



2022/0155(COD)

3.7.2023

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Civil Liberties, Justice and Home Affairs

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

Rapporteur for opinion: Alex Agius Saliba

(*) Associated committee – Rule 57 of the Rules of Procedure

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SHORT JUSTIFICATION

The European Commission's proposal "Regulation laying down rules to prevent and combat child sexual abuse (CSAM)" seeks to combat child sexual abuse online and to set out uniform rules and obligations on providers of hosting services, interpersonal communication services, and other services to prevent the dissemination of online child sexual abuse material in the internal market. The Proposal is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU).

The IMCO Committee is responsible for the functioning of the Single Market, including measures aimed at identifying and removing potential obstacles to the implementation of the Single Market, including the Digital Single Market. The IMCO Committee also has horizontal competence for digital services and consumer protection. It is, therefore, appropriate that IMCO makes an informed decision to ensure that the new rules set out high standards of protection of users online and that there is consistency with existing rules, such as the Digital Services Act (DSA) and the E-commerce Directive.

To this end, the Rapporteur has endeavoured to consult stakeholders as widely and transparently as possible to ensure that the opinion tackles real problems and to limit unnecessary unintended consequences.

The Rapporteur fully supports the key objective of the Commission's proposal to prevent and combat child sexual abuse material online. Sexual abuse of children is a particularly serious and heinous crime, and the objective of enabling effective action to combat it and to protect the rights and freedoms of victims amounts to an objective of general interest recognised by the Union. The Parliament has long been a strong advocate for securing a safer internet for children, as well as for defending their rights and protection online.

The Proposal is intrinsically linked to the DSA, which is *lex generalis* for service providers' obligations regarding illegal content. It builds on the horizontal framework of the DSA and the E-commerce Directive, and sets out further obligations for the particular case of combating online child sexual abuse, for example, as regards the assessment of systemic risks and mitigation measures. The same applies to due diligence obligations for information society service providers, orders, liability and enforcement.

In this context, the Rapporteur believes that some aspects of the proposed Regulation require improvement to create legal clarity and coherence between the relevant provisions and existing legal instruments, such as the DSA. To this end, the Rapporteur recommends building on the horizontal framework of the DSA, relying on it as a baseline, and, where possible and needed, setting out more specific rules for the particular case of combatting online child sexual abuse.

The Rapporteur believes that a number of checks and balances should be introduced to increase the efficiency of the new rules as regards the protection of children online on the one hand, and to ensure the respect of key principles, such as the prohibition of general monitoring obligations, the respect for private life and confidentiality of communications, freedom of expression as well as innovation and the growth of the digital economy on the other. Such balanced approach relies on the high level of trust and confidence that such technologies should provide. Furthermore, the Rapporteur believes that in order to guarantee the effectiveness and proportionality of the proposed measures and to provide a safer online environment for children,

it is essential to ensure a strong protection for users and guarantee that legal content remains online.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Given the central importance of relevant information society services, those **aims can only be achieved by ensuring** that providers offering such services in the Union behave responsibly and take

Amendment

(2) Given the central importance of relevant information society services **for the digital single market and the fact that** those **services might be abused by third parties to carry out illegal activities**

reasonable measures to minimise the risk of their services being *misused* for the purpose of child sexual abuse, those providers often being *the only ones* in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

related to child sexual abuse online, it is important to ensure that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being *used* for the purpose of child sexual abuse, those providers often being in a position to prevent and *to help* combat such abuse. The measures taken should be targeted, carefully balanced, *effective, necessary* and proportionate, *and subject to constant review*, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

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

Amendment

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

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

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

Amendment

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

Amendment 5

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The measures set out in this Regulation should be complemented by the Member States' strategies to avoid victimisation, to increase public awareness and inform people about victims' rights and on how to seek child-friendly and age appropriate reporting mechanisms.

