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NOTE

From: Presidency
To: Delegations

Subject: Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse
- Presidency compromise texts

1. State of play of the negotiations

At the meeting of JHA counsellors on 5 May 2026, the Presidency will inform delegations about the outcome of the seventh and the eighth interinstitutional meeting (ITM) on the Proposal for a Regulation laying down rules to prevent and combat child sexual abuse (CSA Regulation) and will ask for feedback from delegations to the Presidency compromise text proposals outlined in the Annex to this note in preparation of the fourth trilogue taking place at the Council premises on 11 May 2026.

The ITM on 23 April was dedicated to provisions related to Articles 3 to 5 on risk assessment, mitigation and reporting, following up on the political discussions at the third trilogue on 16 April. Co-legislators concluded that the Commission should provide compromise drafting reflecting the outcome of the third trilogue, that is to align this legislative proposal with the Digital Services Act (DSA), while ensuring that providers to whom the obligations under Article 34 and 35 DSA do not apply are not subject to more requirements than very large online platforms (VLOPs), before concluding the technical work on this part.

The ITM on 4 May is planned to deal with Chapter I on general provisions covering Articles 1 and 2 and Section 3 (reporting obligations, Articles 12 and 13), Section 4 (removal obligations, Articles 14-15), and Section 5 (blocking obligations, Articles 16-18) of Chapter II on obligations of providers, and the related relevant recitals 1-33 (with some of those being subject to later discussions, namely on risk assessment and mitigation as well as detection).

2. Provisionally agreed lines and request for feedback from delegations

A. Identical lines proposed for endorsement at the trilogue

The following lines of the formula, Articles 1,2 and 12-18, and the related recitals 1-33 are identical in the mandates of both co-legislators and are expected to be proposed for endorsement at the next trilogue:

1-11, 24, 36, 96, 97, 98, 100, 103, 106, 107, 108, 113, 114, 115, 116, 116a, 119, 120, 121, 124, 125, 126, 127, 128, 130, 132-135, 136, 138, 140, 141, 298, 305, 307, 308, 317, 318, 319, 320, 325, 329, 332, 341, 342, 345, 346, 347, 349, 351, 353, 356, 357, 370, 374, 379, 383, 385, 386, 387, 389.

B. Lines requiring feedback from delegations

The Presidency invites delegations to examine the compromise texts suggested in the Annex and in particular the following lines:

Article 1

- Line 109b: Suggestion to include a new paragraph to reflect an amendment by the EP in alignment with the Regulation (EU) 2021/784 on addressing the dissemination of terrorist content online (TCO), including an exception for possible detection obligations in brackets.

“Nothing in this Regulation shall be understood as a general obligation for relevant information society service providers to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity. [This does not concern detection obligations in a specific case and, in particular, does not affect detection orders adopted in accordance with this Regulation. Nothing in this Regulation shall be interpreted as introducing a general data retention obligation.]”

- Line 111d: Suggestion to delete paragraph 3a and reflect its content in a recital.

Article 2

- Line 129: Suggestion to provide a clear definition of ‘micro, small or medium-sized enterprise’, independent from a Commission recommendation.
- Line 141c: Suggestion to delete the definition of “metadata” as this concept is not used in other articles of the operative part.

Article 12

- Line 299: Suggestion to revert to proposal title.
- Line 300: Suggestion to align with DSA language (article 16(3) DSA).
- Line 301: Suggested simplification.
- Line 302: Suggestion to drop the extended period for providers to inform users given that the period for non-disclosure to avoid interference with investigations remains fixed at a maximum of 18 months (see line 679).
- Lines 304-304c: Limitation to interpersonal communications services and alignment with DSA (that covers hosting services in Article 16).

Article 13

- Lines 308a-315: Suggestion for elements to be included in the reports from providers.

Article 14

- Lines 321b-d: Suggestion, in alignment with e-evidence Regulation, to issue the removal order to the provider acting as controller in accordance with Regulation (EU) 2016/679 unless specific exceptions apply.
- Lines 322 (and 343a in Article 15): Extended deadline for micro, small and medium sized enterprises to execute a removal order and integration of relevant provisions regarding the activities of providers following the redress procedure.

- Lines 327 and 328: Suggestion to reinstate the text of the Commission proposal.
- Line 329a: Suggestion to delete.
- Line 340: Suggestion that providers must send information about the execution of removal orders also to the EU Centre.

Article 14a

- The EP is checking whether it can support the introduction of cross-border removal orders in alignment with the TCO Regulation.
- Lines 341 h, i, l (and 355a in Article 15) were included in the Council mandate to accommodate constitutional concerns of Member States. The Presidency invites affected Member States to give their arguments why these provisions should be kept.

Article 15

- Line 349a: Mirroring provision to blocking orders (line 399).
- Line 352: Period of non-disclosure by providers – align with TCO Regulation (6 months) or insist on Council mandate? (12 months). In the latter case, the Presidency invites Member States to explain why a 12-month period is appropriate.
- Line 355: Suggestion to reinstate the sentence “Article 14(3) shall apply to that decision.”

Article 16

- Lines 359-364: The Council deleted the provisions regarding the assessment and information obligations of Coordinating Authorities. The Presidency invites Member States to give their arguments why these provisions should remain excluded or, if applicable, express flexibility to reinstate them.
- Line 376: Possibility to extend the duration of blocking orders if necessary and justified.

Article 17

- Line 391: Suggestion to simplify.
- Lines 393a-c: The Council introduced reporting obligations by the provider to the issuing authority. The Presidency invites Member States to give their arguments why these provisions should be kept or, if applicable, express flexibility to delete them.

Article 18

- The Presidency intends to mirror the agreed provisions from Article 15.
- Lines 404-406: The Council deleted some provisions regarding the redress, information and reporting of blocking orders. The Presidency invites Member States to give their arguments why these provisions should remain excluded or, if applicable, express flexibility to reinstate them.

Recitals

- Line 29b: Suggestion to include text on parental control features and functionalities.
- Line 40a: Suggestion to delete as there is no mirroring provision on “metadata” in the operative part.

C. Political issues in preparation of the trilogue

- **Scope of material covered by this Regulation (Article 1, line 106a)**

The EP has excluded “audio communications” from the scope of the Regulation, thereby limiting the scope to videos, text and images, whereas the Commission proposal and the Council mandate do not contain such a limitation.

The Presidency invites delegations to consider whether they can accept to exclude “audio communications” from the scope. Where delegations consider that audio communications should be covered by the scope of this Regulation, they are requested to provide arguments why this is relevant.

- **Scope of providers covered by this Regulation (Article 2, line 122)**

The Council mandate includes “interpersonal communications services”, as proposed by the Commission, in the scope of this Regulation, while the EP makes only “number-independent interpersonal communications services” subject to the provisions of this Regulation.

The Presidency invites delegations to consider whether they can accept to exclude “number-dependent interpersonal communications services” from the scope and to provide relevant arguments in this regard.

- **Authorities in charge of issuing orders (Articles 14, 16 and 18a)**

The Council mandate provides all competent authorities (in the case of blocking orders the “competent authorities of establishment”) with the power to issue removal, blocking or delisting orders, whereas Member States may decide that orders can only be issued by or with the prior authorisation of a judicial authority. However, the EP limits this power in general to judicial authorities upon request of the Coordinating Authority of establishment.

The Presidency invites delegations to indicate if they have flexibility concerning the designation of authorities having the power to issue removal, blocking or delisting orders and/or whether a distinction should be made between the different orders. A relevant consideration in this regard is also the expected frequency of issuing these orders. Any experience from TCO Regulation may be relevant in this context.

- **Blocking orders (Articles 16-18)**

The Presidency has identified several political issues with regard to blocking orders beyond the matter of authorities issuing the orders (see line 358):

- (a) reference to requirements of national law;
- (b) whether blocking orders should also apply to new CSAM (proposal and EP mandate only refer to known CSAM in this regard) and if so, how would this work in practice;
- (c) mandatory provision of exact uniform resource locators (see also line 328).

The Presidency invites delegations to provide their views on the elements mentioned above related to the issuing of blocking orders.

- **Delisting orders (Articles 18a-18c)**

The EP has not included delisting orders in its mandate. The Presidency invites Member States to give their arguments why delisting orders should be kept or, if applicable, express flexibility to drop them in exchange for EP concessions to the Council on other pending political issues.

3. Questions to Member States

Member States are invited:

1. to examine the suggested compromise text in the Annex and indicate whether they have any additional comments.
2. to examine the suggestions (point B) and provide feedback.
3. to provide their preliminary views on the political issues in preparation of the trilogue (point C).

The Presidency invites delegations to provide their **comments at the meeting of JHA counsellors on 5 May 2026 or in writing by 6 May 2026 COB.**

4. Next steps

Following the ITM on 4 May 2026 and taking into account the feedback from delegations, the Presidency intends to reach general political agreement on some of the issues mentioned in this note at the trilogue on 11 May 2026.

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse (Text with EEA relevance)
2022/0155(COD)**

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
Formula				
1	2022/0155 (COD)	2022/0155 (COD)	2022/0155 (COD)	2022/0155 (COD) Identical
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse (Text with EEA relevance) Identical
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Identical
Citation 1				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, Identical
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Identical
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Identical
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. . Identical
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , _____	Having regard to the opinion of the Committee of the Regions ¹ , _____	Having regard to the opinion of the Committee of the Regions ¹ , _____	Having regard to the opinion of the Committee of the Regions ¹ , _____

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	1. OJ C , , p . .	1. OJ C , , p . .	1. OJ C , , p . .	1. OJ C , , p . . Identical
Citation 6				
9	Having regard to the opinion of the European Data Protection Board and the European Data Protection Supervisor ¹ , <u>1. OJ C , , p . .</u>	Having regard to the opinion of the European Data Protection Board and the European Data Protection Supervisor ¹ , <u>1. OJ C , , p . .</u>	Having regard to the opinion of the European Data Protection Board and the European Data Protection Supervisor ¹ , <u>1. OJ C , , p . .</u>	Having regard to the opinion of the European Data Protection Board and the European Data Protection Supervisor ¹ , <u>1. OJ C , , p . .</u> Identical
Citation 7				
10	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Identical
Formula				
11	Whereas:	Whereas:	Whereas:	Whereas: Identical
Recital 1				
12	(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	(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. <u>However,</u>	(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	(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. <u>However,</u>

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	perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children’s rights and well-being, as is required under the Charter of Fundamental Rights of the European Union (‘Charter’), and to protect society at large. Users of such services offered in the Union should be able to trust that the services concerned can be used safely, especially by children.	<i>these services are also used by but also for perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences <u>that often cause long-lasting negative consequences on victims</u> and that need to be prevented and combated effectively in order to protect children’s rights and well-being, as is required under the Charter of Fundamental Rights of the European Union (‘Charter’), and to protect society at large. Users of such services offered in the Union should be able to trust that the services concerned can be used safely <u>in a trusted online environment</u>, especially by children.</i>	perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children’s rights and well-being, as is required under the Charter of Fundamental Rights of the European Union (‘Charter’), and to protect society at large. Users of such services offered in the Union should be able to trust that the services concerned can be used safely, especially by children.	<i>these services are also used by but also for perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences <u>that often cause long-lasting negative consequences on victims</u> and that need to be prevented and combated effectively in order to protect children’s rights and well-being, as is required under the Charter of Fundamental Rights of the European Union (‘Charter’), and to protect society at large. Users of such services offered in the Union should be able to trust that the services concerned can be used safely, especially by children.</i>
Recital 2				
13	(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	(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	(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	(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

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	being misused for the purpose of child sexual abuse, those providers often being the only ones in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.	being misused for the purpose of child sexual abuse, those providers often being the only ones in a <u>unique</u> position to prevent and combat such abuse. The measures taken should be <u>effective</u> , targeted, <u>evidence-based</u> , carefully balanced, and proportionate, <u>and subject to constant review</u> 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 <u>directly or indirectly</u> imposing any excessive burdens on the providers of the services.	being misused <u>used</u> for the purpose of child sexual abuse, those providers often being the only ones in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.	being misused for the purpose of child sexual abuse, those providers often being the only ones in a <u>unique</u> position to prevent and combat such abuse. The measures taken should be <u>effective</u> , targeted, <u>evidence-based</u> , carefully balanced, and proportionate, <u>and subject to constant review</u> 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 <u>directly or indirectly</u> imposing any excessive burdens on the providers of the services.
Recital 3				
14	(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of	(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse <u>and more generally to protect children online</u> , in particular by imposing requirements on providers of relevant information society	(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of	(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse <u>and more generally to protect children online</u> , in particular by imposing requirements on providers of relevant information society

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	the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.	services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which <u>sometimes</u> diverge, <u>can</u> 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.	the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.	services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which <u>sometimes</u> diverge, <u>can</u> 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.
Recital 4				
15	(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and	(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform, <u>effective, proportionate and carefully</u> and balanced rules to prevent and combat child sexual abuse in a manner that is effective, <u>targeted and proportionate</u> , 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	(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and	(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform, <u>and carefully</u> and balanced rules to prevent and combat child sexual abuse in a manner that is effective, <u>targeted and proportionate</u> , 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

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	future-proof manner, so as not to hamper innovation.	them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper <u>they stimulate innovation and technological development to prevent and combat online child sexual abuse.</u>	future-proof manner, so as not to hamper innovation.	down in technology-neutral and future-proof manner, so as -not to hamper innovation <u>and to stimulate technological development to prevent and combat online child sexual abuse.</u>
Recital 5				
16	(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they	(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 <u>number-independent</u> interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as <u>services as are</u> 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 <u>online</u>	(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused <u>used</u> for the purpose of online child sexual abuse. As they are increasingly misused <u>used</u> for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as <u>services are</u> publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they	(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 <u>number-independent</u> interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as <u>services are</u> 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 <u>online games</u> , image-sharing and video-

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	<p>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.</p>	<p><u>games</u>, image-sharing and video-hosting are <u>equally also</u> at risk of misuse <u>for the purpose of online child sexual abuse</u>, 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 <u>without lowering child protection standards</u>.</p>	<p>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 misusedused 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.</p>	<p>hosting are <u>equally also</u> at risk of misuse <u>for the purpose of online child sexual abuse</u>, 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 <u>without lowering child protection standards</u>.</p> <p>Bracketed part: pending outcome of the discussion on scope</p>
Recital 6				
17	<p>(6) Online child sexual abuse frequently involves the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing</p>	<p>(6) Online child sexual abuse frequently involves <u>can also involve</u> 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</p>	<p>(6) Online child sexual abuse frequently involves the misuseuse 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</p>	<p>(6) Online child sexual abuse frequently involves the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing</p>

