

2COMPROMISE AMs - BATCH 1

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 1

ARTICLE 1 + TITLE 1 and RECITALS 1-9BIS (NEW)

Article 1 - Subject matter and scope

Covers: AMs 494 (Greens), 495 (S&D), 517 (S&D), 518 (S&D), 519 (Greens), 41 (rapp), 522 (Greens), 42 (rapp), 529 (S&D), 527 (ECR), 528 (ECR), 106, para 1 (rapp), 530 (Left), 531 (ECR), 532 (S&D), 534 (S&D), 535(S&D), AM 874, para I, Puigdemont i Casamajó, partially AM 875 (EPP), partially AM 876 (EPP), AM 877 (ECR), AM 131 (IMCO), partially 813 (Greens), 538 (S&D), 539 (S&D), partially 500 (Greens), partially 501 (Left), 502 (S&D), 503 (S&D); 521 (Greens), 541 (S&D), 542(S&D), 608 (SD), partially I and III parts AM 722 SD, part. 53 IMCO, 57 IMCO, 58 IMCO, 59 IMCO

Fall: AM 40 (rapp), 106 paras 2 and 3 (Rapp.), 496 (RE), 497 (ECR), 498 (partially, ECR), 499 (ECR), 504 (ECR), 505 (ECR), 506 (Greens), 507 (S&D), 508 (S&D), 509 (Left), 510 (Left), 511 (S&D), 512 (Greens), 513 (S&D), 514 (ECR), 515 (Renew), 516 (ECR), 520 (Greens), 523 (ECR), 524(S&D), 525 (Left), 526 (S&D), 533 (Left), 536 (left) 537 (Left), 540 (ECR), 543 (S&D), partially I, II and III part AM 722 (SD), 54 IMCO, 55 IMCO, 56 IMCO, AM 874, paras II and III, Puigdemont i Casamajó

Title 1

Covers: none

Falls: AM 281 Greens, AM 282 Renew

Recital 1-9 BIS (NEW) to Article 1

Recital 1

Covers: AM 283 I part (ID), 1 (IMCO)

Fall: 283 II part ID, 284 (S&D), 285 (S&D), 286 (ID), 1 (FEMM), ~~1 (CULT)~~, 2 (FEMM), 3 (FEMM), partially 4 (FEMM)

Recital 2

Covers: 1 (Rapp), 290 (Greens), part. 2 (IMCO), part. 5 (FEMM)

Fall: 289 (ECR), 291 (S&D), 292 (The Left), 293 (S&D), 294 (ID), 4 (FEMM)

Recital 3

Covers: AMs 2 (Rap.), 296 (ID), part 297 (NI, Puigdemont), 298 (Greens), 299 The Left, part. 3 IMCO, 6 FEMM,

Fall: AMs 295 (S&D), 1 (CULT), 7 (FEMM), 8 (FEMM), 9 (FEMM), 10 (FEMM),

Recital 4

Covers: 3 (Rapp), part. 301 (ID), part. 302 (EPP), part. 4 (IMCO)

Fall: 300 (The Left), 303 (Greens), 304 (S&D), 305 (The Left), 306 (ID), 11 (FEMM), 12 (FEMM), 13 (FEMM), 14 (FEMM), 15 (FEMM), 16 (FEMM), 17 (FEMM), 5 (IMCO), 1 (BUDG), 2 (CULT)

Recital 5

Covers: AMs, part. 307 (The Left), 309 (ID), 310 (Greens), 311 (ECR), part. 6 (IMCO)

Fall: AMs part. 308 (EPP), 4 (Rapp), 7 (IMCO)

Recital 6

Covers: 313 (Greens), 8 (IMCO),

Falls: 312 (The Left),

Recital 7

Covers: AMs 5 Rap., 9 IMCO, 314 (Greens)

Falls: none

Recital 8

Covers: AM 6 (Rap.), 10 (IMCO)

Falls: none

Recital 9

Covers: none

Falls: 315 (The Left), 316 (Greens)

Recital 9(a)

Covers: AMs partially 17 (rapp), part. 317 (The Left), part. 287 (S&D), part. 288 (S&D), 358(S&D), part. 388 (Greens), part. 389 (EPP), part. 390 (NI, Puigdemont), part. 391 (EPP)]

Falls: none

Article 1

Subject matter and scope

1. This Regulation lays down uniform rules to ~~prevent~~ (AM 497 ECR and 498 ECR partially) ~~and~~ 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* (AM 494 Greens, 495 SD, 531 ECR, part. 53 IMCO)

It establishes, in particular:

- (a) obligations on providers of relevant information society services to minimise the risk that their services are misused for online child sexual abuse;
 - (b) obligations on providers of hosting services and providers of *number-independent* interpersonal communication services to detect and report online child sexual abuse; (partially 500 (Greens), partially 501 (Left), 502 (S&D), 503 (S&D))
 - (c) obligations on providers of hosting services to remove or disable access to child sexual abuse material on their services;
 - (d) obligations on providers of internet access services to disable access to child sexual abuse material;
 - (da) (new) *obligations on providers of online games*; (AM519 Greens)
 - (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~~; (AM 517 SD) and
 - (ea) *rules on the establishment, functioning, cooperation, transparency and powers of the EU Centre For Child Protection established in Article 40 ('EU Centre')*; (AM 518 SD)
2. This Regulation shall apply to providers of relevant information society services offering such services in the Union, irrespective of their place of main establishment.
- 2b. *This Regulation shall not apply to audio communications* (AM 521 Greens, 541 S&D, 542 S&D).
3. This Regulation shall not affect the rules laid down by the following legal acts:
 - (a) Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA;
 - (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]; (AM 41 rapp, 522 Greens, 57 IMCO)

- (c) Directive 2010/13/EU;
- (d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, and, subject to paragraph 4 of this Article, Directive 2002/58/EC;
- (da) ***Regulation (EU) .../... on Artificial Intelligence (Artificial Intelligence Act)***; (AM 42 rapp, 529 SD, 58 IMCO) and
- (db) ***Directive (EU) 2022/2555 of the European Parliament and the Council of 14 December 2022 on measures for 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)***; (AM 527 ECR, 528 ECR, 59 IMCO)

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 (106, Para 1, rapp, part AM 608 SD, part 530 The Left, 532 SD, 535 ECR, partially I part AM 722 SD, AM 874, I part, Puigdemont i Casamajó, partially AM 875 (EPP), partially AM 876 (EPP), AM 877 (ECR), partially para 1 AM 131 IMCO, partially 813 (Greens))

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 (AM 534 SD, part AM 608 SD, partially III part AM 722 SD, para 2 AM 131 IMCO).

- 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. (AM 538 SD and part 539 SD)

Recital 1-9 BIS - Article 1 - Subject matter and scope

- (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~~ ***However, these services are also used by*** (AM 1 IMCO) 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*** (AM 283 I part ID) 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*** (AM 1 IMCO), especially by children.

- (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 *unique* position to prevent (part. 290 Greens, part. 2 IMCO) and combat such abuse. The measures taken should be *effective*, (AM 1 Rap., part. 290 Greens, part. 2 IMCO, part. 5 FEMM) targeted, *evidence-based* (part. 290 Greens, part. 5 FEMM), carefully balanced, and proportionate, *and subject to constant review* (part. 290 Greens, part. 5 FEMM) 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* (part. 290 Greens, part. 5 FEMM) imposing any excessive burdens on the providers of the services.
- (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 safeguard-children online* (AM 296 ID), 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* (AM 296 ID) diverge, *can* (AM 2 Rap., 296 ID, part 297 Puigdemont, 298 Greens, 299 The Left, part. 3 IMCO, 6 FEMM) 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.
- (4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform, *effective, proportionate* and *carefully* (part. AM 4 IMCO) balanced rules to prevent and combat child sexual abuse in a manner that is effective, *targeted and proportionate* (AM 3 Rap., part. 301 ID, part. 302 EPP), 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~~ *they stimulate* innovation *and technological development to prevent and combat online child sexual abuse*. (AM 3 Rap., part. 301 ID)
- (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* (AM part. 6 IMCO, part. 307 The Left, part. 310 Greens, 311 ECR) interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those services ~~as are~~ (part. 310 Greens, part. 6 IMCO) 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~~ (part. AM 6 IMCO), image-sharing and video-hosting

are ~~equally~~ **also** (part 310 Greens, part. AM 6 IMCO) at risk of misuse **for the purpose of online child sexual abuse** (part. AM 6 IMCO), 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 **without lowering child protection standards** (309 ID).

- (6) Online child sexual abuse ~~frequently involves~~ **can also involve** (313 Greens, 8 IMCO) 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.
- (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 Council¹, Directive 2000/31/EC of the European Parliament and of the Council² and Regulation (EU) ~~.../... 2022/2065~~ of the European Parliament and of the Council³ ~~for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC~~, (AM 5 Rap., 9 IMCO, 314 Greens) Directive 2010/13/EU of the European Parliament and of the Council⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council⁵, and Directive 2002/58/EC of the European Parliament and of the Council⁶.
- (8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) **2022/2065** (AM 6 Rap., 10 IMCO) ~~.../... for a Single Market For Digital Services (Digital Services Act) and amending~~

1 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).

2 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).

3 Regulation (EU) 2022/2065... 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 277/1

27.10.2022, p.1...).

4 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).

5 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).

6 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 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) **2022/2065** (AM 6 Rap., 10 IMCO) ~~.../... for 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.

- (9) Article 15(1) of Directive 2002/58/EC allows Member States to adopt legislative measures to restrict the scope of the rights and obligations provided for in certain specific provisions of that Directive relating to the confidentiality of communications when such restriction constitutes a necessary, appropriate and proportionate measure within a democratic society, inter alia, to prevent, investigate, detect and prosecute criminal offences, provided certain conditions are met, including compliance with the Charter. Applying the requirements of that provision by analogy, this Regulation should limit the exercise of the rights and obligations provided for in Articles 5(1), (3) and 6(1) of Directive 2002/58/EC, insofar as strictly necessary to execute detection orders issued in accordance with this Regulation with a view to prevent and combat online child sexual abuse.
- (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.*** (AMs partially 17 (rapp), part. 317 (The Left), part. 287 (S&D), part. 288 (S&D), 358 (S&D), part. 388 (Greens), part. 389 (EPP), part. 390 (NI, Puigdemont), part. 391 (EPP)

COMPROMISE 2

ARTICLE 2 + RECITALS 10-13

Article 2 - Definitions

Covers: AMs 43 (rapp), 544 (Greens), 44 (rapp), 45(rapp), 548 (Greens), 549 (S&D), 557 (RE), 566 (Greens), 51 (rapp), 52 (rapp), 575 (ECR), 576 (ECR), 577 (S&D), 578 (S&D), 53 (rapp), 54 (rapp), 593 (RE), 604 (ID), 55 (rapp), 56 (rapp), 57 (rapp), 59 (rapp), 571 (Greens), 602 (EPP), 603 (RE), 605 (S&D), 607 (ECR), 572 (Greens), 60 (IMCO), partially 13 CULT , 63 (IMCO), 64 (IMCO), 65 (IMCO), 66 (IMCO), 67 (IMCO), part. 68 (IMCO), part. 69 (IMCO), 70 (IMCO), 71(IMCO) , 72(IMCO), AM 40 FEMM, partially AM 41 FEMM

Fall: AM 46 (rapp), 555 (RE), 606 (ECR), 545 (Left), 546 (S&D), 550 (Greens), 47 (rapp), 556 (RE), 48 (rapp), 554 (S&D), 547 (Greens), 50 (rapp), 568 (S&D), 570 (RE), 551 (S&D), 552 (Greens), 553 (Left), 558 (Greens), 599 (S&D), 560 (S&D), 561 (Left), 562 (Left), 563 (S&D), 564 (S&D), 565 (S&D), 567 (Left), 49 (rapp), 569 (RE), 58 (rapp), 573 (Left), 574 (Moreno Sanchez/Lopez Aguillar and others), 583 Moreno Sanchez/Lopez Aguillar and others), 579 (Left), 580 (Greens), 581 (RE), 582 (RE), 584 (Left), 585 (Left), 586 (Left), 587 (S&D), 588 (Left), 589 (EPP), 590 (ID), 591 (Left), 592 (EPP), 594 (RE), 595 (S&D), 596 (RE), 597 (S&D), 598 (Left), 599 (S&D), 600 (S&D), 601 (Left), 61 (IMCO), 62 (IMCO), AM 39 FEMM, AM 12 (CULT),

Recital 10

Covers: AM 7 Rap., 11 IMCO

Falls: none

Recital 11

Covers: AMs 8 Rap., part. 319 Greens, 12 IMCO

Falls: 318 The Left

Recital 12

Covers: none

Falls: 320 The Left

Recital 13

Covers: none

Falls: AMs 13 (IMCO), 321 (The Left), 322 (ID), 323 (ECR),

Article 2 *Definitions*

For the purpose of this Regulation, the following definitions apply:

- (a) ‘hosting service’ means an information society service as defined in Article 3, point (g), third indent, of Regulation (EU) **2022/2065** (AM 43 rapp., 544 Greens, 60 IMCO)
- (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;
- (ba) ‘*number-independent interpersonal communications service*’ means an *interpersonal communications service as defined in Article (2), point (7) of Directive (EU) 2018/1972* (AM 547 Greens, 549 S&D, 63 IMCO)
- (bc) ‘*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;* (AM 548 Greens)

- (c) ‘software application’ means a digital product or service as defined in Article 2, point **(15)**, of Regulation (EU) **2022/1925** (AM 44 rapp. 64 IMCO)
- (d) ‘software application store’ means a service as defined in Article 2, point **(14)**, of Regulation (EU) **2022/1925** (AM 45 rapp, 65 IMCO)
- (e) ‘internet access service’ means a service as defined in Article 2(2), point (2), of Regulation (EU) 2015/2120 of the European Parliament and of the Council⁷;
- (f) ‘relevant information society services’ means all of the following services:
 - (i) a hosting service;
 - (ii) **a number-independent** interpersonal communications service;(AM 66 IMCO)
 - (iii) a software applications store;
 - (iv) an internet access service
 - (new) a number-independent interpersonal communication service within online games** (AM 566 Greens)
- (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** (AM 51 rapp, 67 IMCO)
- (h) ‘user’ means any natural or legal person who uses a relevant information society service;
- (i) ‘child’ means any natural person below the age of 18 years (AM 40 FEMM);
- (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;~~(52 (rapp), 575 (ECR), 576 (ECR), 577 (S&D), 578 (S&D))
- (k) ‘micro, small or medium-sized enterprise’ means an enterprise as defined in Commission Recommendation 2003/361 concerning the definition of micro, small and medium-sized enterprises⁸;
- (l) ‘child sexual abuse material’ means material constituting child pornography or pornographic performance as defined in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU;
- (m) ‘known child sexual abuse material’ means **potential** (AM 53 rapp) child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);
- (n) ‘new 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 (b);
- (o) ‘solicitation of children’ means the solicitation of children for sexual purposes as referred to in Article 6 of Directive 2011/93/EU;

⁷ Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).

⁸ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36–41).

- (p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;
 - (q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU;
 - (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.** (AM 54 (rapp), 593 (RE), 604 (ID), partially AM 41 FEMM)
 - (r) ‘recommender system’ means the system as defined in Article 2, point (o), of Regulation (EU) **2022/2065** (AM 55 rapp., 70 IMCO)
 - (s) ‘content data’ **means texts, videos and images;**
 - (t) ‘content moderation’ means the activities as defined in Article 2, point **(t)**, of Regulation (EU) **2022/2065** (AM 56 rapp., 71 IMCO)
 - (u) ‘Coordinating Authority of establishment’ means the Coordinating Authority for child sexual abuse issues designated in accordance with Article 25 by the Member State where the provider of information society services has its main establishment or, where applicable, where its legal representative resides or is established;
 - (v) ‘terms and conditions’ means terms and conditions as defined in Article 2, point **(u)**, of Regulation (EU) **2022/2065** (AM 57 rapp., 72 IMCO)
 - (w) ‘main establishment’ means the head office or registered office of the provider of relevant information society services within which the principal financial functions and operational control are exercised.
- (wb) ‘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.** (AM 59 (rapp), 571 (Greens), 602 (EPP), 603 (RE), 605 (S&D), 607 (ECR), part. 68 IMCO, partially 13 CULT)
- (wc) “help-line” means an organisation that provides services for children in need officially recognised by its Member State of establishment;** (AM 572 (Greens), part. 69 IMCO)

Recitals 10-13 to Art. 2 Definitions

- (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** ~~.../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]~~ (AM 7 Rap., 11 IMCO)
- (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** ~~on the basis of the existence of a significant number of recipients of the~~

service users in one or more Member States **is significant in relation to its or their population, or on the basis of** (AM 8 Rap., part 319 Greens, 12 IMCO) 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 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 Council⁹. Mere technical accessibility of a website from the Union should not, **on that ground** (12 IMCO), alone, be considered as establishing a substantial connection to the Union.

- (12) For reasons of consistency and technological neutrality, the term ‘child sexual abuse material’ should for the purpose of this Regulation be defined as referring to any type of material constituting child pornography or pornographic performance within the meaning of Directive 2011/93/EU, which is capable of being disseminated through the use of hosting or interpersonal communication services. At present, such material typically consists of images or videos, without it however being excluded that it takes other forms, especially in view of future technological developments.
- (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.

⁹ 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).

COMPROMISE AMs - BATCH II

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 3

ARTICLE 3 + RECITALS 14, 14a and 15

Article 3 - Risk assessment

Covers: AMs 60 (rapp), 609 partially (S&D) 610 (S&D), 611 partially (Greens), partially AM 73 IMCO, 625 (RE), 626 (Greens), 627 (RE), 628 (RE), 633 (ID), 634 (RE), partially 78 IMCO, 631 (ECR), 641 (ID), 651 (EPP), 63 Rapp, , 65 (rapp), 642 (Left), 648 (S&D), 649 (S&D), partially 650 (RE), partially 80 IMCO, partially 81 IMCO, 659 (Greens), 67 (rapp), 661 (S&D), partially 83 IMCO, 665 partially (S&D), 666 partially (S&D), partially 667 (ECR), partially 84 IMCO, 68 Rapp, partially 670 (S&D), partially 671 (ECR), 675 (Greens), partially 87 IMCO, 69 (rapp), 70 (rapp), 679 (S&D), partially 681 (Greens), partially 682 (S&D), partially 88 IMCO, 46 (FEMM), 71 (rapp), 684 (Greens), 687 (ID), 688 (RE), 690 (ID), 72 (rapp), 74 (rapp), 697 (Greens), 698 (S&D), partially I part and III part 92 IMCO, 699 (Left), 75 (rapp), 700 (Greens), partially BUDG 7, 712 (S&D), 713 (Left), 714 (S&D), 715 (ECR), partially 717 (Left), partially 718 (S&D), 719 (Greens), partially 720 (S&D), partially 721 (ECR), I part 94 IMCO, 95 (IMCO), 96 (IMCO), 124 (IMCO), 76 (IMCO), 123 IMCO

Fall: 612 (Left), 614 (ECR), 613 (RE), 615 (Greens), 616 (Greens), 617 (Greens), 618 (S&D), 623 (Greens), 619 (ECR), 620 (S&D), 621 (ECR), 622 (S&D), 624 (Left), 629 (ECR), 630 (Left), 632 (Left), 635 (S&D), 636 (S&D), 637 (ECR), 638 (Left), 639 (Greens), 640 (EPP), AM 61 (rapp), 643 (ECR), 644 (S&D), 645 (S&D), 646 (RE), 647 (ECR), 62 (rapp), partially 652 (ECR), 653 (EPP), 64 (rapp), 654 (Left), 655 (S&D), 656 (Greens), IMCO 82, 66 (rapp), 657 (Left), 658 (S&D), 660 (RE), 662 (Left), 663 (S&D), 664 (RE), 668 (S&D), 669 (Greens), 672 (ECR), 673 (S&D), 674 (S&D), 676 (S&D), 677 (S&D), 678 (ECR), 680 (ECR), 683 (ECR), 685 (S&D), 686 (S&D), 689 (ID), 691 (EPP), 692 (Greens), 73 (rapp), 695 partially (EPP), 696 (Left), 701 (S&D), 702 (Greens), 703 (Left), 704 (Left), 705 (EPP), 706 (SD) 707 (Left), 708 (Left), 709 (Greens), 710 (Greens), 76 (Rapp), 711 (Left), 716 (Greens), IMCO 74, IMCO 75, FEMM 42, IMCO 77, IMCO 79, FEMM 43 FEMM 44, IMCO 85, FEMM 45, IMCO 86, IMCO 89, IMCO 90, FEMM 47, FEMM 48, part II and part IV 92 IMCO, BUDG 8, IMCO 93, II part 94 IMCO

RECITALS 14, 14a and 15

Covers: AMs 9 (Rap.), part. 324 (Greens), 326 (ECR), part. 327 (The Left), part. 331 (ID), part. 16 (IMCO), part. 17 (IMCO)

Falls: 325 (ID), 328 (RE), 329 (S&D, RE, EPP), 330 (Greens), 18 (FEMM),

Article 3 *Risk assessment*

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.*** (AM 60 Rapp, 609 partially, 610 SD, 611 partially Greens, partially AM 73 IMCO)

- 1(a). ***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 (art. 3):

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

(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.

2. When carrying out a risk assessment, the provider shall take into account, in particular:
 - (a) any previously identified instances of use of its services for the purpose of online child sexual abuse,
 - (b) the existence and implementation by the provider of a policy and the availability ***and effectiveness*** (AM 626 Greens, IMCO 76) of functionalities

and protocols to prevent and (AM 627 RENEW, 628 RENEW, partially AM 625 Renew) address the risk referred to in paragraph 1, including through the following:

- prohibitions and restrictions laid down in the terms and conditions;
 - measures taken to enforce such prohibitions and restrictions *and the amount of human and financial resources dedicated to address child sexual abuse material*; (AM 633 ID)
 - *information and awareness campaigns educating and warning users of the risk of online child sexual abuse*; (AM 634 RENEW)
 - ~~– functionalities enabling age-verification;~~
 - ~~– functionalities enabling meaningful and proportionate parental controls~~ (AM 63 Rapp, 631 ECR, 641 ID, 651 EPP, partially 78 IMCO)
 - ~~– functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;~~
 - *functionalities, according to Article 12 (3), enabling users to flag or notify potential online child sexual abuse to the provider*
 - *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*; (AM 65 Rapp, 642 Left, partially 81 IMCO)
 - *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* (AM 648 SD, 649 SD)
 - *functionalities allowing to detect suspicious links, including those coming from the darknet* (partially 650 RE, partially 80 IMCO)
- (c) the manner in which users use the service 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* (AM 659 Greens, partially 83 IMCO), the business model, governance, *type of users targeted* (AM 67 Rapp, 661 SD) and relevant systems and processes, and the impact thereof on that risk;
- (e) with respect to the risk of solicitation of children:
- (i) the extent to which the service is used or is likely to be used by children *and the extent to which the service is directly targeting children ~~child users~~* (AM 68 Rapp, partially 665 SD, partially 666 SD, partially 667 ECR, partially 84 IMCO)
 - (ii) where the service is used *or is likely to be used* by children *or directly targeting ~~child-users children~~* (partially 670 SD, partially 671 ECR), the different age groups *or likely age groups* of the ~~child-users children~~ and the risk of solicitation of children in relation to those age groups;

(iii) the availability of functionalities creating or reinforcing the risk of solicitation of children, including the following functionalities:

- enabling users to search for other users, ***including through search engines external to the service*** (AM 675 Greens) and, in particular, for adult users to search for ~~child-users~~ ***children***;
- enabling users to ***initiate*** ~~establish~~ ***unsolicited*** contact with other users, including children, directly, in particular through private communications, (AM 69 Rapp, 70 Rapp, 679 SD, partially 681 (Greens), partially AM 682 SD, partially 88 IMCO, FEMM 46)
- enabling users to share ***unsolicited*** (AM 684, Greens) ***content*** (AM 71 rapp, 687 ID, partially 87 IMCO) with other users, in particular through private communications
- ***Enabling users to indicate personal data in their usernames***; (AM 688 RENEW, 690 ID)

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 (AM 72 Rapp)

3. 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. (AM 74 Rapp, 697 Greens, 698 SD, partially I part 92 IMCO)

The costs incurred by the EU Centre for the ~~performance of such an analysis~~ ***support of the risk assessment*** (AM 699 Left) shall be borne by the requesting provider. However, the EU Centre ***may*** (AM 75 Rapp) 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*** (AM 700 Greens) reasonably necessary to support the risk assessment ***or does not comply with available budgetary resources*** (partially BUDG 7). ***The EU Centre shall provide this support in a timely manner*** (partially Part III 92 IMCO).

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.

4. The provider shall carry out the first risk assessment by *[Date of application of this Regulation + 3 months]* or, where the provider did not offer the service in the Union by *[Date of application of this Regulation]*, by three months from the date at which the provider started offering the service in the Union.

Subsequently, the provider shall update the risk assessment where necessary and at least once every three years from the date at which it last carried out or updated the risk assessment. However:

- (a) for a service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest two months before the expiry of the period of application of the detection order;
 - (b) the Coordinating Authority of establishment may require the provider to update the risk assessment at a reasonable earlier date than the date referred to in the second subparagraph, where there is evidence indicating a possible substantial change in the risk that the service is used for the purpose of online child sexual abuse.
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. (AM 712 SD, 713 LEFT, 714 SD, 715 ECR)~~
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. (partially AM 717Left, 718 partially SD, 719 GREENS, partially 720SD, partially 721 ECR, I part 94 IMCO)
- 6(a). ***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] (123 IMCO) 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. (AM 95 IMCO)***

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 (AM 96 IMCO, AM 124 IMCO)

- 6(aa) ***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 shall carry out a risk assessment in accordance with Article 3(1) to (4).***

RECITALS 14, 14a and 15 to Article 3 - Risk assessment

- (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** (part. 16 IMCO, part. 324 Greens, 326 ECR, part. 327 The Left) interpersonal communications services should assess such risk **stemming, inter alia, from the design, functioning and use** (part. 16 IMCO) ~~for each 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** (part. AM 16 IMCO). 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 (part. 324 Greens) 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.
- (14a) ***The obligation to conduct a risk assessment should apply, in any case, to very large online platforms and to those providers which are substantially 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*** (part. 95 IMCO). ***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 should carry out a risk assessment.***
- (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** (AM 9 Rap) ~~.../... [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, **and in order to ensure consistency and avoid unnecessary burdens and duplications** (9 rapp, part. AM 331 ID, part. 17 IMCO), those providers may draw on such a risk assessment **for the purpose of the risk assessment under this Regulation** (part. 17 IMCO) 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.