Amendment 6

Proposal for a regulation

Recital 5

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

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services **could** include publicly available **number-independent** interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those **services are** publicly available. **The mere use of a number as an identifier should not be considered to be equivalent to the use of a number to connect with publicly assigned numbers and should therefore, in itself, not be considered to be sufficient to qualify a service as a number-based interpersonal communications service. To this end, obligations under this Regulation should apply to number-independent interpersonal communications services, regardless of whether they use numbers for the provision of their service, such as messaging services, in so far as those services are publicly available and they allow for the dissemination and exchange of images and videos.** As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of **online games**, image-sharing and video-hosting are **also** at risk of **use for the purpose of online child sexual abuse**, they should also be covered by this Regulation, **in so far as they allow for the dissemination and exchange of images and videos uploaded by their users.** However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned

to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner. *For example, where it is necessary to involve providers of information society services, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the specific provider that has the technical and operational ability to act against specific child sexual abuse material, so as to prevent and minimise any possible negative effects on the availability and accessibility of information that is not child sexual abuse material.*

Amendment 7

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Considering the specific nature of search engines and their role in addressing the dissemination of child sexual abuse material, they should be subject to tailored obligations, namely delisting of instances of confirmed online child sexual abuse.

Amendment 8

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) Online child sexual abuse *frequently involves* the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this

(6) Online child sexual abuse *can also involve* the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing

Regulation and a level playing field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

Amendment 9

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) .../... of the European Parliament and of the Council⁴⁰ ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***, Directive 2010/13/EU of the European Parliament and of the Council⁴¹, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive 2002/58/EC of the European Parliament and of the Council⁴³.

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

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic

Amendment

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) **2022/2065** of the European Parliament and of the Council⁴⁰, Directive 2010/13/EU of the European Parliament and of the Council⁴¹, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive 2002/58/EC of the European Parliament and of the Council⁴³.

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

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic

commerce') (OJ L 178, 17.7.2000, p. 1).

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

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

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

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

commerce') (OJ L 178, 17.7.2000, p. 1).

⁴⁰ Regulation (EU) **2022/2065** of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (*OJ L 277, 27.10.2022, p. 1*).

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

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

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

Amendment 10

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** laying down harmonised rules on the provision of certain

Amendment

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) **2022/2065** laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) **2022/2065** apply in

information society services in the internal market. The rules set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** apply in respect of issues that are not or not fully addressed by this Regulation.

respect of issues that are not or not fully addressed by this Regulation.

Amendment 11

Proposal for a regulation Recital 10

Text proposed by the Commission

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

Amendment

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

Amendment 12

Proposal for a regulation Recital 11

Text proposed by the Commission

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

Amendment

(11) A substantial connection to the Union should be considered to exist where the relevant information society ***service*** has an establishment in the Union or, in its absence, ***where the*** number of ***recipients of the service*** in one or more Member States ***is significant in relation to the population thereof, or on the basis of*** targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant

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

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

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

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

Amendment 13

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) The term ‘online child sexual abuse’ should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (‘known’ material), but also of material not

Amendment

(13) The term ‘online child sexual abuse’ should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (‘known’ material), but also of material not

previously detected that is likely to constitute child sexual abuse material but that has not yet been confirmed as such ('new' material), **as well as activities constituting the solicitation of children ('grooming')**. That is needed in order to address not only past abuse, the re-victimisation and violation of the victims' rights it entails, such as those to privacy and protection of personal data, but to also address recent, ongoing and imminent abuse, so as to prevent it as much as possible, to effectively protect children and to increase the likelihood of rescuing victims and stopping perpetrators.

previously detected that is likely to constitute child sexual abuse material but that has not yet been confirmed as such ('new' material). That is needed in order to address not only past abuse, the re-victimisation and violation of the victims' rights it entails, such as those to privacy and protection of personal data, but to also address recent, ongoing and imminent abuse, so as to prevent it as much as possible, to effectively protect children and to increase the likelihood of rescuing victims and stopping perpetrators.

Amendment 14

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Providers of online games falling under the scope of this Regulation should take the necessary technical and organisational measures to ensure safety and security by design and by default for children, including the option to prevent unsolicited contact between users, facilitating user-friendly reporting mechanisms and providing tools in a prominent way on their platform that allow users and potential victims to seek help from a help-line.

Amendment 15

Proposal for a regulation Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) Where an online platform is

primarily used for the dissemination of user-generated pornographic content, that platform should take the necessary technical and organisational measures to ensure the safety of children, such as user-friendly reporting mechanisms to report alleged child sexual abuse material, adequate professional human content moderation to rapidly process notices of alleged child sexual abuse material and provide tools to inform users in a prominent way about prevention programmes.