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	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.	level playing field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.	field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.	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.
Recital 7				
18	(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 Council ¹ , Directive 2000/31/EC of the European Parliament and of the Council ² and Regulation (EU) .../... of the European Parliament and of the Council ³ [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC], Directive 2010/13/EU of the European Parliament and of the Council ⁴ , Regulation (EU) 2016/679 of the European Parliament and of the Council ⁵ , and Directive 2002/58/EC of the European Parliament and of the Council ⁶ .	(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 Council ¹ , Directive 2000/31/EC of the European Parliament and of the Council ² and Regulation (EU) .../... 2022/2065 of the European Parliament and of the Council ³ , for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC , Directive 2010/13/EU of the European Parliament and of the Council ⁴ , Regulation (EU) 2016/679 of the European Parliament and of the Council ⁵ , and Directive 2002/58/EC of the European Parliament and of the Council ⁶ .	(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) .../... of the European Parliament and of the Council³ [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC], Directive 2010/13/EU of the European Parliament and of the 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.	(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) .../... of the European Parliament and of the Council³ [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC], Directive 2010/13/EU of the European Parliament and of the 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. deleted

CLEAN	Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	<p>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).</p> <p>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).</p> <p>3. Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L).</p> <p>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).</p> <p>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).</p> <p>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</p>	<p>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).</p> <p>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).</p> <p>3. Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L).</p> <p>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).</p> <p>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).</p> <p>6. Directive 2002/58/EC of the European Parliament and of the Council of 12 July</p>	<p><i>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).</i></p> <p><i>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).</i></p> <p><i>3. Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L).</i></p> <p><i>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).</i></p> <p><i>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).</i></p> <p><i>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</i></p>	<p><i>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).</i></p> <p><i>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).</i></p> <p><i>3. Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L).</i></p> <p><i>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).</i></p> <p><i>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).</i></p> <p><i>6. Directive 2002/58/EC of the European Parliament and of the Council of 12 July</i></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).	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).	<i>privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).</i>	<i>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).</i> Linked to line 19
Recital 8				
19	(8) This Regulation should be considered <i>lex specialis</i> in relation to the generally applicable framework set out in Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] apply in respect of issues that are not or not fully addressed by this Regulation.	(8) This Regulation should be considered <i>lex specialis</i> in relation to the generally applicable framework set out in Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] <u>2022/2065</u> laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] <u>2022/2065</u> apply in respect of issues that are not or not fully addressed by this Regulation.	(8) This Regulation should be considered <i>lex specialis</i> in relation to the generally applicable framework set out in <u>apply without prejudice to other Union acts, in particular</u> Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] <u>2022/2065 of the European Parliament and of the Council¹</u> laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] apply in respect of issues that are not or not fully addressed by this Regulation.	(8) This Regulation should <u>apply without prejudice to other Union acts, in particular Directive 2011/93/EU of the European Parliament and of the Council¹, Directive 2000/31/EC of the European Parliament and of the Council², Directive 2010/13/EU of the European Parliament and of the Council³, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴, and Directive 2002/58/EC of the European Parliament and of the Council⁵</u> and be considered <i>lex specialis</i> in relation to the generally applicable framework set out in Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] laying down harmonised rules on the provision

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<p><u>1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1).</u></p>	<p>of certain information society services in the internal market<u>2022/2065 of the European Parliament and of the Council⁶. The rules set out in Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] apply in respect of issues that are not or not fully addressed by this Regulation.</u></p> <p><u>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).</u></p> <p><u>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).</u></p> <p><u>3. 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).</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				<p>4. 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).</p> <p>5. 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).</p> <p>6. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1).</p>
Recital 9a				
20a		<p>(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</p>		<p>(9a) Encryption, in particular end-to-end encryption, is an important tool to guarantee the security and confidentiality of the communications. Any restrictions or undermining of the end-to-end encryption can be used and abused by malicious third parties. Having regard to the availability of technologies that can be used to meet the requirements of this Regulation</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
		<u><i>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.</i></u>		<u><i>whilst still allowing for end-to-end encryption, nothing in this Regulation should be understood as prohibiting, weakening or circumventing, requiring to disable, or making end-to-end encryption impossible. Providers should remain free to offer services using end-to-end encryption and should not be obliged by this Regulation to decrypt data or to provide access to end-to-end encrypted data.</i></u> Also covers CNS AM from line 37
Recital 10				
21	(10) In the interest of clarity and consistency, the definitions provided for in this Regulation should, where possible and appropriate, be based on and aligned with the relevant definitions contained in other acts of Union law, such as Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC].	(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) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> .	(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) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> .	(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) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> .
Recital 11				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
22	<p>(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the 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</p>	<p>(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, on the basis of the existence of a significant <u>where the number of users recipients of the service</u> in one or more Member States <u>is significant in relation to its or their population, or on the basis of</u> or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency - generally used in that Member State, or the 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</p>	<p>(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the 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</p>	<p>(11) A substantial connection to the Union should be considered to exist where the relevant information society services <u>service</u> has an establishment in the Union or, in its absence, on the basis of the existence of a significant <u>where the number of users recipients of the service</u> in one or more Member States <u>is significant in relation to the population thereof, or on the basis of</u> or the targeting of activities towards one or more Member States should <u>can</u> 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</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	<p>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 Council¹. Mere technical accessibility of a website from the Union should not, alone, be considered as establishing a substantial connection to the Union.</p> <p>¹ 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).</p>	<p>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 Council¹. Mere technical accessibility of a website from the Union should not, <u>on that ground</u> alone, be considered as establishing a substantial connection to the Union.</p> <p>¹ 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).</p>	<p>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 Council¹. Mere technical accessibility of a website from the Union should not, alone, be considered as establishing a substantial connection to the Union.</p> <p>¹ 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).</p>	<p>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 Council¹. Mere technical accessibility of a website from the Union should not, <u>on that ground</u> alone, be considered as establishing a substantial connection to the Union.</p> <p>¹ 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).</p> <p>Criteria are aligned with recital 16 TCO and recital 8 DSA.</p>
Recital 12				
23	(12) For reasons of consistency and technological	(12) For reasons of consistency and technological	(12) For reasons of consistency and technological	(12) For reasons of consistency and technological

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	<p>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.</p>	<p>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.</p>	<p>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.</p>	<p>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 <u>or handbooks providing advice on how to find, groom and abuse children while avoid being identified and prosecuted</u>, without it however being excluded that it takes other forms, especially in view of future technological developments. <u>Material exchanged in interpersonal communications between consenting peers and children over the age of sexual consent and their partners should not be considered child sexual abuse material insofar that material is not linked to any abuse or exploitation or payment or remuneration for pornographic performance and</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				<p><u>has not been disseminated without the consent of the parties involved.</u></p> <p>Also covers EP AM in line 32a; added reference to handbooks following discussions in Directive</p>
Recital 12a				
23a			<p><u>(12a) In the light of the more limited risk of their use for the purpose of child sexual abuse and the need to preserve confidential information, including classified information, information covered by professional secrecy and trade secrets, electronic communications services that are not publicly available, such as those used for national security purposes, should be excluded from the scope of this Regulation. Accordingly, this Regulation should not apply to interpersonal communications services that are not available to the general public and the use of which is instead restricted to persons involved in the activities of a particular company, organisation, body or authority.</u></p>	<p><u>(12a) In the light of the more limited risk of their use for the purpose of child sexual abuse and the need to preserve confidential information, including classified information, information covered by professional secrecy and trade secrets, electronic communications services that are not publicly available, such as those used for national security purposes, should be excluded from the scope of this Regulation. Accordingly, this Regulation should not apply to interpersonal communications services that are not available to the general public and the use of which is instead restricted to persons involved in the activities of a particular company, organisation, body or authority.</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
Recital 13				
24	<p>(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.</p>	<p>(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.</p>	<p>(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.</p>	<p>(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.</p> <p>Identical</p>
Recital 14				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
25	<p>(14) With a view to minimising the risk that their services are misused for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.</p>	<p>(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 <u>number independent</u> interpersonal communications services should assess such risk for each of the <u>stemming, inter alia, from the design, functioning and use of their</u> services that they offer in the Union. <u>That risk assessment should be specific to the services they offer and proportionate to the risk considering its severity and probability.</u> To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are</p>	<p>(14) With a view to minimising the risk that their services are misused <u>used</u> for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.</p>	<p>(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 <u>[number-independent]</u> interpersonal communications services should assess such risk for each of the <u>stemming, inter alia, from the design, functioning and use of their</u> services that they offer in the Union. <u>That risk assessment should be specific to the services they offer.</u> To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
		offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons-		is updated regularly and when needed for particular reasons.
Recital 15				
26	(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] with respect to information that they store and disseminate to the public. For the purposes of the present Regulation, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.	(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) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>with 2022/2065</u> respect to information that they store and disseminate to the public. For the purposes of the present Regulation, <u>and in order to ensure consistency and avoid unnecessary burdens and duplications,</u> those providers may draw on such a risk assessment <u>for the purpose of the risk assessment under this Regulation</u> and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual	(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) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> with respect to information that they store and disseminate to the public. For the purposes of the present Regulation, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.	(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) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>with 2022/2065</u> respect to information that they store and disseminate to the public. For the purposes of the present Regulation, <u>and in order to ensure consistency and avoid unnecessary burdens and duplications,</u> those providers may draw on such a risk assessment <u>for the purpose of the risk assessment under this Regulation</u> and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
		abuse, as required by this Regulation.		abuse, as required by this Regulation. Pending outcome of discussions on Article 3
Recital 18b				
29b		<u>(18a) Parental control features and functionalities should be limited to allowing allow parents, or guardians only to prevent children from accessing platforms or services that are inappropriate for their age or fall under an age-restriction applicable under national law, or to help prevent them from being exposed to content that is inappropriate. Those measures should be in accordance with Regulation (EU) 2016/679 and the Convention on the Rights of the Child, in particular General Comment 25 (2021) on children's rights in relation to the digital environment, respect the integrity and safety of the device and not allow unauthorised access or control by third parties.</u>		<u>(18b) Parental control features and functionalities should only allow parents or guardians to prevent children from accessing platforms or services that are inappropriate for their age or fall under an age-restriction applicable under national law, or to help prevent them from being exposed to content that is inappropriate. Those measures should be in accordance with Regulation (EU) 2016/679 and the Convention on the Rights of the Child, in particular General Comment 25 (2021) on children's rights in relation to the digital environment, respect the integrity and safety of the device and not allow unauthorised access or control by third parties.</u> CNS to check
Recital 18c				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
29c		<u><i>(18b) Providers should have to establish and operate an accessible, age-appropriate, child-friendly and user-friendly reporting mechanism that allows any user or entity to flag or notify them the presence of potential online child sexual abuse on their services, including self-generated material.</i></u>		<u><i>(18c) Providers [of interpersonal communications services] should have to establish and operate an accessible, age-appropriate, child-friendly and user-friendly reporting mechanism that allows any user or entity to flag or notify them the presence of potential online child sexual abuse on their services, including self-generated material.</i></u> Notice-and-action is governed by the DSA for hosting services but interpersonal communications could be covered here.
Recital 21a				
32a		<u><i>(21a) The definition of child sexual abuse material provided in Article 2 has to be interpreted taking into account Directive 2011/93/EU. Therefore, personal communication between consenting peers as well as children over the age of sexual consent and their partners are out of the scope of the definition insofar those images does not involve any abuse or exploitation or payment or remuneration for pornographic performance and</i></u>		<u><i>(21a) delete</i></u> Covered in line 23

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
		<p><u>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.</u></p>		
Recital 25				
36	<p>(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</p>	<p>deleted</p>	<p>(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</p>	<p>(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</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	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.		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.	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. <u>delete</u>
Recital 27a				
38a		<u>(27a) Since the Commission consultations to the EDPB regarding several aspects of this Regulation will entail more work for the EDPB, its budget and staffing should be adapted accordingly. The situation of national authorities, who likewise will be regularly consulted by service providers, should also reflect their increased responsibilities.</u>		<u>(27a) deleted</u> TBD - Suggestion to delete. The provision of financial resources and staff is for the budgetary authority to decide.
Recital 29				
40	(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and	(29) Providers of hosting services, and providers of publicly available <u>number-independent</u> 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	(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and	(29) Providers of hosting services, and providers of publicly available <u>number-independent</u> 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

CLEAN	Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	<p>prosecute child sexual abuse offences. Therefore, they should be required to report on potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and</p>	<p>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 child sexual abuse <u>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.</u> Where such reasonable grounds exist, doubts about the potential victim's age <u>The removal or disabling of access should not prevent those providers from submitting reports respect the fundamental rights of the recipients of the service, including the right to freedom of expression and of information.</u> In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. <u>Providers can obtain such actual knowledge on potential online child sexual</u></p>	<p>prosecute child sexual abuse offences. Therefore, they should be required to report on potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, <u>voluntary activities under Regulation (EU) 2021/1232</u> information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an</p>	<p>investigate and prosecute child sexual abuse offences. Therefore, they should be required to report on upon obtaining actual knowledge or awareness of potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. <u>Where such reasonable grounds exist, doubts about the potential victim's age</u> <u>they should be required to act expeditiously to remove or to disable access to that content and to report it to the EU Centre in accordance with this Regulation.</u> <u>The removal or disabling of access should not prevent those providers from submitting reports respect the fundamental rights of the recipients of the service, including the right to freedom of expression and of information.</u> In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. <u>Providers can obtain such actual</u></p>

