Kaljurand, Fabienne Keller, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Erik Marquardt, Javier Moreno Sánchez, Emil Radev, Paulo Rangel, Karlo Ressler, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Sara Skyttedal, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Milan Uhrík, Elissavet Vozemberg-Vrionidi, Elena Yoncheva, Javier Zarzalejos			
Substitutes present for the final vote	Rasa Juknevičienė, Beata Kempa, Matjaž Nemeč, Jan-Christoph Oetjen, Rob Rooken, Paul Tang, Hilde Vautmans, Juan Ignacio Zoido Álvarez			
Substitutes under Rule 209(7) present for the final vote	Katalin Cseh, Margarita de la Pisa Carrión, Tomasz Frankowski, Gabriel Mato, Ulrike Müller, Laurence Sailliet, Helmut Scholz			
Date tabled	16.11.2023			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

51	+
ECR	Margarita de la Pisa Carrión, Rob Rooken
ID	Annalisa Tardino
PPE	Vasile Blaga, Karolin Braunsberger-Reinhold, Lena Düpont, Tomasz Frankowski, Andrzej Halicki, Rasa Juknevičienė, Jeroen Lenaers, Lukas Mandl, Gabriel Mato, Emil Radev, Paulo Rangel, Karlo Ressler, Laurence Sailliet, Sara Skytvedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos, Juan Ignacio Zoido Álvarez
Renew	Abir Al-Sahlani, Katalin Cseh, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Ulrike Müller, Jan-Christoph Oetjen, Ramona Strugariu, Yana Toom, Hilde Vautmans
S&D	Pietro Bartolo, Maria Grapini, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Juan Fernando López Aguilar, Javier Moreno Sánchez, Matjaž Nemeč, Isabel Santos, Birgit Sippel, Paul Tang, Elena Yoncheva
The Left	Konstantinos Arvanitis, Cornelia Ernst, Helmut Scholz
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Erik Marquardt, Diana Riba i Giner

2	-
ID	Nicolaus Fest
NI	Milan Uhrík

1	0
ECR	Beata Kempa

Key to symbols:

+ : in favour

- : against

0 : abstention