Amendment 16

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) With a view to minimising the risk that their services are *misused* for the dissemination of known *or new* child sexual abuse material *or the solicitation of children*, providers of hosting services and providers of publicly available interpersonal communications services should assess *such* risk *for each* of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment *is* updated regularly and when needed for particular reasons.

Amendment

(14) With a view to minimising the risk that their services are *used* for the dissemination of known child sexual abuse material, providers of hosting services and providers of publicly available *number-independent* interpersonal communications services should assess *the existence of a systemic risk stemming from the design and functioning* of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements *and safeguards* to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment, *as well as the effectiveness and proportionality of specific measures, are* updated regularly and when needed for particular reasons. *That risk assessment should be specific to*

the services offered and proportionate to the systemic risk considering its severity and probability.

Amendment 17

Proposal for a regulation Recital 15

Text proposed by the Commission

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

Amendment

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) **2022/2065** with respect to information that they store and disseminate to the public. ***The obligations under this Regulation should not affect the obligations for very large online platforms and very large online search engines under Regulation (EU) 2022/2065. However, in order to ensure consistency and avoid duplication, very large online platforms and very large online search engines could also use, for the purpose of the risk assessment under this Regulation, the information already gathered for the purposes of Regulation (EU) 2022/2065, so that these providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.***

Amendment 18

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]* may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, *including age verification and parental control tools*, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available ***number-independent*** interpersonal communications services should take reasonable ***specific*** measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers ***should consider, in particular, the negative impacts of such measures on the fundamental rights enshrined in the Charter on all parties involved and adopt appropriate and proportionate measures to protect children, for example by designing their online interfaces or parts thereof in line with the highest level of privacy, safety and security for children by default, where appropriate, by adopting standards for protection of children, or by participating in codes of conduct for protecting children.*** Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) ***2022/2065*** may consider to which extent mitigation measures adopted comply with that obligation, which may include targeted measures to protect the rights of the child, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Amendment 19

**Proposal for a regulation
Recital 16 a (new)**

Text proposed by the Commission

Amendment

(16a) To further address online child sexual abuse effectively, an emphasis

should be placed on public awareness raising, including through easily understandable campaigns, and on education with a focus on strengthening digital skills and empowering children to use the internet safely. In addition, awareness raising should also focus on hotlines and help-lines where children can report abuse, as well as on improving access to institutional reporting by law enforcement and other authorities.

Amendment 20

Proposal for a regulation Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) Providers seeking to assess the age of child users as part of measures to ensure the effective protection of children online should process children's data in a privacy preserving and secure manner and in accordance with Regulation (EU) 2016/679, in particular during sign up. The measures and methods used should not lead to excessive data processing, profiling or identification of users, nor the processing of biometric or biometric-based data, should not allow data to be used for any other purpose and minimise the data shared with the provider or any other third party to the maximum extent possible in accordance with Regulation (EU) 2016/679. Self-reporting with minimal checks could be appropriate in many cases, in particular if the provider offers services with an age-appropriate design where children of all relevant age groups are recommended content that is likely to interest them. Methods for assessing the age of users should respect the rights of the child and take particular regard of the risks for exclusion from the online world for children that are unable to comply with the age assessment

requirements.

Amendment 21

Proposal for a regulation Recital 16 c (new)

Text proposed by the Commission

Amendment

(16c) Parental control features and functionalities should be limited to allowing parents or guardians to prevent children from accessing platforms or services that are inappropriate for their age, or to help prevent them from being exposed to content that is inappropriate. These measures should be in line Regulation (EU) 2016/679 and the Convention on the Rights of the Child, respect the integrity and safety of the device and should not allow unauthorised access or control by third parties.