CLEAN	Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	<p>should ensure that the reports are as complete as possible before submitting them.</p>	<p>abuse on their servicesSuch awareness could, for example, be obtained<u>through its own-initiative investigations</u>, through the execution of detection orders, <u>through notifications done by the Coordinating Authorities, as well as through</u> information flagged by users, <u>self-reported by victims</u> or organisations, <u>such as hotlines</u>, acting in the public interest against child sexual abuse. <u>To this end, it is important that</u> or activities conducted on the providers' own initiative. Those providers, <u>regardless of their size, have the obligation to put in place mechanisms that facilitate the flagging or notification of online child sexual abuse. Those reports</u> should report <u>contain</u> a minimum of information, as specified in this Regulation, for<u>and providers should ensure the quality of the information submitted so the EU Centre can conduct its assessment and</u> competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the<u>can focus</u></p>	<p>investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.</p>	<p><u>knowledge on potential online child sexual abuse on their services</u>Such awareness could, for example, be obtained<u>through their own-initiative investigations</u> <u>through the execution of detection orders,</u> <u>through notifications done by the competent authorities, as well as through</u> information flagged by users, <u>self-reported by victims</u> or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those<u>including hotlines. To this end, it is important that</u> providers, <u>regardless of their size, have the obligation to put in place mechanisms that facilitate the flagging or notification of online child sexual abuse. The reports</u> should report a minimum of<u>at least contain the</u> information, as<u>and providers should ensure the completeness and quality of the information submitted, so the EU Centre can check whether reports are manifestly unfounded and,</u> for competent law enforcement authorities to be able</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
		<u>on</u> reports <u>that are most likely to lead to the recovery of a child or/and the arrest of an offender, or both</u> are as complete as possible before submitting them.		to <u>can</u> assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them. Bracketed parts: linked to discussion on scope/detection
Recital 29a				
40a			<u>(29a) Metadata connected to reported potential online child sexual abuse may be useful for investigative purposes and for the purpose to identify a suspect of a child sexual abuse offence.</u>	<u>(29a) delete</u> There is no corresponding provision in the operative part.
Recital 30				
41	(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the	(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection <u>and in order to stop or limit its dissemination,</u> Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided	(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment <u>the competent authority of each Member State, where applicable its judicial authority,</u> should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the	(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection <u>and in order to stop or limit its dissemination, [</u> Coordinating Authorities of establishment <u>establishment/the competent authorities of each Member State, where applicable its judicial authority]</u> should have the power <u>[</u> to request competent judicial authorities or independent administrative authorities] to issue a removal order addressed to providers of hosting services. As

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

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				Bracketed parts: pending outcome of discussions on lines 321, 321b-d
Recital 31				
42	(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC].	(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> .	(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders <u>or the rules on no general monitoring or active fact-finding obligations</u> set out in Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> .	(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders <u>or the rules on no general monitoring or active fact-finding obligations</u> set out in Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> .
Recital 31a				
42a			<u>(31a) The rules of this Regulation should not be understood as affecting the relevant national requirements providing, in accordance with Union law, procedural safeguards regarding the issuing of removal, blocking or delisting orders, such as the control of the conformity with the applicable legal requirements of these orders by an independent authority.</u>	<u>(31a) The rules of this Regulation should not be understood as affecting the relevant national requirements providing, in accordance with Union law, procedural safeguards regarding the issuing of [detection], removal [or,] blocking [or delisting] orders, such as the control of the conformity with the applicable legal requirements of these orders by an independent authority.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				Bracketed parts: pending outcome of the discussions on detection and delisting orders
Recital 31b				
42b			<p><u>(31b) In order to allow Member States to organise the process of issuance of removal, blocking or delisting orders in a manner compatible with their respective constitutional requirements and to enhance prior judicial control where deemed appropriate, they should have the possibility to require their respective competent authorities to request the competent judicial authority of the Member State concerned to issue some or all of those three types of orders under this Regulation. That possibility to derogate should however only concern the question which authority issues the orders. Accordingly, when a Member State makes use of that possibility, the competent authority concerned should remain responsible for assessing the need for the order at stake and for complying with all of the procedural requirements of this</u></p>	<p><u>(31b) In order to allow Member States to organise the process of issuance of [detection,] removal [or,] blocking [or delisting] orders in a manner compatible with their respective constitutional requirements and to enhance prior judicial control where deemed appropriate, they should have the possibility to require their respective competent authorities to request the competent judicial authority of the Member State concerned to issue some or all of those three types of orders under this Regulation. That possibility to derogate should however only concern the question which authority issues the orders. Accordingly, when a Member State makes use of that possibility, the competent authority concerned should remain responsible for assessing the need for the order at stake and for complying with all of the</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<p><u>Regulation related to its preparation and follow-up. In that case, whilst it is for the competent judicial authority to conduct an additional verification of whether the conditions of this Regulation for issuing the order in question have been met, those conditions themselves should remain unaltered and be applied consistently across the Union. In the interest of effectiveness, that possibility should be subject to the Member State concerned taking all reasonable measures to ensure that the issuance of the orders by their judicial authorities does not lead to any undue delays. In addition, in the interest of transparency and legal certainty, it should be ensured that the necessary information regarding the use of the possibility is publicly available.</u></p>	<p><u>procedural requirements of this Regulation related to its preparation and follow-up. In that case, whilst it is for the competent judicial authority to conduct an additional verification of whether the conditions of this Regulation for issuing the order in question have been met, those conditions themselves should remain unaltered and be applied consistently across the Union. In the interest of effectiveness, that possibility should be subject to the Member State concerned taking all reasonable measures to ensure that the issuance of the orders by their iudicial authorities does not lead to any undue delays. In addition, in the interest of transparency and legal certainty, it should be ensured that the necessary information regarding the use of the possibility is publicly available.</u></p> <p>Pending outcome of the discussions detection and delisting orders as well as on Art. 14(1a), Art. 16(1a) and Art. 18a(1a)</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
Recital 31c				
42c			<p><u>(31c) In the interest of effectiveness, it should be possible for the competent authorities of Member States to issue, in accordance with this Regulation, removal orders also against providers of hosting services that have their main establishment, or their legal representative, in another Member State. Given the particularity of this situation, it is appropriate to provide for a specific procedure applicable to such cross-border removal orders, so as to allow, but not require under Union law, the Coordinating Authority of that Member State to scrutinise them in respect of certain serious or manifest infringements that may occur in exceptional cases, insofar as the application of that specific procedure is required to comply with the constitutional law of the relevant Member State. To that aim, such cross-border removal orders should be transmitted via that Coordinating Authority to the provider of hosting services concerned.</u></p>	<p><u>(31c) In the interest of effectiveness, it should be possible for the competent authorities of Member States to issue, in accordance with this Regulation, removal orders also against providers of hosting services that have their main establishment, or their legal representative, in another Member State. Given the particularity of this situation, it is appropriate to provide for a specific procedure applicable to such cross-border removal orders, so as to allow, but not require, under Union law, the Coordinating Authority of that Member State to scrutinise them in respect of certain serious or manifest infringements that may occur in exceptional cases, insofar as the application of that specific procedure is required to comply with the constitutional law of the relevant Member State. To that aim, such cross-border removal orders should be transmitted via that Coordinating Authority to the provider of hosting services concerned.</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<p><u>However, if that Coordinating Authority establishes by reasoned decision, after having carried out a diligent and objective assessment and after having informed the Coordinating Authority of the Member State whose authority issued the removal order and taken into account its response insofar as possible, that such an infringement occurred, the removal order should not be transmitted and should not take legal effect, it then being for the authority that issued the cross-border removal order to take the necessary steps to withdraw or annul it upon being notified of the reasoned decision. All actions required as part of this procedure should be taken as swiftly as possible and in any event within the set time periods, so as to ensure that any undue delays are avoided, and as much as possible in sincere cooperation between the competent authorities involved.</u></p>	<p><u>However, if that Coordinating Authority establishes by reasoned decision, after having carried out a diligent and objective assessment and after having informed the Coordinating Authority of the Member State whose authority issued the removal order and taken into account its response insofar as possible, that such an infringement occurred, the removal order should not be transmitted and should not take legal effect, it then being for the authority that issued the cross-border removal order to take the necessary steps to withdraw or annul it upon being notified of the reasoned decision. All actions required as part of this procedure should be taken as swiftly as possible and in any event within the set time periods, so as to ensure that any undue delays are avoided, and as much as possible in sincere cooperation between the competent authorities involved.</u></p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				Pending agreement on whether to include Art. 14a on cross-border removal orders.
Recital 32				
43	(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	(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	(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	(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 <u>at source</u> , 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, <u>and having regard in particular to the quantity and nature of that material, the need to protect the rights of the victims and the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	access of users in the Union to the material.	access of users in the Union to the material.	material, <u>when less intrusive measures such as the removal of the material are not reasonably possible or it is likely that such measures will fail.</u>	<u>existence and implementation by the provider of a policy to address the risk of such dissemination,</u> 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, <u>when less intrusive measures such as the removal of the material are not reasonably possible or it is likely that such measures will fail.</u> EP amendment in line 367 reflected here.
Recital 33				
44	(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 resource 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,	(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 resource 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,	(33) In the interest of consistency, efficiency and effectiveness and to minimise the risk of circumvention, such blocking orders should <u>could</u> be based on the list of uniform resource 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	(33) In the interest of consistency, efficiency and effectiveness and to minimise the risk of circumvention, such blocking orders should <u>could/should</u> be based on the list of uniform resource 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

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	<p>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.</p>	<p>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.</p>	<p>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.</p>	<p>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.</p> <p>Pending the outcome of the discussions on line 358</p>
CHAPTER I				
97	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS Identical
Article 1				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
98	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope Identical
Article 1(1), first subparagraph				
99	1. This Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse in the internal market.	1. This Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse, <u>in order to contribute to the proper functioning of</u> 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;	1. This Regulation lays down uniform rules to address the misuse <u>prevent and combat in a targeted, carefully balanced and proportionate manner the use</u> of relevant information society services for online child sexual abuse in the internal market.	1. This Regulation lays down uniform rules to address <u>prevent and combat in a targeted, carefully balanced and proportionate manner</u> the misuse of relevant information society services for online child sexual abuse in <u>order to contribute to the proper functioning of a safe, predictable and trusted online environment in</u> the internal market. TCO also refers to 'misuse' of services; wording safe, predictable and trusted, is in DSA.
Article 1(1), second subparagraph				
100	It establishes, in particular:	It establishes, in particular:	It establishes, in particular:	It establishes, in particular: Identical
Article 1(1), second subparagraph, point (a)				
101	(a) obligations on providers of relevant information society services to minimise the risk that	(a) obligations on providers of relevant information society services to minimise the risk that	(a) obligations on providers of relevant information society services to <u>effectively</u> minimise	(a) obligations on providers of relevant information society services to <u>effectively</u> minimise

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	their services are misused for online child sexual abuse;	their services are misused for online child sexual abuse;	the risk that their services are misused <u>used</u> for online child sexual abuse;	the risk that their services are misused <u>used</u> for online child sexual abuse; EP to check
Article 1(1), second subparagraph, point (b)				
102	(b) obligations on providers of hosting services and providers of interpersonal communication services to detect and report online child sexual abuse;	(b) obligations on providers of hosting services and providers of <u>number-independent</u> interpersonal communication services to detect and report online child sexual abuse;	(b) obligations on providers of hosting services and providers of interpersonal communication <u>communications</u> services to detect and report online child sexual abuse;	(b) obligations on providers of hosting services and providers of <u>number-independent</u> interpersonal communication services to <u>detect and</u> report online child sexual abuse; Bracketed parts pending agreement on scope and detection Linked to voluntary detection/detection orders
Article 1(1), second subparagraph, point (c)				
103	(c) obligations on providers of hosting services to remove or disable access to child sexual abuse material on their services;	(c) obligations on providers of hosting services to remove or disable access to child sexual abuse material on their services;	(c) obligations on providers of hosting services to remove or disable access to child sexual abuse material on their services;	(c) obligations on providers of hosting services to remove or disable access to child sexual abuse material on their services; Identical
Article 1(1), second subparagraph, point (d)				
104	(d) obligations on providers of internet access services to disable access to child sexual abuse material;	(d) obligations on providers of internet access services to disable access to child sexual abuse material;	(d) obligations on providers of internet access services to disable access to <u>prevent users</u>	(d) obligations on providers of internet access services to disable access to <u>prevent users</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<u>from accessing</u> child sexual abuse material;	<u>from accessing</u> child sexual abuse material;
Article 1(1), second subparagraph, point (da)				
104a		<u>(da) obligations on providers of online games; and</u>	<u>(da) obligations on providers of online search engines to delist websites indicating specific items of child sexual abuse;</u>	Pending agreement on Art. 4a and Art. 18a
Article 1(1), second subparagraph, point (e)				
105	(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.	(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.	(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.	(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.
Article 1(1), second subparagraph, point (ea)				
105a		<u>(ea) rules on the establishment, functioning, cooperation, transparency and powers of the EU Centre For Child Protection on Child Sexual Abuse established in Article 40 ('EU Centre');</u>		<u>(ea) rules on the establishment, tasks, cooperation, and transparency of the EU Centre for the Protection of Children from Child Sexual Abuse established in Article 40 ('EU Centre');</u>
Article 1(2)				
106	2. This Regulation shall apply to providers of relevant	2. This Regulation shall apply to providers of relevant	2. This Regulation shall apply to providers of relevant	2. This Regulation shall apply to providers of relevant

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	information society services offering such services in the Union, irrespective of their place of main establishment.	information society services offering such services in the Union, irrespective of their place of main establishment.	information society services offering such services in the Union, irrespective of their place of main establishment.	information society services offering such services in the Union, irrespective of their place of main establishment. Identical
Article 1(2a)				
106a		<u>2a. This Regulation shall not apply to audio communications.</u>		linked to the discussion on scope
Article 1(3)				
107	3. This Regulation shall not affect the rules laid down by the following legal acts:	3. This Regulation shall not affect the rules laid down by the following legal acts:	3. This Regulation shall not affect the rules laid down by the following legal acts:	3. This Regulation shall not affect the rules laid down by the following legal acts:
Article 1(3), point (-a)				
107a		<u>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.</u>		<u>(-a) deleted</u> covered in line 112a
Article 1(3), point (a)				
108	(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;	(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;	(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;	(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;
Article 1(3), point (b)				