COMPROMISE AMs - BATCH III

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 4

ARTICLES 4, 4A (NEW), 4B (NEW) + RECITALS 16 TO 18D

Article 4 - Risk mitigation

Covers:

77 (rapp), partially 727 (The Left), partially 728 (S&D), partially 729 (ECR), 730 partially (Greens), 731 partially (S&D), 733 (Renew), 734 (Renew), partially IMCO 97, 98 (IMCO), 78 (rapp), 736 (S&D), 738 partially (Greens), 99 (IMCO), 79 (rapp), partially 739 (S&D), partially 777 (S&D), 740 (ECR), 744 (EPP), partially 745 (Greens), partially 768 (S&D), partially 49 FEMM, 748 (Greens), 749 (Greens), 80 (rapp), 754 (Greens), 753 (Greens), 755 (Greens), 81 (rapp), 763 (S&D), 103 (IMCO), 52 FEMM, 14 CULT, 751 (Greens), 756 partially (Greens), 765 (ID), 82 (rapp), 741 (Renew), 742 (S&D, RE, EPP), 767 (S&D), partially 104 (IMCO), 83 (rapp), 743 (Greens), 747 (EPP), 764 (EPP), 766 (ECR), 770 (ID), partially 84 (rapp), 771 (ECR), 85 (rapp), partially 746 (ECR), partially 100 (IMCO), 772 (S&D), partially 86 (rapp), 774 (ID), 757 (Greens), partially 87 (rapp), 759 (RE), 89 (rapp), partially 781 (Greens), 88 (rapp), 782 partially (Greens), 794 (Greens), 797 (Greens), partially 106 (IMCO), partially 787 (Greens), partially 796 (Left), 798 (Greens), partially 804 (RE), partially 805 (S&D, RE, EPP), 693 (RE), 694 (S&D, RE, EPP), partially AM 91 IMCO, partially 811 (Greens), 105 (IMCO), partially 110 IMCO, 111 IMCO, partially 818 I part and last paragraph (S&D), partially 819 (S&D), partially 808 (RE), partially 810 (ECR), partially 815 (Greens), 816 (S&D), 817 (ECR)

Falls:

AMs 90 (rapp), 723 (S&D), 724 (S&D), 725 (Greens), 732 (EPP), 735 (RE), 737 (Left), AM 739 (lett. b and e) (SD), 101 (IMCO), 750 (Greens), FEMM 50, FEMM 51, 752 (Greens), 102 (IMCO), 758 (RE), 761 (S&D), 762 (Greens), 769 (S&D, RE, EPP), FEMM 53, 773 (S&D), 778 (ECR), 783 (S&D), 784 (S&D), 785 (S&D), 786 (Left) 788 (S&D), 789 (S&D), 107 (IMCO), 54 FEMM, 55 FEMM, 790 (Left), 791 (ECR), 792 (S&D), 793 (S&D), 108 IMCO, 795 (EPP), 109 IMCO, 800 (Greens and S&D), 801 (Left), 802 (ECR), 803 (S&D), partially 807 (RE), 809 (S&D), 812 (Left), 814 (Left), 818 II part (SD), 820 (Left), 821 (Greens), 112 IMCO, 822 (Left), 823 (S&D), 91 (rapp), 760 (RE), 775 (RE), 776 (S&D, EPP, RE), 779 (RE), 780 (S&D, EPP, RE), 799 (RE), 65 (FEMM), 66 (FEMM), 825 (Renew), 826 (SD)

Article 4a (new) - Mitigation measures for platforms primarily used for the dissemination of pornographic content

Covers: AMs 827 (Greens), 56 FEMM, 57 FEMM, 58 FEMM, 59 FEMM

Falls: none

Article 4b (new) - Mitigation measures for number-independent interpersonal communications service within games

Covers: AM 828 (Greens), 60 (FEMM), 61 (FEMM), 62 (FEMM) 63 (FEMM), 64 (FEMM)

Falls: none

Recitals

Recital 16

Covers: AMs part. 18 (IMCO), partially 334 (Greens), 338 (ECR), partially 339 The Left
Falls: 337 (S&D), 340 (The Left), AM 19 (IMCO), AM 20 (IMCO), 341 (ID)

Recital 17

Covers: AMs 344 (RE), 21 (FEMM), partially 343 Greens

Falls: AMs 11 (rapp), 342 (The Left), 22 IMCO, 23 IMCO

Recital 18

Covers: AMs 12 Rap., partially 24 IMCO, partially 347 Greens, 348 ECR, partially 349 The Left, 19 FEMM, AM 346 Greens

Falls: none

Recital 18a

Covers: AMs partially 806 EPP, AM 21 IMCO

Fall: AM 20 FEMM

Recital 18b

Covers: AM partially 10 rapp, partially 332 Puigdemont, partially 333 EPP, 335 ECR, 336 ID, partially 426 Greens, partially 427 Greens, 428 RE, partially 27 FEMM, partially 4 (CULT)

Falls: none

Recital 18c

Covers: compromise

Falls: 345 Greens

Recital 18d

Covers: AMs partially 14 IMCO, partially 15 IMCO

Falls: none

Article 4
Risk mitigation

1. Providers of hosting services and providers of ***number-independent*** (partially 727 The Left, partially 728 S&D, partially 729 ECR, part. 730 Greens, part. 97 IMCO) interpersonal communications services shall ***put in place*** reasonable, ***proportionate*** (partially 733 Renew), ***targeted and effective*** (AMs 77 Rapp, partially 730 Greens, partially 731 S&D, partially 97 IMCO) mitigation measures, tailored ***to their specific services*** (part. 733 Renew, 734 Renew) ***and*** the risk identified pursuant to Article 3, ~~to minimise that risk..~~ ***The decision as to the choice of mitigation measures shall remain with the provider*** (730 partially Greens). Such measures shall include some or all of the following:

- (a) ***testing*** (partially 99 IMCO) ***and*** adapting, ***through state of the art*** (partially 736 S&D) 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***; (AM 78 Rapp, partially 736 SD, partially 738 Greens, partially 99 IMCO)
- (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*** (AM 79 Rapp, 739 (letter aa) S&D, 740 ECR, 744 EPP, partially 768 SD, 98 IMCO, partially 49 FEMM).

In particular, when the service is directly targeting children, providers shall include all of the following mitigation measures, except where 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***; (AM 748 Greens)
- ii. limiting users, by default, to directly share unsolicited content with other users directly, in particular through private communications*** (AM 739, (letter a) SD);
- 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*** (AM 739, (letter c), SD);
- iv. providing-meaningful and proportionate parental control tools which allow parents or guardians to exercise appropriate control over children users while respecting the fundamental***

rights and the confidentiality of communications of the child;
(AM 80 rapp, AM 739 (letter f) SD, partially 746 ECR, partially 100 IMCO);

- v.** *encouraging children, prior to registering for the service, to consult their parents about how the service works and what parental controls tools are available* (AM 739 (letter g) SD);
- vi.** *providing readily accessible mechanisms for users to block or mute other users;* (AM 754 Greens)
- vii.** *providing human moderation of publicly accessible chats, based on random checks, and human moderation of publicly accessible, specific channels at high risk of online child sexual abuse;* (AM 753 Greens)
- viii.** *limiting users, by default, to create screenshots or recordings within the service* (AM 739, (letter d) -SD)
- 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;* (AM 749 Greens)
- x.** *using purely on-device functionality under full user control, displaying warnings and advice to users at risk of offending or victimisation;* (AM 755 Greens)
- xi.** *allowing, by default, that profiles on social networks are not publicly visible* (AM 745 partially Greens)

Services not directly targeting children below thirteen years of age taking the measures outlined in this point may allow the users to revert such measures on an individual level. (partially AM 739, last paragraph SD, partially 777 (SD))

- (b) reinforcing the provider's internal processes or the internal supervision of the functioning of the service;
- (c) initiating or adjusting cooperation, in accordance with competition law, with other providers of **relevant information society** (AM 763 SD) ~~hosting services or providers of interpersonal communication 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 (AM 81 Rapp, 103 (IMCO), 52 FEMM, 14 CULT)
- (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;* (AM 751 Greens, partially 756 Greens, 765 ID)
- (cb) *enabling users according to Article 12 to flag or notify potential online child sexual abuse to the provider* (AM 83 Rapp, 743 Greens, 747 EPP, partially

764 EPP, 766 ECR, 770 ID, partially 84 Rapp, partially 771 ECR, partially 105 IMCO)

(cc) *reinforcing awareness-raising measures and adapting their online interface* (partially 104 IMCO) *in order to give user and child-friendly information about the risk of online child sexual abuse on its services* (AM 82 Rapp, 741 RE, 742 (S&D, RE, EPP), 757 Greens, 767 S&D, partially 104 (IMCO))

(cd) *including clearly visible and identifiable information on the minimum age for using the service;* (AM 85 rapp, 772 S&D)

(ce) *Setting up mechanisms to raise awareness among users of any potential infringement by them of this Regulation;* (AM 86 partially Rapp, 774 ID)

2. The mitigation measures *shall meet all of the following requirements:* (AM partially 781 Greens)

(a) *they shall be effective and proportionate* (partially AM 782 Greens, partially 106 IMCO) in mitigating the identified risk; *taking into account the characteristics of the service provided and the manner in which that service is used;* (AM 88 Rapp, partially 106 IMCO)

(b) *they shall be* (AM partially 787 Greens)-targeted and proportionate in relation to that risk, taking into account, in particular, ~~the seriousness of the risk as well as~~ (AM 89 Rapp) the provider's financial *strength*, and technological *and operational* capabilities and the number of users *and the amount of content they provide;* (partially 787 Greens)

(c) *they shall be* (794 Greens) 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;

(d) *they shall be* (797 Greens) introduced, reviewed *in light of their effectiveness and adapted in accordance with the state of the art* (partially 87 rapp, 759 RE), 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* (partially AM 796 Left) within three months from the date referred to therein; and

(da) *they shall respect the principles of data protection by design and by default, as well as of data minimisation* (AM 798 Greens)

(db) *they shall not restrict the possibility to use a service anonymously* (partially 811 Greens)

3. Providers of *number-independent* (partially 810 ECR, partially 110 IMCO) 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~~ *may* take the necessary *and proportionate* (partially 804 Renew, partially 807 Renew, partially 808 Renew) age verification ~~and age assessment~~ measures to reliably identify child users on their services, enabling them to take the mitigation measures.

3.a *When providers put forward age verification ~~or age assessment~~ systems, they shall meet the following criteria:* (AM 693 RE, 694 SD, RE, EPP, partially 804 RE, partially 805 SD, EPP, RE)

- (a) Protect the privacy of users and 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) Do not require the processing of biometric data (partially AM 91 IMCO)*
4. Providers of hosting services and providers of ***number-independent*** (partially 815 Greens, 816 S&D, 817 ECR, 111 IMCO) 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.
5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after ***having consulted the European Data Protection Board and*** (partially AM 818 I part SD, partially AM 819 I part SD) 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.a. ***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 measures on application of paragraph (3a), based on selective disclosure of attributes and zero-knowledge protocol.*** (partially AM 818 last paragraph SD, partially AM 819 II part SD)

Article 4a (new)

Mitigation measures for platforms primarily used for the dissemination of pornographic content (AM 827 Greens)

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 (AM 56 FEMM):

a. functionalities according to Article 12(3) enabling users to flag or notify potential online child sexual abuse; (AM 57 FEMM)

b. adequate professional human content moderation to rapidly process notices of potential child sexual abuse material; (AM 58 FEMM)

c. automatic mechanisms and interface design elements to inform users about external resources (AM 59 FEMM) 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 4.a (new) of this Regulation

Article 4b (new)

Mitigation measures for number-independent interpersonal communications service within games (AM 828 Greens)

Providers of online games that operate number-independent interpersonal communications service within their games, shall take all of the following (AM 60 FEMM) mitigation measures in addition to the requirements referred to in Article 3 and 4:

1. prevent users from initiating unsolicited contact with other users; (AM 61 FEMM)

2. facilitate functionalities according to Art. 12.3 enabling users to flag or notify potential online child sexual abuse (AM 62 FEMM)

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; (AM 63 FEMM)

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. (AM 64 FEMM)

Recitals 16 to 18d to Article 4 - Risk Mitigation

- (16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available **number-independent** (partially AM 334 Greens, 338 ECR, partially 339 The Left, partially 18 IMCO) 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** (partially AM 333 EPP, partially 18 IMCO) ~~for 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.
- (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** (AM 344 RE, 21 FEMM), 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~~ (partially 343 Greens). ***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.***
- (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** (partially AM 347 Greens, 348 ECR, partially 349 The Left, partially 24 IMCO) 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.*** (AM 19 FEMM) 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 ongoing effectiveness of the measures***, (partially AM 347 Greens) the financial and technological capabilities and the size of

the provider concerned. *Therefore mitigation measures should always be the least intrusive option possible* (AM 12 Rap., partially 24 IMCO). 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* (AM 346 Greens). When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

- (18a) *Parental control features and functionalities should 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* (partially 806 EPP), *or to help prevent them from being exposed to content that is inappropriate. These measures should be in accordance with Regulation (EU) 2016/679 and the Convention on the Rights of the Child, in particular the 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 unauthorized access or control by third parties.* (AM 21 IMCO)
- (18b) *Providers will 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* (AM partially 10 rapp, partially 332 Puigdemont, partially 333 EPP, 335 ECR, 336 ID, partially 426 Greens, partially 427 Greens, 428 RE, partially 27 FEMM, partially 4 CULT)
- (18c) *Providers that have identified a risk of use of their services for the purpose of the solicitation of children, may 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 must strictly comply with the principle of data minimisation. 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.

- (18d)** *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 (AM partially 14 IMCO, partially 15 IMCO)*

COMPROMISE AMs - BATCH IV

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 5

ARTICLE 5

Article 5 - Risk reporting

Covered:

partially 831 (Greens), 832 (Rooker ECR), 833 (S&D), 93 (rapp), partially 842 (Greens), 94 (rapp), 95 (rapp), 96 (rapp), 97 (rapp), 835 (Tang S&D), 836 (S&D), partially 824 (Left), 843 (Greens), partially 844 (Greens), 845 (RE), 846 (Breyer, Greens), 98 (rapp), 113 IMCO, 122 IMCO,

Fall:

829 (Ernst Left), 830 (Greens), 834 (Grapini S&D), 837 (Greens), AM 838 (Renew), 839 (Greens), 840 (Greens), 841 (Grapini S&D), 847 (S&D), 848 (Tang S&D), 849 (Greens), 850 (Grapini S&D), 92 (rapp), 99 (rapp), 114 IMCO, 115 IMCO, 116 IMCO, 117 IMCO, 118 IMCO, 119 IMCO, 120 IMCO, 121 IMCO,

Article 5 Risk reporting

1. Providers of hosting services and providers of ***number-independent*** (partially 831 Greens, 832 ECR, 833 S&D, 113 IMCO) 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:
 - (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)***; (AM 835 S&D, 836 S&D)
 - (b) any mitigation measures ***both*** taken ***and requested*** pursuant to Article 4. (AM 92, 838 RE)
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 measures have been taken in accordance with the requirements of Articles 3 and 4.
3. Where necessary for that assessment, that Coordinating Authority may: ***require further information from the provider, within a reasonable time period set by that***

~~**Coordinating Authority. That time period shall not be longer than two weeks.**~~ (AM 93 Rapp., partially 842 Greens)

- (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;* (AM 94 Rapp.)
- (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;* (AM 95 Rapp.)
- (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.* (AM 96 Rapp.)

~~**The time period referred to in the first subparagraph shall be suspended until that additional information is provided.**~~ (AM 843 Greens)

- 4. Without prejudice to Articles 7 and 27 to 29, where *the Coordinating Authority of establishment considers that* (845 RE) 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* (845 RE) requiring ~~the provider~~ *it* to re-conduct or update the risk assessment or to ~~introduce, review, discontinue or expand, as applicable,~~ *take the necessary* (partially 824 Left) mitigation measures *so as to ensure that Articles 3 and 4 are complied with* (part. 844 Greens, 845 RE), within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month.
- 4b. *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.* (AM 846 Greens)
- 4c. *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.* (AM 97 Rapp., 122 IMCO)
- 5. ~~Providers shall, when transmitting the report to the Coordinating Authority of establishment~~ *shall in accordance with paragraph 1, transmit the report referred to in paragraph 1 to the EU Centre, as well as any further information resulting from paragraph 3* (98 Rapp.) *and, where applicable, the positive opinion issued according to paragraph 4c.*
- 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* ~~assessment referred to in Article 6(2).~~ Where necessary, they may remove confidential information from the reports.

COMPROMISE AMs - BATCH V

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 6

ARTICLE 6 + RECITAL 19

Article 6 - Obligations for software application stores

Covers: AMs 100 (rapp), 858 (S&D), part. 102 Rap., 103 Rap., 860 (Sofa ECR), part. 864 EPP, 865 EPP, 867 (S&D), 868 (Körner RE), 871 (S&D), 872 (S&D), 873 partially (S&D), 128 (IMCO), 129 (IMCO), partially 130 (IMCO)

Fall: AMs 101 (Rapp), 104 (Rap.), 105 (Rapp), 851 (Terhes ECR), 852 (Breyer Greens), 853 (Duriš RE), 854 (Terhes ECR), 855 (Ernst Left), 856 (Rooker ECR), 857 (Repasi S&D), 859 (Tang S&D), 861 (Körner RE), 862 (Skyttedal EPP), 863 (Tang S&D), 866 (EPP), 869 (Tang S&D), 870 (Körner RE), 125 (IMCO), 126 (IMCO), 127 (IMCO), 878 (ECR), 67 FEMM, 68 FEMM

Recital 19

Covers:

Falls: AMs 22 FEMM, 25 IMCO, 350 (Greens), 351 (Left)

Article 6

Obligations for software application stores

1. Providers of software application stores ***considered as gatekeepers under Regulation (EU) 2022/1925*** (AM 858 S&D) shall, ***based on the information provided by the providers of software applications***:

(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;~~ (AM 100 Rap.)

(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; (AM part. 102 Rap., 103 Rap., part. 860 ECR, part. 864 EPP, 865 EPP)

~~(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 users to access the software application, make reasonable efforts to verify that consent is given or authorised by the holder of parental responsibility over the child, taking into consideration available technology. (compromise proposed by the Rap.)

~~(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);~~ (AMs 867 S&D, 868 RE)

~~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;~~ (AM 871 S&D, 128 IMCO)

Providers of software application stores considered as gatekeepers under 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 (compromise proposed by the Rap.). *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.*

~~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;~~ (AM 872 S&D, 129 IMCO)

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. (compromise proposed by the Rap.)

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre *and after having consulted the European Data Protection Board* (AM partially 873 S&D, partially 130 IMCO) and after having conducted a public consultation, may issue guidelines on the application of paragraph 1 *and 2* ~~and 3~~ 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.

Recital 19 - Article 6 - Obligations for software application stores

(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 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.

COMPROMISE AMs - BATCH VI

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 7

ARTICLE 7 + RECITALS 20 - 25

Article 7 - Issuance of detection orders

Covers: AMs 107 (rapp), 108 (rapp), partially 110 (rapp), 111 (rapp), 112 (rapp), 113 (rapp), 114 (rapp), 115 (rapp), 116 (rapp), 117 (rapp), 121 (rapp), 123 (rapp), 124 (rapp), 125 (rapp), partially 128 (rapp), partially 886 (S&D), partially 887 (S&D), partially 888 (EPP), partially 889 (Greens, S&D, RE), partially 890 (RE), partially 891 (ECR) 892 (RE), partially 893 (EPP), partially 132 (IMCO), partially 133 (IMCO), partially 896 (ECR), 897 (Greens), partially 898 (EPP), partially 900 (EPP), 902 (Greens), 134 (IMCO), 905 (ECR), 908 (Greens), partially 135 (IMCO), partially 909 (S&D), partially 910 (S&D), 911 (Greens), partially 924 (Greens), 925 (SD, RE, EPP), partially 928 (SD, RE, EPP), 935 (RE), partially 939 (Greens), partially 942 (Greens), partially 944 (S&D), partially 945 (S&D), partially 946 (ECR), partially 947 (Greens), partially 144 (IMCO), 948 (ECR), 949 (ECR), 950 (EPP), 951 (RE), partially 952 (S&D), partially 953 (S&D), 954 (Greens), 955 (EPP), 956 (ECR), partially 962 (S&D), 963 (ECR), 964 (EPP), 965 (Greens), 967 (RE), partially 968 (S&D), partially 969 (ECR), partially 970 (S&D), partially 971 (ECR), 972 (ECR), partially 973 (ECR), 974 (Greens), 975 (EPP), 976 (ECR), 978 (ECR), 980 (ECR), 982 (S&D), 983 (ECR), 984 (S&D), 985 (ECR), 986 (S&D), 988 (Greens), 989 (ECR), 1006 (S&D), 1007 (Greens), 1008 (ECR), 1009 (EPP), 1010 (S&D), 1011 (ECR), 1012 (S&D), 1013 (S&D), partially 1017 (EPP), partially 1019 (S&D), 1021 (ECR), 1024 partially (S&D), 1036 (ECR), 1038 (Greens), 1042 (Greens), partially 1047 (S&D), partially 1048 (S&D), partially 136 (IMCO), partially 140 (IMCO), partially 142 (IMCO), partially 143 (IMCO), 147 (IMCO), 150 (IMCO), partially 153 (IMCO), partially 154 (IMCO), 158 (IMCO), 159 (IMCO), 160 (IMCO), 161 (IMCO), 162 (IMCO), 163 (IMCO), 164 (IMCO), 165 (IMCO), partially 166 (IMCO), 167 (IMCO), 169 (IMCO), partially 170 (IMCO), 171 (IMCO), 172 (IMCO).

Fall: AMs 109 (rapp), 118 (rapp), 119 (rapp), 120 (rapp), 122 (rapp), 126 (rapp), 127 (rapp), 129 (rapp), 879 (ECR), 880 (ECR), 881 (Left), 882 (EPP), 883 (S&D), 884 (S&D), 885 (ECR), 894 (RE), 895 (RE), 899 (ECR), 901 (S&D), 903 (EPP), 904 (S&D), 906 (ECR), 907 (EPP), 912 (ECR), 913 (S&D), 914 (S&D), 915 (S&D), 916 (Greens), 917 (S&D), 918 (S&D), 919 (S&D), 920 (S&D), 921 (S&D), 922 (ECR), 923 (S&D), 926 (S&D), 927 (ECR), 929 (Greens), 930 (S&D), 931 (ECR), 932 (S&D), 933 (Greens), 934 (EPP), 69 (FEMM), 936 (ECR), 937 (S&D), 938 (EPP), 70 (FEMM), 940 (ECR), 941 (S&D), 943 (ECR), 957 (ECR), 958 (Greens), 959 (S&D), 960 (S&D), 961 (ECR), 966 (S&D), 977 (S&D), 979 (S&D), 981 (S&D), 987 (S&D), 990 (S&D), 991 (S&D), 992 (ECR), 993 (S&D), 994 (Greens), 995 (S&D), 996 (ECR), 997 (EPP), 998 (ECR), 999 (ECR), 1000 (EPP), 1001 (S&D), 1002 (ECR), 1003 (Greens), 1004 (S&D), 1005 (S&D), 1014 (ID), 1015 (ECR), 1016 (EPP), 1018 (EPP), 1020 (Greens), 1022 (S&D), 1023 (Renew), 1025 (Renew), 1026 (S&D), 1027 (Greens), 1028 (S&D), 1029 (S&D), 1030 (Renew), 1031 (S&D, EPP, RE), 1032 (Greens), 1033 (Greens), 1034 (ECR), 1035 (Renew), 1037 (EPP), 1039 (Greens), 1040 (EPP), 1041 (S&D), 1043 (S&D), 1044 (EPP), 1045 (S&D), 1046 (S&D), 1049 (Renew), 1050 (Renew), 137 (IMCO), 138 (IMCO), 139 (IMCO), 141 (IMCO), 145 (IMCO), 146

(IMCO), 148 (IMCO), 149 (IMCO), 151 (IMCO), 152 (IMCO), 155 (IMCO), 156 (IMCO), 157 (IMCO), 168 (IMCO)

Annex I (*see separate document*)

Covers: 1892 (S&D), 1893 (S&D),

Fall: 1886 (ECR), 1887 (S&D), 1888 (S&D), 1889 (S&D), 1890 (S&D), 1891 (S&D), 1894 (ECR)

Annex II (*see separate document*)

Covers: none

Fall: 1895 (S&D), 1896 (S&D)

Recital 20 to 25 - Article 7

Recital 20

Covers: AMs 13 (Rap.), partially 353 (EPP), partially 354 (ECR), partially 357 (S&D), partially 26 IMCO

Fall: 352 (The Left), 355 (Greens), 359 (S&D), 360 (S&D), 361 (S&D)

Recital 21

Covers: AMs 14 (Rapp), partially 363 (Greens), partially 364 (S&D)

Fall: 362 (The Left), 365 (EPP), 366 ID, 27 (IMCO)

Recital 22

Covers: AMs partially 369 (Greens), 370 (RE), partially 28 (IMCO)

Fall: AMs 367 (The Left), 368 (S&D), 23 (FEMM)

Recital 23

Covers: AMs partially 15 (Rap.), partially 372 (Greens), partially 373 (EPP), partially 29 (IMCO)

Falls: AMs 371 (The Left), 30 (IMCO), 31 (IMCO), 374 (ECR)

Recitals 24

Covers: partially 376 (Greens), partially 32 (IMCO)

Falls: AMs 375 (The Left)

Recital 25

Covers: 377 (Greens), 378 (The Left), 33 (IMCO)

Falls: none

1. *As The Coordinating Authority of establishment shall have the power, as a last resort (partially 905 part II ECR) after all the measures in Article 3, 4 and 5 have been exhausted (AM 107 rapp, 972 ECR, partially 132 IMCO, partially 896 part I ECR), to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State (partially 886 S&D, partially 887 S&D, partially 888 EPP, partially 889 (Greens, S&D, RE), partially 890 RE, partially 891 ECR, 892 RE, partially 893 EPP, partially 132 IMCO) to issue a detection order requiring a provider of hosting services or a provider of number-independent (partially 886 S&D, partially 887 S&D, partially 889 (Greens, S&D, RE), partially 132 IMCO) interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse material on a specific service.*

The detection order shall be targeted (partially 888 EPP, partially 893 EPP, partially 898 (EPP), partially 900 EPP) and 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. (partially 170 IMCO, 897 (Greens, ECR, SD, RE), partially 970 S&D, partially 971 ECR, partially 973 ECR)

Detection orders shall be addressed to the service provider acting as controller in accordance with Regulation (EU) 2016/679 (partially 133 IMCO, partially 896 part II ECR). 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

2. *Based on a reasoned justification (AM 954 Greens), the Coordinating Authority of establishment shall, before requesting (AM partially 108 rapp) the issuance of the detection order carry out the investigations (AM 902 Greens) and assessments necessary to determine whether the conditions of paragraph 4 have been met and the competent judicial authority (950 EPP, AM 951 RE, partially 952 SD, partially 953 SD) shall issue the detection order where it considers that all (AM 134 IMCO) the following conditions are simultaneously met (AM 108 rapp,):*

(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 suggests 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 one, with 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. (AM partially 110 rapp, 967 RE)

(c) issuing the detection order is necessary and proportionate and outweighs (AM 965 Greens) *negative consequences on 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* (AM 111 rapp, partially 905 part I ECR, partially 962 S&D), *and without jeopardising the security of communications* (AM partially 968 SD, partially 969 ECR, 147 IMCO)

~~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.~~(AM 112 Rapp.)

3. Where the Coordinating Authority of establishment takes the ***preliminary*** (AM 908 Greens, partially 135 IMCO) view that ***all*** the conditions of paragraph 4 2 (AM 113 rapp) have been met, it shall:

- (a) establish a draft request ***to the competent judicial authority of the Member State that designated it*** (AM partially 909 SD, partially 910 SD, partially 136 part I IMCO) for the issuance of a detection order, specifying ***the factual and legal grounds upon which the request is based*** (AM 911 Greens, partially 136 IMCO) ***and the duration of the order, as well as*** (partially 136 part. III IMCO), the main elements of the content of the detection order it intends to request and the reasons for requesting it;
- (b) submit the draft request to the provider and the EU Centre,
- (c) afford the provider an opportunity to comment on the draft request, within a reasonable time period set by that Coordinating Authority; and
- (d) invite the EU Centre, ***and in particular its Technology Committee*** (AM 925 SD, RE, EPP), to provide its opinion on the draft request, within a time period of four weeks from the date of receiving the draft request.

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 2 have ***been*** (AM 114 Rapp.) met ***and prior to requesting the competent judicial authority the issuance of the detection order*** (AM partially 924 Greens), it shall ~~re-submit the draft request, adjusted where appropriate, to the provider. In that case, request~~ the provider ~~shall~~ ***to*** do all of the following, within a reasonable time period set by that Coordinating Authority, ***which cannot exceed four weeks***: (AM 114 rapp)

- (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*** (AM 984 S&D) and safeguards ***and if any, the negative impacts and safeguards on the rights of all parties involved*** (partially 140 IMCO); ***the provider may consult the EU Centre, and in particular its Technology Committee, to obtain support in identifying appropriate measures in this respect*** (AM partially 928 (SD, RE, EPP));

- (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* ~~or~~ (AM 115 rapp, 935 RE) ~~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;
- (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 into account of* (AM partially 939 Greens, partially 142 IMCO) the opinion of the data protection authority provided in response to the prior consultation; and
- (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 to take due account* (AM partially 942 Greens, partially 143 IMCO) of the outcome of the data protection impact assessment and of that opinion.

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)* (121 rapp, 986 S&D, 150 IMCO), that Coordinating Authority continues to be of the view that the conditions of paragraph 4 2 (AM 116 rapp) have *been* met, it shall submit the request for the issuance of the detection *order*, adjusted where appropriate, to the competent judicial authority ~~or independent administrative authority~~ (AM partially 944 SD, partially 945 SD, partially 946 ECR, partially 947 Greens, partially 144 IMCO). It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

~~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: (AM 117 rapp, 948 ECR, 949 ECR)~~

- ~~(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; (AM 117 rapp, 948 ECR, 949 ECR, 955 EPP, 956 ECR)~~
- ~~(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. (AM 117 rapp, 948 ECR, 949 ECR, 963 ECR, 964 EPP)~~

~~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: (AM 117 rapp., 974 Greens, 975 EPP, 976 ECR)~~

- ~~(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; (AM 948 ECR, 974 Greens, 975 EPP, 976 ECR, 978 ECR)~~

- ~~(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; (AM 948 ECR, 974 Greens, 975 EPP, 976 ECR, 980 ECR)~~
- ~~(c) the views and the implementation plan of the provider submitted in accordance with paragraph 3; (AM 948 ECR, 974 Greens, 975 EPP, 976 ECR, 982 S&D, 983 ECR)~~
- ~~(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3. (AM 948 ECR, 974 Greens, 975 EPP, 976 ECR, 985 ECR)~~

~~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. (AM 948 ECR, 988 Greens, 989 ECR)~~

5. As regards detection orders concerning the dissemination of known child sexual abuse material, the ~~significant risk~~ **reasonable grounds of suspicion** referred to in paragraph 4 2, ~~first subparagraph~~, (AM 123 rapp) point (a), shall be deemed to exist where the following conditions are met:

- ~~(a) it is likely that, despite any~~ (AM partially 153 IMCO) ~~the~~ mitigation measures that the provider ~~may have~~ **has** (124 rapp) taken ~~or will take~~, **have insufficient material impact on limiting the risk and** (AM partially 153 IMCO) 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; and
- ~~(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, (AM partially 154 IMCO) 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** and to an appreciable extent for the dissemination of known child sexual abuse material.