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109	(b) Directive 2000/31/EC and Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];	(b) Directive 2000/31/EC and Regulation (EU) .../... <u>2022/2065</u> on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];	(b) Directive 2000/31/EC and Regulation (EU) .../... <u>2022/2065 of the European Parliament and of the Council of 19 October 2022</u> on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] <u>(Digital Services Act)</u> ;	(b) Directive 2000/31/EC and Regulation (EU) .../... [on a Single Market For Digital on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Digital Services Act) and amending Directive 2000/31/EC] <u>on electronic commerce'</u>); New line 109c for the DSA.
Article 1(3), point (ba)				
109a			<u>(ba) Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act);</u>	<u>(ba) Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act);</u>
Article 1(3b)				
109b		<u>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.</u>		<u>3b Nothing in this Regulation shall be understood as a general obligation for relevant information society service providers to monitor the information which they transmit or store, nor a general obligation actively to seek facts or</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				<p><u>circumstances indicating illegal activity. [This does not concern detection obligations in a specific case and, in particular, does not affect detection orders adopted in accordance with this Regulation. Nothing in this Regulation shall be interpreted as introducing a general data retention obligation.]</u></p> <p>Inspired by Art. 5(8) TCO; CNS to check; bracketed part linked to detection @GSC that this line should be moved down (now it is in the middle of the list of the legal acts) after line 111c</p>
Article 1(3), point (bc)				
109c				<p><u>(bb) Regulation (EU) 2022/2065 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act);</u></p>
Article 1(3), point (c)				
110	(c) Directive 2010/13/EU;	(c) Directive 2010/13/EU;	(c) Directive 2010/13/EU <u>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</u>	(c) Directive 2010/13/EU <u>on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<u>concerning the provision of audiovisual media services (Audiovisual Media Services Directive);</u>	<u>(Audiovisual Media Services Directive);</u>
Article 1(3), point (d)				
111	(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, and, subject to paragraph 4 of this Article, Directive 2002/58/EC.	(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, and, subject to paragraph 4 of this Article, Directive 2002/58/EC.	(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, and, subject to paragraph 4 of this Article, Directive 2002/58/EC;	(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, and, <u>subject to paragraph 4 of this Article,</u> Directive 2002/58/EC.
Article 1(3), point (da)				
111a			<u>(da) Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online;</u>	<u>(da) Regulation (EU) 2021/784 on addressing the dissemination of terrorist content online;</u>
Article 1(3), point (db)				
111b		<u>(da) 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); and</u>	<u>(db) Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive).</u>	<u>(db) Directive (EU) 2022/2555 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive);</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
Article 1(3), point (dc)				
111c		<u>(db) Regulation (EU) .../... on Artificial Intelligence (Artificial Intelligence Act);</u>		<u>(dc) Regulation (EU) 2024/1689 on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act).</u>
Article 1(3a)				
111d			<u>3a. This Regulation shall not have the effect of modifying the obligation to respect the rights, freedoms and principles referred to in Article 6 TEU and shall apply without prejudice to fundamental principles relating to the right for respect to private life and family life and to freedom of expression and information.</u>	<u>3a. deleted</u> Suggest reflecting this text in recitals. CNS to check.
Article 1(4)				
112	4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC insofar as necessary for the execution of the	4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC insofar as <u>with the sole objective of</u>	4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC insofar as necessary for the execution of the	4. <u>[</u> This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC insofar as <u>with the sole objective of</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	detection orders issued in accordance with Section 2 of Chapter 1 of this Regulation.	<u>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</u> for the execution of the detection orders issued in accordance with Section 2 of Chapter 1 of this Regulation.	detection orders issued in accordance with Section 2 of Chapter 1 of this Regulation.	<u>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</u> for the execution of the detection orders issued in accordance with Section 2 of Chapter 1 of this Regulation. Pending agreement on detection
Article 1(4a)				
112a			<u>4a. This Regulation shall not prohibit, make impossible, weaken, circumvent or otherwise undermine cybersecurity measures, in particular encryption, including end-to-end encryption, implemented by the relevant information society services or by the users. This Regulation shall not create any obligation that would require a provider of hosting services or a provider of interpersonal communications services to decrypt data or create access to end-to-end encrypted data, or</u>	<u>4a. This Regulation shall not prohibit, make impossible, weaken, circumvent or otherwise undermine cybersecurity measures, in particular encryption, including end-to-end encryption, implemented by the relevant information society services or by the users. This Regulation shall not create any obligation that would require a provider of hosting services or a provider of interpersonal communications services to decrypt data or create access to end-to-end encrypted data, or</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<u>that would prevent providers from offering end-to-end encrypted services.</u>	<u>that would prevent providers from offering end-to-end encrypted services.</u> Covers EP AM in line 107a. EP to check
Article 2				
113	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Identical
Article 2, first paragraph				
114	For the purpose of this Regulation, the following definitions apply:	For the purpose of this Regulation, the following definitions apply:	For the purpose of this Regulation, the following definitions apply:	For the purpose of this Regulation, the following definitions apply: Identical
Article 2, first paragraph, point (a)				
115	(a) ‘hosting service’ means an information society service as defined in Article 2, point (f), third indent, of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];	(a) ‘hosting service’ means an information society service as defined in Article 23 , point (f)(g) , third indent, of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]; <u>2022/2065</u> ;	(a) ‘hosting service’ means an information society service as defined in Article 23(g) , point (f) , third indent(iii) , of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]; <u>2022/2065</u> i	(a) ‘hosting service’ means an information society service as defined in Article 23(g) , point (f) , third indent(iii) , of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]; <u>2022/2065</u> i
Article 2, first paragraph, point (b)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
116	(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;	(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;	(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;	(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; Identical
Article 2, first paragraph, point (ba)				
116a		<u>(ba) ‘number-independent interpersonal communications service’ means an interpersonal communications service as defined in Article (2), point (7) of Directive (EU) 2018/1972;</u>	<u>(ba) ‘number-independent interpersonal communications service’ means a publicly available service as defined in Article 2, point (7), of Directive (EU) 2018/1972;</u>	<u>(ba) ‘number-independent interpersonal communications service’ means a publicly available service as defined in Article 2, point (7), of Directive (EU) 2018/1972;</u> Identical
Article 2, first paragraph, point (bb)				
116b		<u>(bb) ‘number-independent interpersonal communications service within games’ means any service defined in Article (2), point (7) of Directive (EU) 2018/1972 which is part of a game;</u>		<u>(bb)</u> On hold pending agreement on Article 4a

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
Article 2, first paragraph, point (c)				
117	(c) ‘software application’ means a digital product or service as defined in Article 2, point 13, of Regulation (EU) .../... [on contestable and fair markets in the digital sector (Digital Markets Act)];	(c) ‘software application’ means a digital product or service as defined in Article 2(2) , point 13(15) , of Regulation (EU) .../... for contestable and fair markets in the digital sector (Digital Markets Act)] ; <u>2022/1925</u> ;	(c) ‘software application’ means a digital product or service as defined in Article 2, point 13(15) , of Regulation (EU) .../... for contestable and fair markets in the digital sector (Digital Markets Act)] ; <u>2022/1925</u> ;	Pending agreement on Art. 6
Article 2, first paragraph, point (d)				
118	(d) ‘software application store’ means a service as defined in Article 2, point 12, of Regulation (EU) .../... [on contestable and fair markets in the digital sector (Digital Markets Act)];	(d) ‘software application store’ means a service as defined in Article 2(2) , point 12(14) , of Regulation (EU) .../... for contestable and fair markets in the digital sector (Digital Markets Act)] ; <u>2022/1925</u> ;	(d) ‘software application store’ means a service as defined in Article 2, point 12(14) , of Regulation (EU) .../... for contestable and fair markets in the digital sector (Digital Markets Act)] ; <u>2022/1925</u> ;	Pending agreement on Article 6
Article 2, first paragraph, point (e)				
119	(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 Council ¹ ; 1. 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	(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 Council ¹ ; 1. 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	(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 Council ¹ ; 1. 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	(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 Council ¹ ; 1. 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

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	(EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).	(EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).	(EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).	(EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18). Identical
Article 2, first paragraph, point (f)				
Y	120 (f) ‘relevant information society services’ means all of the following services:	(f) ‘relevant information society services’ means all of the following services:	(f) ‘relevant information society services’ means all of the following services:	(f) ‘relevant information society services’ means all of the following services: Y
Article 2, first paragraph, point (f)(i)				
Y	121 (i) a hosting service;	(i) a hosting service;	(i) a hosting service;	(i) a hosting service; Y
Article 2, first paragraph, point (f)(ii)				
	122 (ii) an interpersonal communications service;	(ii) an <u>number-independent</u> interpersonal communications service;	(ii) an interpersonal communications service;	(ii) an <u>number-independent</u> interpersonal communications service; Pending decision on the scope
Article 2, first paragraph, point (f)(iii)				
	123 (iii) a software applications store;	(iii) a software applications store;	(iii) a software applications store;	Pending decision on the scope
Article 2, first paragraph, point (f)(iv)				
Y	124 (iv) an internet access service.	(iv) an internet access service.	(iv) an internet access service.	(iv) an internet access service. Identical Y
Article 2, first paragraph, point (f)(iva)				
	124a		(iva) <u>online search engines.</u>	Pending decision on delisting orders

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Article 2, first paragraph, point (f)(ivb)				
124b		<u>(iv a) a number-independent interpersonal communication service within online games.</u>		<u>(ivb) delete</u> Covered by line 122
Article 2, first paragraph, point (g)				
125	(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 2, point (d), of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];	(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 23 , point (d), of Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC ; <u>(EU) 2022/2065</u> ;	(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 23 , point (d), of Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC ; <u>(EU) 2022/2065</u> ;	(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 23 , point (d), of Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC ; <u>(EU) 2022/2065</u> ;
Article 2, first paragraph, point (h)				
126	(h) ‘user’ means any natural or legal person who uses a relevant information society service;	(h) ‘user’ means any natural or legal person who uses a relevant information society service;	(h) ‘user’ means any natural or legal person who uses a relevant information society service;	(h) ‘user’ means any natural or legal person who uses a relevant information society service; Identical
Article 2, first paragraph, point (i)				
127	(i) ‘child’ means any natural person below the age of 18 years;	(i) ‘child’ means any natural person below the age of 18 years;	(i) ‘child’ means any natural person below the age of 18 years;	(i) ‘child’ means any natural person below the age of 18 years; Identical
Article 2, first paragraph, point (j)				
128	(j) ‘child user’ means a natural person who uses a relevant information society service and	deleted	(j) ‘child user’ means a natural person who uses a relevant information society	(j) ‘child user’ means a natural person who uses a relevant information society

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	who is a natural person below the age of 17 years;		<i>service and who is a natural person below the age of 17 years;</i>	<i>service and who is a natural person below the age of 17 years;</i> deleted
Article 2, first paragraph, point (k)				
129	<p>(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 enterprises¹;</p> <p>1. 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>	<p>(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 enterprises¹;</p> <p>1. 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>	<p>(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 enterprises¹;</p> <p>1. 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>	<p>(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 enterprises¹ <u>which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, or an annual balance sheet total not exceeding EUR 43 million;</u></p> <p>1. 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> <p>TBD whether reference to Recommendation is appropriate or whether definition needed in text.</p>
Article 2, first paragraph, point (l)				
130	(l) ‘child sexual abuse material’ means material constituting child pornography or pornographic performance as	(l) ‘child sexual abuse material’ means material constituting child pornography or pornographic performance as	(l) ‘child sexual abuse material’ means material constituting child pornography or pornographic performance as	(l) ‘child sexual abuse material’ means material constituting child pornography or pornographic performance as

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	defined in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU;	defined in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU;	defined in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU;	defined in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU; Should we mention the handbooks here?
Article 2, first paragraph, point (m)				
131	(m) ‘known child sexual abuse material’ means potential child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);	(m) ‘known child sexual abuse material’ means <i>potential</i> child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);	(m) ‘known child sexual abuse material’ means potential child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);	(m) ‘known child sexual abuse material’ means potential child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);
Article 2, first paragraph, point (n)				
132	(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);	(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);	(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);	(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);
Article 2, first paragraph, point (o)				
133	(o) ‘solicitation of children’ means the solicitation of children for sexual purposes as referred to in Article 6 of Directive 2011/93/EU;	(o) ‘solicitation of children’ means the solicitation of children for sexual purposes as referred to in Article 6 of Directive 2011/93/EU;	(o) ‘solicitation of children’ means the solicitation of children for sexual purposes as referred to in Article 6 of Directive 2011/93/EU;	(o) ‘solicitation of children’ means the solicitation of children for sexual purposes as referred to in Article 6 of Directive 2011/93/EU;
Article 2, first paragraph, point (p)				

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134	(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;	(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;	(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;	(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;
Article 2, first paragraph, point (q)				
135	(q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU;	(q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU;	(q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU;	(q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU;
Article 2, first paragraph, point (qa)				
135a		<u><i>(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;</i></u>		<u><i>(qa) deleted</i></u> Deleted following agreement during second trilogue.
Article 2, first paragraph, point (r)				
136	(r) ‘recommender system’ means the system as defined in Article 2, point (o), of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];	(r) ‘recommender system’ means the system as defined in Article 2, point (o), of Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> ;	(r) ‘recommender system’ means the system as defined in Article 23 , point (o)(s) , of Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> ;	(r) ‘recommender system’ means the system as defined in Article 23 , point (o)(s) , of Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> ;
Article 2, first paragraph, point (s)				
137	(s) ‘content data’ means data as defined in Article 2, point 10,	(s) ‘content data’ means data as defined in Article 2, point 10,	(s) ‘content data’ means data as defined in Article 23, point	

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	of Regulation (EU) ... [on European Production and Preservation Orders for electronic evidence in criminal matters (.../... e-evidence Regulation)];	<i>of Regulation (EU) ... for European Production and Preservation Orders for electronic evidence in criminal matters (.../... e-evidence Regulation);</i> <u>texts, videos and images;</u>	10(12) , of Regulation (EU) ... <u>2023/1543 of the European Parliament and of the Council of 12 July 2023</u> on European Production <u>Orders and European</u> Preservation Orders for electronic evidence in criminal matters <u>proceedings and for the execution of custodial sentences following criminal proceedings (.../... e-evidence Regulation);</u>	Linked to discussion on scope (line 106a)
Article 2, first paragraph, point (t)				
138	(t) ‘content moderation’ means the activities as defined in Article 2, point (p), of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];	(t) ‘content moderation’ means the activities as defined in Article 2, point (p) <u>(t)</u> , of Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> ;	(t) ‘content moderation’ means the activities as defined in Article 23 , point (p) <u>(t)</u> , of Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> ;	(t) ‘content moderation’ means the activities as defined in Article 23 , point (p) <u>(t)</u> , of Regulation (EU) .../... for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC <u>2022/2065</u> ;
Article 2, first paragraph, point (ta)				
138a			<u>(ta) ‘Competent authority of establishment’ means the competent authority 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</u>	Pending outcome of the discussions on line 358

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			<u>representative resides or is established;</u>	
Article 2, first paragraph, point (u)				
139	(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;	(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;	(u) ‘Coordinating Authority of establishment’ means <u>the competent authority designated as</u> 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;	(u) ‘Coordinating Authority of establishment’ means <u>the competent authority designated as</u> 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;
Article 2, first paragraph, point (v)				
140	(v) ‘terms and conditions’ means terms and conditions as defined in Article 2, point (q), of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];	(v) ‘terms and conditions’ means terms and conditions as defined in Article 2, point (q) <u>(u)</u> , of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] <u>2022/2065</u> ;	(v) ‘terms and conditions’ means terms and conditions as defined in Article 23 , point (q) <u>(u)</u> , of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] <u>2022/2065</u> ;	(v) ‘terms and conditions’ means terms and conditions as defined in Article 23 , point (q) <u>(u)</u> , of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] <u>2022/2065</u> ;
Article 2, first paragraph, point (w)				
141	(w) ‘main establishment’ means the head office or registered office of the provider of relevant information society	(w) ‘main establishment’ means the head office or registered office of the provider of relevant information society	(w) ‘main establishment’ means the head office or registered office of the provider of relevant information society	(w) ‘main establishment’ means the head office or registered office of the provider of relevant information society