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the ~~significant risk~~ **reasonable grounds of suspicion** referred to in paragraph 4 2 ~~first subparagraph, point (a)~~, (AM 125 rapp) shall be deemed to exist where the following conditions are met:

- ~~(a) it is likely that, despite any~~ **the** mitigation measures that the provider ~~may have~~ **has** (124 rapp) taken ~~or will take~~, **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; and
- ~~(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 *by individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication* and to an appreciable extent for the dissemination of new child sexual abuse material.~~

~~(e) for services other than those enabling the live transmission of pornographic performances as defined in Article 2, point (c), of Directive 2011/93/EU: (AM 158 IMCO)~~

~~(1) a detection order concerning the dissemination of known child sexual abuse material has been issued in respect of the service; (AM 159 IMCO)~~

~~(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 Article 12. (AM 160 IMCO)~~

~~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: (AM 161 IMCO, 1006 S&D, 1007 Greens, 1008 ECR, 1009 EPP, 1010 S&D, 1011 ECR, 1012 S&D)~~

~~(a) the provider qualifies as a provider of interpersonal communication services; (AM 162 IMCO, 1006 S&D, 1007 Greens, 1008 ECR, 1009 EPP, 1010 S&D, 1011 ECR, 1012 S&D)~~

~~(b) it is likely that, despite any *the* mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the solicitation of children; (AM 163 IMCO, 1006 S&D, 1007 Greens, 1008 ECR, 1009 EPP, 1010 S&D, 1011 ECR, 1012 S&D)~~

~~(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. (AM 164 IMCO, 1006 S&D, 1007 Greens, 1008 ECR, 1009 EPP, 1010 S&D, 1011 ECR, 1012 S&D)~~

~~The detection orders concerning the solicitation of children shall apply only to interpersonal communications where one of the users is a child user. (AM 165 IMCO, 1006 S&D, 1007 Greens, 1008 ECR, 1009 EPP, 1013 S&D)~~

8. The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial ~~or independent administrative authority~~ (partially 166 IMCO, 1021 ECR) when issuing the detection order, shall *in accordance with Article 8 of Regulation (EU) 2022/2065* (AM part. 128 rapp, partially 1017 EPP, partially 1019 S&D) target and specify it in such a manner that the negative consequences referred to in paragraph 2 (c) 4, first subparagraph, point ~~(b)~~, remain limited to what is strictly necessary, *justifiable and proportionate* (AM part 128 rapp, partially 1017 EPP, partially 1019 S&D) to effectively *target individual users, or a specific group of users, either as such or as subscribers to a specific channel of communication* address the significant risk ~~as~~ referred to in point (a) thereof, *while not jeopardising the security of communications* (partially 166 IMCO, partially 1024 SD);

To that ~~end aim~~ (167 IMCO), 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.

In particular, they shall ensure that:

- (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;~~
 - (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; and
 - (c) subject to paragraph 9, the period of application remains limited to what is strictly necessary *and proportionate* (169 IMCO);
9. The competent judicial authority ~~or independent administrative authority~~ (AM 1036 ECR, 1038 Greens, 171 IMCO) shall specify in the detection order the period during which it applies, indicating the start date and the end date.
- The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the detection order. It shall not be earlier than three months from the date at which the provider received the detection order and not be later than 12 months from that date.
- The period of application of detection orders concerning the dissemination of known or new child sexual abuse material *shall be proportionate, taking all relevant factor into account, and* (1042 Greens, 172 IMCO) not exceed 24 months.
10. *Detections orders shall contain information about the right to appeal to a court of law according to the national legislation.* (AM partially 1047 S&D, partially 1048 S&D)

Recital 20 to 25 - Article 7

- (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* (AM 13 rapp, part. 353 (EPP), partially 354 ECR) ~~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, *as a measure of last resort* (AM 13 rapp, partially 353 EPP, partially 354 (ECR), partially 26 IMCO), 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* (AM partially 357 S&D, partially 26 IMCO) 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. *As a matter of principle, detection orders shall 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, as an exception, it should be possible to address a detection order directly to the service provider that stores or otherwise processes the data.*

- (21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued *by a judicial authority and only* (AM partially 364 S&D) 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* ~~a significant risk of the specific 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 a given type of online child sexual abuse material covered by this Regulation.~~ *Reasonable grounds should be 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 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 a view at achieving that aim, it should be possible for the Coordinating Authority to request additional information from the EU Centre, the competent data protection authorities or another public authority or entities.* (AM 14 Rap.) ~~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.~~ (partially 363 Greens)
- (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 fall 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.*

- (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 *or independent administrative* authority (AM partially 369 Greens, 370 RE, partially 28 IMCO) 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 material at issue, but also the likelihood and seriousness of~~ any potential negative consequences for other parties affected, ***including the users of the service*** (AM partially 28 IMCO). 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.~~
- (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 ***limited in time*** specified (AM partially 15 Rapp., partially 372 Greens, partially 373 EPP, partially 29 IMCO) 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*** ~~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.
- (24) The competent judicial authority ~~or the competent independent administrative authority~~ (AM partially 376 Greens), 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~~ **without undue delay** (partially AM 376 Greens, partially AM 32 IMCO), 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.

- (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 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. (AMs 377 Greens, 378 The Left, 33 IMCO)~~

COMPROMISE AMs - BATCH VII

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 8

Article 8

Article 8 - Additional rules regarding detection orders

Covers: partially 1059 (EPP), 1060 partially (SD), 1061 partially (SD), 1062 (Greens), 1063 partially (EPP), 173 IMCO, 174 IMCO, 1067 (Greens), 1068 partially (EPP), 175 IMCO, 1077 partially (SD), 1079 (Greens), partially 179 IMCO, 1090 (Greens), 1082 (Greens), 1083 partially (EPP), 1086 partially (ECR), 1087 (Greens), 1088 partially (EPP), 1093 partially (Greens), part. 180 IMCO, 181 IMCO, 182 IMCO, part. 183 IMCO

Fall: 1051 (Left), 1052 (ECR), 1053 (ECR), 1054 (EPP), 1055 (SD), 1056 (SD), 1057 (ECR), 1058 (ECR), 1064 (Greens), 1065 (EPP), 1066 (SD), 1069 (EPP), 1070 (EPP), 1071 (SD), 1072 (SD), 1073 (Greens), 1074 (EPP), 1075 (ECR), 1076 (EPP), 1078 (EPP), 1080 (Greens), 1081 (EPP), 1084 (EPP), 1085 (ECR), 1089 (EPP), 1091 (EPP), 1092 (ECR), 1094 (EPP), 1095 (ECR), 1096 (EPP), 1097 (Greens), 176 IMCO, 177 IMCO, 178 IMCO, 184 IMCO

Article 8

Additional rules regarding detection orders

1. The competent judicial authority ~~or independent administrative authority~~ (partially AM 1050 ECR, partially 1059 EPP, partially 1060 SD, partially 1061 SD, 1062 Greens, partially 1063 EPP, 173 IMCO) shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:
 - (a) information regarding the *targeted and proportionate* (part. 174 IMCO) 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 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);
 - (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~~; (AM 1067 Greens, partially 1068 EPP. 175 IMCO)

- (c) the name of the provider and, where applicable, its legal representative;
 - (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);
 - (e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material ~~or the solicitation of children~~;
 - (f) the start date and the end date of the detection order;
 - (g) a ~~sufficiently~~ (AM1079 Greens) detailed ~~statement~~ **justification** (partially 179 IMCO) of reasons explaining why the detection order is issued **and how is necessary, effective and proportionate**; (AM 1077 partially SD)
 - (h) a reference to this Regulation as the legal basis for the detection order;
 - (i) the date, time stamp and electronic signature of the judicial ~~or independent administrative authority~~ (AM 1082 Greens, partially 1083 EPP, 180 IMCO) issuing the detection order; and
 - (j) easily understandable information about the redress available to the addressee of the detection order, including information about redress to a court and about the time periods applicable to such redress.
2. The competent judicial authority ~~or independent administrative authority~~ (AM partially ECR 1086, 1087 Greens, partially 1088 EPP, 181 IMCO) 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.
- The detection order shall be **securely** (AM 1090 Greens, 182 IMCO) 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).
- The detection order shall be drafted in the language declared by the provider pursuant to Article 23(3).
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** (rapp proposal based on AM 1093 Greens) the provider shall, without undue delay, request the necessary **correction or** (AM 1093 partially Greens. part. 183 IMCO) clarification to the Coordinating Authority of establishment, using the template set out in Annex II.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes I and II where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

COMPROMISE 9

Article 9

Article 9- Redress, information, reporting and modification of detection orders

Covers: 1104 (ECR), partially 1105 (SD), partially 1106 (EPP), 1107 (Greens), 185 IMCO, partially 1109 (ECR), AM 1110 (Greens), partially 1111 (EPP), 1120 partially (EPP), 1121 partially (Greens), 1122 (EPP), 1123 (Greens), 186 IMCO, 188 IMCO, 189 IMCO

Fall: AM 130 (Rapp), 1098 (ECR), 1099 (ECR), 1100 (Left), 1101 (EPP), 1102 (SD), 1103 (ECR), 1108 (ECR), 1112 (EPP), 1113 (ECR), 1114 (Greens), 1115 (EPP), 1116 (SD), 1117 (Greens), 1118 (EPP), 1119 (ECR), 187 IMCO⁵

Article 9

Redress, information, reporting and modification of detection orders

1. Providers of hosting services and providers of *number-independent* (AM 1104 ECR, partially 1109 ECR, 185 IMCO) 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 ~~or independent administrative authority~~ (AM partially 1105 S&D, partially 1106 EPP, 1107 Greens, 185 IMCO) that issued the detection order.
2. When the detection order becomes final, the competent judicial authority ~~or independent administrative authority~~ (AM 1110 Greens, partially 1111 EPP, 186 IMCO) 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).

For the purpose of the first subparagraph, a detection order shall become final upon the expiry of the time period for appeal where no appeal has been lodged in accordance with national law or upon confirmation of the detection order following an appeal.

3. Where the period of application of the detection order exceeds 12 months, ~~or six months in the case of a detection order concerning the solicitation of children~~, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

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.

4. In respect of the detection orders that the competent judicial authority ~~or independent administrative authority~~ (AM partially 1120 EPP, partially 1121 Greens, 188 IMCO) 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)~~ (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.

That Coordinating Authority shall request to the competent judicial authority ~~or independent administrative authority~~ (AM 1122 EPP, 1123 Greens, 189 IMCO) 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*.

COMPROMISE 10

ARTICLE 10 (AND RECITALS + ARTICLE 11

Article 10 Technologies and safeguards

Covers: AMs 131 (rapp), AMs 132 (rapp), 133 (rapp), 134 (rapp), 135 (rapp), 1153 (rapp), 1176 (S&D), 1130 (partially (SD), 1132 partially (Greens), 1133 partially (S&D), 190 IMCO, part 1135 (Greens), 1146 partially (Greens), 1150 (Greens), 1151 partially (Greens), 1152 partially (RE), 1160 partially (ECR), 1161 partially (S&D,EPP,RE), 1162 (RE), 1163 Puigdemont i Casamajó , 1164 partially (Greens), 1165 partially (Greens), 1169 partially (S&D), 1174 partially (S&D), 1179 (S&D), 1180 partially (S&D), 1182 (S&D), 1183 (S&D), 1188 (ECR), 1189 (Puigdemont i Casamajó), , 194 IMCO, part. 198 IMCO,

Fall: AMs 133 (rapp), 1124 (ECR), 1125 (ECR), 1126 (Left), 1127 (ECR), 1128 (RE), 1129 (RE), 1131 (EPP), 1134 (ECR), 1136 (S&D,EPP,RE), 1137 (RE), 1138 (RE), 1139 (EPP), 1140 (S&D), 1141 (ECR), 1142 (Greens), 1143 (Greens), 1144 (S&D), 1145 (S&D), 1147 (S&D), 1148 (S&D), 1149 (S&D), 1154 (Greens), 1155 (RE), 1156 (EPP), 1157 (ECR), 1158 (S&D), 1159 (S&D), 1166 (ECR), 1167 (ECR), 1168 (Greens), 1170 (S&D), 1171 (RE), 1172 (Greens), 1173 (EPP), 1175 (Greens), 1177 (S&D), 1178 (Greens), 1181 partially (Greens), 1184 (S&D), 1185 (S&D), 1186 (EPP), 1187 (S&D), 1190 (S&D), 1191 (ECR), 1192 (S&D), 1193 (S&D), 1194 (S&D), 1195 (EPP), 1196 (Greens), 1197 (Greens), 1198 (S&D), 1199 (EPP), 1200 (ECR), 1201

(Greens), 1202 (EPP), 1203 (S&D), 1204 (EPP), 191 IMCO, 192 IMCO, 193 IMCO, 195 IMCO, 196 IMCO, 197 IMCO, 199 IMCO, 200 IMCO, 201 IMCO, 71 FEMM

Article 11 - Guidelines regarding detection obligations

Cover: AM 136 (Rapp), 1209 partially (S&D), 1210 (EPP), 1211 (Greens), 1212 (S&D).

Fall: AM 1205 (ECR), 1206 (ECR), 1207 (Greens), 1208 (Left), 72 FEMM, 202 IMCO

Recitals 26 - 28 to Article 10 (Technologies and Sageguards)

Covers: AMs 16 (Rap.), part. 380 Greens, part. 382 (ECR), partially 383 EPP, partially 384 (ECR), partially 385 (S&D, RE, EPP), part. 386 (ECR), 387 (NI, Puigdemont), 356 (EPP), part. 34 (IMCO),

Falls: AMs 379 (The Left), 381 (EPP), 392 (ECR), 393 (Greens)

Recital 27

Covers: AMs 18 (Rap.), part. 395 (Greens), 396 (ID), partially 397 (EPP),

Fall: AMs 394 (The Left), 24 (FEMM), 35 (IMCO)

Recital (27a)

Covers: AM 398 (Greens), patially 399 (S&D),

Fall: 400 (RE), 401 (S&D, RE, EPP).

Recital 28

Covers: part. 403 (Greens), 405 (ID), partially 36 (IMCO)

Fall: 402 (Greens), 404 (ECR), 406 (ECR),

Article 10 Technologies and safeguards

1. Providers of hosting services and providers of ***number-independent*** (AM partially 1130 S&D, partially 1133 SD, 190 IMCO) interpersonal communication services that have received a detection order ***according to Article 7*** (AM partially 1132 Greens) shall execute it by installing and operating ***available*** (AM 131 rapp), ***secure and privacy-friendly*** (AM partially 1130 S&D) 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.

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 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.

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.*** (AM part. 1135 Greens)

3. The technologies shall ~~be~~:

- (a) ***be*** effective in detecting the dissemination of known or new child sexual abuse material ~~or the solicitation of children~~, as applicable;
- (b) not ***be*** able to ~~extract~~ ***permit the acquisition of knowledge of the content of the communications or*** (rapp proposal based on AM 1146 Greens) 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;
- (c) be in accordance with the ***technological*** (194 IMCO) state of the art ~~in the industry~~ (AM 132 rapp, 1150 Greens) 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;
- (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*** (AM 1153 rapp), ***and where such occasional errors occur, they are rectified without delay*** (AMs partially 1151 Greens, partially 1152 RE); and
- (da) ***not apply to end-to-end encrypted communications*** (rapp. 133, partially 1160 ECR, partially 1161 S&D,EPP,RE, 1162 RE, 1163 Puigdemont i Casamajó, partially 1165 Greens)

4. The provider shall:

- (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*** (partially 198 IMCO) ***and limited to what is strictly necessary*** ~~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 *and, unless alleged child sexual abuse material has been confirmed as such, the data is erased immediately*; (AM partially 1164 Greens);

- (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* (AM 1176 S&D) access to, and unauthorised transfers of, such personal data and other data;
- (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, *immediate* human intervention; (AM partially 1179 S&D, partially 1180 SD)
- (d) establish and operate an accessible, age-appropriate and *user- and child-friendly* (AM partially 1181 Greens, 1182 SD, 1183 SD) 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, 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);~~ (AM 134 Rapp)
- (f) regularly review the functioning of the measures referred to in points (a), (b), (c) and (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); and
- (fa) *ensure privacy by design and safety-by-design and by default* (AM partially 135 Rapp, partially 1169 S&D, partially 1174 S&D, 1188 ECR, 1189 NA)

5. The provider shall inform users in a clear, prominent and comprehensible way of the following:

- (a) the fact that it operates technologies to detect ~~online~~ 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;
- (b) the fact that it is required to report potential online child sexual abuse to the EU Centre in accordance with Article 12; and
- (c) the users' right of judicial redress referred to in Article 9(1) and their rights to submit complaints to the provider through the mechanism referred to in paragraph 4, point (d) and to the Coordinating Authority in accordance with Article 34.

The provider shall not provide information to users that may reduce the effectiveness of the measures to execute the detection order.

6. Where a provider detects potential ~~online~~ 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.

Recitals 26 - 28 to Article 10 (Technologies and safeguards)

- (26) The measures taken by providers of hosting services and providers of publicly available **number-independent** (part. AM 382 ECR, part. 34 IMCO) 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~~ (AM 16 Rap., partially 383 EPP, 387 Puigdemont) 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, **while ensuring the effective detection of online child sexual abuse material and the balance of all the fundamental rights at stake** (AM partially 384 ECR, partially 385 (S&D, RE, EPP)). **In this regard, providers should ensure effective internal procedures and safeguards to prevent general monitoring.** (part. 34 IMCO, part. 386 IMCO) **Detection orders shall not apply to end-to-end encryption** (part. 380 Greens, part. 382 ECR, part. 383 EPP, 384 ECR, 385 SD, EPP, RE; part. 386 ECR)
- (27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers ~~detection~~ (part. AM 395 Greens) 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~~ **must** (partially 397 EPP) be consulted on ***the use of*** (396 ID) 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*** ~~may~~ operating the technologies made available by the EU Centre or by others ***but should always be allowed to use*** (AM 18 Rap.) ~~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.*** (part. 395 Greens)

(27a) ***Since the Commission's consultations to the European Data Protection Board regarding several aspects of this Regulation will entail more work for the EDPB, its budget and staffing should be adapted accordingly*** (AM 398 Greens, partially 399 S&D) ***The situation of national authorities, who likewise will be regularly consulted by service providers, should also reflect their increased responsibilities.*** (AM 398 Greens)

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently ***accurate and*** (part. 36 IMCO, part. 403 Greens) reliable, as well as to identify false positives ***and false negatives*** (part. 36 IMCO, part. 403 Greens) and avoid to the extent erroneous reporting to the EU Centre, providers should ensure ***adequate*** (part. 36 IMCO, 403 part. Greens) 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*** (part. 36 IMCO) 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. Providers should ensure that staff carrying out such task is adequately trained.~~ (AM 405 ID)

Article 11

Guidelines regarding detection obligations

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after ***having consulted the European Data Protection Board*** (AM 136 rapp, partially 1209 S&D, 1211 Greens, 1212 S&D) 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*** (AM 1210 EPP) and the manners in which the services covered by those provisions are offered and used.

COMPROMISE AMs - BATCH VIII

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 11 ARTICLE 12 and 13 + RECITAL 29

Article 12 - Reporting obligations

Covered: 137 (rapp.), 139 (rapp.), 140 (rapp.), 1215 partially (S&D), 1216 partially (Greens), 1217 partially (S&D), 1218 (ECR), partially 1219 (Greens), 1224 (S&D), 1225 (Greens), 1226 (The Left), 1230 (ECR), 1231 (EPP), 1232 (S&D), partially 726, II part S&D, partially 203 (IMCO), partially 205 (IMCO), partially 74 (FEMM)

Fall: 138 (rapp.), 1213 (Greens), 1214 (Greens), 1220 (Greens), 1221 (S&D), 1222 (Greens), 1223 (The Left), 1227 (Greens), 1228 (Greens), 1229 (S&D), 204 (IMCO), 73 (FEMM), 75 (FEMM), partially 726, I part (S&D)

Article 13 - Specific requirements for reporting

Covered: AMs 141 (Rapp.), 1233 partially (Left), 1234 (Greens), 1235 (S&D), 1236 (ECR), 1237 (S&D), 206 (IMCO), 1238 (S&D), 1239 (S&D), 1240 (S&D), 1241 partially (S&D), 1242 (Greens), partially 207 IMCO, partially 208 (IMCO), 1243 (S&D), 1244 partially (Left), 1252 (Greens), 1253 (S&D), 1254 (S&D), 1257 partially (Greens), 1259 (ECR), 1263 (Greens), 1264 (EPP), 210 rapp II part, partially 215 (IMCO), 1265 (S&D)

Fall: AMs 1245 (S&D), 1246 (S&D), 1247 (ECR), 1248 (Left), 1249 (Greens), 1250 (Left), 1251 (ECR), 1255 (Greens), 1256 (Left), 142 (Rapp), 1258 (Left), 1260 (Left), 1261 (Greens), 1262 (Left), 76 (FEMM), 209 (IMCO), 210 (IMCO), 211 (IMCO), 212 (IMCO), 213 (IMCO), 214 (IMCO), 15 (CULT)

Annex III *(see separate document)*

Covers: 1899 (S&D), 1900 (S&D), partially 1901(S&D), partially 1903(S&D), partially 1904 (S&D), partially 1905 (ECR)

Fall: 1897 (S&D), 1898 (S&D), 1902 (S&D)

Recital 29 - Article 12 (Reporting obligations) & Article 13 (Specific requirements of reporting)

Covers: AMs 19 (Rap.), part. 408 (The Left), part. 409 (ECR), 411 (ECR), part. 38 IMCO

Falls: AMs 37 (IMCO), 407 (ECR), 410 (Greens), 412 (ECR)

Section 3

Reporting obligations

Article 12

Reporting obligations

1. Where a provider of hosting services or a provider of ***number-independent*** (partially AM 1215 (S&D), partially 1216 (Greens), partially 1217 (S&D), 1218 (ECR), partially 203 IMCO) interpersonal communications services ***obtains actual knowledge*** (partially 1216 Greens, partially 203 IMCO) ~~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 ***and providers of hosting services shall expeditiously remove or disable access to it, except where communicated otherwise under Article 48(6), point (b)*** (AM partially 1219 Greens). It shall do so through the system established in accordance with Article 39(2).
2. Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned ***without undue delay*** (AM 1220 partially Greens), ***except where the EU Centre has communicated otherwise under Article 48(6), point (a)*** (AM 137 Rapp.), 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.

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~~ (AM 1224 S&D), 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.

~~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. (AMs 139 Rapp., 1225 Greens, 1226 Left)~~

3. The providers ***of hosting services and providers of number-independent interpersonal communication services*** shall establish and operate an ***easy to access*** ~~accessible~~, 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 ~~the provider~~ potential online child sexual abuse ~~on the service~~, ***including self-generated material***. (partially 205 IMCO) ***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 under Directive (EU) 2019/1937. (AMs 140 rapp, 1230 ECR, 1231 EPP, 1232 S&D, partially 74 FEMM)

- 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. (AM partially, II part 726 Tang S&D) Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 87.*

Article 13

Specific requirements for reporting

1. Providers of hosting services and providers of **number-independent** (AM partially 1233 Left, 1234 Greens, 1235 S&D, 1236 ECR, 1237 S&D, 206 IMCO) 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 according to Article 49(1).* (AM 210 rapp II part). The report shall include:
 - (a) identification details of the provider and, where applicable, its legal representative;
 - (b) the date, time stamp and electronic signature of the provider;
 - (c) all content data ~~including images, videos and text~~ (AMs 141 rapp, partially 1240 S&D, partially 1241 S&D) **being reported**; (1242 Greens, partially 207 IMCO)
 - (d) all **relevant** (partially 208 IMCO) available data other than content data related to the potential online child sexual abuse;
 - (e) whether the potential online child sexual abuse **to their knowledge** (AM 1252 Greens) concerns the dissemination of known or new child sexual abuse material or the solicitation of children;
 - (f) ~~information concerning the geographic location related to the potential online child sexual abuse, such as the Internet Protocol address;~~ (1253 S&D, 1254 S&D)
 - (fa) *where applicable, an exact uniform resource locator and, where necessary, additional information for the identification of the potential child sexual abuse material;* (AMs 1238 S&D, 1243 S&D)
 - (g) **available** (partially 1257 Greens) information ~~indicating~~ concerning the identity of any user involved in the potential online child sexual abuse

- (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;
 - (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;
 - (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;* (AMs 1239 S&D, 1244 Left, 1263 Greens, 1265 (S&D), partially 215 IMCO)
 - (j) whether the provider considers that the report *involves an imminent threat to the live or safety of a child*, (1259 ECR, 1264 EPP) *or* requires urgent action;
 - (k) a reference to this Regulation as the legal basis for reporting.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annex III to improve the template where necessary in view of relevant technological developments or practical experiences gained.

Recital 29 - Article 12 (Reporting obligations) & Article 13 (Specific requirements of reporting)

- (29) Providers of hosting services, and providers of publicly available ***number-independent*** (AM 408 The Left, 409 ECR) 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~~ ***upon obtaining actual knowledge*** 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~~ ***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*** (AM 19 Rapp, AM 411 ECR, partially 38 IMCO). ~~Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports.~~ (partially AM408 The Left, part. 409 ECR, part 418 Greens)

In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. ~~Such awareness could be obtained,~~ ***Providers should be able to 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***, (AM 19 rapp, AM 411 ECR) 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* (partially 38 IMCO).

Those providers reports should ~~report~~ *contain* a minimum of information as specified in this Regulation, *and providers should ensure the quality of the information submitted that the reports are as complete as possible before submitting them* 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 *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 the arrest of an offender, or both*-(AM 19 rapp, 411 ECR)

COMPROMISE AMs - BATCH IX

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 12

Article 14 and 15 + RECITALS 30-31

Article 14 - Removal orders

Covered: 143 (rapp.), 1266 I part (Renew), 1267 I part (Greens), 1268 I part (S&D), 1269 (Renew), 1271 (Left), AM 144 (rapp.), 1272 (S&D), 1273 (S&D), 1274 (ECR), 1275 (Greens), 1276 (Greens), 1278 (The Left), 1279 (Greens), 1280 (Greens), 1284 (Greens), partially I part 216 (IMCO), 217 (IMCO), 218 (IMCO), 219 (IMCO), 220 (IMCO), 221 (IMCO), 222 (IMCO), 77 (FEMM)

Fall: 1266 partially II part Renew, AM 1267 II part, Greens, AM 1268 II part (S&D), 1270 (The Left), partially II part 216 (IMCO), 1277 (Greens), 145 (rapp.), 1281 (Left), 1282 (Left), 1283 (Left), 78 (FEMM)

Article 15 - Redress and provision of information

Covers: 146 (Rapp.), 1285 (Greens), 1286 (S&D), 223 IMCO, 1287 (Greens), 225 IMCO, 1290 (Greens), 227 IMCO, 228 IMCO, 229 IMCO, 230 IMCO

Fall: AMs 1288 (The Left), 1289 (The Left), 1291 (Greens), 1292 (The Left), 1293 (S&D), 1294 (Renew), 1295 (Greens), 224 IMCO, 226 IMCO, 79 (FEMM), 80 (FEMM), 81 FEMM

RECITALS 30-31

Covers: AMs 20 (Rap.), 21 (Rap.), partially 414 (Greens), 415 (ID), 417 (RE), partially 39 (IMCO), 40 (IMCO)

Falls: AMs 413 (ECR), 416 (The Left)

Section 4 Removal obligations

Article 14 Removal orders

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~~ (AM 1266 I part Renew,

AM 1267 I part Greens, AM 1268 I part S&D, AM 1269 Renew, partially I part AM 216 IMCO) 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 (AM 143 rapp.):

(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

- 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*** (218 IMCO, 77 FEMM)
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.*** (AM 144 rapp.) ***For micro and small enterprises, the removal order shall allow additional time, proportionate to the size and the resources of the provider,*** (AMs 1272 S&D, 1273 S&D, 1274 ECR, 217 IMCO, 1271 Left) ***but in any case no longer than three working days.*** (AM 1271 Left)
3. The competent judicial authority ~~or the independent administrative authority~~ (AM 1275 Greens, 219 IMCO) shall issue a removal order using the template set out in Annex IV. Removal orders shall include:
 - (a) identification details of the judicial ~~or independent administrative authority~~ (AM 1276 Greens, 220 IMCO) issuing the removal order and authentication of the removal order by that authority;
 - (b) the name of the provider and, where applicable, of its legal representative;
 - (c) the specific service for which the removal order is issued;
 - (d) a sufficiently detailed statement of reasons explaining why the removal order is issued and in particular why the material constitutes child sexual abuse material;
 - (e) an exact uniform resource locator and, where necessary, additional information for the identification of the child sexual abuse material;
 - (f) where applicable, the information about non-disclosure during a specified time period, in accordance with Article 15(4), point (c);
 - (g) a reference to ***Article 14 of*** (AM 1278 Left) this Regulation as the legal basis for the removal order;

- (h) the date, time stamp and electronic signature of the judicial ~~or independent administrative~~ authority (AM 1279 Greens, 221 IMCO) issuing the removal order;
 - (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 periods applicable to such redress.
- 4. The judicial authority ~~or the independent administrative~~ (AM 1280 Greens, 222 IMCO) 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.