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	services within which the principal financial functions and operational control are exercised.	services within which the principal financial functions and operational control are exercised.	services within which the principal financial functions and operational control are exercised.	services within which the principal financial functions and operational control are exercised. Identical
Article 2, first paragraph, point (wa)				
141a			<u>(wa) 'online search engine' means an intermediary service as defined in Article 3, point (j), of Regulation (EU) 2022/2065;</u>	Pending outcome of the discussions on delisting orders
Article 2, first paragraph, point (wb)				
141b		<u>(wa) 'hotline' means an organisation officially recognised by its Member State of establishment that provides a mechanism, other than the reporting channels provided by law enforcement authorities, for receiving anonymous complaints from victims and the public about alleged online child sexual abuse;</u>		<u>(wb) deleted</u> ITM 13.02.: EP agrees to drop the amendment , covered in line 695.
Article 2, first paragraph, point (wc)				
141c			<u>(wb) 'metadata' means metadata as defined in Article 2, point (2), of Regulation (EU) 2023/2854.</u>	<u>(wc) deleted</u> The operative part includes no references to metadata and the CNS AM is not in line with the scope of metadata in line 1113.
Article 2, first paragraph, point (wd)				

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141d		<u>(wb) “help-line” means an organisation that provides services for children in need officially recognised by its Member State of establishment;</u>		<u>(wd) deleted</u> EP agrees to drop the amendment , covered in line 695.
Section 3				
298	Section 3 Reporting obligations	Section 3 Reporting obligations	Section 3 Reporting obligations	
Article 12				
299	Article 12 Reporting obligations	Article 12 Reporting obligations	Article 12 Reporting obligations <u>and notification by the users</u>	Article 12 Reporting obligations CNS to check
Article 12(1)				
300	1. Where a provider of hosting services or a provider of interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of any information indicating potential online child sexual abuse on its services, it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).	1. Where a provider of hosting services or a provider of interpersonal communications services becomes aware <u>obtains actual knowledge</u> 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 <u>and providers of hosting services shall expeditiously remove or</u>	1. Where a provider of hosting services or a provider of interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of any information <u>that indicate indicating</u> potential online child sexual abuse on its services <u>service</u> , it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).	1. Where a provider of hosting services or a provider of interpersonal communications services becomes aware <u>obtains actual knowledge or awareness</u> in any manner other than through a removal order issued in accordance with this Regulation of any information indicating <u>the presence of</u> potential online child sexual abuse on its services <u>service</u> , it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the

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		<u>disable access to it, except where communicated otherwise under Article 48(6) point (b).</u> It shall do so through the system established in accordance with Article 39(2).		system established in accordance with Article 39(2). actual knowledge or awareness (terminology of art. 16.3 DSA) Suggestion to delete the EP reference to removal or disabling of content. This requirement is already set out in Art. 6 DSA and it does not really fit with the rest of the paragraph/Article that is about reporting, not removal of content.
Article 12(2), first subparagraph				
301	2. Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned, providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.	2. Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned <u>without undue delay, except where the EU Centre has communicated otherwise under Article 48(6) point (a),</u> 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	2. Where the provider submits a report pursuant to paragraph 1, it shall inform the user <u>users</u> concerned, <u>in accordance with the following sub-paragraphs</u> 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 <u>users'</u> possibilities of redress, including on the right to submit complaints to the	2. Where the provider submits a report pursuant to paragraph 1, it shall inform the user <u>users</u> concerned, providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow up given to the report insofar as such information is available to the provider and on the user's <u>users'</u> possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

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		to the Coordinating Authority in accordance with Article 34.	Coordinating Authority in accordance with Article 34.	'without undue delay...' (EP mandate) covered in line 302 'on the manner in which the provider has become aware ...' (CNS mandate) moved to line 308a
Article 12(2), second subparagraph				
302	The provider shall inform the user concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be manifestly unfounded as referred to in Article 48(2), or after the expiry of a time period of three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article 48(6), point (a), whichever occurs first.	The provider shall inform the user concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be manifestly unfounded as referred to in Article 48(2), or after the expiry of a time period of three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article 48(6), point (a), whichever occurs first.	The provider shall inform the user <u>users</u> concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be manifestly unfounded as referred to in Article 48(2), or after the expiry of a time period of three <u>six</u> 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. <u>The period of six months referred to in this subparagraph shall be extended by up to 6 months where so requested by the competent authority referred to in Article 48(6).</u>	The provider shall inform the user <u>users</u> concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be manifestly unfounded as referred to in Article 48(2), or after the expiry of a time period of three <u>six</u> 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. CNS to check whether extension period should be retained.
Article 12(2), third subparagraph				

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303	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.	<i>deleted</i>	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 <u>users</u> concerned, without undue delay, after the expiry of the time period set out in that communication.	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 <u>users</u> concerned, without undue delay, after the expiry of the time period set out in that communication.
Article 12(3)				
304	3. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service.	3. The provider <u>Providers of hosting services and providers of number-independent interpersonal communication services</u> shall establish and operate an accessible <u>easy to access</u> , age-appropriate, child-friendly and user-friendly mechanism that allows <u>any</u> users or entity to flag to the provider or <u>notify them of the presence on their service of specific items of information that the individual or entity considers to be</u> potential online child sexual abuse, <u>including self-generated material. Those mechanisms shall allow for the submission of notices by users or entities</u>	3. The provider shall establish and operate an accessible <u>easy to access</u> , effective , age-appropriate and user-friendly, <u>in particular child-friendly</u> , mechanism that allows users to flag <u>notify</u> to the provider <u>information that indicate</u> potential online child sexual abuse on the <u>its</u> service. <u>Those mechanisms shall allow for the submission of notices by individuals or entities exclusively by electronic means.</u>	3. The provider <u>Providers of number-independent interpersonal communication services</u> shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider <u>put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be</u> potential online child sexual abuse, <u>including self-generated material]. Those mechanisms shall be easy to access and user-friendly, and shall allow for the</u>

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		<u>exclusively by electronic means and allow for anonymous reporting already available through anonymous reporting channels as defined by Directive (EU) 2019/1937</u> -on the service.		<u>submission of notices exclusively by electronic means</u> -on the service. Alignment with Article 16(1) DSA (covers hosting services)
Article 12(3a)				
304a			<u>The mechanisms shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices. To that end, the providers shall take the necessary measures, with particular attention to the needs of the child, to enable and to facilitate the submission of notices, with a view to receiving:</u>	<u>3a. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices. To that end, the providers shall take the necessary measures, with particular attention to the needs of the child, to enable and to facilitate the submission of notices containing all of the following elements:</u> Alignment with Article 16(2) DSA
Article 12(3a), point (a)				
304b			<u>(a) the reasons why the user alleges that the material or conversation at issue constitutes online child sexual abuse;</u>	<u>(a) a sufficiently substantiated explanation of the reasons why the individual or entity alleges the information in question to be potential online child sexual abuse; and</u> Alignment with Article 16(2)(a) DSA

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Article 12(3a), point (b)				
304c			<u>(b) a clear indication of the online location of the alleged online child sexual abuse and, where necessary, information specific to a service that enables the identification of its online location.</u>	<u>(b) a clear indication of the exact electronic location of that information, and, where necessary, additional information enabling the identification of the potential online child sexual abuse adapted to the type of content and to the specific type of service.</u> Alignment with Article 16(2)(b) DSA
Article 12(3b)				
304d		<u>3a. The Commission, in cooperation with Coordinating Authorities and the EU Centre after having conducted a public consultation shall, by [six months from the date of entry into force of this Regulation], adopt implementing acts laying down the practical and operational arrangements for the design of a uniform identifiable notification mechanism referred to in paragraph 3, including for the design of a uniform easily recognisable icon in the user interface. Those implementing acts shall be adopted in accordance with the advisory</u>	<u>3a. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, shall issue guidelines on the application of paragraph 3, having due regard in particular to the child's age, maturity, views, needs and concerns.</u>	<u>3b. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraph 3, having due regard in particular to the child's age, maturity, views, needs and concerns.</u> Technical alignment on other provisions on guidelines.

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		procedure referred to in Article 87.		
Article 13				
305	Article 13 Specific requirements for reporting	Article 13 Specific requirements for reporting	Article 13 Specific requirements for reporting	Article 13 Specific requirements for reporting
Article 13(1)				
306	1. Providers of hosting services and providers of interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:	1. Providers of hosting services and providers of number-independent interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. They shall make all the reasonable efforts to ensure the quality of the information submitted in order to facilitate the assessment and process by the EU Centre in accordance with Article 49(1). The report shall include:	1. Providers of hosting services and providers of interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:	1. Providers of hosting services and providers of number-independent interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include: EP amendment to be reflected in a recital.
Article 13(1), point (a)				
307	(a) identification details of the provider and, where applicable, its legal representative;	(a) identification details of the provider and, where applicable, its legal representative;	(a) identification details of the provider and, where applicable, its legal representative;	(a) identification details of the provider and, where applicable, its legal representative; provisionally agreed
Article 13(1), point (b)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
308	(b) the date, time stamp and electronic signature of the provider;	(b) the date, time stamp and electronic signature of the provider;	(b) the date, time stamp and electronic signature of the provider;	(b) the date, time stamp and electronic signature of the provider; provisionally agreed
Article 13(1), point (ba)				
308a			<u>(ba) manner in which the provider became aware of the potential child sexual abuse;</u>	<u>(ba) the manner in which the provider obtained actual knowledge or became aware of the potential online child sexual abuse</u> Also covers text moved from line 301
Article 13(1), point (c)				
309	(c) all content data, including images, videos and text;	(c) all content data, including images, videos and text <u>being reported;</u>	(c) all content data, including images, videos and text <u>related to the reported potential online child sexual abuse;</u>	(c) all content data, including images, videos and text <u>related to the reported potential online child sexual abuse;</u> CNS to check
Article 13(1), point (d)				
310	(d) all available data other than content data related to the potential online child sexual abuse;	(d) all <u>relevant</u> available data other than content data related to the potential online child sexual abuse;	(d) all available data other than <u>reported</u> potential online child sexual abuse;	(d) all <u>relevant</u> available data other than content data related to the <u>reported</u> potential online child sexual abuse; CNS to check
Article 13(1), point (e)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
311	(e) whether the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material or the solicitation of children;	(e) whether the potential online child sexual abuse <u>to their knowledge</u> concerns the dissemination of known or new child sexual abuse material or the solicitation of children;	(e) whether the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material or the solicitation of children;	(e) whether the <u>reported</u> potential online child sexual abuse <u>to their knowledge</u> concerns the dissemination of known or new child sexual abuse material or the solicitation of children; CNS to check
Article 13(1), point (f)				
312	(f) information concerning the geographic location related to the potential online child sexual abuse, such as the Internet Protocol address;	<i>deleted</i>	(f) information concerning the geographic location related to the potential online child sexual abuse, such as the Internet Protocol address <u>of upload, with associated date and time stamp, including time zone, and port number</u> ;	(f) <u>where applicable, a clear indication of the exact electronic location of that information, such as the exact URL or URLs, and, where necessary, additional</u> information concerning the geographic location related to <u>enabling the identification of</u> the potential online child sexual abuse, such as the Internet Protocol address; <u>content adapted to the type of content and to the specific type of service</u> Aligned with text in Article 16(2) DSA. CNS and EP to check
Article 13(1), point (fa)				
312a		<u>(fa) where applicable, an exact uniform resource locator</u>		<u>deleted</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
		<u>and, where necessary, additional information for the identification of the potential child sexual abuse material;</u>		moved to line 312
Article 13(1), point (g)				
313	(g) information concerning the identity of any user involved in the potential online child sexual abuse;	(g) <u>available</u> information concerning the identity of any user involved in the potential online child sexual abuse;	(g) information concerning the identity of any user involved in the potential online child sexual abuse, <u>including unique identifiers of the user;</u>	(g) <u>available</u> information concerning the identity of any user involved in the potential online child sexual abuse, <u>including unique identifiers of the user</u> CNS and EP to check
Article 13(1), point (h)				
314	(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;	(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;	(h) whether the provider has also reported, or will also report, the <u>information that indicate</u> potential online child sexual abuse to a <u>third-country</u> public authority or other entity competent to receive such reports of a third country and if so, which authority or entity;	(h) whether the provider has also reported, or will also report, the <u>information that indicates</u> potential online child sexual abuse to a <u>third-country</u> public authority or other entity competent to receive such reports of a third country and if so, which authority or entity;
Article 13(1), point (i)				
315	(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;	(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;	(i) where the <u>information that indicate</u> potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material, whether the provider has removed	(i) where the <u>information that indicates</u> potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material,

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			or disabled access to the material, <u>and, where relevant, whether it has been done on a voluntary basis;</u>	whether the provider has removed or disabled access to the material; CNS to check
Article 13(1), point (ia)				
315a		<u>(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;</u>		<u>deleted</u> EP to check (Line 308a already obliges the provider to specify the manner in which the provider obtained actual knowledge or became aware of the potential online child sexual abuse)
Article 13(1), point (j)				
316	(j) whether the provider considers that the report requires urgent action;	(j) whether the provider considers that the report <u>involves an imminent threat to the live or safety of a child, or</u> requires urgent action;	(j) whether the provider considers that the report requires urgent action;	(j) whether the provider considers that the report requires urgent action;
Article 13(1), point (k)				
317	(k) a reference to this Regulation as the legal basis for reporting.	(k) a reference to this Regulation as the legal basis for reporting.	(k) a reference to this Regulation as the legal basis for reporting.	(k) a reference to this Regulation as the legal basis for reporting. provisionally agreed
Article 13(1a), first subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
317a			<u>1a. By deviation from paragraph 1, where the information referred to in Article 12(1) reasonably justifies the conclusion that there is likely to be an imminent threat to the life or safety of a child or when the information indicates ongoing abuse, the report referred to in paragraph 1 of this Article shall be submitted without delay and include:</u>	EP to consider
Article 13(1a), first subparagraph, point (a)				
317b			<u>(a) in any event, the information referred to in points (a), (b), (f), (j) and (k) of paragraph 1 of this Article;</u>	EP to consider
Article 13(1a), first subparagraph, point (b)				
317c			<u>(b) the information referred to in the other points of paragraph 1 of this Article, only insofar as that information is immediately available and the inclusion thereof in the report does not delay the submission of the report.</u>	EP to consider
Article 13(1a), second subparagraph				
317d			<u>Where the report referred to in the first subparagraph does not contain all information referred</u>	EP to consider

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<u>to in paragraph 1 of this Article in accordance with point (b) of the first subparagraph, the provider of hosting services or of interpersonal communications services concerned shall promptly submit an additional report containing all that information, updated or completed where relevant. That additional report shall include a reference to the initial report submitted in accordance with the first subparagraph and shall indicate which information has been updated or completed.</u>	
Article 13(2)				
318	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.	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.	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.	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. Provisionally agreed
Section 4				
y 319	Section 4 Removal obligations	Section 4 Removal obligations	Section 4 Removal obligations	Section 4 Removal obligations y

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
Article 14				
320	Article 14 Removal orders	Article 14 Removal orders	Article 14 Removal orders	Article 14 Removal orders
Article 14(1)				
321	<p>1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1) identified as constituting child sexual abuse material.</p>	<p>1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities <u>subject to judicial validation</u> referred to in Article 36(1) identified as constituting child sexual abuse material.</p>	<p>1. The competent<u>The Coordinating</u> authority of establishment<u>each Member State</u> shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a removal order, <u>subject to any requirements of national law as referred to in paragraph 1a,</u> requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1) <u>is</u> identified as constituting child sexual abuse material.</p>	<p>1. The Coordinating<u>competent</u> authority of establishment<u>each Member State</u> shall have the power [to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State] to issue a removal order, <u>[subject to any requirements of national law as referred to in paragraph 1a],</u> requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to <u>remove or disable</u> the removal or disabling of access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1) <u>have been</u> identified as constituting</p>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				<p>child sexual abuse material <u>pursuant to Article 36(1).</u></p> <p>EP to consider mirroring Article 3(1) TCO; Article 36 agreed in second Trilogue.</p> <p>To be considered together with line 321a</p>
Article 14(1a)				
321a			<p><u>1a. By deviation from paragraph 1, and without causing undue delays in the process of issuance of those orders, Member States may decide that such orders can only be issued by or with the prior authorisation of a judicial authority, if necessary, at the request of another competent authority. Where a Member State makes use of this possibility, it shall inform the Commission thereof and maintain this information updated. The Commission shall make the information received publicly available and maintain this information updated.</u></p>	<p><u>1a. [By deviation from paragraph 1, and without causing undue delays in the process of issuance of those orders, Member States may decide that such orders can only be issued by or with the prior authorisation of a judicial authority, if necessary, at the request of another competent authority. Where a Member State makes use of this possibility, it shall inform the Commission thereof and maintain this information updated. The Commission shall make the information received publicly available and maintain this information updated.]</u></p>
Article 14 (1) first subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
321b		<u>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:</u>		<u>Removal orders shall be addressed to providers of hosting services acting as controller in accordance with Regulation (EU) 2016/679. By way of derogation, the removal order may be directly addressed to the provider that stores or otherwise processes the data on behalf of the controller, where:</u> Based on Article 5(7) E-evidence Regulation. COM to confirm.
Article 14 (1) first subparagraph point a				
321c		<u>(a) the controller cannot be identified despite reasonable efforts on the part of the issuing authority; or</u>		<u>(a) the controller cannot be identified despite reasonable efforts on the part of the issuing authority; or</u>
Article 14 (1) first subparagraph point b				
321d		<u>(b) addressing the controller might be detrimental to an ongoing investigation.</u>		<u>(b) addressing the controller might be detrimental to an ongoing investigation.</u>
Article 14(1a)				
321e		<u>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</u>		<u>1e. deleted</u> Covered in line 350

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		<u>prosecution of child sexual abuse offences.</u>		
Article 14(2)				
322	2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof.	2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof, <u>except where the removal order indicates a shorter period. For micro and small enterprises, the removal order shall allow additional time, proportionate to the size and the resources of the provider, but in any case no longer than 3 working days.</u>	2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof. <u>The provider shall take the necessary measures to ensure that it is capable to reinstate the material or access thereto in accordance with Article 15(1a).</u>	2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof <u>unless the provider is a micro, small or medium-sized enterprise. In that case the provider shall execute the removal order within 3 days.</u> <u>If the order is reversed as a result of the redress procedure in accordance with Article 15(1), the provider shall take the necessary measures to reinstate the material or access thereto without undue delay. This is without prejudice to the possibility to enforce its terms and conditions in accordance with Union and national law.</u> Second paragraph covers line 343a
Article 14(3)				
323	3. The competent judicial authority or the independent administrative authority shall issue a removal order using the	3. The competent judicial authority or the independent administrative authority shall issue a removal order using the	3. The competent judicial authority or the independent administrative authority shall <u>issue</u> A removal order <u>shall be</u>	3. The competent judicial authority or the independent administrative authority shall <u>issue</u> A removal order <u>shall be</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	template set out in Annex IV. Removal orders shall include:	template set out in Annex IV. Removal orders shall include:	<i>issued</i> using the template set out in Annex IV. Removal orders shall include:	<i>issued</i> using the template set out in Annex IV. Removal orders shall include: Provisionally agreed.
Article 14(3), point (a)				
324	(a) identification details of the judicial or independent administrative authority issuing the removal order and authentication of the removal order by that authority;	(a) identification details of the judicial or independent administrative authority issuing the removal order and authentication of the removal order by that authority;	(a) identification details of the judicial or independent administrative authority issuing the removal order and authentication of the removal order by that authority;	(a) identification details of the judicial or independent administrative authority issuing the removal order and authentication of the removal order by that authority; Issuing authority will be defined in paragraph 1
Article 14(3), point (b)				
325	(b) the name of the provider and, where applicable, of its legal representative;	(b) the name of the provider and, where applicable, of its legal representative;	(b) the name of the provider and, where applicable, of its legal representative;	(b) the name of the provider and, where applicable, of its legal representative; Provisionally agreed.
Article 14(3), point (c)				
326	(c) the specific service for which the removal order is issued;	(c) the specific service for which the removal order is issued;	(c) the specific service for in <i>respect of</i> which the removal order is issued;	(c) the specific service for in <i>respect of</i> which the removal order is issued; Provisionally agreed.
Article 14(3), point (d)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
327	(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;	(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;	(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;	(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;
Article 14(3), point (e)				
328	(e) an exact uniform resource locator and, where necessary, additional information for the identification of the child sexual abuse material;	(e) an exact uniform resource locator and, where necessary, additional information for the identification of the child sexual abuse material;	(e) an exact uniform resource locator and, where necessary, additional <u>clear</u> information for the identification of <u>enabling the provider to identify and locate</u> the child sexual abuse material;	(e) an exact uniform resource locator and, where necessary, additional information for the identification of the child sexual abuse material; CNS to check; information is provided to the EU Centre in accordance with Article 36(1)(b). Aligned with Article 3(4)(c) TCO
Article 14(3), point (f)				
329	(f) where applicable, the information about non-disclosure during a specified time period, in accordance with Article 15(4), point (c);	(f) where applicable, the information about non-disclosure during a specified time period, in accordance with Article 15(4), point (c);	(f) where applicable, the information about non-disclosure during a specified time period, in accordance with Article 15(4), point (c);	(f) where applicable, the information about non-disclosure during a specified time period, in accordance with Article 15(4), point (c); Provisionally agreed.
Article 14(3), point (fa)				
329a			(fa) <u>the information necessary for the application, where relevant, of paragraphs 5, 6 and 7;</u>	(fa) <u>deleted</u> This is a list of information that must be included in removal orders.

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				However, the information referred to in this paragraph will only be obtained once the removal order is issued and it cannot be executed for the reasons included in paras. 5 and 6. In these cases, the orders do not need to be re-issued. The time period stops and then re-starts once the issues mentioned in paras 5 and 6 are resolved.
Article 14(3), point (g)				
330	(g) a reference to this Regulation as the legal basis for the removal order;	(g) a reference to <u>Article 14 of</u> this Regulation as the legal basis for the removal order;	(g) a reference to this Regulation as the legal basis for the removal order;	(g) a reference to this Regulation as the legal basis for the removal order; Provisionally agreed
Article 14(3), point (h)				
331	(h) the date, time stamp and electronic signature of the judicial or independent administrative authority issuing the removal order;	(h) the date, time stamp and electronic signature of the judicial or independent administrative authority issuing the removal order;	(h) the date, time stamp and electronic signature of the judicial or independent administrative <u>competent</u> authority issuing the removal order;	(h) the date, time stamp and electronic signature of the judicial or independent administrative authority issuing the removal order; Provisionally agreed, issuing authority to be defined in paragraph 1
Article 14(3), point (i)				
332	(i) easily understandable information about the redress available to the addressee of the	(i) easily understandable information about the redress available to the addressee of the	(i) easily understandable information about the redress available to the addressee of the	(i) easily understandable information about the redress available to the addressee of the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	removal order, including information about redress to a court and about the time periods applicable to such redress.	removal order, including information about redress to a court and about the time periods applicable to such redress.	removal order, including information about redress to a court and about the time periods applicable to such redress.	removal order, including information about redress to a court and about the time periods applicable to such redress. Provisionally agreed
Article 14(4), first subparagraph				
333	4. The judicial authority or the independent administrative issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.	4. The judicial authority or the independent administrative issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.	4. The judicial <u>competent</u> authority or the independent administrative issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.	4. The judicial authority or the independent administrative issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24. Provisionally agreed. Issuing authority to be defined in paragraph 1.
Article 14(4), second subparagraph				
334	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	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	It shall transmit The removal order <u>shall be transmitted, where applicable in accordance with Article 14a,</u> to the <u>the provider's</u> 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	It shall transmit The removal order <u>shall be transmitted, [where applicable in accordance with Article 14a],</u> to the <u>the provider's</u> 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

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	establishment and to the EU Centre, through the system established in accordance with Article 39(2).	establishment and to the EU Centre, through the system established in accordance with Article 39(2).	sending and receipt of the order, to the Coordinating Authority of establishment <u>the Member State whose authority issued the order</u> and to the EU Centre, through the system established in accordance with Article 39(2).	sending and receipt of the order, to the Coordinating Authority <u>lof the Member State whose authority issued the order</u> of establishment and to the EU Centre, through the system established in accordance with Article 39(2). Bracketed text concerns cross-border removal orders.
Article 14(4), third subparagraph				
335	It shall draft the removal order in the language declared by the provider pursuant to Article 23(3).	It shall draft the removal order in the language declared by the provider pursuant to Article 23(3).	It shall draft The removal order <u>shall be transmitted in any of the official languages</u> in the language declared by the provider pursuant to Article 23(3).	It shall draft The removal order <u>shall be transmitted in any of the official languages</u> in the language declared by the provider pursuant to Article 23(3), <u>or in any of the official languages of the authority issuing the order provided that it is accompanied by a translation of at least the most important elements necessary for the execution of the removal order into any of the official languages declared by the provider in accordance with article 23(3).</u> Provisionally agreed.
Article 14(4), fourth subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
335a			<u>The order may also be transmitted in any of the official languages of the Member State issuing the order, provided that it is accompanied by a translation of at least the most important elements necessary for the execution of the order into any of the official languages declared by the provider in accordance with article 23(3).</u>	Merged with line 335 above.
Article 14(5), first subparagraph				
336	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.	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.	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 <u>issuing the order</u> of those grounds, using the template set out in Annex V.	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 <u>issuing the order</u> of those grounds, using the template set out in Annex V. Provisionally agreed. Issuing authority to be defined in paragraph 1.
Article 14(5), second subparagraph				
337	The time period set out in paragraph 1 shall start to run as soon as the reasons referred to in	The time period set out in paragraph 1 shall start to run as soon as the reasons referred to in	The time period set out in paragraph +2 shall start to run as soon as the reasons referred to in	The time period set out in paragraph +2 shall start to run as soon as the reasons referred to in

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	the first subparagraph have ceased to exist.	the first subparagraph have ceased to exist.	the first subparagraph have ceased to exist.	the first subparagraph have ceased to exist. Provisionally agreed
Article 14(6), first subparagraph				
338	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.	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.	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, <u>issuing the order</u> using the template set out in Annex V.	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, <u>issuing the order</u> using the template set out in Annex V. Provisionally agreed. Issuing authority to be defined in paragraph 1.
Article 14(6), second subparagraph				
339	The time period set out in paragraph 1 shall start to run as soon as the provider has received the necessary clarification.	The time period set out in paragraph 1 shall start to run as soon as the provider has received the necessary clarification.	The time period set out in paragraph 1 <u>2</u> shall start to run as soon as the provider has received the necessary clarification.	The time period set out in paragraph 1 <u>2</u> shall start to run as soon as the provider has received the necessary clarification. Provisionally agreed.
Article 14(7)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
340	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.	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.	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 <u>issuing the order</u> , 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.	7. The provider shall, without undue delay and using the template set out in Annex VI, inform the Coordinating authority of establishment <u>issuing the order</u> 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. CNS to check.
Article 14(8)				
341	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.	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.	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.	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. Provisionally agreed.
Article 14(8a)				
341a		<u>8a. Where Europol or the national competent law enforcement authorities or the</u>		<u>8a. deleted</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
		<u>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.</u>		To be dealt with in the context of the EU Centre possible proactive scanning
Article 14a				
	341b		<u>Article 14a</u> <u>Procedure for cross-border removal orders</u>	<u>Article 14a</u> <u>Procedure for cross-border removal orders</u> EP to check (based on TCO Article 4)
Article 14a(1)				
	341c		<u>1. Subject to Article 14, where the provider of hosting services does not have its main establishment or legal representative in the Member State of the authority that issued the removal order, that authority shall, simultaneously, submit through the Coordinating Authority a copy of the removal order to the Coordinating Authority of establishment.</u>	<u>1. Subject to Article 14, where the provider of hosting services does not have its main establishment or legal representative in the Member State of the authority that issued the removal order, that authority shall, simultaneously, submit through the Coordinating Authority a copy of the removal order to the Coordinating Authority of establishment.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				TCO Article 4(1)
Article 14a(2), first subparagraph				
341d			<p><u>2. The Coordinating Authority of establishment may, within 72 hours of receiving the copy of the removal order in accordance with paragraph 1, scrutinise the removal order to determine whether it seriously or manifestly infringes this Regulation or the fundamental rights and freedoms guaranteed by the Charter.</u></p>	<p><u>2. The Coordinating Authority of establishment may, within 72 hours of receiving the copy of the removal order in accordance with paragraph 1, scrutinise the removal order to determine whether it seriously or manifestly infringes this Regulation or the fundamental rights and freedoms guaranteed by the Charter.</u></p> <p>TCO Article 4(4) second subparagraph (plus recital 20)</p>
Article 14a(2), second subparagraph				
341e			<p><u>Where that Coordinating Authority finds such an infringement, it shall, within the period referred to in the first subparagraph, adopt a reasoned decision to that effect.</u></p>	<p><u>Where that Coordinating Authority finds such an infringement, it shall, within the period referred to in the first subparagraph, adopt a reasoned decision to that effect.</u></p> <p>TCO Article 4(5)</p>
Article 14a(3)				
341f			<p><u>3. Where a hosting service provider receives a removal order as referred to in paragraph 1, it shall take the measures provided</u></p>	<p><u>3. Where a hosting service provider receives a removal order as referred to in paragraph 1, it shall take the measures provided</u></p>