It shall transmit the removal order to the point of contact referred to in Article 23(1) by electronic means capable of producing a written record under conditions that allow to establish the authentication of the sender, including the accuracy of the date and the time of sending and receipt of the order, to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

It shall draft the removal order in the language declared by the provider pursuant to Article 23(3).
- 5. If the provider cannot execute the removal order on grounds of force majeure or de facto impossibility not attributable to it, including for objectively justifiable technical or operational reasons, it shall, without undue delay, inform the Coordinating Authority of establishment of those grounds, using the template set out in Annex V.

The time period set out in paragraph 1 shall start to run as soon as the reasons referred to in the first subparagraph have ceased to exist.
- 6. If the provider cannot execute the removal order because it contains manifest errors or does not contain sufficient information for its execution, it shall, without undue delay, request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex V.

The time period set out in paragraph 1 shall start to run as soon as the provider has received the necessary clarification.
- 7. The provider shall, without undue delay and using the template set out in Annex VI, inform the Coordinating Authority of establishment and the EU Centre, of the measures taken to execute the removal order, indicating, in particular, whether the provider removed the child sexual abuse material or disabled access thereto in all Member States and the date and time thereof.
- 8. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes IV, V and VI where necessary to improve the templates in view of relevant technological developments or practical experiences gained.
- 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.
(AM 1284 Greens)

Article 1
Redress and provision of information

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~~ (AM 1285 Greens; AM 1286 S&D, AM 223 IMCO) that issued the removal order.
2. When the removal order becomes final, the competent judicial authority ~~or independent administrative authority~~ (AM 1287 Greens, AM 225 IMCO) that issued the removal order shall, without undue delay, ~~transmit a copy thereof to~~ **inform** (AM 146 rapp.) the Coordinating Authority of establishment ~~thereof~~. The Coordinating Authority of establishment shall then, without undue delay, ~~transmit a copy thereof to~~ **inform the EU Centre and** (AM 146 rapp.) all other Coordinating Authorities through the system established in accordance with Article 39(2).

For the purpose of the first subparagraph, a removal order shall become final upon the expiry of the time period for appeal where no appeal has been lodged in accordance with national law or upon confirmation of the removal order following an appeal.

3. Where a provider removes or disables access to child sexual abuse material pursuant to a removal order issued in accordance with Article 14, it shall without undue delay, inform the user who provided the material of the following:
 - (a) the fact that it removed the material or disabled access thereto;
 - (b) the reasons for the removal or disabling, providing a copy of the removal order ~~upon the user's request~~ (AM 1290 Greens);
 - (c) the users' rights of judicial redress referred to in paragraph 1 and to submit complaints to the Coordinating Authority in accordance with Article 34.
4. The Coordinating Authority of establishment may request, when requesting the judicial authority ~~or independent administrative authority~~ (AM 227 IMCO) 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.

In such a case:

- (a) the judicial authority ~~or independent administrative authority~~ (AM 228 IMCO) 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;

- (b) the obligations set out in paragraph 3 shall not apply during that time period;
- (c) that judicial authority ~~or independent administrative authority~~ (AM 229 IMCO) shall inform the provider of its decision, specifying the applicable time period.

That judicial authority ~~or independent administrative authority~~ (AM 230 IMCO) 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~~ (AM 230 IMCO) shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.

RECITALS 30-31 - Article 14 (Removal orders) & Article 15 (Redress and provision of information)

- (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*** (AM 415 ID), Coordinating Authorities of establishment should have the power to request competent judicial authorities ~~*or independent administrative authorities*~~ (AM 414 Greens, 417 RE, part. 39 IMCO) 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, ***without undue delay*** (based on AM 414 Greens), 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*** (AM 414 Greens), 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 shall 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.*** (AM 20 Rapp)
- (31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) ~~*2022/2065 .../...[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*~~, (AM 21 Rapp., 40 IMCO)

COMPROMISE AMs - BATCH X

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 13

Article 16, 17 and 18 + RECITALS 32 and 33

Article 16 - Blocking orders

Covers: none

Fall: AM 147 (Rapp), 1293 (S&D), 1294 (Renew), 1295 (Greens), 1296 (S&D), 1297 (S&D), 1298 (ECR), 1299 (The Left), 1300 (ECR), 1301 (ECR), 1302 (ECR), 148 (Rapp), 149 (Rapp), 150 (Rapp), 1303 (ECR), 1304 (ECR), 151 (Rapp), 152 (Rapp), 1305 (ECR), 1306 (ECR), 1307 (ECR).

Article 17 - Additional rules regarding blocking orders

Covers: none

Fall: 1308 (ECR), 1309 (ECR), 1310 (The Left), 1311 (S&D), 1312 (S&D), 1313 (ECR), 153 (Rapp), 1314 (EPP), 1315 (ECR), 1316 (ECR), 1317 (ECR), 1318 (ECR), 1319 (ECR).

Article 18 - Redress, information and reporting of blocking orders

Covers: None

Fall: 1320 (The Left), 1321 (S&D), 1322 (ECR), 1323 (S&D), 1324 (ECR), 154 (Rapp), 155 (Rapp), 156 (Rapp), 157 (Rapp), 158 (Rapp)

Annex VII *(see separate document)*

Covers: none

Fall: 1906 (S&D), 1907 (S&D)

Annex VIII *(see separate document)*

Covers: none

Fall: 1908 (S&D), 1909 (S&D)

Recitals 32 and 33 to Article 16

Covers: none

Falls: AMs 418 (The Left), 419 (Greens), 22 (Rap.) 420 (Greens), 421 (The Left), 23 (Rapp)

Article 16
Blocking orders

1. *As a measure of last resort, where 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 ~~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~~ *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.
2. The Coordinating Authority of establishment shall, before requesting the issuance of a blocking order, carry out all investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.
To that end, it shall, where appropriate:
 - (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;
 - (b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, ~~the~~ *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, ~~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;~~
 - (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;
 - (d) request any other relevant public authority or relevant experts or entities to provide the necessary information.
3. The Coordinating Authority of establishment shall, before requesting the issuance of the blocking order, inform the provider of its intention to request the issuance of the blocking order, specifying the main elements of the content of the intended blocking order and the reasons to request the blocking order. It shall afford the provider an

opportunity to comment on that information, within a reasonable time period set by that Coordinating Authority.

4. The Coordinating Authority of establishment ~~shall~~ **may** request the issuance of the blocking order, and the competent judicial authority ~~or independent authority~~ shall issue the blocking order, where it considers that **all** the following conditions are **simultaneously** met:
 - (a) ***the child sexual abuse material cannot reasonable be removed at source and the material is still online*** ~~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;~~
 - (b) the blocking order is necessary to prevent the dissemination of the child sexual abuse material to users in the Union, having regard in particular to the quantity and nature of that material, the need to protect the rights of the victims and the existence and implementation by the provider of a policy to address the risk of such dissemination;
 - (c) the **exact** uniform resource locators indicate, in a sufficiently reliable manner, child sexual abuse material;
 - (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;

(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.

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, including any information obtained pursuant to paragraph 2 and the views of the provider submitted in accordance with paragraph 3.

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:
 - (a) specify effective and proportionate limits and safeguards necessary to ensure that any negative consequences referred to in paragraph 4, point (d), remain limited to what is strictly necessary;
 - (b) subject to paragraph 6, ensure that the period of application remains limited to what is strictly necessary.
6. The Coordinating Authority shall specify in the blocking order the period during which it applies, indicating the start date and the end date.

The period of application of blocking orders shall not exceed five years, **but it can be renewed afterwards if necessary.**
7. 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.

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*.

Recital 32 and 33 to Article 16

- (32) The obligations of this Regulation do not apply to providers of hosting services that do not offer their services in the Union. However, such services may still be used to disseminate child sexual abuse material to or by users in the Union, causing harm to children and society at large, even if the providers' activities are not targeted towards Member States and the total numbers of users of those services in the Union are limited. For legal and practical reasons, it may not be reasonably possible to have those providers remove or disable access to the material, not even through cooperation with the competent authorities of the third country where they are established. Therefore, in line with existing practices in several Member States, it should be possible to require providers of internet access services to take reasonable measures to block the access of users in the Union to the material.
- (33) In the interest of consistency, efficiency and effectiveness and to minimise the risk of circumvention, such blocking orders should be based on the list of uniform resources locators, leading to specific items of verified child sexual abuse, compiled and provided centrally by the EU Centre on the basis of diligently verified submissions by the relevant authorities of the Member States. In order to avoid the taking of unjustified or disproportionate measures, especially those that would unduly affect the fundamental rights at stake, notably, in addition to the rights of the children, the users' freedom of expression and information and the providers' freedom to conduct a business, appropriate limits and safeguards should be provided for. In particular, it should be ensured that the burdens imposed on the providers of internet access services concerned are not unreasonable, that the need for and proportionality of the blocking orders is diligently assessed also after their issuance and that both the providers and the users affected have effective means of judicial as well as non-judicial redress.

Additional rules regarding blocking orders

1. The Coordinating Authority of establishment shall issue the blocking orders referred to in Article 16 using the template set out in Annex VII. Blocking orders shall include:
 - (a) the reference to the list of uniform resource locators, provided by the EU Centre, and the safeguards to be provided for, including the limits and safeguards specified pursuant to Article 16(5) and, where applicable, the reporting requirements set pursuant to Article 18(6);
 - (b) identification details of the competent judicial authority or the independent administrative authority issuing the blocking order and authentication of the blocking order by that authority;
 - (c) the name of the provider and, where applicable, its legal representative;
 - (d) the specific service in respect of which the detection order is issued;
 - (e) the start date and the end date of the blocking order;
 - (f) a sufficiently detailed statement of reasons explaining why the blocking order is issued;
 - (g) a reference to this Regulation as the legal basis for the blocking order;
 - (h) the date, time stamp and electronic signature of the judicial authority or the independent administrative authority issuing the blocking order;
 - (i) easily understandable information about the redress available to the addressee of the blocking order, including information about redress to a court and about the time periods applicable to such redress.
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.
3. The blocking 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).
4. The blocking order shall be drafted in the language declared by the provider pursuant to Article 23(3).
5. If the provider cannot execute the blocking 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 VIII.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes VII and VIII where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

Article 18

Redress, information and reporting of blocking orders

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.
2. 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 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).

For the purpose of the first subparagraph, a blocking order shall become final upon the expiry of the time period for appeal where no appeal has been lodged in accordance with national law or upon confirmation of the removal order following an appeal.

3. The provider shall 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. It shall process such complaints in an objective, effective and timely manner.
4. Where a provider prevents users from accessing the uniform resource locators pursuant to a blocking order issued in accordance with Article 17, it shall take reasonable measures to inform the users of the following:
 - (a) the fact that it does so pursuant to a blocking order;
 - (b) the reasons for doing so, providing, upon request, a copy of the blocking order;
 - (c) the users' right of judicial redress referred to in paragraph 1, their rights to submit complaints to the provider through the mechanism referred to in paragraph 3 and to the Coordinating Authority in accordance with Article 34, as well as their right to submit the requests referred to in paragraph 5.
5. The provider and the users referred to in paragraph 1 shall be entitled to request the Coordinating Authority that requested the issuance of the blocking order to assess whether users are wrongly prevented from accessing a specific item of material indicated by uniform resource locators pursuant to the blocking order. The provider shall also be entitled to request modification or revocation of the blocking order, where it considers it necessary due to substantial changes to the grounds for issuing the blocking orders that occurred after the issuance thereof, in particular substantial changes preventing the provider from taking the required reasonable measures to execute the blocking order.

The Coordinating Authority shall, without undue delay, diligently assess such requests and inform the provider or the user submitting the request of the outcome thereof. Where it considers the request to be justified, it shall request modification or revocation of the blocking order in accordance with Article 16(7) and inform the EU Centre.
6. Where the period of application of the blocking order exceeds 24 months, the Coordinating Authority of establishment shall require the provider to report to it on

the measures taken to execute the blocking order, including the safeguards provided for, at least once, halfway through the period of application.

COMPROMISE AMs - BATCH XI

Articles 19 - 24

CSAM

(Rapporteur: Javier ZARZALEJOS)

COMPROMISE 14

ARTICLE 19 + RECITAL 34

Article 19 - Liability of providers

Covered: AMs partially AM 231 IMCO

Fall: AMs 1325 (Greens), 1326 (EPP), 1327 (ECR), 1328 (EPP), 1329 (S&D), 1330 (Left), 1331 (S&D), 1332 (Renew), 159 (rapp)

Recital 34 - Article 19 - Liability of providers

Covers: 41 IMCO

Falls: none

Article 19

Liability of providers

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* (partially AM 231 IMCO), 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.

Recital 34 - Article 19 - Liability of providers

- (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, (part. AM 41 IMCO) insofar as their activities remain strictly limited to what is needed for the purpose of complying with their obligations under *the Union law, including* (part. AM 41 IMCO) this Regulation and they act in good faith *and in a diligent manner* (part. AM 41 IMCO).

COMPROMISE 15

ARTICLE 20 + RECITAL 35

Article 20 - Victims' right to information

Covered: AMs 160 (rapp.), 161 (rapp.), partially 1336 (Greens), partially 1337 II and III part (S&D), 1338 (Left), partially I part 1339 (ID), partially 1340 (Renew), 1341 (Puigdemont), partially 1342 (S&D), 1343 (ID), 1344 (Greens), partially 1345 (Greens), partially 1346 (Greens), 1347 (Greens), 1348 (Greens), 1351 (S&D), 1353 (Greens), partially 83 FEMM, partially 85 FEMM, 86 FEMM, 87 FEMM, 88 FEMM, 89 FEMM, 90 FEMM, 91 FEMM, partially 92 FEMM, 95 FEMM, partially 96 last part FEMM, partially 17 CULT

Fall: AMs 1333 (S&D), 1334 (Greens), 1335 (Left), 1337, I part (SD), 1339 II part (ID), 1349 (Greens), 1350 (Left), 1352 (Greens), AM 82 FEMM, AM 84 FEMM, AM 93 FEMM, AM 94 FEMM, AM 97 FEMM, AM 98 FEMM, AM 99 FEMM, AM 100 FEMM, AM 101 FEMM, 16 CULT

Recital 35 to Article 20 - Victims' rights to information

Covers: AMs 24 (Rap.), 422 (ID), part. 424 (Greens), 425 (ECR), partially 25 (FEMM),

Falls: AMs 423 (The Left), 25 III and last part FEMM, CULT 3

Article 20

Victims' right to information

1. ~~Persons residing in the Union~~ **Victims** (AMs 160 rapp., partially I part 1336 Greens, partially 1340 Renew, 1341 Puigdemont, partially I part 83 FEMM, partially I part 1339 ID) 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 choosing* (partially II part 1336 Greens, partially II part 83 FEMM) 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. (partially III part AM 1336 Greens, partially AM 83 III FEMM)

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

Victims ~~Persons with disabilities~~ shall have the right to ask and receive such an information in ***the language indicated by that person*** (AM 1336, last part, Greens, partially AM 83 IV part FEMM), ***in a confidential, age-appropriate, accessible, understandable and gender-sensitive manner accessible to them*** (AM partially 1336 Greens, partially 83 II part FEMM, 1337 II part (S&D), 1338 Left, 1344 I part Greens, partially AM 1351 SD, 1353 (Greens), partially 85 last part FEMM, partially 96 last part FEMM, partially AM 17 CULT). ***The information in question shall be provided, within a reasonable period of time*** (partially AM 83 last sentence FEMM)

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~~ ***victim*** (rapp 161, 1343 ID) making the request.

- 1a. ***Where victims indicate in their request the preference for periodic information, the Coordinating Authority shall provide periodically the victim with the information referred to in paragraph 3. Victims may terminate such a periodic request at any time by notifying the competent Coordinating Authority.*** (AM partially 1345 Greens, partially 92 FEMM)
2. The request referred to in paragraph 1 shall indicate:
 - (a) the relevant item or items of known child sexual abuse material;
 - (b) where applicable, the individual or entity ***formally assisting or representing the victim*** (partially 1346 Greens) that is to receive the information on behalf of the person making the request;
 - (c) sufficient elements to ~~demonstrate~~ ***verify that the child sexual abuse material matches*** (AM 1347 Greens) the identity of the ~~person~~ ***victim*** making the request;
 - (d) ***an indication of whether the request is occasional or covers a certain time period.*** (AM 1348 Greens, AM 95 FEMM)
3. The information referred to in paragraph 1 shall include:
 - (a) the identification of the provider that submitted the report;
 - (b) the date of the report;
 - (c) whether the EU Centre forwarded the report in accordance with Article 48(3) and, if so, to which authorities;
 - (d) whether the provider reported having removed or disabled access to the material, in accordance with Article 13(1), point (i)
4. ***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: (AM 1344 II part (lett a to f) Greens, 86 FEMM, 87 FEMM, 88 FEMM, 89 FEMM, 90 FEMM, 91 FEMM)

- (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;* (partially 1337 III part S&D, partially II part, 1340 Renew, partially 1342 S&D, partially II part 1351 SD)
- (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 sorts of ~~adviee~~ 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.*

Recital 35 to Article 20 - Victims' rights to information

- (35) *Each act of ~~The~~ dissemination of child sexual abuse material, including the non-consensual dissemination of self-generated material,* (AM 422 I part ID) *is a criminal offence that affects the rights of the victims depicted, of whom the vast majority are girls* (part. AM 25 I part FEMM). *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.* (AM 24 I part, Rapp, 422 II part ID) *Victims or their parents and guardians or legal representatives* (partially AM 424 Greens, 25 II part FEMM) *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* (AM 242 Greens, 425 ECR) 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.* (AM 24 II part Rapp) *For that purpose, staff dealing with such cases should be specifically trained to interact with victims of serious abuse.* (AM 422 last part ID)

That information should be provided within a reasonable period of time (partially 3 CULT) in the language indicated by the victim, and in a confidential, age-appropriate, accessible, understandable and gender-sensitive manner and tailored to the specific vulnerabilities of the victims, such as their disability (part. 26 FEMM). It should also cover information regarding victims' rights, support and assistance.

COMPROMISE 16

ARTICLE 21 + RECITAL

Article 21 - Victims' rights of assistance and support for removal

Covered: AMs 163 (rapp.), partially 1357 (Renew), partially 18 (CULT), partially 9 BUDG, 1363 (Renew), partially 1358 ID, 1365 I part (ID), 1372 I part (Greens), partially AM 103 FEMM, AM 107 I part FEMM, 1369 (Greens), 1364 (Left), partially 19 (CULT), partially 1362 (Greens)

Fall: AMs 162 (rapp.), 164 (rapp.), 1354 (Left), 1355 (S&D), 1356 (Greens), 1359 (S&D), 1360 (Left), 1361 (Renew), 1365 II part (ID), 1366 (S&D), 1367 (S&D), 1368 (EPP), 1370 (Left), 1371 (S&D), 1372 II part (Greens), 1373 (Greens), [1374 (S&D), 1375 (S&D)], AM 102 FEMM, AM 104 FEMM, AM 105 FEMM, AM 106 FEMM, AM 107 last part FEMM, AM 108 FEMM

(Recitals 36-38) - Article 21 - Victims' rights of assistance and support for removal

Recital 36

Covers: AMs partially 25 (Rap.), 429 (ID), partially II and last part 430 (The Left), 2 (BUDG),

Falls: AMs I part 430 (Left), 26 (FEMM),

Recital 37

Covers: AMs 5 (CULT), part. 431 (The Left),

Falls: AM 28 FEMM, 29 FEMM

Recital 38

Covers: none

Falls: 26 (Rap.), 432 (The Left)

Recital 38a

Covers: AM 6 BUDG

Falls: none

Article 21

Victims' right of assistance and support for removal

1. Providers of hosting services shall provide reasonable assistance, on request, to ~~persons residing in the Union~~ **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.*** (partially AM 1357 Renew, partially 18 CULT, partially 9 BUDG)
2. ~~Persons residing in the Union~~ **To that end, victims** (AMs 163 rapp., 1363 I part Renew, 1365 I part ID) shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they ~~person~~ resides ***or from the Coordinating Authority of their choosing*** (partially AM 1362 Greens), 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 and persons with disabilities~~ shall have the right to ask and receive any information relating to such support in a ***confidential, easily understandable and*** (AM 1364 The Left) ~~manner~~ accessible ***manner*** to them (partially 19 CULT). ***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.*** (partially AM 1358 ID and partially AM1363 II and III part Renew, partially AM 103 FEMM).

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-victim~~ making the request.

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.*** (AM 1369 Greens)
4. The EU Centre's support referred to in paragraph 2 shall include, as applicable:
 - (a) support in connection to requesting the provider's assistance referred to in paragraph 1;

- (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);
- (c) notifying the item or items of known child sexual abuse material depicting the person to the provider and requesting removal or disabling of access, in accordance with Article 49(2);
- (d) where necessary, informing the Coordinating Authority of establishment of the presence of that item or those items on the *provider's* service (AM 1372 I part Greens, AM 107 I part FEMM) , with a view to the issuance of a removal order pursuant to Article 14

(Recitals 36-38a) - Article 21 - Victims' rights of assistance and support for removal

- (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* (partially AM I part 429 ID) *acting on their behalf* (partially AM 25 rapp, 26 IMCO) who request the removal or disabling of access of the material in question *in a timely manner* (AM 2 BUDG), *in order to minimise the impact that such offences have on the physical and mental health of the victim minor*—(AM partially II part 430 Left, 4 CULT) 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 *and receive adequate support* (AM partially last part 430 Left) *by specifically trained* the EU Centre *staff* (II part 429 ID) in this regard, via the Coordinating Authorities.
- (37) To ensure the efficient management of such victim support functions, victims should *be informed about the existence of such functions and* (AM 5 CULT, part. 431 The Left) 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.
- (38) For the purpose of facilitating the exercise of the victims' right to information and of assistance and support for removal or disabling of access, victims should be allowed to indicate the relevant item or items of child sexual abuse material

in respect of which they are seeking to obtain information or removal or disabling of access either by means of providing the image or images or the video or videos themselves, or by means of providing the uniform resource locators leading to the specific item or items of child sexual abuse material, or by means of any other representation allowing for the unequivocal identification of the item or items in question.

(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. (AM 6 BUDG)

COMPROMISE 17

ARTICLES 22 to 24 + RECITALS 40 and 42

Article 22 - Preservation of information

Covered: AMs 1382 (Greens), 1386 (Greens), 1387 (Greens), 1389 (S&D), 1390 (Greens)

Fall: AMs 165 (rapp.), 1376 (Greens), 1377 (S&D), 1378 (S&D), 1379 (ECR), 1380 (Left), 1381 (Left), 1383 (S&D), 1384 (S&D), 1385 (Left), 1388 (Left), AM 109 FEMM, AM 110 FEMM

Recital 39 NO AM

Article 23 - Points of contact

Covered: none

Falls: AM 166 (rapp.), 1391 (Renew), 232 IMCO

Article 24 - Legal representative

Covered: AM 233 IMCO

Fall: AM 1392 (Left), AM 1393 (EPP), 234 IMCO

Recital 40 - Article 23 - Points of contract

Covers: AM 27 (Rap.), partially 42 (IMCO)

Falls: None

Recital 42 to Article 24 - Legal representative

Covers: AM 27 (Rap.), 43 (IMCO)

Falls: None

Recital 41: NO AM

Article 22

Preservation of information

1. 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:
 - (a) executing a detection order issued pursuant to Article 7, or a removal order issued pursuant to Article 14;
 - (b) reporting potential online child sexual abuse to the EU Centre pursuant to Article 12;
 - (c) blocking the account of, or suspending or terminating the provision of the service to, the user concerned;
 - (d) handling users' complaints to the provider or to the Coordinating Authority, or the exercise of users' right to administrative or judicial redress, in respect of alleged infringements of this Regulation;
 - (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. ***All such requests shall be logged.*** (AM 1382 Greens)

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. ~~However, it shall not store any~~ **No** personal data **shall be retained** for that purpose. (AM 1386 Greens)

2. Providers shall **securely** (AM 1387 Greens) preserve the 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.

They shall, upon request from the competent national authority or court, preserve the information for a further specified period, set by that authority or court where and to the extent necessary for ongoing administrative or judicial redress proceedings, as referred to in paragraph 1, point (d).

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** ~~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 unauthorised access to and unauthorised transfers of such personal data and other data are prevented**, (AM 1389 S&D) that a high level of security is achieved, **all access to the data is logged**, (AM 1390 Greens) 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.

Article 23

Points of contact

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.
2. The providers shall communicate to the EU Centre and make public the information necessary to easily identify and communicate with their single points of contact, including their names, addresses, the electronic mail addresses and telephone numbers.
3. The providers shall specify in the information referred to in paragraph 2 the official language or languages of the Union, which can be used to communicate with their points of contact.

The specified languages shall include at least one of the official languages of the Member State in which the provider has its main establishment or, where applicable, where its legal representative resides or is established.

Article 24
Legal representative

1. Providers of relevant information society services which do not have their main establishment in the Union, ***but which offer services in the Union*** (AM 233 IMCO), shall designate, in writing, a natural or legal person as its legal representative in the Union.
2. The legal representative shall reside or be established in one of the Member States where the provider offers its services.
3. The provider shall mandate its legal representatives to be addressed in addition to or instead of the provider by the Coordinating Authorities, other competent authorities of the Member States and the Commission on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation, including detection orders, removal orders and blocking orders.
4. The provider shall provide its legal representative with the necessary powers and resources to cooperate with the Coordinating Authorities, other competent authorities of the Member States and the Commission and comply with the decisions referred to in paragraph 3.
5. The designated legal representative may be held liable for non-compliance with obligations of the provider under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider.
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.
7. The designation of a legal representative within the Union pursuant to paragraph 1 shall not amount to an establishment in the Union.

Recital 40 to Article 23 - Points of contract

- (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** ~~.../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]~~, (AM 27 Rap., 42 IMCO) 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.

Recital 42 to Article 24 - Legal representative

- (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** ~~.../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]~~, (AM 28 Rapp., 43 IMCO) and this Regulation.

COMPROMISES AMs - BATCH XII

Coordinating Authorities for child sexual abuse issues

Articles 25 to 39

CSAM

(Rapporteur: Mr. Javier ZARZALEJOS)

COMPROMISE 18

ARTICLES 25 and 26 + RECITAL 44

Article 25 - Coordinating Authorities for child sexual abuse issues and other competent authorities

Covers: AMs 1395, II part (ECR), partially 1396 (LEFT), partially AM 1398 Renew, partially AM 1399 (Left), AM 1400, I part (Greens), AM 1401, III part (Greens), partially AM 1402 SD, AM 1403 (Greens), partially AM 1405 (Left); AM 1406 (Greens), AM 1408 (SD), partially AM 1415 (SD); AM 1420 (Greens); AM 235 (IMCO), AM 239 I part IMCO, partially AM 111-part 3 (FEMM), partially AM 113 (FEMM), partially AM 114 (FEMM), partially AM 21 (CULT), partially AM 22 (CULT), partially AM 24 (CULT), partially I part 256 (IMCO), 1512 (Greens), 1514 (S&D)

Falls: AMs 1394 (Greens), 1395, I part (ECR), 1397 (Greens), AM 1400 II part (Greens), AM 1401, I and II part (Greens), AM 1404 (Greens), AM 1407 (Greens), AM 1416 (Greens), AM 1418 (SD), AM 1419 (EPP), AM 236 (IMCO), AM 237 (IMCO), AM 238 (IMCO), AM 239 II part (IMCO), AM 111, I, II and IV part (FEMM), AM 112 (FEMM), AM 115 (FEMM), AM 116 (FEMM), AM 23 (CULT), AM 1409 (Greens), AM 1410 (Left), AM 1411 (SD), AM 1412 (SD), AM 1413 (Greens), 1414 (Left)

Article 26 - Requirements for Coordinating Authorities

Covered: AM partially 1421, II and III parts (Greens), 1427 I part, (Greens), AM 240 (IMCO), AM 244 IMCO, AM 245 (IMCO), AM 117 (FEMM)

Fall: AM 167 (Rapp), 1421 I part (Greens), 1422 (EPP), 1423 (ECR), AM 1424 (Greens), AM 1425 (EPP), AM 1426 (Greens), AM 1427, II part (Greens), AM 241 (IMCO), AM 242 (IMCO), AM 243 (IMCO), AM 118 (FEMM), AM 119 (FEMM)

Recital 44 to Article 25

Covers: partially 6 (CULT), 433 (RE), partially 434 (The Left), partially 44 IMCO, partially 30 (FEMM)

Falls: AMs 435 (ID)

Article 25

Coordinating Authorities for child sexual abuse issues and other competent authorities

1. Member States shall, by [Date - two months from the date of entry into force of this Regulation], designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities').
2. 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** (AM 1395, II part, ECR)

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.

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**, (AM 1400, I part, Greens), **issuing of recommendations and good practices on improving digital skills and competences** (partially AM 1396 Left, partially AM 21 (CULT)), **education and awareness raising campaigns and the organization of regular training activities for officials dealing with cases which involve children** (partially AM 1398 Renew, partially AM 1399 Left, partially AM 22 CULT, partially AM 1512 Greens, partially 1514 (SD), partially I part 256 (IMCO))

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

3. Where a Member State designates more than one competent authority in addition to the Coordinating Authority, it shall ensure that the respective tasks of those authorities and of the Coordinating Authority are clearly defined and that they cooperate closely and effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the EU Centre and the Commission.
4. Within one week after the designation of the Coordinating Authorities and any other competent authorities pursuant to paragraph 1, Member States shall make publicly available, and communicate to the Commission and the EU Centre, the name of their Coordinating Authority. They shall keep that information updated.
5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to **efficiently** (AM 235 I part IMCO) handle requests for clarification, feedback and other communications in relation to all matters related to the objectives (AM 235 II part IMCO) application and enforcement of this Regulation in that Member State, **including communication with trusted organisations providing assistance to victims, education and**

awareness raising (AM 235 III part IMCO). 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** (AM 1401, III part, Greens, partially AM 1402 SD, partially AM 111, III part FEMM) to the EU Centre. They shall keep that information updated.

6. Within two weeks after the designation of the Coordinating Authorities pursuant to paragraph 2, the EU Centre shall set up an online **public** (AM 1403 Greens) register listing the Coordinating Authorities and their contact points. The EU Centre shall regularly publish any modification thereto.
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:
 - (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** (partially AM 1405 Left, partially AM 1415 SD, partially AM 113 FEMM, partially AM 114 FEMM, partially AM 24 CULT);
 - (aa) **provide information and expertise on gender-sensitive and age-appropriate victim assistance and support and prevention of online child sexual abuse** (AM 1406 Greens)
 - (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 **number-independent** (AM 1408 SD) hosting or interpersonal communication services under the jurisdiction of the Member State that designated the requesting Coordinating Authority;
 - (c) verify the possible need to request competent national authorities to issue a detection order, a removal order or a blocking order in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;
 - (d) verify the effectiveness of a detection order or a removal order issued upon the request of the requesting Coordinating Authority.
8. The EU Centre shall provide, **without undue delay** (AM 239 I part IMCO), such assistance free of charge and in accordance with its tasks and obligations under this Regulation and insofar as its resources and priorities allow.
- 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.** (AM 1420 Greens)
9. The requirements applicable to Coordinating Authorities set out in Articles 26, 27, 28, 29 and 30 shall also apply to any other competent authorities that the Member States designate pursuant to paragraph 1.

Article 26

Requirements for Coordinating Authorities

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 also ensure that their Coordinating Authorities perform their tasks with utmost respect and sensitivity towards victims and their legal representatives*** (partially AM 1421, II part, Greens, AM 117 FEMM). Member States shall ***also*** (AM 1421, III part Greens) ~~ensure~~ ***provide*** that their Coordinating Authorities ***with all necessary resources, including sufficient*** ~~have adequate~~ technical, financial and human resources to ***efficiently*** carry out their tasks (AM 240 IMCO)
2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Coordinating Authorities shall act with complete independence. To that aim, Member States shall ensure, in particular, that they:
 - (a) are legally and functionally independent from any other public authority;
 - (b) have a status enabling them to act objectively and impartially when carrying out their tasks under this Regulation;
 - (c) are free from any external influence, whether direct or indirect; and
 - (d) neither seek nor take instructions from any other public authority or any private party;
 - (e) ~~are not charged with tasks relating to the prevention or combating of child sexual abuse, other than their tasks under this Regulation.~~
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.
4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience, ***integrity*** (AM 244 IMCO) and technical skills to perform their duties.
5. ***Without prejudice to national or the Union law regulating whistleblower protection*** (AM 1427, I part Greens, AM 245 IMCO), 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.

Recital 44 to Article 25 - Coordinating Authorities for child sexual abuse issues and other competent 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, *including issues related to prevention and combating child sexual abuse and assistance to victims* (partially AM 433 RE, part 434 The Left, part 44 IMCO, part 6 CULT, part. 30 FEMM), without prejudice to the enforcement powers of other national authorities.

COMPROMISE 19

ARTICLES 27 to 32 + RECITALS 47 to 50

Section 2

Powers of Coordinating Authorities

Article 27 - Investigatory powers

Covered: AM 168 (Rapp), AM 169 (Rapp), AM 1428 (Greens), AM partially 1432 (Greens), AM 1437 (Left), partially AM 246 (IMCO)

Fall: AM 1429 (left), 1430 (Greens), AM 1431 (Left), AM 1433 (Left), AM 1434 (EPP), AM 1435 (Greens), AM 247 (IMCO), 1436 (Left)

Article 28 - Enforcement powers

Covered: AM 1348 (Greens), 170 (rapp), AM 172 (Rapp), AM 173 (Rapp), AM 1441 (Greens), AM 1443 (Greens), AM 1444 (Greens), AM 248 IMCO

Fall: AM 171 (Rapp), 1439 (Left), AM 1440 (Left), AM 1442 (Left), 1445 (left), 1446 (Left), AM 1447 (Left)

Article 29 - Additional enforcement powers

Covered: AM 176 (Rapp), partially 178 (Rapp), AM 1449 I part (Greens), AM 1450 (Greens), partially AM 1452 (Greens), AM 1454 (Greens), AM 1455 (Greens), AM 249 IMCO, partially AM 250 IMCO, AM 251 IMCO

Fall: AM 174 (Rapp), 175 (Rapp), 177 (Rapp), AM 1448 (Left), AM 1449 II part (Greens), AM 1451 (Greens), AM 1453 (Greens)

Article 30 - Common provisions on investigatory and enforcement powers

Covered: AM 1457 (Greens)

Fall: AM 179 (Rapp), AM 1456 (Left), AM 1458 (Left), AM 252 IMCO

Article 31 - Searches to verify compliance

Covered: none

Fall: AM 1459 Greens, AM 1460 Left, AM 253 IMCO

Article 32 - Notification of known child sexual abuse material

Covered: none

Fall: AM 1461 (Greens), AM 1462 (Left), AM 254 IMCO, AM 255 IMCO

Recitals 47-48 to Article 27, Article 28, Article 29 & Article 30

Recital 47:

Covers: AMs part 45 (IMCO),

Falls: none

Recital 48

Covers: AM 29 (Rap.),

Fall: 436 (The Left)

Recital 49 to Article 31

Covers: none

Falls: AMs 30 (Rap.), 440 (NI, Puigdemont), 46 (IMCO), 437 (Greens), 439 (The Left), 441 (NI), 438 (RE),

Recital 50 to Article 32

Covers: AM partially 442 Greens,
Falls: AMs 443 (The Left), 47 (IMCO)

Article 27

Investigatory powers

1. ~~Where needed for carrying out their tasks~~ (AM 1438 Greens); Coordinating Authorities shall have the following **investigatory** powers ~~of investigation~~, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them:
 - (a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, to provide such information within a reasonable time period;
 - (b) the power to carry out **remote or** (partially AM 1432 Greens) 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** (AM 168 Rapp, partially AM 1432 I part Greens, partially AM 246 IMCO) ~~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;
 - (c) the power to ask any member of staff or representative of those providers or the other persons referred to in point (a) to give explanations in respect of any information relating to a suspected infringement of this Regulation and to record the answers; and
 - (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.
2. ~~Member States may grant additional investigative powers to the Coordinating Authorities.~~ (AM 169 Rapp, AM 1437 Left)

Article 28

Enforcement powers

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:

- (a) the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding;
 - (b) the power to order *specific measures to bring about* (AM 1441 Greens, AM 248 IMCO) 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;
 - (c) the power to impose fines, ~~or request a judicial authority in their Member State to do so~~, (AM 170 Rapp, AM 1443 Greens) 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;
 - (d) the power to impose a periodic penalty payment in accordance with Article 35 to ensure that an infringement of this Regulation is terminated in compliance with an order issued pursuant to point (b) of this paragraph or for failure to comply with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph;
 - (e) the power to adopt *appropriate, reasonable, and proportionate* (AM 172 Rapp, AM 1444 I part Greens) interim measures to ~~avoid the risk of~~ *prevent* (AM 1444 II part Greens) serious harm.
2. ~~Member States may grant additional enforcement powers to the Coordinating Authorities.~~ (AM 173 Rapp)
 3. As regards paragraph 1, points (c) and (d), Coordinating Authorities shall have the enforcement powers set out in those points also in respect of the other persons referred to in Article 27, for failure to comply with any of the orders issued to them pursuant to that Article.
 4. They shall only exercise those enforcement powers after having provided those other persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.

Article 29

Additional enforcement powers

1. ~~Where needed for carrying out their tasks~~, (AM 175 I part Rapp, AM 1449 I part Greens) 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:
 - (a) ~~all other powers pursuant to Articles 27 and 28 to bring about the cessation of an infringement of this Regulation have been exhausted~~ (AM 176 Rapp);
 - (b) ~~the~~ *an* infringement *of this Regulation* persists; *and* (AM 1450 Greens, AM 249 IMCO)
 - (c) the infringement causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law.

2. Coordinating Authorities shall have the additional enforcement powers to take the following measures:
 - (a) require the management body of the providers to examine the situation within a reasonable time period and to:
 - (i) adopt and submit an action plan setting out the necessary measures to terminate the infringement;
 - (ii) ensure that the provider takes those measures;
 - (iii) report on the measures taken;
 - (b) request the competent judicial authority ~~or independent administrative authority~~ (AM partially 178 Rapp, partially AM 1452 Greens, partially AM 250 IMCO) 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:
 - (i) the provider has not sufficiently complied with the requirements of point (a);
 - (ii) the infringement persists and causes serious harm; **and**
 - (iii) the infringement results in the regular and structural facilitation of child sexual abuse offences.

3. The Coordinating Authority shall, prior to submitting the request referred to in paragraph 2, point (b), invite interested parties to submit written observations on its intention to submit that request within a reasonable time period set by that Coordinating Authority. That time period shall not be less than two weeks.

The invitation to submit written observations shall:

- (a) describe the measures that it intends to request;
- (b) identify the intended addressee or addressees thereof.

The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings regarding the request.

4. Any measure ordered upon the request referred to in paragraph 2, point (b), shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by users of the service concerned.

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~~ (AM 1454 Greens) to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by that judicial authority.

The Coordinating Authority shall only extend the period where it considers, having regard to the rights and legitimate interests of all parties affected by the restriction and all relevant facts and circumstances, including any information that the provider,

the addressee or addressees and any other third party that demonstrated a legitimate interest may provide to it, that both of the following conditions have been met:

- (a) the provider has failed to take the necessary **and proportionate** (AM 1455 Greens, AM 251 IMCO) measures to terminate the infringement; and
- (b) the temporary restriction does not unduly restrict access to lawful information by users of the service, having regard to the number of users affected and whether any adequate and readily accessible alternatives exist.

Where the Coordinating Authority considers that those two conditions have been met but it cannot further extend the period pursuant to the second subparagraph, it shall submit a new request to the competent judicial authority, as referred to in paragraph 2, point (b).

Article 30

Common provisions on investigatory and enforcement powers-

1. The measures taken by the Coordinating Authorities in the exercise of their investigatory and enforcement powers referred to in Articles 27, 28 and 29 shall be effective, dissuasive and proportionate, having regard, in particular, to the nature, gravity, recurrence and duration of the infringement of this Regulation or suspected infringement to which those measures relate, as well as the economic, technical and operational capacity of the provider of relevant information society services concerned, where applicable.
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 targeted and precise**, (AM 1457 Greens) **and** ~~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.

Article 31

Searches to verify compliance

Coordinating Authorities shall have the power to carry out searches on publicly accessible ~~material~~ **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.

Article 32

Notification of known child sexual abuse material

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,

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.

Recitals 47-48 (AM 436): Article 27 (Investigatory powers), Article 28 (Enforcement powers), Article 29 (Additional enforcement powers) & Article 30 (Common provisions on investigatory and enforcement powers)

- (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~~ ***all necessary resources, including sufficient*** (AM part 45 IMCO) 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.
- (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*** (AM 29 Rap.) 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*** (AM 29 Rapp.) 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.

Recital 49 to Article 31 - Searches to verify compliance

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

Recital 50 to Article 32 - Notification of known child sexual abuse

- (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 (AM 442 Greens), 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. (AM partially 442 Greens,) 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, ~~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.~~ (AM partially 442 Greens)

COMPROMISE 20

ARTICLES 33 TO 35 + RECITALS

Article 33 - Jurisdiction

Covered: AMs 180 (rapp.), 1463 (Greens)

Fall : none

Article 34 - Right of users of the service to lodge a complaint

Covered: AMs 181 (rapp.), 1464 (Greens), 257 IMCO, partially 1465 (Left), partially 1466 (Greens), 258 IMCO, 1467 (Greens), 1471 (S&D), partially 1468 (Greens), partially 120 FEMM, 121 FEMM, 27 CULT

Fall: AMs 1469 (EPP), 25 CULT, 26 CULT, 259 IMCO

Article 34b Judicial remedy and compensation

Covered: AM 1479 (S&D), AM 1480 (Greens)

Falls: none

Article 35 - Penalties - Compensation

Covered: AMs 1472 Greens, 260 IMCO, 1474 Greens, 261 IMCO, 182 rapp., 1476 Greens, 262 IMCO

Fall: AMs 1473 (Left), 1475 Left, 263 (IMCO), 264 (IMCO), 265 (IMCO), 266 (IMCO), 183 (rapp), 1477 (Puigdemont i Casamajó), 1478 (S&D)

Recital 53: Article 35 - Penalties

Covers: AM 31 (Rap.)

Falls: None

Recitals 51 and 52: NO AMs

Section 3

Other provisions on enforcement

Article 33

Jurisdiction

1. The Member State in which the main establishment of the provider of relevant information society services is located shall have jurisdiction for the purposes of this Regulation.
2. A provider of relevant information society services which does not have an establishment in the Union shall be deemed to be under the jurisdiction of the Member State where its legal representative resides or is established.

Where a provider *which does not have its main establishment in the Union* (AMs 180 rapp., 1463 Greens) 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.

Article 34

Right of users of the service to lodge a complaint

1. Users **and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf** (AMs 181 rapp., 1464 Greens, 257 IMCO) 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.~~ **of his or her habitual residence, place of work or place of the alleged infringement** (based on AM partially 1465 The Left)
 - 1a. **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** (based on AMs 1466 Greens, 258 IMCO, 121 FEMM, 27 CULT)
 - 1b. **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** (AM 1471 SD)
 - 1c. **The Coordinating Authority shall offer easy to use mechanism to anonymously submit information about infringements of this Regulation.** (AM 1467 Greens)
2. Coordinating Authorities shall provide ~~child-friendly~~ **age-appropriate and accessible** mechanisms to submit a complaint under this Article and adopt ~~a child-sensitive~~ **an age-appropriate and gender-sensitive** approach when handling complaints ~~submitted by children~~ taking due account of the ~~child's~~ **complainant's age**, maturity, views, needs and concerns. **Coordinating Authorities shall diligently process the complaints.** (AM partially 1468 Greens, partially AM 120 FEMM)
3. 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.**

Where the complaint falls under the responsibility of another competent authority of the Member State that designated the Coordinating Authority receiving the complaint, that Coordinating Authority shall transmit it to that other competent authority.

Article 34b

Judicial remedy and compensation (AM 1479 S&D, AM 1480 Greens)

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, a judicial remedy, including the right to

compensation for any damage or loss suffered due to an infringement of the obligations under this Regulation.

Article 35

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of the obligations pursuant to Chapters II and V of this Regulation by providers of relevant information society services under their jurisdiction and shall take all the necessary measures to ensure that they are implemented.

The penalties shall be effective, proportionate and dissuasive. Member States shall, by [Date of application of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.

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~~ **worldwide** turnover (AMs 1472 Greens, 260 IMCO) of the preceding business year of the provider.
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~~ **worldwide** turnover (AMs 1474 Greens, 261 IMCO) of the preceding business year of the provider or the other person referred to in Article 27.
4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily ~~global~~ **worldwide** (AMs 1476 Greens, 262 first part IMCO) turnover of the provider or the other person referred to in ***point (a) of Article 27(1)*** (AM 182 rapp., 262 second part IMCO) in the preceding financial year per day, calculated from the date specified in the decision concerned.
5. Member States shall ensure that, when deciding whether to impose a penalty and when determining the type and level of penalty, account is taken of all relevant circumstances, including:
 - (a) the nature, gravity and duration of the infringement;
 - (b) whether the infringement was intentional or negligent;
 - (c) any previous infringements by the provider or the other person;
 - (d) the financial strength of the provider or the other person;
 - (e) the level of cooperation of the provider or the other person;
 - (f) the nature and size of the provider or the other person, in particular whether it is a micro, small or medium-sized enterprise;
 - (g) the degree of fault of the provide - r or other person, taking into account the technical and organisational measures taken by it to comply with this Regulation.

Recital 53: Article 35 - Penalties

- (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* (AM 31 Rapp), 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 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.* (AM 31 Rapp.)

COMPROMISE 21

ARTICLES 36 TO 39 + RECITALS 55-58

Article 36 - Identification and submission of online child sexual abuse

Covered: AMs partially 1488 (Greens), partially 269 (IMCO), partially 1494 (Greens)

Fall: AMs 184 (rapp), 185 (rapp), 186 (rapp.), 1481 (S&D), 1482 (Greens), 1483 (Left), 1484 (S&D), 1485 (Greens), 1486 (Left), 1487 (S&D), 1489 (Left), 1490 (Left), 267 (IMCO), 268 (IMCO), 1491 (Greens), 1492 (Greens), 1493 (S&D), 1495 (Left), 1496 (Left)

Article 37 - Cross-border cooperation among Coordinating Authorities

Covered: AMs 1509 (Greens), 272 (IMCO)

Fall: AMs 1498 (Greens), 1497 (Left), 270 (IMCO), 1499 (ECR), 1500 (Left), 1501 (Left), 271 (IMCO), 1502 (Left), 1503 (Greens), 1504 (Greens), 1505 (Left), 1506 (Left), 1507 (Greens), 1508 (Left)

Article 38 - Joint investigations

Covered: part II 1510 (S&D)

Fall: AM 1513 (Left)

Article 39 - General cooperation and information-sharing system

Covered: AMs partially 1519 S&D, 1522 Greens, AM 187 rapp., partially 273 IMCO, partially 1511 Greens, partially I part 1510 (S&D), 28 CULT, 122 FEMM, 1518 Greens

Fall: AMs 188 rapp, 189 rapp., 190 rapp, 1515 RE, 1516 Left, 1517 S&D, 274 IMCO, 1520 Left, 1521 EPP, 275 IMCO, 1523 EPP, 1524 Left, 1525 S&D, 276 IMCO, 277 IMCO, 1526 S&D

Recital 55 and 56 to Article 36

Covers: AMs part.

Falls: AMs 444 (The Left), 445 (Greens), 446 (S&D), AM 447 (Greens), AMs 448 (The Left), 449 (Greens), 450 (S&D), 48 (IMCO)

Recital 57 to Article 37 & Article 38

Covers: None

Falls: AMs 451 (RE)

Recital 58 to Article 39

Covers: AMs 453 (Greens)

Falls: AMs 452 (The Left)

Recital 54 no AMs

Section 4

Cooperation

Article 36

Identification and submission of online child sexual abuse

1. Coordinating Authorities shall submit to the EU Centre, without undue delay and through the system established in accordance with Article 39(2):
 - (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);

- (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 jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive ***in a secure manner*** (based on first part of partially covered AM 1488 Greens and partially AM 269 IMCO), 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.

- 2. Upon the request of the EU Centre where necessary to ensure that the data contained in the databases referred to in Article 44(1) are complete, accurate and up-to-date, Coordinating Authorities shall verify or provide clarifications or additional information as to whether the conditions of paragraph 1, points (a) and (b) have been and, where relevant, continue to be met, in respect of a given submission to the EU Centre in accordance with that paragraph.
- 3. Member States shall ensure that, where their law enforcement authorities receive a report of the dissemination of new child sexual abuse material or of the solicitation of children forwarded to them by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1 and, if the material or conversation is identified as constituting child sexual abuse material or as the solicitation of children, the Coordinating Authority submits the material to the EU Centre, in accordance with that paragraph, within one month from the date of reception of the report or, where the assessment is particularly complex, two months from that date.
- 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 ensuring 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.*** (AM partially 1494 Greens)

Article 37

Cross-border cooperation among Coordinating Authorities

1. Where a Coordinating Authority that is not the Coordinating Authority of establishment has reasons to suspect that a provider of relevant information society services infringed this Regulation, it shall request the Coordinating Authority of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation

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.

2. The request or recommendation referred to in paragraph 1 shall at least indicate:
 - (a) the point of contact of the provider as set out in Article 23;
 - (b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Coordinating Authority that sent the request, or the Commission suspects, that the provider infringed this Regulation;
 - (c) any other information that the Coordinating Authority that sent the request, or the Commission, considers relevant, including, where appropriate, information gathered on its own initiative and suggestions for specific investigatory or enforcement measures to be taken
3. The Coordinating Authority of establishment shall assess the suspected infringement, taking into utmost account the request or recommendation referred to in paragraph 1.

Where it considers that it has insufficient information to assess the suspected infringement or to act upon the request or recommendation and has reasons to consider that the Coordinating Authority that sent the request, or the Commission, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.
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~~ **details** (AMs 1509 Greens and 272 IMCO) of the investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

Article 38

Joint investigations

1. 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*** (AM 1510 II part S&D)

Such joint investigations are without prejudice to the tasks and powers of the participating Coordinating Authorities and the requirements applicable to the performance of those tasks and exercise of those powers provided for in this Regulation.

2. The participating Coordinating Authorities shall make the results of the joint investigations available to other Coordinating Authorities, the Commission and the EU Centre, through the system established in accordance with Article 39(2), for the fulfilment of their respective tasks under this Regulation.

Article 39

General cooperation and information-sharing system

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.
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*** (based on AM 1519 S&D), ***such as the software provided by eu-LISA pursuant to Regulation (EU) 2023/969*** (AM 1518 Greens, 1522 Greens), supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.
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.
4. The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information-sharing systems referred to in paragraph 2 and their interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 87.
- 4a. ***The Coordinating Authorities shall share information, best practice standards and guidance on the prevention and combating of child sexual abuse and solicitation of children*** (187 rapp, partially 1510 I part S&D, partially 1511 Greens, 28 CULT, 122 FEMM, partially 273 IMCO)

Recitals 55-56: Article 36 - Identification and submission of online child sexual abuse

- (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 ***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.
- (56) With a view to ensuring that the indicators generated by the EU Centre for the purpose of detection are as complete as possible, the submission of relevant material and transcripts should be done proactively by the Coordinating Authorities. However, the EU Centre should also be allowed to bring certain material or conversations to the attention of the Coordinating Authorities for those purposes.

Recital 57 to Article 37 (Cross-border cooperation among coordinating authorities) & Article 38 (Joint investigations)

- (57) Certain providers of relevant information society services offer their services in several or even all Member States, whilst under this Regulation only a single Member State has jurisdiction in respect of a given provider. It is therefore imperative that the Coordinating Authority designated by the Member State having jurisdiction takes account of the interests of all users in the Union when performing its tasks and using its powers, without making any distinction depending on elements such as the users' location or nationality, and that Coordinating Authorities cooperate with each other in an effective and efficient manner. To facilitate such cooperation, the necessary mechanisms and information-sharing systems should be provided for. That cooperation shall be without prejudice to the possibility for Member States to provide for regular exchanges of views with other public authorities where relevant for the performance of the tasks of those other authorities and of the Coordinating Authority.

Recital 58 to Article 39 - General cooperation and information sharing system

- (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* (AM 453 Greens) information-sharing systems, ***such as, once available, the software provided by eu-LISA pursuant to Regulation¹ (EU) 2023/969*** (partially AM 1522 Greens). 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.

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

COMPROMISES AMs - BATCH XIII

CHAPTER IV / EU CENTRE *FOR CHILD PROTECTION* ~~TO PREVENT AND COMBAT CHILD SEXUAL ABUSE~~ (partially AM 1528)

CSAM

(Rapporteur: Mr. Javier ZARZALEJOS)

COMPROMISE 22 ARTICLE 40 to 42 + RECITALS 59 - 59C

Article 40 - Establishment and scope of action of the EU Centre

Covers: AM parts II and III 191(Rap.), partially 123 (FEMM), partially part I and part III 1536 (The Left), partially I part 29 (CULT), partially 1528 (Greens), partially 1531 (Greens)

Falls: AMs 191 I part (Rapp), 29 II part (CULT), 1536 II part (The Left), 1527 (ECR), 1529 (ECR), 1530 (ECR), 1533 (ECR), 1534 (ECR), 1535 (S&D)

Article 41 - Legal status

Covers: None.

Falls: AM 1537 (ECR), 1538 (ECR)

Article 42 - Seat

Covers: AMs 192 (Rap.), partially 1532 (The Left), partially 1539 (S&D), partially 1540 (ID), 1541 (Renew), partially 1542 (Greens), 1544 (S&D), partially 1748 (RE)

Falls: 1543 (The Left).

Recital 59 - 59c

Covers: AMs 3 (BUDG), 4 (BUDG), 37 (Rap.), 481 (Renew), 482 (ID)

Falls: AMs 454 (Greens)

Article 40

Establishment and scope of action of the EU Centre

1. A European Union Agency to prevent and combat child sexual abuse, the EU Centre *for child protection* (partially 1531 Greens) ~~on Child Sexual Abuse~~, is established.
2. The EU Centre shall contribute to the achievement of the objectives (AM 1536 The Left I part) 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* (AM rapp 191 II part) ~~and~~ gather and share *anonymised* information, *gender-, and age-disaggregated statistics* (AM 123 FEMM, I part), ~~and~~ expertise, *educational materials and best practices* (partially AM 1536 The Left III part, partially AM 123 FEMM, II part,

partially 29 CULT I part) 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.*** (AM 191 rapp III part)

Article 41
Legal status

1. The EU Centre shall be a body of the Union with legal personality.
2. In each of the Member States the EU Centre shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.
3. The EU Centre shall be represented by its Executive Director.