	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC CY PCY - drafting
			<u>for in Article 14 as well as the necessary measures to be able to reinstate the content or access thereto, in accordance with paragraph 4 of this Article.</u>	<u>for in Article 14 as well as the necessary measures to be able to reinstate the content or access thereto, in accordance with paragraph 4 of this Article.</u> TCO Article 4(2)
Article 14a(4)				
341g			<u>4. Upon receiving a decision finding an infringement communicated in accordance with paragraph 7, the provider of hosting services concerned shall without undue delay reinstate the content or access thereto, without prejudice to the possibility to enforce its terms and conditions in accordance with Union and national law.</u>	<u>4. Upon receiving a decision finding an infringement communicated in accordance with paragraph 7, the provider of hosting services concerned shall without undue delay reinstate the content or access thereto, without prejudice to the possibility to enforce its terms and conditions in accordance with Union and national law.</u> TCO Article 4(7)
Article 14a(5), first subparagraph				
341h			<u>5. By way of derogation from Article 14(1) and from paragraphs 1 and 2 of this Article, a Member State in which the provider of hosting services has its main establishment or in which its legal representative resides or is established may decide that removal orders issued</u>	<u>5.</u> On hold

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<u>by the competent authorities of other Member States are to be transmitted through the Coordinating Authority of that Member State. That Member State shall inform the Commission of its decision and of its reasons therefor. The Commission shall make publicly available, and keep up-to-date, a list of Member States that take such a decision.</u>	
Article 14a(5), second subparagraph				
341i			<u>The Coordinating Authority of establishment shall as soon as possible and in any event within 72 hours of receiving a removal order, as referred to in the first subparagraph, transmit that removal order to the provider of hosting services, unless it adopts a reasoned decision within that 72 hour period that that removal order seriously or manifestly infringes this Regulation or the fundamental rights and freedoms guaranteed by the Charter. Such removal order shall only have legal effect upon the transmission thereof to the provider of hosting services.</u>	on hold

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
Article 14a(6)				
341j			<p><u>6. The Coordinating Authority of establishment shall, before adopting a decision pursuant to the second subparagraph of paragraph 2 or the second subparagraph of paragraph 5, inform the Coordinating Authority of the Member State whose authority issued the removal order of its intention to adopt the decision and of the reasons therefor.</u></p>	<p><u>6. The Coordinating Authority of establishment shall, before adopting a decision pursuant to the second subparagraph of paragraph 2 for the second subparagraph of paragraph 5], inform the Coordinating Authority of the Member State whose authority issued the removal order of its intention to adopt the decision and of the reasons therefor.</u></p> <p>TCO Article 4(5)</p>
Article 14a(7), first subparagraph				
341k			<p><u>7. Where the Coordinating Authority of establishment adopts a reasoned decision in accordance with the second subparagraph of paragraph 2, it shall, without delay, transmit that decision, to the Coordinating Authority of the Member State whose authority issued the removal order, the provider of hosting services and the EU Centre.</u></p>	<p><u>7. Where the Coordinating Authority of establishment adopts a reasoned decision in accordance with the second subparagraph of paragraph 2, it shall, without delay, transmit that decision, to the Coordinating Authority of the Member State whose authority issued the removal order, the provider of hosting services and the EU Centre.</u></p> <p>In TCO Article 4(6)</p>
Article 14a(7), second subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
3411			<u>Where the Coordinating Authority of establishment adopts a reasoned decision in accordance with the second subparagraph of paragraph 5, it shall, without delay, transmit that decision to the Coordinating Authority of the Member State whose authority issued the removal order and the EU Centre.</u>	on hold (connected to para 5)
Article 15				
342	Article 15 Redress and provision of information	Article 15 Redress and provision of information	Article 15 Redress and provision of information	Article 15 Redress and provision of information
Article 15(1)				
343	1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the removal order.	1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the removal order.	1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the removal order.	1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the removal order.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				Provisionally agreed
Article 15(1a)				
343a			<u>1a. If the order is reversed as a result of a redress procedure, the provider shall without undue delay reinstate the material or access thereto, without prejudice to the possibility to enforce its terms and conditions in accordance with Union and national law.</u>	<u>1a. deleted</u> moved to 322
Article 15(2), first subparagraph				
344	2. When the removal order becomes final, the competent judicial authority or independent administrative authority that issued the removal order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).	2. When the removal order becomes final, the competent judicial authority or independent administrative authority that issued the removal order shall, without undue delay, transmit a copy thereof to inform the Coordinating Authority of establishment <u>thereof</u> . The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to inform the EU Centre <u>and</u> all other Coordinating Authorities through the system established in accordance with Article 39(2).	2. When the removal order becomes final, the competent judicial authority or independent administrative authority that issued the removal order shall, without undue delay, transmit a copy thereof <u>and copies of the information it has received pursuant to Article 14(5) to (7)</u> to the Coordinating Authority of establishment. The <u>the Member State of the authority issuing the removal order. That</u> Coordinating Authority of establishment shall then, without undue delay, transmit a copy <u>copies</u> thereof to all other Coordinating Authorities <u>and to the EU Centre</u> through the system	2. When the removal order becomes final, the competent judicial authority or independent administrative authority that issued the removal order shall, without undue delay, transmit a copy thereof <u>and copies of the information it has received pursuant to Article 14(5) to (7)</u> to the Coordinating Authority of establishment. The <u>[the Member State of the authority issuing the removal order]. That</u> Coordinating Authority of establishment shall then, without undue delay, transmit a copy <u>copies</u> thereof to all other Coordinating Authorities <u>and to the EU Centre</u> through the system

	CLEAN Commission Proposal	V.S.EC EP Mandate	V.S.EC Council Mandate	V.S.EC CY PCY - drafting
			established in accordance with Article 39(2).	established in accordance with Article 39(2).
Article 15(2), second subparagraph				
345	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.	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.	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.	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. Provisionally agreed
Article 15(3)				
346	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:	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:	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:	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: Provisionally agreed
Article 15(3), point (a)				
347	(a) the fact that it removed the material or disabled access thereto;	(a) the fact that it removed the material or disabled access thereto;	(a) the fact that it removed the material or disabled access thereto;	(a) the fact that it removed the material or disabled access thereto;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				Provisionally agreed
Article 15(3), point (b)				
348	(b) the reasons for the removal or disabling, providing a copy of the removal order upon the user's request;	(b) the reasons for the removal or disabling, providing a copy of the removal order upon <i>the user's request;</i>	(b) the reasons for the removal or disabling, providing a copy of the removal order upon the user's request;	(b) the reasons for the removal or disabling, providing a copy of the removal order upon the user's request; Alignment with Art. 11 TCO stating that the copy should be provided upon request of the content provider. EP to check.
Article 15(3), point (c)				
349	(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.	(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.	(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.	(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. Provisionally agreed
Article 15(3a), first subparagraph				
349a			<u><i>3a. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it complaints about alleged infringements of its obligations under this Section. It shall process such complaints in an</i></u>	<u><i>3a. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it, within a reasonable time-frame, complaints about alleged infringements of its obligations under this Section. It shall</i></u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<u>objective, effective and timely manner.</u>	<u>process such complaints in an objective, effective and timely manner.</u> The EP and CNS have accepted this text for blocking orders (see line 399).
Article 15(4), first subparagraph				
350	4. The Coordinating Authority of establishment may request, when requesting the judicial authority or independent administrative authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of or disabling of access to the child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.	4. The Coordinating Authority of establishment may request, when requesting the judicial authority or independent administrative authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of or disabling of access to the child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.	4. The Coordinating <u>issuing</u> authority of establishment may request, when requesting the judicial authority or independent administrative authority issuing the removal order <u>may decide</u> , and after having consulted <u>if necessary</u> 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 <u>or related criminal</u> offences.	4. The Coordinating <u>issuing</u> authority of establishment may request, when requesting the judicial authority or independent administrative authority issuing the removal order <u>may decide</u> , and after having consulted <u>if necessary</u> 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 <u>or related criminal</u> offences. EP to check
Article 15(4), second subparagraph				
351	In such a case:	In such a case:	In such a case:	In such a case:

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
				Provisionally agreed
Article 15(4), second subparagraph, point (a)				
352	(a) the judicial authority or independent administrative authority issuing the removal order shall set the time period not longer than necessary and not exceeding six weeks, during which the provider is not to disclose such information;	(a) the judicial authority or independent administrative authority issuing the removal order shall set the time period not longer than necessary and not exceeding six weeks, during which the provider is not to disclose such information;	(a) the judicial authority or independent administrative authority issuing the removal order shall set the <u>inform the provider of its decision specifying the applicable</u> time period not that shall be no longer than necessary and not exceeding six <u>twelve</u> weeks, during which the provider is not to disclose such information;	(a) the judicial authority or independent administrative authority issuing the removal order shall set the <u>inform the provider of its decision specifying the applicable</u> time period not that shall be no longer than necessary and not exceeding six <u>six/twelve</u> weeks, during which the provider is not to disclose such information; CNS to check if a shorter period than 12 weeks would be feasible here (TCO is 6 weeks)
Article 15(4), second subparagraph, point (b)				
353	(b) the obligations set out in paragraph 3 shall not apply during that time period;	(b) the obligations set out in paragraph 3 shall not apply during that time period;	(b) the obligations set out in paragraph 3 shall not apply during that time period;	(b) the obligations set out in paragraph 3 shall not apply during that time period; Provisionally agreed
Article 15(4), second subparagraph, point (c)				
354	(c) that judicial authority or independent administrative authority shall inform the provider of its decision,	(c) that judicial authority or independent administrative authority shall inform the provider of its decision,	(e) that judicial authority or independent administrative authority shall inform the provider of its decision, specifying the applicable time period.	(e) that judicial authority or independent administrative authority shall inform the provider of its decision, specifying the applicable time period.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	specifying the applicable time period.	specifying the applicable time period.		the applicable time period. <u>deleted</u> Covered in 352
Article 15(4), third subparagraph				
355	That judicial authority or independent administrative authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority or independent administrative authority shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.	That judicial authority or independent administrative authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority or independent administrative authority shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.	That judicial <u>The</u> authority or independent administrative authority <u>issuing the removal order</u> 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 <u>the issuing</u> authority shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.	That judicial <u>The</u> authority or independent administrative authority <u>issuing the removal order</u> 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 <u>the issuing</u> authority shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision. CNS to check re-insertion of last sentence.
Article 15(4a)				
355a			<u>4a. Where Article 14a(5) applies, the issuing authority shall inform the provider of the decision referred to in paragraph</u>	On hold; linked to paragraph on hold above.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<u>4 through the Coordinating Authority of establishment.</u>	
Section 5				
356	Section 5 Blocking obligations	Section 5 Blocking obligations	Section 5 Blocking obligations	Section 5 Blocking obligations Provisionally agreed.
Article 16				
357	Article 16 Blocking orders	Article 16 Blocking orders	Article 16 Blocking orders	Article 16 Blocking orders Provisionally agreed.
Article 16(1)				
358	1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or an independent administrative authority of that Member State to issue a blocking order requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing known child sexual abuse material indicated by all uniform resource locators on the list of uniform resource locators	1. <u>As a measure of last resort, when the known child sexual abuse material cannot be reasonable removed at source,</u> 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	1. The <u>Coordinating competent</u> 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, <u>subject to any requirements of national law as referred to in paragraph 1a,</u> 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	1. The <u>Coordinating competent</u> authority of establishment- shall have the power to <u>request the competent judicial authority of the Member State that designated it or an independent administrative authority of that Member State</u> to issue a blocking order, <u>subject to any requirements of national law as referred to in paragraph 1a,</u> requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing <u>known</u> child sexual abuse

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	included in the database of indicators, in accordance with Article 44(2), point (b) and provided by the EU Centre.	sexual abuse material indicated by all <u>the exact</u> 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.	material indicated by all uniform resource locators on . <u>The competent authorities may make use of</u> 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.	material <u>indicated by</u> all <u>the exact</u> uniform resource locators on <u>locators</u> / <u>The competent authorities may make use of</u> 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. Points to be discussed: (a) issuing authority (b) requirements of national law (c) CNS mandate also includes blocking for all CSAM, not only known (d) use of exact uniform resource locators (linked to Article 14, line 328) (e) when not reasonably removed at source (EP mandate): covered by recital, line 43 (f) "measure of last resort" (EP mandate) is covered in line 367.
Article 16(1a)				
358a			<u>1a. By deviation from paragraph 1, and without causing undue delays in the process of issuance of those orders, Member States may decide that such orders can only be issued by or with the prior</u>	<u>1a. [By deviation from paragraph 1, and without causing undue delays in the process of issuance of those orders, Member States may decide that such orders can only be issued by or with the prior</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
			<u>authorisation of a judicial authority, if necessary, at the request of another competent authority. Where a Member State makes use of this possibility, it shall inform the Commission thereof and maintain this information updated. The Commission shall make the information received publicly available and maintain this information updated.</u>	<u>authorisation of a judicial authority, if necessary, at the request of another competent authority. Where a Member State makes use of this possibility, it shall inform the Commission thereof and maintain this information updated. The Commission shall make the information received publicly available and maintain this information updated.]</u>
Article 16(1b)				
358b			<u>1b. The provider shall execute the blocking order as soon as possible and in any event within a reasonable time period set by the issuing authority. The provider shall take the necessary measures to ensure that it is capable of reinstating access in accordance with Article 18(1a).</u>	<u>1b. [The provider shall execute the blocking order as soon as possible and in any event within a reasonable time period set by the issuing authority. The provider shall take the necessary measures to ensure that it is capable of reinstating access in accordance with Article 18(1a).]</u>
Article 16(2), first subparagraph				
359	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.	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.	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.	CNS to discuss.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
Article 16(2), second subparagraph				
360	To that end, it shall, where appropriate:	To that end, it shall, where appropriate:	To that end, it shall, where appropriate:	
Article 16(2), second subparagraph, point (a)				
361	(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;	(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;	(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;	
Article 16(2), second subparagraph, point (b)				
362	(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, the necessary information, in particular regarding the accessing or attempting to access by users of the child sexual abuse material indicated by the uniform resource locators, regarding the provider's policy to address the risk of dissemination of the child sexual abuse material and regarding the provider's financial and	(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, the any necessary information, in particular regarding the <u>apparent</u> 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	(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, the necessary information, in particular regarding the accessing or attempting to access by users of the child sexual abuse material indicated by the uniform resource locators, regarding the provider's policy to address the risk of dissemination of the child sexual abuse material and regarding the provider's financial and	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC CY PCY - drafting
	technological capabilities and size;	technological capabilities and size;	technological capabilities and size;	
Article 16(2), second subparagraph, point (c)				
363	(c) request the EU Centre to provide the necessary information, in particular explanations and assurances regarding the accuracy of the uniform resource locators in indicating child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;	(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;	(c) request the EU Centre to provide the necessary information, in particular explanations and assurances regarding the accuracy of the uniform resource locators in indicating child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;	
Article 16(2), second subparagraph, point (d)				
364	(d) request any other relevant public authority or relevant experts or entities to provide the necessary information.	(d) request any other relevant public authority or relevant experts or entities to provide the necessary information.	(d) request any other relevant public authority or relevant experts or entities to provide the necessary information.	
Article 16(3)				
365	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	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	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	