Article 42
Seat

The seat of the EU Centre shall be [...] ~~***The Hague, The Netherlands.***~~ (AM 192 rapp, 1544 S&D)

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: (AM 192 rapp, partially 1539 S&D, partially 1540 ID, 1541 Renew, partially 1542 Greens)

- 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;*** (AM partially 1532 (The Left), partially 1748 (RE), partially 1539 letter (dd) (S&D), partially 1542 letter (b) (Greens))
- g) ***it shall ensure sustainability and digital security and connectivity with regards to physical and IT infrastructure and working conditions.***

Recitals 59 - 59(c) to Articles 40-42

- (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 *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.* (AM 3 BUDG)
- (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.* (AM 4 BUDG)
- (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.* (AM 37 Rap., 481 RE, 482 ID)
- (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.*

COMPROMISE 23
ARTICLE 43 + RECITAL 60

Article 43 - Tasks of the EU Centre

Covers: AMs 193 (Rapp), 194 partially (Rapp.), 10 (BUDG), partially 1546 (Greens), partially 1547 (Greens), partially 1572 (S&D), partially 125 (FEMM), 1556 (S&D), 1557 (ECR), 1567 (Greens), 1571 (Greens), partially 1573 (Greens), 1574 (Greens), partially 1575 (S&D), partially 1577 (S&D), partially 1578 (Greens), partially 1579 (ID), 1580 (RE), partially 1581 (Greens), partially 1582 (S&D), partially 1583 (ID), 1584 (Greens), partially 1585 (S&D), partially 1587 S&D, partially 1589 (S&D), partially 1596 EPP, partially 1593 parts II, III and IV (RE), 1594 partially (S&D, EPP, RE), partially 126 (FEMM) I part, 128 II and III part (FEMM), partially I part 124 (FEMM), partially 130 (FEMM), partially 129 II part (FEMM), partially AM 133 (FEMM), partially 131 (FEMM), partially 31 (CULT), AM 32 II part (CULT), partially 33 (CULT), partially 34 (CULT), partially 256 IMCO part II, partially 1417 S&D, partially 127 FEMM

Falls: AMs 1545 (Greens), 1548 (S&D), 1549 (The Left), 1550 (Greens), 1551 (The Left), 1552 (Greens), 1553 (S&D), 1554 (The Left), 1555 (Greens), 1558 (The Left), 1559 (Greens), 1560 (S&D), 1561 (The Left), 1562 (Greens), 1563 (The Left), 1564 (S&D), 1565 (Greens), 1566 (The Left), 1568 (The Left), 1569 (The Left), 1570 (The Left), 1576 (The Left), 1586 (Greens), 1591 (S&D), 1593 part I (RE), 1595 (EPP), AM 128 I part (FEMM), AM 124 II part (FEMM), AM 129 I part (FEMM), AM 132 (FEMM), AM 134 (FEMM), AM 135 (FEMM), AM 30 (CULT), AM 32 I part (CULT)

Recital 60

Covers: AMs 456 (ECR), part. 460 (The Left), part. 31 FEMM, partially 7 CULT

Falls: AMs 455 (The Left), 457 (Greens)

Article 43
Tasks of the EU Centre

The EU Centre shall:

- (1) facilitate the risk assessment process referred to in Section 1 of Chapter II, by:
 - (a) supporting the Commission in the preparation of the guidelines referred to in Article 3(86) (AM 10 (BUDG), Article 4(5), Article 6(4) and Article 11, including by collecting and providing relevant ***gender-sensitive and age-appropriate*** (AM partially 125 FEMM I part) 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*** (partially AM1547 Greens, partially AM 125 FEMM II part);

- (b) upon request from a provider of relevant information services, providing an analysis of *methodology for risk assessment or, where appropriate, performing a test on* (rapp proposal in line with what was provisionally agreed on Art. 3(3)) anonymised data samples for the purpose referred to in Article 3(3);
- (2) facilitate the detection process referred to in Section 2 of Chapter II, by:
 - (a) providing the opinions on intended detection orders referred to in Article 7(3), first subparagraph, point (d);
 - (b) maintaining and operating the databases of indicators referred to in Article 44;
 - (c) giving providers of hosting services and providers of *number-independent* (AM 1556 S&D, 1557 ECR), interpersonal communications services that received a detection order access to the relevant databases of indicators in accordance with Article 46;
 - (d) making technologies available to providers for the execution of detection orders issued to them, in accordance with Article 50(1);
- (3) facilitate the reporting process referred to in Section 3 of Chapter II, by:
 - (a) maintaining and operating the database of reports referred to in Article 45;
 - (b) assessing, processing and, where necessary, forwarding the reports and providing feedback thereon in accordance with Article 48;
- (4) facilitate the removal process referred to in Section 4 of Chapter II and the other processes referred to in Section 5 and 6 of that Chapter, by:
 - (a) receiving the removal orders transmitted to it pursuant to Article 14(4) in order to fulfil the verification function referred to in Article 49(1);
 - (b) cooperating with and responding to requests of Coordinating Authorities in connection to intended blocking orders as referred to in Article 16(2);
 - (c) receiving and processing the blocking orders transmitted to it pursuant to Article 17(3);
 - (d) providing information ~~and~~, *assistance and* (AM 193 rapp, partially 126 part I FEMM) support to victims in accordance with Articles 20 and 21;
 - (e) maintaining up-to-date records of contact points and legal representatives of providers of relevant information society services as provided in accordance with Article 23(2) and Article 24(6);
- (4a) *conduct searches on publicly accessible content on hosting services for known child sexual abuse material in accordance with Article 49.1(ba);* (AM 1567 Greens)
- (5) support the Coordinating Authorities and the Commission in the performance of their tasks under this Regulation and facilitate cooperation, coordination and communication in connection to matters covered by this Regulation, by:
 - (a) creating and maintaining an online register listing the Coordinating Authorities and their contact points referred to in Article 25(6);
 - (b) providing assistance to the Coordinating Authorities as provided for in Article 25(7);

- (c) assisting the Commission, upon its request, in connection to its tasks under the cooperation mechanism referred to in Article 37;
 - (d) creating, maintaining and operating the information-sharing system referred to in Article 39;
 - (e) assisting the Commission in the preparation of the delegated and implementing acts and the guidelines that the Commission adopts under this Regulation;
 - (f) providing information to Coordinating Authorities, upon their request or on its own initiative, relevant for the performance of their tasks under this Regulation, including by informing the Coordinating Authority of establishment of potential infringements identified in the performance of the EU Centre's other tasks;
- (6) facilitate the generation and sharing of knowledge ***and best practices*** (partially 1577 S&D, partially 1582 S&D, partially AM 131 (FEMM), partially AM 34 (CULT)), 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:
- (a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal data gathering, ***including gender and age-disaggregated data*** (AM partially 1572 S&D, 128 FEMM, II part) ~~and providing expertise on matters regarding the prevention and combating of online child sexual abuse~~, in accordance with Article 51;
 - (aa) 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***; (AM partially 1546 Greens, partially I part 124 FEMM)
 - (ab) ***supporting the development of age-appropriate and gender-sensitive awareness-raising and prevention campaigns*** (partially 1573 Greens, partially 31 CULT, partially 1594 S&D, EPP, RE I part, part. II IMCO 256), ***educational and intervention programs*** (partially 1571 Greens), ***tools*** (partially 127 FEMM) ***and materials—with a specific focus on vulnerable groups*** (partially 1594 S&D, EPP, RE I part, partially 130 FEMM), ***in order to enhance digital literacy among users*** (AM partially 194 rapp, partially 33 CULT) ***and to equip children and adults, including parents and educators*** (partially 1583 ID), ***with adequate skills for detecting potential malicious behaviour online and to contribute to ensure safe use of the internet by children*** (partially 1578 Greens, partially 1579 ID, partially 1581 Greens, partially 130 FEMM, partially 1417 S&D).
 - (ac) ***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*** (partially Greens 1571)
 - (b) supporting the development and dissemination of research and expertise on those matters and on assistance ***and support*** (AM128 FEMM, III part) to victims, ***taking into account the gender and age dimension*** (AM 1575 partially S&D) ***and operating in a way that minimises risks to victims,***

especially children (partially 1587 S&D, partially 1596 EPP), including by: ~~serving as a hub of expertise to support evidence-based policy~~

- i) serving as a hub of expertise to support evidence-based policy **and by linking researchers to practitioners** (AM 1574 Greens, partially 129 II part FEMM, partially 32 CULT II part);
- ii) **supporting victims in liaising with other relevant authorities of the Member States for reparations and all other victim support programmes;** (AM partially 1593 RE II part (lett a), partially 1594 (S&D, EPP, RE), II part (lett a))
- iii) **referring victims to the appropriate national child protection services,** (AM 1580 RE, partially 1585 S&D, AM partially 1593 RE III part (lett b), 1594 (S&D, EPP, RE) III part (lett b), AM partially 133 FEMM) **and to pro bono legal support services;** (AM partially 1593 RE III part (lett b), 1594 (S&D, EPP, RE) III part (lett b))
- iv) **facilitating access to qualified health care support services, including mental health and psychological support;** (AM partially 1593 RE, IV part (lett c))
- v) **supporting the collaboration of victim support services and elaborating best practices;** (1584 Greens)

(c) drawing up the annual reports referred to in Article 84.

(ca) create, maintain and operate the online European Child Protection Platform established by Article 54a. (partially 1589 (S&D))

Recital 60

- (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 **number-independent** (AM 456 ECR) 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 shall 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** (AM part. 460 The Left, part. 31 FEMM, part 7 CULT), **while integrating a child rights perspective and ensuring a gender-sensitive and age-**

appropriate approach (part. AM 31 FEMM) *The EU Centre should promote and ensure the appropriate support and assistance to victims.*

COMPROMISE 24
ARTICLE 44 and 45 + RECITALS 61- 63

Article 44 - Databases of indicators

Covers: AMs 1608 (ECR), partially 1609 (Greens), 1610 partially (S&D), 1618 ((S&D, EPP, RE)), partially 1588 S&D

Falls: 195 (Rapp.), 196 (Rapp.), 197 (Rapp.), 198 (Rapp.), 199 (Rapp.), 200 (Rapp.), 1598 (The Left), 1599 (Greens), 1600 (S&D), 1601 (Greens), 1602 (S&D), 1603 (S&D), 1604 (Greens), 1605 (Greens), 1606 (S&D), 1607 (S&D), 1611 (Greens), 1612 (S&D), 1613 (Greens), 1614 (Greens), 1615 (S&D), 1616 (Greens), 1617 (Greens).

Article 45 - Database of reports

Covers: AMs 1619 (ECR), 1620 (Greens), 1621 (S&D), partially 1668 (Greens)

Falls: 201 (Rapp), 1622 (Greens), 1623 (S&D), 1624 (ECR), 1625 (The Left), 1626 (S&D), 1627 (S&D), 1628 (The Left), 1629 (Greens), 1630 (The Left)

Recitals 61 and 62 to Article 44

Covers: AMs 8 (CULT)

Falls: AMs 458 (The Left), AMs 459 (RE), AMs 461 (The Left)

Recital 63 to Article 45

Covers: AMs 462 (ECR)

Falls: AMs 463 (The Left)

Article 44

European Union Databases of hashes and indicators

1. The EU Centre shall create, maintain and operate databases of the following types of indicators of online child sexual abuse
 - (a) indicators to detect the dissemination of child sexual abuse material previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

- (b) indicators to detect the dissemination of child sexual abuse material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);
 - (c) indicators to detect the solicitation of children.
- 2. The databases of indicators shall solely contain:
 - (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** (AM 1608 ECR, partially 1609 Greens, partially 1610 S&D) interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;
 - (b) as regards paragraph 1, point (a), the relevant indicators shall include a list of uniform resource locators compiled by the EU Centre in accordance with paragraph 3;
 - (c) the necessary additional information to facilitate the use of the indicators in accordance with this Regulation, including identifiers allowing for a distinction between images, videos and, where relevant, other types of material for the detection of the dissemination of known and new child sexual abuse material and language identifiers for the detection of solicitation of children.
- 3. 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).

The EU Centre shall compile the list of Uniform Resource Locator referred to in paragraph 2, point (b), solely on the basis of the Uniform Resource locators submitted to it pursuant to Article 36(1), point (b).
- 4. The EU Centre shall keep records of the submissions and of the process applied to generate the indicators and compile the list referred to in the first and second subparagraphs. It shall keep those records for as long as the indicators, including the Uniform Resource Locators, to which they correspond are contained in the databases of indicators referred to in paragraph 1.
- 4a. ***The EU Centre shall ensure through all technical means available that the databases of indicators is secure and the content cannot be altered by any other actor.*** (1618 (S&D, EPP, RE), partially 1588 S&D)

Recital 61

- (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 **hashes and identify/collect** 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.

- (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*** ~~each of those three types of online child sexual abuse~~, and with maintaining, ***timely updating*** (AM 8 CULT) 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.

Article 45 *Database of reports*

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*** (AM 1619 ECR, 1620 Greens, 1621 S&D) interpersonal communications services in accordance with Article 12(1) and assessed and processed in accordance with Article 48.
2. The database of reports shall contain the following information:
 - (a) the report;
 - ~~(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);~~
 - (c) where the EU Centre forwarded the report in accordance with Article 48(3), the date and time of such forwarding and the name of the competent law enforcement authority or authorities to which it forwarded the report or, where applicable, information on the reasons for forwarding the report solely to Europol for further analysis;
 - (d) where applicable, information on the requests for and provision of additional information referred to in Article 48(5);
 - (e) where available, information indicating that the provider that submitted a report concerning the dissemination of known or new child sexual abuse material removed or disabled access to the material;
 - (f) where applicable, information on the EU Centre's request to the Coordinating Authority of establishment to issue a removal order pursuant to Article 14 in relation to the item or items of child sexual abuse material to which the report relates;
 - (g) relevant indicators and ancillary tags associated with the reported potential child sexual abuse material.

Where the EU Centre considered the report unfounded, all data shall be anonymized and in case of videos or images only a cryptographic hash value from the reported file (AM partially 1668 Greens), the reasons and the date and time of informing the provider in accordance with Article 48(2) shall be stored.

Recital 63 to Article 45

- (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 *number-independent* (AM 462 ECR) 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.

COMPROMISE 25

ARTICLE 46 + RECITAL 64

Article 46 - Access, accuracy and security

Covers AMs: partially 202 (Rapp), partially 1644 (S&D) II part, partially 1648 (Greens), 1649 (NI), 206 (Rap.), 1653 (S&D)

Falls: AMs 203 (Rap.), 204 (Rap.), 205 (Rap.), 207 (Rap.), 208 (Rap.), 1631 (S&D), 1632 (THE LEFT), 1633 (THE LEFT), 1634 (RE), 1635 (ECR), 1636 (GREENS), 1637 (S&D), 1638 (The Left), 1639 (The Left), 1640 (Greens), 1641 (Greens), 1642 (GREENS), 1643 (THE LEFT), 1644, I part (SD), 1645 (THE LEFT), 1646 (S&D), 1647 (GREENS), 1650 (GREENS), 1651 (THE LEFT), 1652 (S&D), 1654 (THE LEFT)

Article 47 - Delegated acts relating to the databases

Covers: none

Falls: AMs AM 209 (Rap.), 1656 (THE LEFT), 1657 (THE LEFT), 1658 (GREENS), 1659 (S&D), 1660 (Greens), 1661 (THE LEFT), 1662 (THE LEFT)

Recital 64 to Article 46

Covers: AMs 32 (Rap.)

Falls: AM 464 (The Left), 465 (ID)

Article 46

Access, accuracy and security

1. Subject to paragraphs 2 and 3, solely EU Centre staff and auditors duly authorised by the Executive Director shall have access to and be entitled to process the data contained in the databases referred to in Articles 44 and 45.
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** (partially 202 Rap.) 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.
3. The EU Centre shall give Coordinating Authorities access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks under this Regulation.
4. The EU Centre shall give Europol and the competent law enforcement authorities of the Member States access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks of investigating child sexual abuse offences
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
6. The EU Centre shall provide the access referred to in paragraphs 2, 3, 4 and 5 only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The requests for the access referred to in paragraph 2 shall also include a reference to the detection order or the blocking, as applicable.

The EU Centre shall diligently assess those requests **on a case-by-case basis** (partially 1648 Greens) and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose, **and in accordance with Union law** (AM 206 Rap, 1649 NI). **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).** (Rapp proposal based on partially 1644 S&D II part, partially 1648 Greens,)

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, detection and blocking in accordance with this Regulation, as well as facilitating and monitoring of accurate detection technologies and processes. In particular, as regards the uniform resource locators contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met. Those verifications shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or delete the data.
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*** (1653 S&D) 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.

Recital 64 to Article 46 Access, accuracy and security

- (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*** (AM 32 Rap.) 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.

Article 47

Delegated acts relating to the databases

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 concerning:

- (a) the types, precise content, set-up and operation of the databases of indicators referred to in Article 44(1), including the indicators and the necessary additional information to be contained therein referred to in Article 44(2);
- (b) the processing of the submissions by Coordinating Authorities, the generation of the indicators, the compilation of the list of uniform resource locators and the record-keeping, referred to in Article 44(3);
- (c) the precise content, set-up and operation of the database of reports referred to in Article 45(1);
- (d) ~~access to the databases referred to in Articles 44 and 45, including~~ the modalities of the access ***to the databases referred to in Articles 44 and 45*** referred to in ***line with*** Article 46(1) to (5), the content, processing and assessment of the requests referred

~~to~~ in **line with** Article 46(6), procedural matters related to such requests and the necessary measures referred to in **line with** Article 46(6);

- (e) the regular verifications and audits to ensure that the data contained in those databases is complete, accurate and up-to-date referred to in Article 46(7) and the security of the storage of the data, including the technical and organisational safeguards and regular review referred to in Article 46(8).

COMPROMISE 26

ARTICLES 48 AND 49 + RECITALS 65 AND 66

Article 48 - Reporting

Covers: AMs 210 I part (Rapp.), 211 (Rapp.), 1663 (ECR), partially 1664 (S&D), partially, 1669 (S&D), partially 1671, I part (Greens), partially 1675 (Greens), partially 1678 (The Left).

Fall: AM 210 II part (Rapp), 1665 (Greens), 1666 (EPP), 1667 (Renew), 1670 (S&D), 1671, II part (Greens), 1672 (The Left), 1673 (S&D), 1674 (The Left), 1676 (The Left), 1677 (S&D), 1679 (The Left), 1680 (S&D), 1681 (EPP), 1682 (Greens)

Article 49 - Searches and notification

Covers: AM 213 (Rap.), partially 1690 (Greens, ECR, S&D, RENEW), partially 1693 (THE LEFT), partially AM 1691 (S&D), partially 1687 (Greens), 1592 (S&D)

Falls: AMs 1684 (ECR), 1685 (THE LEFT), 1686 (S&D), AM 212 (Rap.), 1688 (THE LEFT) 1689 (THE LEFT), 1692 (THE LEFT)

Recital 65 - Article 48 (Reporting)

Covers: AMs 33 (Rap.), part. 466 (Greens), 467 (The Left), 468 (ECR),

Falls: None

Recital 66 - Article 49 (Searches and notifications)

Covers: AM 5 (BUDG)

Falls: AMs 469 (Greens), 470 (The Left), 32 (FEMM)

Article 48 *Reporting*

1. The EU Centre shall expeditiously **and accurately** (AM 210 rapp I part) assess and process reports submitted by providers of hosting services and providers of **number-independent** (AM 1663 ECR, partially 1664 S&D), interpersonal communications services in accordance with Article 12 to determine whether the reports are manifestly unfounded or ~~are to be forwarded~~ **not**.

2. Where the EU Centre considers that the report is ~~manifestly~~ (partially 1668 Greens, 1669 (S&D)) unfounded, it shall inform the provider that submitted the report, specifying the reasons why it considers the report to be unfounded.
3. Where, ***after a thorough legal and factual assessment*** (AM partially 1671 Greens I part), 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.

Where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty ***by a thorough factual assessment*** (partially 1675 Greens), 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.
4. Where a provider that submitted the report has indicated that the report requires urgent action, the EU Centre shall assess and process that report as a matter of priority and, where it forwards the report in accordance with paragraph 3 and it considers that the report requires urgent action, shall ensure that the forwarded report is marked as such.
5. Where the report does not contain all the information required in Article 13, the EU Centre may request the provider that submitted the report to provide the missing information.
6. Where so requested by a competent 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:
 - (a) communicate to the provider that submitted the report that it is not to inform the user concerned, specifying the time period during which the provider is not to do so;
 - (b) where the provider that submitted the report is a provider of hosting services and the report concerns the potential dissemination of child sexual abuse material, communicate to the provider that it is not to remove or disable access to the material, specifying the time period during which the provider is not to do so.
7. The time periods referred to in ~~the first subparagraph~~ **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 safeguard the investigation and prosecution of child sexual abuse offences in a specific case*** ~~avoid interference with the relevant activities. These time periods shall not in any case exceed 18~~ **12** months. (AM 211 rapp, partially 1678 The Left)
8. The EU Centre shall verify whether a provider of hosting services that submitted a report concerning the potential dissemination of child sexual abuse material removed or disabled access to the material, insofar as the material is publicly accessible. Where it considers that the provider did not remove or disable access to the material expeditiously, the EU Centre shall inform the Coordinating Authority of establishment thereof

Recital 65 - Article 48 (Reporting)

- (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* (partially 466 Greens) *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* (AM 33 rapp). ~~The EU Centre should assess those reports in order to identify those that are~~ *will be considered* (partially 33 rapp) ~~manifestly~~ (AM partially 466 Greens) 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. *In those cases* (partially 33 rapp) the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available *number-independent* (AM 467 The Left, 468 ECR) 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 shall 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,* ~~as every report could be serve as an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse. (AM 33 Rap.), reports should be processed as quickly as possible.~~

Article 49

Searches and notification

1. The EU Centre shall have the power to conduct searches *of publicly accessible content* (partially 1687 Greens) 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:
 - (a) where so requested to support a victim by verifying whether the provider of hosting services removed or disabled access to one or more specific items of known child sexual abuse material depicting the victim, in accordance with Article 21(4), point (c);
 - (b) where so requested to assist a Coordinating Authority by verifying the possible need for the issuance of a detection order or a removal order in respect of a specific service or the effectiveness of a detection order or a removal order that

the Coordinating Authority issued, in accordance with Article 25(7), points (c) and (d), respectively.

(ba) proactively on its own initiative for known child sexual abuse material (partially 1592 part I S&D, partially 1690 Greens, ECR, S&D, RE). **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.** (1592 part. II S&D)

1a. 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).

2. The EU Centre shall ~~have the power to~~ 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.

The request shall clearly set out the identification details of the EU Centre and a contact point, the necessary information for the identification of the item or items, as well as the reasons for the request.

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 (partially AM 1691 S&D).

3. Where **it is necessary and proportionate to safeguard** (AM 1693 The Left) ~~so requested by a competent 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~~ **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~~ (AM 213 Rap.). ~~for as long as This non-submission shall be necessary to avoid such interference in any case but no longer than 18 12 months.~~ (AM partially 1693 The Left)

Recital 66 - Article 49 (Searches and notifications)

(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**, (AM 5 BUDG) 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.**

COMPROMISE 27
ARTICLE 50 + RECITALS

Article 50 - Technologies, information and expertise

Covers: AMs part. 1696 (S&D), 1699 (ECR), partially 1700 (S&D), 214 (Rap.) 1703 (Rap.), partially 136 FEMM I, III and V parts, partially 1704 (S&D), 1707 partially I part (GREENS), partially 137 I part (FEMM), 215 (Rap.), 1711 (RE), 138 (FEMM), 1712 (GREENS), 1713 (THE LEFT), partially 139 II part (FEMM), 35 (CULT), partially 1714 (GREENS), part. 1715 (GREENS), 216 (Rapp), partially 141 para I and III (FEMM), 1716 (S&D), 1717 (GREENS), partially 36 CULT, 1590 S&D

Falls: AMs 1694 (THE LEFT), 1695 (THE LEFT), 1697 (Moreno Sánchez, López Aguilar, Bartolo, Vautmans and others), 1698 (RENEW), 1701(RENEW), 1702 (GREENS), 1705 (S&D), 1706 (S&D), 1707 II part (Greens), 1708 (THE LEFT), 1709 (S&D), 1710 (GREENS), 1718 (THE LEFT), AM 136 part II, IV and VI (FEMM), AM 137 II part (FEMM), 139 I part (FEMM), 140 (FEMM), 141 para II (FEMM), 20 (CULT)

Recital 67 - Article 50 (Technologies, information and expertise)

Covers: AM partially 33 (FEMM),

Falls: AMs 471 (RE), 472 (The Left), 9 (CULT)

Article 50

Technologies, information and expertise

1. The EU Centre shall make available technologies that providers of hosting services and providers of ***number-independent*** (AMs 1696 I part S&D, 1699 ECR) 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*** (based on AMs 1696 II part S&D, 1700 S&D) ***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.***

To that aim, the EU Centre shall compile lists of such technologies, having regard to the requirements of this Regulation and in particular those of Article 10(2).

Before including specific technologies on those lists, the EU Centre shall request the ***opinions*** of its Technology Committee and ***Victims' Rights and Survivors Consultative Forum*** (AMs 1703 I part (Rapp), partially 136 I part FEMM), ***and, through the European Commission, the opinion*** (AMs 214 I part Rap, 1703 Rap.) of the European Data Protection Board. The Technology Committee, ***the Victims' Consultative Forum*** (AM partially 136 III part FEMM) 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, ***the Victims' Rights and Survivors Consultative Forum*** (AM partially 136 FEMM part V) 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.* (AMs 214 II part rap, 1703 Rap, partially 1704 S&D)

2. The EU Centre shall collect, record, **aggregate**, analyse and **proactively** (AM partially 1707 I part Greens, AM 137 partially I part FEMM) make available relevant, objective, reliable and comparable information on matters related to the prevention and combating of child sexual abuse, in particular:
 - (a) information obtained in the performance of its tasks under this Regulation concerning detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse;
 - (b) information resulting from the research, surveys and studies referred to in paragraph 3;
 - (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** (AMs 215 rap, 1711 RENEW, 138 FEMM), **helplines** and civil society organisations.

(ca) information obtained in the performance of its tasks under this Regulation concerning victim assistance and support. (1712 GREENS)
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.* (par. 1714 GREENS)
- 3a. *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.* (1713 THE LEFT, partially 139 II part FEMM, 35 CULT).
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,~~ (AM partially 1715 Greens) 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.
5. The EU Centre shall develop a communication strategy and promote dialogue **and cooperation** with civil society organisations, **hotlines, helplines, public authorities,** (AMs 216 Rapp, partially 141 I part FEMM) and ~~providers of hosting or~~

~~interpersonal communication~~ **relevant information society** (AM Rap. 216) 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.*** (1716 S&D, 1717 GREENS, partially 141 II part FEMM, partially. 36 CULT)

- 5a. ***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 of Article 10(3), and make them, free and open source, available for relevant information society services*** (partially S&D 1590) ***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.***

Recital 67 - Article 50 (Technologies, information and expertise)

- (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, ***for best practices*** (part. 33 FEMM), 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.***

COMPROMISE 28 ARTICLES 51 and 51a + RECITAL 68

Article 51 - Processing activities and data protection

Covers: AM 1735 (S&D)

Fall: AMs 217 (Rapp.), 218 (Rapp.), 1719 (Greens), 1720 (The Left), 1721 (S&D), 1722 (The Left), 1723 (S&D), 1724 (The Left), 1725 (The Left), 1726 (The Left), 1727 (The Left), 1728 (The Left), 1729 (S&D), 1730 (S&D), 1731 (The Left), 1732 (Greens), 1733 (Greens), 1734 (Greens), 1736 (Greens)

Article 51a - Logging

Covers: AMs 1655 (The Left), 1683 (Greens)

Falls: none

Recital 68 to Article 51

Covers: AM part. 34 (Rap.)

Falls: AMs 473 (Greens)

Section 3
Processing of information
Article 51
Processing activities and data protection

1. In so far as is necessary for the performance of its tasks under this Regulation, the EU Centre may process personal data.
2. The EU Centre shall process personal data as strictly necessary for the purposes of:
 - (a) providing the opinions on intended detection orders referred to in Article 7(3);
 - (b) cooperating with and responding to requests of Coordinating Authorities in connection to intended blocking orders as referred to in Article 16(2);
 - (c) receiving and processing blocking orders transmitted to it pursuant to Article 17(3);
 - (d) cooperating with Coordinating Authorities in accordance with Articles 20 and 21 on tasks related to victims' rights to information and assistance;
 - (e) maintaining up-to-date records of contact points and legal representatives of providers of relevant information society services as provided in accordance with Article 23(2) and Article 24(6);
 - (f) creating and maintaining an online register listing the Coordinating Authorities and their contact points referred to in Article 25(6);
 - (g) providing assistance to Coordinating Authorities in accordance with Article 25(7);
 - (h) assisting the Commission, upon its request, in connection to its tasks under the cooperation mechanism referred to in Article 37;
 - (i) create, maintain and operate the databases of indicators referred to in Article 44;
 - (j) create, maintain and operate the database of reports referred to in Article 45;

- (k) providing and monitoring access to the databases of indicators and of reports in accordance with Article 46;
 - (l) performing data quality control measures in accordance with Article 46(7);
 - (m) assessing and processing reports of potential online child sexual abuse in accordance with Article 48;
 - (n) cooperating with Europol and partner organisations in accordance with Articles 53 and 54, including on tasks related to the identification of victims;
 - (o) generating statistics in accordance with Article 83.
3. The EU Centre shall store the personal data referred to in paragraph 2 only where and for as long as strictly necessary for the applicable purposes listed in paragraph 2.
 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***, ~~appropriate~~ technical and organisational safeguards. ***Security requirements for data security pursuant to Article 88 of Regulation (EU) 2018/1725, Article 32 of Regulation 767/2008, Article 16 of Regulation 1987/2006, Article 16 of Regulation 2018/1862 and Article 34 of Regulation 603/2013 shall apply accordingly.*** (AM 1735 S&D) 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.

Recital 68 - Article 51 (Processing activities and data protection)

- (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*** (partially 34 Rap) manner and limit storage to what is strictly necessary for the performance of the relevant tasks.

Article 51a

Logging(1655 The Left, 1683 Greens)

1. ***The EU Centre shall provide for logs to be kept for at least the following processing operations, in relation to tasks performed on the basis of 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.*

COMPROMISE 29

ARTICLES 52 AND 53 + RECITALS 69-72

Article 52 - Contact officers

Covers: AM 11 (BUDG)

Falls: AM 1737 (The Left)

Article 53 - Cooperation with Europol

Covers: AMs 219 (Rap), 1743 (ECR), part. 1744 (The Left), 1745 (S&D), 1746 (The Left), 1747 (RE), 1752 (S&D), 1753 (S&D)

Falls: AMs 1738 (Greens), 1740 (Greens), 1741 (S&D), 1742 (S&D), 1749 (The Left), 1750 (Greens), 1751 (The Left), 12 (BUGD), 220 (Rap), 13 BUDG

Article 54 - Cooperation with partner organisations

Covers: AMs 221 (Rap), part 1755 (RE), par 1756 (EPP), 1757 (S&D), 159 part I and II FEMM, 37 part I CULT, 1761 (RE), partially 1739 (RE)

Falls: AMs 159 part III FEMM, 160 FEMM, 37 part II CULT, 38 CULT, 1754 (The Left), 1758 (RE), 1759 (THE LEFT), 1760 (EPP)

ARTICLE 54 A - *Establishment of an online European Child Protection Platform*

Covers: partially 1597 (S&D)

Recitals 69 to 72 - Section 4 Cooperation (Article 52 (Contact officers), Article 53 (Cooperation with Europol), and Article 54 (Cooperation with partner organisations)) -

Recital 69

Covers: none

Falls: AMs 474 (The Left), 475 (ID), 476 (ID), 483 (ID)

Recital 70

Covers: AMs partially 35 (Rap.), part. 49 (IMCO), part. 34 (FEMM), 10 (CULT)

Falls: AMs 477 (RE)

Recital 71

Covers: none

Falls: AM 478 (The Left), AM 36 (Rap.)

Recital 72

Covers: AMs 479 (The Left), 480 (Greens)

Falls: None

*Section 4
Cooperation*

*Article 52
Contact officers*

1. Each Coordinating Authority shall designate at least one contact officer, who shall be the main contact point for the EU Centre in the Member State concerned. The contact officers may be seconded to the EU Centre. Where several contact officers are designated, the Coordinating Authority shall designate one of them as the main contact officer.
2. Contact officers shall assist in the exchange of information between the EU Centre and the Coordinating Authorities that designated them. Where the EU Centre receives reports submitted in accordance with Article 12 concerning the potential dissemination of new child sexual abuse material or the potential solicitation of children, the contact officers designated by the competent Member State shall facilitate the process to determine the illegality of the material or conversation, in accordance with Article 36(1).
3. The Management Board shall determine the rights and obligations of contact officers in relation to the EU Centre. Contact officers shall enjoy the privileges and immunities necessary for the performance of their tasks.
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.~~
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. (BUDG 11)

*Article 53
Cooperation with Europol*

1. Where necessary for the performance of its tasks under this Regulation, within their respective mandates, the EU Centre shall cooperate with Europol.

2. Europol and the EU Centre shall provide each other *the EU Centre* with the fullest possible (part. 1744 The Left) access to relevant information and information systems, where *deemed strictly* necessary for the performance of their respective *the EU Centre's* tasks and 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.* (219 Rap., 1743 ECR)

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). (219 Rap.)

~~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. (AMs 1745 S&D, 1746 The Left, 1747 Renew)~~

3. The terms of cooperation and working arrangements shall be laid down in a *publically accessible* memorandum of understanding. (AMs 1752 S&D, 1753 S&D)

Article 54

Cooperation with partner organisations

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre ~~may~~ *shall* (partially 1756 EPP, 1757 S&D,, 159 part I FEMM, 37 part I CULT) 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*, (159 part II FEMM) including civil society organisations and semi-public organisations *acting in the public interest, and professional organisations of practioners* (221 Rap., 1755 partially RE).
2. The EU Centre may conclude *publically accessible* memoranda of understanding with organisations referred to in paragraph 1, laying down the terms of cooperation.
- 2a. *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.* (1761 RE,

partially 1739 RE)

Recitals 69 to 72- Section 4 Cooperation (Article 52 (Contact officers), Article 53 (Cooperation with Europol), and Article 54 (Cooperation with partner organisations)) -

- (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.
- (70) *Hotlines play a very important role in the fight against child sexual abuse online* (partially AM 10 CULT), *namely with regard to the reporting, and rapid removal of child sexual abuse material.* (AM part. 49 IMCO) *Helplines are also essential in providing support for children in need* (AM part. 49 IMCO, part. 34 FEMM). 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~~ *cooperate and coordinate* (AM 35 Rap., part. 49 IMCO) 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.
- (71) Considering Europol's mandate and its experience in identifying competent national authorities in unclear situation and its database of criminal intelligence which can contribute to identifying links to investigations in other Member States, the EU Centre should cooperate closely with it, especially in order to ensure the swift identification of competent national law enforcement authorities in cases where that is not clear or where more than one Member State may be affected.
- (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.~~ (AM 479 The Left, 480 Greens)

Article 54a

Establishment of an online European Child Protection Platform (partially 1597 S&D)

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.*

COMPROMISE 30

ARTICLES 55 TO 60

Article 55 - Administrative and management structure

Covers: AMs part 1762 (S&D), 161 (FEMM), partially 1763 (Greens), 1764 (S&D), partially 1765 (S&D), partially 162 (FEMM)

Falls: none

Article 56 - Composition of the Management Board

Covers: AMs partially 1766 (Greens), 1767 (S&D), part. 1769 (Greens), 163 FEMM, 222 (Rap), 223 (Rap), 1774 (Greens), 1775 (S&D), partially 1776 (Greens), 165 (FEMM), 166 partially part I and part II (FEMM)

Falls: AMs 1768 (The Left), 1770 (Greens), 1771 (Greens), 1772 (The Left), 1773 (The Left), 164 (FEMM), **39 (CULT)**, 14 (BUDG)

Article 57 - Tasks of the Management Board

Covers : **AMs 224 (Rap), part 225 (Rap.), 15 (BUDG), 16 (BUDG), 227 (Rap), 17 (BUDG), 228 (Rap.), 18 (BUDG), 19 (BUDG), 20 (BUDG), 21 (BUDG), 229 (Rap.), 230 (Rap.), 231 (Rap.), 232 (Rap.), 22 (BUDG), 233 (Rap.), 23 (BUDG), 234 (Rap.), 24 (BUDG), 235 (Rap.), 25 (BUDG), 236 (Rap.), partially 1777 (Greens), partially 1778 (RE), 1780 (S&D), 1781 (S&D), 1783 (Greens), 26 (BUDG), 237 (Rap.), 27 (BUDG), 238**

(Rap.), partially 168 (FEMM), 28 (BUDG), 29 (BUDG), partially 167 (FEMM), 169 (FEMM), 42 CULT, 1789 (The Left)

Falls: AMs 226 (Rap), 1779 (S&D), 1782 (The Left)

Article 58 - Chairperson of the Management Board

Cover: AM 1784 (The Left), 40 (CULT)

Falls: None.

Article 59 - Meetings of the Management Board

Covers: AMs 240 (Rap),

Falls: AMs 239 (Rap), 170 (FEMM), 241 (Rap)

Article 60 - Voting rules of the Management Board

Covers: AMs 1785 (The Left), 30 (BUDG)

Falls: AM 41 (CULT)

Recital 73 to Article 55: NO AMs

*Section 5
Organisation*

*Article 55
Administrative and management structure*

The administrative and management structure of the EU Centre shall comprise:

- (a) a Management Board, which shall exercise the functions set out in Article 57;
- (b) an Executive Board which shall perform the tasks set out in Article 62;
- (c) an Executive Director of the EU Centre, who shall exercise the responsibilities set out in Article 64;
- (d) a Technology Committee as an advisory group, which shall exercise the tasks set out in Article 66.
- (da) *a Victims' Rights and Survivors Consultative Forum which shall exercise the tasks set out in Article 66a.* (partially 1763 Greens, partially 1765 S&D, partially 162 FEMM)
- (db) *a Fundamental Rights Officer, which shall exercise the tasks set out in Art. 66b.* (AM 1764 (S&D))

When appointing the members that compose these bodies, all parties involved shall aim for an appropriate gender representation (1762 S&D, 161 FEMM)

Part 1: Management Board

Article 56

Composition of the Management Board

1. The Management Board shall be composed of one representative from each Member State, ~~and two~~ **one** representatives of the Commission, one independent ~~representative expert observer~~ designated by the European Parliament (rapporteur proposal based on partially 1766 Greens), all as members with voting rights.
2. ~~The Management Board shall also include one independent expert observer designated by the European Parliament, without the right to vote.~~

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. (rapporteur proposal based on part. 1769 Greens)

The Technological Committee shall designate a representative to attend the meetings of the Management Board as an observer on matters related to technologies.

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.

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in ~~his/her~~ **their** absence (1774 Greens, 165 FEMM)
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*** (part. 1776 Greens, 166 part I FEMM), taking into account ~~relevant managerial, administrative and budgetary skills~~ ***their expertise and professional records***. (222 Rap.) 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~~ ***ensure that gender balance between men and women is achieved*** on the Management Board. (partially 1775 S&D, 166 part II FEMM, 1767 S&D, 163 FEMM)
5. The term of office for members and their alternates shall be four years. That term may be renewed ***only once*** (223 Rapp.)

Article 57

Functions-Tasks (AM 224) of the Management Board

1. The Management Board shall:

(aa) adopt the draft Single Programming Document referred to in Article 66d before its submission to the Commission for its opinion; (partially 225 Rap, 15 BUDG.)

(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 (16 BUGD) for the following year, as well as any other updated version of the document; (16 BUDG)

(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; (227 Rap., 17 BUDG)

(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; (228 Rap., 18 BUDG)

(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; (229 Rap., 19 BUDG)

(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 Employment¹ ("the appointing authority powers"); (230 Rap, 20 BUDG)

(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; (231 Rap. , 21 BUDG)

(ah) appoint the Executive Director and remove him/her from office, in accordance with Article 65; (232 Rap, 22 BUDG)

(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 (42 CULT, 1789 The Left) duties; (233 Rap, 23 BUDG)

(aj) adopt the financial rules applicable to the EU Centre; (234 Rap. , BUDG 24)

¹ 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)

ak) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their modification; (235 Rap. , BUDG 25)

(al) appoint a Data Protection Officer in accordance with Regulation (EU) 2018/1725 (236 Rap., 1780 S&D, 1781 S&D, BUDG 26)

(am) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51; (237 Rap. , BUDG 27)

~~(a) give the general orientations for the EU Centre's activities;~~

(b) contribute to facilitate the effective cooperation with and between the Coordinating Authorities;

(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*** (part. 1777 Greens, partially 167 FEMM) 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;

~~(d) adopt the assessment of performance of the Executive Board referred to in Article 61(2);~~

(e) adopt and make public its Rules of Procedure;

(f) appoint the members of the Technology Committee, ***of the Victims' Rights and Survivors Consultative Forum*** (238 Rap., partially 1778 RE, partially 168 FEMM) and of any other advisory group it may establish

(fa) designate the Fundamental Rights Officer referred to in Article 66b;

(g) adopt the opinions on intended detection orders referred to in Article 7(4), on the basis of a draft opinion provided by the Executive Director;

(h) adopt and regularly update the communication and dissemination plans referred to in Article 77(3) based on an analysis of needs.

(ha) consult the Victims' Rights and Survivors Consultative Forum as regards the obligations referred to in points (aa) and (h) of this Article. (1783 Greens, AM 169 FEMM)

(hb) authorise the conclusion of memoranda of understanding referred to in Article 53(3) and Article 54(2).

1a. With respect to the powers referred to in paragraph 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. (28 BUDG)

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. (29 BUDG)

Article 58
Chairperson of the Management Board

1. The Management Board shall elect a Chairperson and a Deputy Chairperson from among its members. The Chairperson and the Deputy Chairperson shall be elected by a majority of two thirds of the members of the Management Board.

The Deputy Chairperson shall automatically replace the Chairperson **when necessary**. (1784 The Left, 40 CULT)

2. The term of office of the Chairperson and the deputy Chairperson shall be four years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.

Article 59
Meetings of the Management Board

1. The Chairperson shall convene the meetings of the Management Board.
2. The Executive Director shall take part in the deliberations, without the right to vote.
3. The Management Board shall hold at least ~~two~~ **four** (239 Rap.) 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.
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**. (240 Rap)
5. The members of the Management Board and their alternates may, subject to its rules of procedure, be assisted at the meetings by advisers or experts.
6. The EU Centre shall provide the secretariat for the Management Board.

Article 60
Voting rules of the Management Board

1. Unless provided otherwise in this Regulation, the Management Board shall take decisions by absolute majority of its members.
2. Each member, **including the Chairperson and the Deputy Chairperson** (30 BUDG), shall have one vote. In the absence of a member, ~~his/her~~ **the** alternate **member** shall be entitled to exercise ~~his/her~~ **the** right to vote. (1785 The Left)
3. The Executive Director shall not take part in the voting.
4. The Management Board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.

COMPROMISE 31 ARTICLES 61 TO 63

Article 61 - Composition and appointment of the Executive Board

Covers: AMs 242 (Rap.), part.1786 (S&D), part. 171 (FEMM), 243 (Rap.), 32 (BUDG), 33 (BUDG)

Falls: AMs 1787 (Greens), 1788 (Left), 31 (BUDG)

Article 62 - Tasks of the Executive Board

Covers AMs 34 (BUDG), 35 (BUDG), 36 (BUDG), 37 (BUDG), 38 (BUDG), 39 (BUDG), 244 (Rap), 245 (Rap), 246 (Rap), 247 (Rap), 248 (Rap), 249 (Rap), 250 (Rap), 251 (Rap), 252 (Rap), 253 (Rap), 254 (Rap), 255 (Rap), 256 (Rap), 257 (Rap), 258 (Rap), 259 (Rap), 260 (Rap), 261 (Rap), 41 (BUDG), 262 (Rap), 42 (BUDG)

Fall: 40 (BUDG), 1790 (Greens)

Article 63 - Voting rules of the Executive Board

Covers: AMs 263 (Rap.), 43 (BUDG)

Falls: None

Part 2: Executive Board

Article 61

Composition and appointment of the Executive Board

1. The Executive Board shall be ***gender-balanced and*** (part 1786 S&D, part 171 FEMM) composed of the Chairperson and the Deputy Chairperson of the Management Board, ~~two~~ ***three*** (242 Rap.) other members appointed by the Management Board from among its members with the right to vote, ~~and~~ 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*** (in line with Art. 56 (4), based on AMs part. 1786 S&D, part. 171 FEMM).

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.*** (32 BUDG)

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. (243 Rap, 33 BUDG)~~

Article 62

Tasks of the Executive Board

~~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. (244 Rap.)~~

2. ***In addition***, the Executive Board shall have the following tasks: (245 Rap., 34 BUDG)

~~(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; (246 Rap.)~~

~~(b) adopt the draft annual budget of the EU Centre and exercise other functions in respect of the EU Centre's budget; (247 Rap.)~~

~~(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; (248 Rap.)~~

~~(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 (249 Rap.)~~

(e) adopt rules for the prevention and management of conflicts of interest in respect of its members; (38 BUDG)

(f) adopt its rules of procedure; (39 BUDG)

~~(g) 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 EU Centre Empowered to Conclude a Contract of Employment² ("the appointing authority powers"); (250 Rap.)~~

² 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

- ~~(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;~~ (251 Rap.)
 - ~~(i) appoint the Executive Director and remove him/her from office, in accordance with Article 65;~~ (252 Rap.)
 - ~~(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;~~ (253 Rap.)
 - (k) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF); (260 Rap, 36 BUDG)
 - ~~(l) adopt the financial rules applicable to the EU Centre;~~ (254 Rap.)
 - ~~(m) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their modification.~~ (255 Rap.)
 - ~~(n) appoint a Data Protection Officer;~~ (256 Rap.)
 - ~~(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;~~ (257 Rap.)
 - ~~(p) authorise the conclusion of memoranda of understanding referred to in Article 53(3) and Article 54(2).~~ (258 Rap.)
 - (pa) 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 (AM 259, 35 BUDG)
 - (pc) 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. (261 Rap., 37 BUDG)
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.~~ (41 BUDG)
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.~~ (262 Rap, 42 BUDG)
5. Where necessary because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters.

Article 63
Voting rules of the Executive Board

1. The Executive Board shall take decisions by simple majority of its members. Each member of the Executive Board shall have one vote. The Chairperson shall have a casting vote in case of a tie.
2. ~~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. (43 BUDG, 263 Rap.)~~

The Executive Board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.

COMPROMISE 32
ARTICLES 64 AND 65

Article 64 - Responsibilities of the Executive Director

Covers: AMs 264 (Rap.), 44 (BUGD), 1791 (The Left), 43 (CULT), 45 (BUDG), 46 (BUDG), 1792 (Greens), 172 (FEMM), 47 (BUDG), partially 1793 (Greens), partially 173 (FEMM), 47 (BUDG), 48 (BUDG), 1794 (GREENS), 49 (BUDG), 265 (Rap.), 50 (BUDG), 51 (BUDG)

Falls: None

Article 65 - Executive Director

Covers: AMs 266 (Rap.), partially 52 (BUDG), 267 (Rap.), 53 (BUDG), 268 (Rap.), 269 (Rap.), part. 54 (BUDG), 270 (Rap.), 271 (Rap.), 55 (BUDG), 272 (Rap.),

Falls: None

Part 3: Executive Director

Article 64
Responsibilities of the Executive Director

- 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. (264 Rap., 44 BUDG)*

1. The Executive Director shall manage the EU Centre. The Executive Director shall be accountable to the Management Board.
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. (1791 Left, 43 CULT)
3. The Executive Director shall be the legal representative of the EU Centre.
4. The Executive Director shall be responsible for the implementation of the tasks assigned to the EU Centre by this Regulation. In particular, the Executive Director shall be responsible for:
 - (a) the day-to-day administration of the EU Centre;
 - (b) preparing decisions to be adopted by the Management Board;
 - (c) implementing decisions adopted by the Management Board;
 - (d) preparing the Single Programming Document and submitting it to the ~~Executive~~ **Management** (45 BUDG) Board after consulting the Commission;
 - (e) implementing the Single Programming Document and reporting to the ~~Executive~~ **Management** (46 BUDG) Board on its implementation;
 - (ea) **implementing gender mainstreaming and gender budgeting in all areas, including drafting a gender action plan (GAP);** (1792 Greens, 172 FEMM)
 - (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** (partially 1793 Greens, partially 173 FEMM) and presenting it to the ~~Executive~~ **Management** (47 BUDG) Board for assessment and adoption;
 - (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** (1794 Greens) and regularly to the Management Board and the Executive Board;
 - (h) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, without prejudicing the investigative competence of OLAF and EPPO by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative, including financial penalties;
 - (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~~ **Management** (48 BUDG) Board for approval;
 - (j) preparing draft financial rules applicable to the EU Centre;
 - (k) preparing the EU Centre's draft statement of estimates of revenue and expenditure and implementing its budget;

- (l) preparing and implementing an IT security strategy, ensuring appropriate risk management for all IT infrastructure, systems and services, which are developed or procured by the EU Centre as well as sufficient IT security funding.
 - (m) implementing the annual work programme of the EU Centre under the control of the ~~Executive~~ **Management** (49 BUDG) Board;
 - (n) drawing up a draft statement of estimates of the EU Centre's revenue and expenditure as part of the EU Centre's Single Programming Document and implementing the budget of the EU Centre pursuant to Article 67;
 - (o) preparing a draft report describing all activities of the EU Centre with a section on financial and administrative matters;
 - (p) fostering recruitment of appropriately skilled and experienced EU Centre staff, while ensuring gender balance.
 - (pa) authorise the conclusion of memoranda of understanding, others than the referred to in Article 53(3) and Article 54(2), (265 Rap) after having informed the Management Board (AM 50 BUDG)**
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** (AM 51 BUDG). 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.

Article 65 *Executive Director*

1. The Executive Director shall be engaged as a temporary agent of the EU Centre under Article 2(a) of the Conditions of Employment of Other Servants.
2. The Executive Director shall be appointed by the ~~Executive~~ **Management** (AM 266 rap, partially 52 BUDG) 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.

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the ~~Executive~~ **Management** (AM 267 rapp, 53 BUDG) Board.
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.~~ (AM 268)
5. The ~~Executive~~ **Management** (AM 269 rapp, partially 54 BUDG) Board, acting on a proposal from the Commission ~~that takes into account the assessment referred to in paragraph 3,~~ (AM 269 rap) may extend the term of office of the Executive Director once, for no more than five years.
6. An Executive Director whose term of office has been extended ~~may~~ **shall** (AM 270 rap) not participate in another selection procedure for the same post at the end of the overall period.
7. The Executive Director may be dismissed only upon a decision of the ~~Executive~~ **Management** (AM 271 rap, 55 BUDG) Board acting on a proposal from the Commission.
8. The ~~Executive~~ **Management** (AM 272 rap) 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.

COMPROMISE 33 A ARTICLES 66 AND 66B + RECITAL 74

Article 66 - Establishment of the Technology Committee

Covers: AMs 1795 partially (Greens), partially 1796 (S&D), partially 1797 (The Left), partially 1798 (ECR), 1800 (Greens), 57 (BUDG), 175 (FEMM), 174 (FEMM), partially 1799 (The Left), partially 1804 (RE)

Falls: AMs 1801 (The Left), 1802 (The Left), 1803 (The Left), 56 (BUGD)

Article 66b (new) - Fundamental rights officer

Covers: partially AM 1807 (S&D)

Falls: none

Recital 74 - Article 66 (Establishment and tasks of the Technology Committee)

Covers: AMs 486 (RE)

Falls: AMs 484 (The Left), 485 (RE), 487 (Renew)

Subsection 5: Technology Committee

Article 66

Establishment and tasks of the Technology Committee

1. The Technology Committee shall consist of technical experts ***on all matters related to the technologies relevant for the purposes of this Regulation*** (rapp proposal based on AM 1795 Greens, 1796 S&D, 1797 Left, 1798 ECR) appointed by the Management Board in view of their excellence and their independence, ***ensuring that gender balance is respected*** (AM 174 FEMM, partially 1799 Left), following the publication of a call for expressions of interest in the Official Journal of the European Union.
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.
3. The members of the Committee 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.
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*** (AM 1800 Greens, 57 BUGD, 175 FEMM) 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.
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.*** (partially 1795 Greens).
6. The Technology Committee shall
 - (a) contribute to the EU Centre's opinions referred to in Article 7(3), first subparagraph, point (d);
 - (b) contribute to the EU Centre's assistance to the Coordinating Authorities, the Management Board, the Executive Board and the Executive Director, in respect of matters related to the use of technology;
 - (c) provide internally, upon request, expertise on matters related to the use of technology for the purposes of prevention and detection of child sexual abuse online.
 - (ca) introduce a regular reviewing and reporting process to assess and share expertise on the most recent technological innovations and developments related to detection technology.*** (partially 1804 RE)

Recital 74 - Article 66 (Establishment and tasks of the Technology Committee)

- (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* (AM 486 RE) 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.

Article 66b (new) - Fundamental rights officer (partially AM 1807 S&D)

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) perform 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.

COMPROMISE 33 B
ARTICLES 66 A + RECITAL 74A

Art. 66a (new) - Establishment and tasks of the Victims' Rights and Survivors Consultative Forum

Covers: AMs 273 (Rapp.), partially 1805 (Greens), partially 1806 (S&D), partially 142 FEMM, 143 FEMM, partially 144 FEMM, 145 FEMM, 147 FEMM, 150 FEMM, partially 149 FEMM, partially 158 FEMM, 157 FEMM

Falls: AMs 146 FEMM, 148 FEMM, 151 FEMM, 152 FEMM, 153 FEMM, 154 FEMM, 155 FEMM, 156 FEMM

Recitals 74a - Article 66a (Establishment and tasks of the Victims' Rights and Survivors Consultative)

Covers: AM 38 Rap., partially 35 FEMM

Falls: AM 36 FEMM

Art. 66a

Establishment and tasks of the Victims' Rights and Survivors Consultative Forum

(AM 273 rapp, partially 142 FEMM)

- 1. The EU Centre shall establish a Consultative Forum to assist it by providing it with independent advice on victims related matters.(partially 143 FEMM) The Consultative Forum shall act upon request of the Management Board or the Executive Director. (AM 273 rapp, part. 1806 para 1 (S&D)).***
- 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. (AM 273 rapp, part. 1806 para 2 S&D, partially 143 FEMM).***
 - 2a. 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. (partially AM 1805 para 2 Greens, partially 144 FEMM)***
 - 2b. 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. (partially AM 1805 para 3 Greens, 145 FEMM)***

- 2.c. 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. (partially AM 1805 para 4 Greens)*
- 3. The mandates of members of the Victims' Rights and Survivors Consultative Forum shall be four years. Those mandates shall be renewable once. (AM 273 rapp, partially AM 1805 para 5 Greens, part. 1806 para 3 S&D, 147 FEMM) 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. (partially AM 1805 para 4 Greens).*
- 4. The Consultative Forum shall: (AM 150 FEMM)*
- a) provide the Management Board and the Executive Director with advice on any matter related to victims; (AM 273 rapp , partially 1805 paras 6 and point 7(c) Greens, part. 1806 para 4 (a) S&D, partially 149 FEMM)*
 - b) contribute to the EU Centre communication strategy referred to in Article 50 (5); (AM 273 rapp, part. 1806 para 4 (c) S&D, part. 158 FEMM)*
 - 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; (AM 273 rapp, part. 157 part II FEMM)*
 - 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. (AM 273 rapp, part. 1806 para 4 (e) S&D, part. 157 part I FEMM)*
 - e) contribute experience and expertise in preventing and combating child sexual abuse and victim support and assistance; (AM partially 1805 para 7 (d) Greens)*

Recitals 74a - Article 66a (Establishment and tasks of the Victims' Rights and Survivors Consultative)

- (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 will play a key role in advising the EU Center in its approach to all victim-related issues. (AM 38 Rap., part. 35 FEMM) Its member should be appointed 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.*

COMPROMISE 34
ARTICLES 66c (ex 69) TO 77

Article 66c (New) - Budget (*Article 69 in the COMM proposal*)

Covers: AM 68 (BUDG), AM 60 (BUDG), 69 (BUDG), partially 176 (FEMM), 274 (Rapp), 177 (FEMM), 178 (FEMM)

Fall: none

Article 66d Single Programming Document

Covers: AMs 61(BUDG - *change title Section 6*), 62 (BUDG - *deletion title subsection 1 of Section 6*), 59 (BUGD)

Fall: none

Article 67 - Budget establishment and implementation

Covers: AMs 63 (BUDG), 64 (BUDG), 65 (BUDG), 66 (BUDG), partially 176 (FEMM)

Falls: none

Article 68 - Financial rules

Covers: 67 (BUDG)

Falls: none

Article 71 - General Provisions

Covers: AM 180 (FEMM)

Fall: AM 179 (FEMM)

Article 72 - Seconded national experts and other staff

Covers: none

Fall: 181 FEMM

Article 77 - Transparency and communication

Covers: none

Falls: AM 275 (Rapp)

~~*Chapter IV – Section 6 – subsection 2 – title*~~
~~*Presentation, implementation and control of the budget*~~
~~*(AM 68 BUDG)*~~

~~Article 69~~
~~Budget~~
(AM 69 BUDG)

Article 66c (AM 60 BUDG)
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* (274 Rapp., 177 FEMM).
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.
- 5a. *The budget shall comply with the principle of gender mainstreaming and practise of gender budgeting shall be implemented* (partially 176 and 178 FEMM)

Section 6
~~Establishment and Structure of the Budget~~ *Financial provisions* (61 BUDG)

Subsection 1
~~Single Programming Document~~ (62 BUDG)

Article 66d
Single Programming Document (AM 59 (BUGD))

1. By 30 November of each year, the Management Board shall adopt a draft single programming document containing multi-annual and annual programmingas 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.

Article 67

Budget establishment and implementation

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** (partially 176 FEMM) and send it to the **Executive Management** Board. (63 BUDG)
2. The **Executive Management** (64 BUDG) 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.
3. The **Executive Management** (65 BUDG) 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.