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	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.	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.	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.	
Article 16(4), first subparagraph				
366	4. The Coordinating Authority of establishment shall request the issuance of the blocking order, and the competent judicial authority or independent authority shall issue the blocking order, where it considers that the following conditions are met:	4. The Coordinating Authority of establishment shall <u>may</u> request the issuance of the blocking order, and the competent judicial authority or independent authority shall issue the blocking order, where it considers that <u>all</u> the following conditions are <u>simultaneously</u> met:	4. The Coordinating Authority of establishment shall request the issuance of the <u>A</u> blocking order, and the competent judicial authority or independent authority shall issue the blocking order, <u>be issued</u> where it considers that <u>the</u> following conditions are met:	4. The Coordinating Authority of establishment shall request the issuance of the <u>A</u> blocking order, and the competent judicial authority or independent authority shall issue the blocking order, <u>be issued</u> where it considers that <u>all of</u> the following conditions are met: EP to check
Article 16(4), first subparagraph, point (a)				
367	(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to access the child sexual abuse material indicated by the uniform resource locators;	(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to access the child sexual abuse material indicated by the uniform resource locators <u>cannot reasonable be removed at source and the material is still online;</u>	(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to <u>other equally effective and less intrusive measures than blocking cannot be taken to prevent</u> access the <u>to</u> child sexual abuse material indicated by the uniform resource	(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to <u>other equally effective and less intrusive measures than blocking cannot be taken to prevent</u> access the <u>to</u> child sexual abuse material indicated by the uniform resource

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			locators or if it is likely that such measure will fail;	locators or if it is likely that such measure will fail; EP amendment to be included as an example in recital
Article 16(4), first subparagraph, point (b)				
368	(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;	(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;	(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, <u>to</u> 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 ;	(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; Remaining text "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" to be moved to Recital as an explanation
Article 16(4), first subparagraph, point (c)				
369	(c) the uniform resource locators indicate, in a sufficiently	(c) <u>the exact</u> the uniform resource locators indicate, in a	(e) the uniform resource locators indicate, in a sufficiently	Linked to discussion on scope (line 358)

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	reliable manner, child sexual abuse material;	sufficiently reliable manner, child sexual abuse material;	reliable manner, child sexual abuse material;	
Article 16(4), first subparagraph, point (d)				
370	(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.	(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-;	(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.	(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. Provisionally agreed.
Article 16(4), first subparagraph, point (da)				
370a		<u>(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.</u>		<u>(da) deleted</u> Covered by line 392a (the authority may not know this in advance and the provider is not required to comply if not technically feasible)
Article 16(4), second subparagraph				
371	When assessing whether the conditions of the first subparagraph have been met,	When assessing whether the conditions of the first subparagraph have been met,	When assessing whether the conditions of the first subparagraph have been met,	When assessing whether the conditions of the first subparagraph have been met,

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	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.	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.	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.	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. <u>l</u> . Pending discussion on lines 359 and following
Article 16(5)				
372	5. The Coordinating Authority of establishment when requesting the issuance of blocking orders, and the competent judicial or independent administrative authority when issuing the blocking order, shall:	5. The Coordinating Authority of establishment when requesting the issuance of blocking orders, and the competent judicial or independent administrative authority when issuing the blocking order, shall:	5. The Coordinating Authority of establishment when requesting the issuance of blocking orders, and the competent judicial or independent administrative authority when issuing the <u>A</u> blocking order; shall:	5. The Coordinating Authority of establishment when requesting the issuance of blocking orders, and the competent judicial or independent administrative authority when issuing the <u>A</u> blocking order; shall:
Article 16(5), point (a)				
373	(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;	(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;	(a) specify effective and proportionate <u>limits and safeguards</u> necessary to ensure <u>that a blocking order is targeted and</u> that any negative consequences referred to in paragraph 4, point (d), remain limited to what is strictly necessary;	(a) specify effective and proportionate limits and safeguards necessary to ensure <u>that a blocking order is targeted and</u> that any negative consequences referred to in paragraph 4, point (d), remain limited to what is strictly necessary;
Article 16(5), point (b)				

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374	(b) subject to paragraph 6, ensure that the period of application remains limited to what is strictly necessary.	(b) subject to paragraph 6, ensure that the period of application remains limited to what is strictly necessary.	(b) subject to paragraph 6, ensure that the period of application remains limited to what is strictly necessary.	(b) subject to paragraph 6, ensure that the period of application remains limited to what is strictly necessary. Provisionally agreed.
Article 16(6), first subparagraph				
375	6. The Coordinating Authority shall specify in the blocking order the period during which it applies, indicating the start date and the end date.	6. The Coordinating Authority shall specify in the blocking order the period during which it applies, indicating the start date and the end date.	6. The Coordinating issuing authority shall specify in the blocking order the period during which it applies, indicating the start date and the end date.	6. The Coordinating issuing authority shall specify in the blocking order the period during which it applies, indicating the start date and the end date.
Article 16(6), second subparagraph				
376	The period of application of blocking orders shall not exceed five years.	The period of application of blocking orders shall not exceed five years, <u>but it can be renewed afterwards if necessary.</u>	The period of application of blocking orders shall not exceed five years.	The period of application of blocking orders shall not exceed five years, <u>but it can be extended if necessary and justified.</u> EP and CNS to check
Article 16(7), first subparagraph				
377	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,	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,	7. In respect of the blocking orders that the competent judicial authority or independent administrative authority issued at its request, the Coordinating The issuing authority shall, where necessary and at least once every year, assess whether any substantial changes to the grounds for issuing the blocking orders	7. In respect of the blocking orders that the competent judicial authority or independent administrative authority issued at its request, the Coordinating The issuing authority shall, where necessary and at least once every year, assess whether any substantial changes to the grounds for issuing the blocking orders

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	in particular, whether the conditions of paragraph 4 continue to be met.	in particular, whether the conditions of paragraph 4 continue to be met.	<i>have</i> occurred and in particular, whether the conditions of paragraph 4 continue to be met.	<i>have</i> occurred and in particular, whether the conditions of paragraph 4 continue to be met.
Article 16(7), second subparagraph				
378	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.	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.	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 <u>other relevant information, including information obtained through</u> the reports referred to in Article 18(5) and (6) <u>17(5a)</u> , respectively. The provisions of this Section <u>an order</u> shall apply to such requests, mutatis mutandis <u>be modified or reversed by the issuing authority, where relevant at the request of the Coordinating Authority.</u>	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 <u>any other relevant information, including that obtained through</u> the reports referred to in Article 17(5)(a) <u>17(5)(a)</u> / 18(5) and (6) <u>, an order,</u> respectively. The provisions of this Section shall apply to such requests, mutatis mutandis <u>be modified or reversed by the issuing authority.</u> To check meaning of "The provisions of this Section shall apply to such requests, mutatis mutandis."
Article 17				
379	Article 17 Additional rules regarding blocking orders	Article 17 Additional rules regarding blocking orders	Article 17 Additional rules regarding blocking orders	Article 17 Additional rules regarding blocking orders

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				Provisionally agreed.
Article 17(1)				
380	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:	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:	1. The Coordinating Authority of establishment shall issue the <u>A</u> blocking orders referred to in Article 16 <u>order shall be issued</u> using the template set out in Annex VII. Blocking orders shall include:	1. The Coordinating Authority of establishment shall issue the <u>A</u> blocking orders referred to in Article 16 <u>order shall be issued</u> using the template set out in Annex VII. Blocking orders shall include:
Article 17(1), point (a)				
381	(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);	(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);	(a) <u>where applicable</u> , 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);	(a) <u>[where applicable,]</u> 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) ;
Article 17(1), point (b)				
382	(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;	(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;	(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;	(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;
Article 17(1), point (c)				

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y	383 (c) the name of the provider and, where applicable, its legal representative;	(c) the name of the provider and, where applicable, its legal representative;	(c) the name of the provider and, where applicable, its legal representative;	(c) the name of the provider and, where applicable, its legal representative; Provisionally agreed.
Article 17(1), point (d)				
	(d) the specific service in respect of which the detection order is issued;	(d) the specific service in respect of which the detection order is issued;	(d) <u>clear information enabling the provider to identify and locate the child sexual abuse material and</u> the specific service in respect of which the detection <u>blocking</u> order is issued;	(d) <u>clear information enabling the provider to identify and locate the child sexual abuse material and</u> the specific service in respect of which the detection <u>blocking</u> order is issued; Linked to discussion on URLs
Article 17(1), point (e)				
y	385 (e) the start date and the end date of the blocking order;	(e) the start date and the end date of the blocking order;	(e) the start date and the end date of the blocking order;	(e) the start date and the end date of the blocking order; Provisionally agreed.
Article 17(1), point (ea)				
	385a		<u>(ea) the limits referred to in Article 16(5);</u>	<u>(ea) deleted</u> covered in template
Article 17(1), point (f)				
y	386 (f) a sufficiently detailed statement of reasons explaining why the blocking order is issued;	(f) a sufficiently detailed statement of reasons explaining why the blocking order is issued;	(f) a sufficiently detailed statement of reasons explaining why the blocking order is issued;	(f) a sufficiently detailed statement of reasons explaining why the blocking order is issued; Provisionally agreed.

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Article 17(1), point (fa)				
386a			<u>(fa) the information necessary for the application, where relevant, of paragraphs 4a, 5, and 5a;</u>	<u>(fa) deleted</u> covered by template
Article 17(1), point (g)				
387	(g) a reference to this Regulation as the legal basis for the blocking order;	(g) a reference to this Regulation as the legal basis for the blocking order;	(g) a reference to this Regulation as the legal basis for the blocking order;	(g) a reference to this Regulation as the legal basis for the blocking order; Provisionally agreed.
Article 17(1), point (h)				
388	(h) the date, time stamp and electronic signature of the judicial authority or the independent administrative authority issuing the blocking order;	(h) the date, time stamp and electronic signature of the judicial authority or the independent administrative authority issuing the blocking order;	(h) the date, time stamp and electronic signature of the judicial authority or the independent administrative <u>competent</u> authority issuing the blocking order;	(h) the date, time stamp and electronic signature of the judicial authority or the independent administrative authority issuing the blocking order; provisionally agreed
Article 17(1), point (i)				
389	(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.	(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.	(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.	(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. Provisionally agreed.

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Article 17(2)				
390	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.	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.	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.	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. Provisionally agreed
Article 17(3)				
391	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).	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).	3. The blocking order shall be transmitted to the provider's point of contact referred to in Article 23(1) <u>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</u> , to the Coordinating Authority of establishment in the Member State in which the order was issued and to the EU Centre, through the system established in accordance with Article 39(2).	3. The blocking order shall be transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority <u>of establishment in the Member State in which the order was issued</u> and to the EU Centre, through the system established in accordance with Article 39(2).
Article 17(4)				

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392	4. The blocking order shall be drafted in the language declared by the provider pursuant to Article 23(3).	4. The blocking order shall be drafted in the language declared by the provider pursuant to Article 23(3).	4. The blocking order shall be drafted in the language <u>transmitted in any of the official languages</u> declared by the provider pursuant to Article 23(3).	4. The blocking order shall be drafted in <u>any of the languages</u> the language declared by the provider pursuant to Article 23(3).
Article 17(4a)				
392a			<u>4a. If the provider cannot execute the blocking 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 authority issuing the order of those grounds, using the template set out in Annex VIII.</u>	<u>4a. If the provider cannot execute the blocking 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 authority issuing the order of those grounds, using the template set out in Annex VIII.</u> EP to check
Article 17(5)				
393	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	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	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 <u>from the</u> authority of establishment, <u>issuing the</u>	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 <u>from the</u> authority of establishment, <u>issuing the</u>

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	establishment, using the template set out in Annex VIII.	establishment, using the template set out in Annex VIII.	<u>order</u> using the template set out in Annex VIII.	<u>order</u> using the template set out in Annex VIII.
Article 17(5a), first subparagraph				
393a			<u>5a. The provider shall, without undue delay and using the template set out in Annex IX, inform the issuing authority of the measures taken to execute the blocking order, indicating, in particular, whether the provider has prevented access to child sexual abuse material.</u>	<u>5a.</u> For further reflection together with 18(5) and (6)
Article 17(5a), second subparagraph				
393b			<u>The authority issuing the order shall require the provider to report to it at regular intervals on the measures taken and their functioning to execute a blocking order, including the effective and proportionate limitations and safeguards provided for.</u>	
Article 17(5a), third subparagraph				
393c			<u>Upon request of the issuing authority, the provider shall also provide, without undue delay, such reports or any other information relating to the execution of the blocking order needed for the purpose of the</u>	

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			assessment referred to in Article 16(7).	
Article 17(6)				
394	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.	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.	6. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes VII and VIII , VIII and IX where necessary to improve the templates in view of relevant technological developments or practical experiences gained.	6. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes VII, [and] VIII [and IX] and VIII where necessary to improve the templates in view of relevant technological developments or practical experiences gained.