4. The Commission shall send the statement of estimates to the European Parliament and the Council, together with the draft general budget of the Union.
5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the Union the estimates that it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the European Parliament and the Council in accordance with Articles 313 and 314 of the Treaty on the Functioning of the European Union.
6. The European Parliament and the Council shall authorise the appropriations for the contribution from the Union to the EU Centre.
7. The European Parliament and the Council shall adopt the EU Centre's establishment plan.
8. The EU Centre's budget shall be adopted by the ~~Executive~~ **Management** Board *by a majority of two-thirds of members entitled to vote* (66 BUDG). It shall become final following the final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.
9. The Executive Director shall implement the EU Centre's budget.
10. Each year the Executive Director shall send to the European Parliament and the Council all information relevant to the findings of any evaluation procedures.

Article 68

Financial rules

The financial rules applicable to the EU Centre shall be adopted by the ~~Executive~~ **Management** (67 BUDG) Board after consultation with the Commission. They shall not depart from Delegated Regulation (EU) 2019/715³ unless such a departure is specifically required for the operation of the EU Centre and the Commission has given its prior consent.

Section 7

Staff

Article 71

General provisions

1. The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the institutions of the Union for giving effect thereto shall apply to the EU Centre for all matters not covered by this Regulation.
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.
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

³ OJ L 122, 10.5.2019, p. 1.

counselling and support services, *meeting any other possible physical or socio-psychological needs.* (AM 180 FEMM)

Article 72

Seconded national experts and other staff

1. The EU Centre may make use of seconded national experts or other staff not employed by it.
2. The Executive Board shall adopt rules related to staff from Member States, including the contact officers referred to in Article 52, to be seconded to the EU Centre and update them as necessary. Those rules shall include, in particular, the financial arrangements related to those secondments, including insurance and training. Those rules shall take into account the fact that the staff is seconded and to be deployed as staff of the EU Centre. They shall include provisions on the conditions of deployment. Where relevant, the Executive Board shall aim to ensure consistency with the rules applicable to reimbursement of the mission expenses of the statutory staff.

COMPROMISES AMs - BATCH XIV

CHAPTER V - DATA COLLECTION AND TRANSPARENCY REPORTING

CSAM

(Rapporteur: Mr. Javier ZARZALEJOS)

COMPROMISE 35 ARTICLES 83 AND 84

Article 83 - Data collection

Covers: AMs 1808 (ECR), 1809 (S&D), part. 1810 (Greens), partially 278 (IMCO), partially 1814 (Greens), partially 279 (IMCO), 1816 (S&D), partially 1817 (Greens), partially 281 (IMCO), 182 (FEMM), partially 1835 (Greens), 1836 (ECR), 1837 (S&D), 287 (IMCO), partially 1839 (Greens), 1840 (S&D), 1841 (ECR), 1843 (Greens), 288 (IMCO), 289 (IMCO), partially 1850 (RE), partially 44 (CULT), 1852 (Greens), 1858 (S&D), 1859 (Greens), 1860 (ECR), 292 (IMCO), 1861 (Greens), 1869 (Greens), 1871 (RE), partially 1872 (Greens), 1873 (S&D), 1874 (ECR), partially 1876 (Greens),

Falls: AMs 276 (Rapp), 1811 (The Left), 1812 (The Left), 1813 (Greens), 1815 (S&D), 280 (IMCO), 1818 (The Left), 1819 (Greens), 282 (IMCO), 1820 (Greens), 283 (IMCO), 285 (IMCO), 1821 (The Left), 1822 (Greens), 284 (IMCO), 1823 (Greens), 1824 (The Left), 1825 (S&D), 1826 (The Left), 1827 (Greens), 1828 (S&D), 1829 (RE), 1830 (RE), 1831 (Greens), 1832 (Greens), 286 (IMCO), 1833 (The Left), 1834 (The Left), 1838 (The Left), 1842 (The Left), 1844 (The Left), 1845 (S&D), 1846 (S&D), 1847 (Greens), 1848 (The Left), 1849 (The Left), (The Left), 1853 (S&D), 1854 (The Left), 1855 (Greens), 290 (IMCO), 291 (IMCO), 293 (IMCO), 1856 (The Left), 1857 (Greens), 1862 (Greens), 1863 (The Left), 1864 (Greens), 1865 (The Left), 1866 (Greens), 1867 (The Left), 1868 (Greens), 1870 (The Left), 45 (CULT), 1875 (The Left), 295 (IMCO), 294 (IMCO)

Article 84 - Transparency reporting

Covers: AM 1877 (S&D), 296 (IMCO), partially 1878 (Greens), 1879 partially lett c (S&D)

Falls: AMs 1879 para 1a (lett a and b) (S&D), 297 (IMCO), 1880 (The Left), CULT 46

Article 83

Data collection

1. Providers of hosting services, providers of **number-independent** (AM 1808 ECR, 1809 S&D, part. 1810 Greens, partially 278 IMCO) 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:

- (a) where the provider has been subject to a detection order issued in accordance with Article 7:
 - the measures taken to comply with the order, including the technologies used for that purpose and the safeguards provided;
 - the error rates of the technologies deployed to detect ~~online~~ child sexual abuse **material, including the rates of false positives and negatives and confirmed positives and negatives** (AM partially 1814 Greens, 1816 S&D, partially 279 IMCO, 1879 partially lett c S&D), and measures taken to prevent or remedy any errors;
 - 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;
- (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** (based on AM 1817 Greens, partially 281 IMCO), needed for removing or disabling access to the item or items of child sexual abuse material in question;
- (c) the total number of items of child sexual abuse material when possible **gender- and age-disaggregated** (AM 182 FEMM) 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;
- (d) the number of blocking orders issued to the provider in accordance with Article 16;
- (e) the number of instances in which the provider invoked Article 8(3), Article 14(5) or (6) or Article 17(5), together with the grounds therefor;

2. The Coordinating Authorities shall collect data on the following topics and make that information available to the EU Centre upon request:

- (a) the follow-up given to reports of potential online child sexual abuse that the EU Centre forwarded in accordance with Article 48(3), specifying for each report:
 - whether the report led to the launch of a criminal investigation, contributed to an ongoing investigation, led to taking any other action or led to no action;
 - where the report led to the launch of a criminal investigation or contributed to an ongoing investigation, the state of play or outcome of the investigation, including whether the case was closed at pre-trial stage, whether the case led to the imposition of penalties, whether victims were identified and rescued and if so their numbers

- differentiating by gender and age, and whether any suspects were arrested and any perpetrators were convicted and if so their numbers;
 - where the report led to any other action, the type of action, the state of play or outcome of that action and the reasons for taking it;
 - where no action was taken, the reasons for not taking any action;
 - (b) the most important and recurrent risks of online child sexual abuse, as reported by providers of hosting services and providers of **number-independent** (AM partially 1835 Greens, 1836 ECR, 1837 S&D, 287 IMCO) interpersonal communications services in accordance with Article 3 **and 5** or identified through other information available to the Coordinating Authority;
 - (c) a list of the providers of hosting services and providers of **number independent** (AM partially 1839 Greens, 1840 S&D, 1841 ECR) interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;
 - (d) the number of detection orders issued in accordance with Article 7, broken down by provider and by type of ~~online~~ child sexual abuse **material**, and the number of instances in which the provider invoked Article 8(3);
 - (e) a list of providers of hosting services to which the Coordinating Authority issued a removal order in accordance with Article 14;
 - (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**, (AM 1843 Greens, 288 IMCO) and the number of instances in which the provider invoked Article 14(5) and (6);
 - (g) the number of blocking orders issued in accordance with Article 16, broken down by provider, and the number of instances in which the provider invoked Article 17(5);
 - (h) a list of relevant information society services to which the Coordinating Authority addressed a decision taken pursuant to Articles 27, 28 or 29, the type of decision taken, and the reasons for taking it;
 - (i) the instances in which the opinion of the EU Centre pursuant to Article 7(4)(d) substantially deviated from the opinion of the Coordinating Authority, specifying the points at which it deviated and the main reasons for the deviation.
 - (ia) the measures taken regarding prevention and victim assistance programmes** (AM partially 1871 Renew, 1850 RE, partially 44 CULT)
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~~ **include** (AM 1852 Greens, 289 IMCO):
- (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;

- (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);
 - (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* (AM 1858 S&D, 1859 Greens, 1860 ECR, 292 IMCO) 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);
 - (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* (AM 1861 Greens)
 - (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;
 - (e) the number of reports that the EU Centre considered ~~manifestly~~ unfounded, as referred to in Article 48(2);
 - (f) the number of reports relating to potential new child sexual abuse material and solicitation of children that were assessed as not constituting child sexual abuse material of which the EU Centre was informed pursuant to Article 36(3), broken down by Member State;
 - (g) the results of the searches in accordance with Article 49(1), including the number of images, videos and URLs by Member State where the material is hosted;
 - (h) where the same item of potential child sexual abuse material was reported more than once to the EU Centre in accordance with Article 12 or detected more than once through the searches in accordance with Article 49(1), the number of times that that item was reported or detected in that manner.
 - (i) the number of notices and number of providers of hosting services notified by the EU Centre pursuant to Article 49(2);
 - (j) *the* (AM 1869 Greens) 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.
4. The providers of hosting services, providers of *number-independent* (AM partially 1872 Greens, 1873 S&D, 1874 ECR) 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.

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. ***All access to this data shall be logged*** (partially 1876 Greens). They shall regularly review those safeguards and adjust them where necessary.

Article 84

Transparency reporting

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~~ ***1 March*** (AM partially 1878 Greens) 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*** (AM 1877 S&D, 296 IMCO) and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.
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.
3. Where a Member State has designated several competent authorities pursuant to Article 25, it shall ensure that the Coordinating Authority draws up a single report covering the activities of all competent authorities under this Regulation and that the Coordinating Authority receives all relevant information and support needed to that effect from the other competent authorities concerned.
4. The EU Centre, working in close cooperation with the Coordinating Authorities, shall draw up an annual report on its activities under this Regulation. That report shall also compile and analyse the information contained in the reports referred to in paragraphs 2 and 3. The EU Centre shall, by 30 June 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.
5. The annual transparency reports referred to in paragraphs 1, 2 and 3 shall not include any information that may prejudice ongoing activities for the assistance to victims or the prevention, detection, investigation or prosecution of child sexual abuse offences. They shall also not contain any personal data.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary templates and detailed rules concerning the form, precise content and other details of the reports and the reporting process pursuant to paragraphs 1, 2 and 3.

CHAPTER VI

FINAL PROVISIONS

COMPROMISE 36 A

ARTICLES 85, 86, 87 AND 89 + RECITALS 75-77 AND RECITALS 82-84

Article 85 - Evaluation

Covers : none

Falls : 1881 (The Left), 47 (CULT), 1882 (The Left), AM 298 (IMCO), 299 (IMCO)

Article 86 - Exercise of the delegation

Covers: AMs 1883 (S&D), 300 (IMCO)

Fall: none

Article 87a (new) - Representative actions

Covers: AM 1470 (S&D)

Fall: none

Article 88a - Review

No AM tabled, outcome of political discussion

Article 89 - Entry into force and application

Covers: None

Falls: 1884 (The Left)

Article 87 - Committee procedure

No AM

Recital 75 to 77 to Article 85 (Evaluation)

Covers: AMs 489 (ECR), 490 (Greens), 50 (IMCO), 51 (IMCO), 37 (FEMM)

Falls: AMs 488 (The Left), 491 (The Left), 11 (CULT), 38 (FEMM), AM 492 (Greens)

Recitals 82 and 84 - Article 89 (Entry into force and application)

Recital 82

No AM tabled, outcome of political discussion

Recital 84

Covers: AM 39 (Rap.)

Falls: None

Recitals 79-81 - Article 87 (Committee procedure) - NO AMs

Recital 83 NO AMs

Article 85

Evaluation

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.
2. By [*five years after the entry into force of this Regulation*], and every five years thereafter, the Commission shall ensure that an evaluation in accordance with Commission guidelines of the EU Centre's performance in relation to its objectives, mandate, tasks and governance and location is carried out. The evaluation shall, in particular, address the possible need to modify the tasks of the EU Centre, and the financial implications of any such modification.
3. On the occasion of every second evaluation referred to in paragraph 2, the results achieved by the EU Centre shall be assessed, having regard to its objectives and tasks, including an assessment of whether the continuation of the EU Centre is still justified with regard to those objectives and tasks.
4. The Commission shall report to the European Parliament and the Council the findings of the evaluation referred to in paragraph 3. The findings of the evaluation shall be made public.
5. For the purpose of carrying out the evaluations referred to in paragraphs 1, 2 and 3, the Coordinating Authorities and Member States and the EU Centre shall provide information to the Commission at its request.
6. In carrying out the evaluations referred to in paragraphs 1, 2 and 3, the Commission shall take into account the relevant evidence at its disposal.

7. Where appropriate, the reports referred to in paragraphs 1 and 4 shall be accompanied by legislative proposals.

Article 86

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
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~~ **a period of 5 years** time 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.*** (AMs 1883 (S&D), 300 (IMCO))
3. The delegation of power referred to in Articles 3, 8, 13, 14, 17, 47 and 84 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day after the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles 3, 8, 13, 14, 17, 47 and 84 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 87

Committee procedure

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.
2. Where reference is made to this Article ~~paragraph~~, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 87a (new) - Representative actions

Article 87a

Representative actions

(AM 1470 S&D)

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”

Art. 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.

Article 89

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply ~~from 6 months~~ after its entry into force. *However, Articles 7 to 18, Articles 20 to 21 and Chapter IV shall apply from 18 9 months after the entry into force of this Regulation.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Recitals 75-77 to Article 85 (Evaluation)

(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*** (AM 489 ECR, 50 IMCO) 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*** (AM 37 FEMM) information, based on ~~anonymised~~ (AM 490 Greens, 51 IMCO) gathering of non-personal data and to publish ***in a machine-readable format*** (AM 50 IMCO) 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.

(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.

(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.

Recitals 82 to 84 - Article 89 (Entry into force and application)

(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.

(83) Since the objectives of this Regulation, namely contributing 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,

cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(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 Council¹ and delivered their *joint* opinion on **28 July 2022**. (AM 39 Rap.)

COMPROMISE 36 B

ARTICLE 88 + RECITAL 78

Article 88 - Repeal

Covers: none

Falls: AM1885 (S&D)

Recital 78 to Article 88 (Repeal)

Covers: AMs 493 (ECR), partially 52 (IMCO)

Falls: none

Article 88

Repeal

1. ***Article 10, second subparagraph, of Regulation (EU) 2021/1232 is deleted.***
2. Regulation (EU) 2021/1232 is repealed from ***18 9 months after the entry into force of this Regulation*** [~~*date of application of this Regulation*~~].

¹ 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).

Recital 78 - Article 88 (Repeal)

- (78) Regulation (EU) 2021/1232 of the European Parliament and of the Council² provides for a temporary solution in respect of the **voluntary** use of technologies by certain providers of publicly available number-independent (AM 493 ECR) interpersonal communications services for the purpose of combating online child sexual abuse, ~~pending the preparation and adoption of a long-term legal framework.~~ (AM partially 32 IMCO) This Regulation, *which provides for a that clear and uniform long-term legal framework and establishes a mandatory regime for certain providers, will substitute the temporary and voluntary one.* ~~Regulation (EU) 2021/1232 should therefore be repealed.~~ *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 18 months after the entry into force of this Regulation.*

2 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).

ADDITION TO COMPROMISE 7

Annex I and II

Annex I

Covers: 1892 (S&D), 1893 (S&D),

Fall: 1886 (ECR), 1887 (S&D), 1888 (S&D), 1889 (S&D), 1890 (S&D), 1891(S&D), 1894 (ECR)

Annex II

Covers: none

Fall: 1895 (S&D), 1896 (S&D)

ANNEX I:

TEMPLATE FOR DETECTION ORDERS

referred to in Article 8(1) of Regulation (EU) .../... [laying down rules to prevent and combat child sexual abuse]

DETECTION ORDER ISSUED IN ACCORDANCE WITH REGULATION (EU) .../...
LAYING DOWN RULES TO PREVENT AND COMBAT CHILD SEXUAL ABUSE
(‘THE REGULATION’)

SECTION 1: Authorities having requested and issued the detection order:

Name of the Coordinating Authority having requested the issuance of the detection order:

(Text)

Name of the competent judicial authority ~~or the independent administrative authority~~ having issued the detection order:

(Text)

Reference of the detection order:

(Text)

SECTION 2: Addressee of the detection order

Name of the provider and, where applicable, of its legal representative:

(Text)

Contact point of the provider:

(Text)

SECTION 3: Relevant service, targeting and specification

The detection order applies to the following service provided by the provider in the Union:

(Text)

Further information regarding the targeting and specification of the detection order, in accordance with Article 7(7) of the Regulation:

(Text)

SECTION 4: Measures to execute the detection order, including additional safeguards

In accordance with Article 8(1) of the Regulation, the provider is to take the measures specified in Article 10 of the Regulation to execute the detection order, including the safeguards specified therein.

The provider is to take those measures to detect the following:

- ☐ The dissemination of known child sexual abuse material as defined in Article 2, letter (m), of the Regulation
- ☐ The dissemination of new child sexual abuse material as defined in Article 2, letter (n), of the Regulation
- ☐ ~~The solicitation of children as defined in Article 2, letter (o), of the Regulation~~ (AM 1892 S&D, 1893 S&D)

~~Where the detection order concerns the solicitation of children, in accordance with Article 7(7), last subparagraph, of the Regulation, the detection order applies only to publicly available interpersonal communications where one of the users is a child user, as defined in Article 2, point (i), of the Regulation.~~

The provider is to execute the detection order using the following indicators made available by the EU Centre on Child Sexual Abuse ('the EU Centre'), in accordance with Article 37 of the Regulation:

- ☐ The indicators contained in the database referred to in Article 44(1), point (a), of the Regulation
- ☐ The indicators contained in the database referred to in Article 44(1), point (b), of the Regulation

~~☐ The indicators contained in the database referred to in Article 44(1), point (c), of the Regulation~~

In order to obtain access to the relevant indicators, the provider is to contact the EU Centre at the following address:

(Contact information and contact point of EU Centre)

Where applicable, information regarding the additional safeguards that the provider is to put in place, in accordance with Article 7(8) of the Regulation:

(Text)

Where relevant, additional information regarding the measures that the provider is to take to execute the detection order:

(Text)

SECTION 5: Reasons, period of application and reporting

The reasons for issuing the removal order are as follows:

(Sufficiently detailed statement of reasons for issuing the detection order)

The detection order applies from (date) to (date).

The following reporting requirements apply, in accordance with Article 9(3) of the Regulation:

(Text)

SECTION 6: Contact details for follow-up

Contact details of the Coordinating Authority having requested the issuance of the detection order for feedback on the execution of the detection order or further clarification, including the communications referred to in Article 8(3) of the Regulation:

(Text)

SECTION 7: Information about redress

Competent court before which the detection order can be challenged, in accordance with Article 9(1) of the Regulation:

(Text)

Time periods for challenging the detection order (days/months starting from):

(Text)

References or links to provisions of national law regarding redress:

(Text)

Where relevant, additional information regarding redress:

(Text)

A lack of compliance with this detection order may result in penalties pursuant to Article 35 of the Regulation.

SECTION 8: Date, stamp and signature

Date of issuance of the detection order:

(Text)

Time stamp:

(Text)

Electronic signature of the competent judicial authority or independent administrative authority having issued the detection order:

Annex II

ANNEX II:

TEMPLATE FOR INFORMATION ABOUT THE IMPOSSIBILITY TO EXECUTE THE
DETECTION ORDER

referred to in Article 8(3) of Regulation (EU) .../... [laying down rules to prevent and combat
child sexual abuse]

SECTION 1: Addressee of the detection order

Name of the provider and, where applicable, of its legal representative:

(Text)

Contact point of the provider:

(Text)

Contact details of the provider and, where applicable, of its legal representative:

(Text)

File reference of the provider:

(Text)

SECTION 2: Information regarding the detection order

Name of the Coordinating Authority having requested the issuance of the detection order:

(Text)

Name of the competent judicial authority ~~or independent administrative authority~~ having issued the detection order:

(Text)

Reference of the detection order:

(Text)

Date and time of receipt of the detection order, including time zone:

(Text)

SECTION 3: Non-execution

The provider cannot execute the detection order within the mandatory time period for the following reasons (tick the relevant box(es)):

☐ The detection order contains one or more manifest errors

☐ The detection order does not contain sufficient information

Specify the manifest error(s) and/or the further information or clarification necessary, as applicable:

(Text)

SECTION 4: Date, time and signature

Date and time, including time zone:

(Text)

Signature:

(Text)

ADDITION TO COMPROMISE 11

Annex III

Covers: 1899 (S&D), 1900 (S&D), partially 1901(S&D), partially 1903(S&D), partially 1904 (S&D), partially 1905 (ECR)
Fall: 1897 (S&D), 1898 (S&D), 1902 (S&D)

ANNEX III:

TEMPLATE FOR REPORTS

referred to in Article 13(2) of Regulation (EU) .../...[laying down rules to prevent and combat child sexual abuse]

REPORT OF POTENTIAL ONLINE CHILD SEXUAL ABUSE ISSUED IN ACCORDANCE WITH REGULATION (EU) .../... LAYING DOWN RULES TO PREVENT AND COMBAT CHILD SEXUAL ABUSE ('THE REGULATION')

SECTION 1: Reporting provider

Name of the provider and, where applicable, of its legal representative:

(Text)

Contact point of the provider:

(Text)

Contact information of the provider and, where applicable, of its legal representative:

(Text)

SECTION 2: Information on the report

1)Does the report require urgent action, notably because of an imminent threat to the life or safety of the child or children appearing to be victim of the potential online child sexual abuse:

☐ Yes

☐ No

2)Type of potential online child sexual abuse to which the report relates:

☐ Known child sexual abuse material, as defined in Article 2, letter (m), of the Regulation

☐ New child sexual abuse material, as defined in Article 2, letter (n), of the Regulation

☐ ~~Solicitation of children, as defined in Article 2, letter (o), of the Regulation~~ (AMs 1899 SD, 1900 SD)

3) *all* Content data related to the reported potential online child sexual abuse, ~~including images, videos and texts, as applicable:~~ (

(Text – attach data as necessary)

~~4) Other available data related to the reported potential online child sexual abuse, including metadata related to media files (date, time, time zone):~~ *all relevant available data other than content data related to the potential online child sexual abuse* (partially 1903(S&D), partially 1904 (S&D), partially 1905 (ECR))

(Text – attach data as necessary)

~~5) Information concerning the geographic location related to the potential online child sexual abuse:~~

~~- IP address of upload, with associated date and time zone, and port number:~~

(Text)

~~- Where available, other information concerning the geographical location (postal code, GPS data of media files, etc.):~~

(Text)

6) Information concerning the identity of any user or users involved in the potential online child sexual abuse, including:

- Username:

(Text)

- Email address:

(Text)

- Phone number:

(Text)

- Other information (mailing address, profile information, other email addresses, other phone numbers, billing information, last login date, other user information or unique user identifier):

(Text)

7) Type of service provided by the provider:

☐ hosting service, as defined in Article 2, point a, of the Regulation

☐ **number-independent** interpersonal communication service, as defined in Article 2, point (b), of the Regulation

Addition information about the service, including webpage/URL:

(Text)

8) Manner in which the provider became aware of the potential child sexual abuse:

☐ Measures taken to execute a detection order issued in accordance with Article 7 of the Regulation

☐ Notification by a public authority, including notification by the Competent Authority of establishment in accordance with Article 32 of the Regulation

☐ Notification by a hotline, including a trusted flagger within the meaning of Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]

☐ Flagged by a user

☐ Measures taken on the provider's own motion

☐ Other

In accordance with Article 12(1) of the Regulation, providers are not to report potential online child sexual abuse detected through a removal order issued in accordance with the Regulation.

Specification of details regarding the manner in which the provider became aware, as indicated above:

(Text)

9) Has the provider reported, or will it report, the potential online child sexual abuse to a public authority or to another entity competent to receive such reports of a third country?

☐ Yes

☐ No

If yes, indicate the following:

- name of the public authority or other entity:

(Text)

- reference number of the case reported to the public authority or other entity:

(Text)

10) If the report concerns the dissemination of potential known or new child sexual abuse material, has the provider removed or disabled access to the material?

☐ Yes

☐ No

11) Has the provider taken any decision in respect of the user or users involved in relation to the potential online child sexual abuse (blocking account, suspending or terminating the provision of the service)?

☐ Yes

☐ No

If yes, specify decision:

(Text)

12) Where available, information about the child or children appearing to be victim of the potential online child sexual abuse:

- Username:

(Text)

- Email address:

(Text)

- Phone number:

(Text)

- Other (mailing address, profile information, other email addresses, other phone numbers, billing information, last login date, other user information or unique user identifier):

(Text)

13) Where relevant, other information related to the potential online child sexual abuse:

(Text – attach data as necessary)

SECTION 3: Date, time and signature

Date and time of issuance of the report, including time zone:

(Text)

Time stamp:

(Text)

Signature:

(Text)

ADDITION TO COMPROMISE 13

Annex VII and VIII

Annex VII

Covers: none

Fall: 1906 (S&D), 1907 (S&D)

Annex VIII

Covers: none

Fall: 1908 (S&D), 1909 (S&D)

ANNEX VII:

TEMPLATE FOR BLOCKING ORDERS

referred to in Article 17(1) of Regulation (EU) .../... [laying down rules to prevent and combat child sexual abuse]

BLOCKING ORDER ISSUED IN ACCORDANCE WITH REGULATION (EU) .../...
LAYING DOWN RULES TO PREVENT AND COMBAT CHILD SEXUAL ABUSE
(‘THE REGULATION’)

SECTION 1: Authorities having requested and issued the blocking order

Name of the Coordinating Authority having requested the issuance of the blocking order:

(Text)

Name of the competent judicial authority ~~or the independent administrative authority~~ having issued the blocking order:

(Text)

Reference of the blocking order:

(Text)

SECTION 2: Addressee of the blocking order

Name of the provider and, where applicable, of its legal representative:

(Text)

Contact point:

(Text)

SECTION 3: Measures to execute the blocking order, including additional safeguards:

The provider is to take the necessary measures to prevent users in the Union from having access to the known child sexual abuse material indicated by the following URLs:

(Text)

The blocking order applies to the following service provided by the provider in the Union:

(Text)

When executing the blocking order, the provider is to respect the following limits and/or to provide for the following safeguards, as referred to in Article 16(5) of the Regulation:

(Text)

SECTION 4: Reasons, period of application and reporting

The reasons for issuing the blocking order are as follows:

(Sufficiently detailed statement of reasons for issuing the blocking order)

The blocking order applies from ... (date) to (date)

The following reporting requirements apply, in accordance with Article 18(6) of the Regulation:

(Text)

SECTION 5: Contact details for follow-up

Contact details of the Coordinating Authority having requested the issuance of the order for feedback on the execution of the blocking order or further clarification, including the communications referred to in Article 17(5) of the Regulation:

(Text)

SECTION 6: Information about redress

Competent court before which the blocking order can be challenged, in accordance with Article 18(1) of the Regulation:

(Text)

Time periods for challenging the blocking order (days/months starting from):

(Text)

References or links to provisions of national law regarding redress:

(Text)

Where relevant, additional information regarding redress:

(Text)

A lack of compliance with this blocking order may result in penalties pursuant to Article 35 of the Regulation.

SECTION 7: Date, time and electronic signature:

Date of issuance of the blocking order:

(Text)

Time stamp:

(Text)

Electronic signature of the competent judicial authority or independent administrative authority having issued the blocking order:

(Text)

ANNEX VIII:

TEMPLATE FOR INFORMATION ABOUT THE IMPOSSIBILITY TO EXECUTE THE BLOCKING ORDER

referred to in Article 17(5) of Regulation (EU) .../... [laying down rules to prevent and combat child sexual abuse]

SECTION 1: Addressee of the blocking order

Name of the provider and, where applicable, of its legal representative:

(Text)

Point of contact:

(Text)

Contact details of the provider and, where applicable, of its legal representative:

(Text)

File reference of the addressee

(Text)

SECTION 2: Information regarding the blocking order

Name of the Coordinating Authority having requested the issuance of the blocking order:

(Text)

Competent judicial authority or independent administrative authority having issued the blocking order

(Text)

Reference of the blocking order

(Text)

Date and time of receipt of the blocking order, including time zone:

(Text)

SECTION 3: Non-execution

The provider cannot execute the blocking order within the mandatory time period for the following reasons (tick the relevant box(es)):

☐ The blocking order contains one or more manifest errors

☐ The blocking order does not contain sufficient information

Specify the manifest error(s) and/or the further information or clarification necessary, as applicable:

(Text)

SECTION 4: Date, time and signature

Date and time, including time zone:

(Text)

Signature:

(Text)