Amendment 22

Proposal for a regulation Recital 17

Text proposed by the Commission

Amendment

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

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement ***specific*** measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used ***in line with children's increasing need for autonomy and rights to access to information and freedom of expression as they grow.*** In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices

preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.

to detect online child sexual abuse in their services. *For example, providers of hosting services and providers of number-independent interpersonal communications services should take the necessary targeted measures and tools to adapt their online interface and protect child users from solicitation, including through increased user information and awareness-raising tools, parental control tools or mechanisms aimed at helping children signal abuse or obtain support. Specific measures could include providing technical measures and tools that allow users to manage their own privacy visibility, reachability and safety, such as mechanisms for users to block or mute other users, mechanisms that ask for confirmation before displaying certain content, and tools that prompt or warn users.*

Amendment 23

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Fundamental rights in the digital sphere have to be guaranteed to the same extent as in the offline world. Safety and privacy need to be ensured, amongst others through end-to-end encryption in private online communication and the protection of private content against any kind of general or targeted surveillance, be it by public or private actors. End-to-end encryption is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Any restrictions of encryption could potentially be abused by malicious third parties. In order to ensure effective consumer trust, nothing in this Regulation should be interpreted as prohibiting providers of information

society services from providing their services applying encryption, or restricting or undermining such encryption in the sense of being detrimental to users' expectations of confidential and secure communication services. Member States should not prevent providers of information society services from providing their services applying encryption, considering that such encryption is essential for trust in and security of the digital services, and effectively prevents unauthorised third party access.

Amendment 24

Proposal for a regulation Recital 18

Text proposed by the Commission

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

Amendment

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available **number-independent** interpersonal communications services should, when designing and implementing the mitigation measures, give importance to ensuring their effectiveness, **and** to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation,

as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. ***Those mitigation measures should always be the least intrusive option possible, with the level of intrusiveness increasing only if justified by the lack of effectiveness or implementation of the less intrusive option.*** When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

Amendment 25

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be ***made*** subject to obligations ***to take certain reasonable measures to assess and mitigate that risk. The providers should make that assessment in a diligent manner, making efforts that are reasonable under the given circumstances, having regard inter alia to the nature and extent of that risk as well as their financial and technological capabilities and size, and cooperating with the providers of the services offered through the software application where possible.***

Amendment

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be subject to ***specific*** obligations under ***this Regulation.***

Amendment 26

Proposal for a regulation
Recital 20

Text proposed by the Commission

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

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of ***use*** of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request, ***as a last resort***, the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of ***targeted*** limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available ***number-independent*** interpersonal communications services, it should only be possible to address detection orders to providers of such services ***taking into account information on the specific suspects, or specific group of suspects or a specific incident***.

Amendment 27

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a ***significant*** risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be taken into account in this regard is the

Amendment

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a ***systemic*** risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be taken into account in this regard is the

likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

Amendment 28

Proposal for a regulation

Recital 22

Text proposed by the Commission

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

Amendment

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

provider concerned.

provider concerned.

Amendment 29

Proposal for a regulation

Recital 23

Text proposed by the Commission

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

Amendment

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted, **justified, proportionate, limited in time and territorial scope and it is specific enough** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the **systemic** risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service, such as specific types of channels of a publicly available **number-independent** interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation **and be reasonably suspected of distributing child sexual abuse material or a limitation to the purpose of obtaining information to effectively investigate a specific incident and collect the information required to assess the existence of criminal offence** for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid

unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Amendment 30

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to specify that given the specific nature of cloud computing services and web-hosting services when serving as infrastructure, imposing on their providers the same obligations as for any hosting service provider might have a broader impact on users of cloud-hosted services. The detection order should therefore not be directed to cloud computing services and directed to the providers of hosting services and providers of number-independent interpersonal communications that can reasonably be expected to have the technical and operational ability to act against specific child abuse material.

Amendment 31

Proposal for a regulation Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) Monitoring private communications of all users of a number-independent interpersonal

communications service in a general and indiscriminate manner is likely to infringe on the essence of their fundamental rights and the prohibition of general monitoring. The detection order should be targeted against a specific user or a specific group of users suspected of distributing child sexual abuse material, or against a specific person or persons the authority intends to investigate, or limited to the purpose of obtaining information to effectively investigate a case and collect the information required to assess the existence of criminal offence.

Amendment 32

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) The competent judicial authority *or the competent independent administrative authority, as applicable in accordance with the detailed procedural rules set by the relevant Member State*, should *be in a position* to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach, *especially in connection to detection orders concerning the solicitation of children. Therefore*, a procedure should be provided for that allows the providers concerned, the EU Centre on Child Sexual Abuse established by this Regulation ('EU Centre') and, where so provided in this Regulation, the competent data protection authority designated under Regulation (EU) 2016/679 to provide their views on the measures in question. They should do so *as soon as possible*, having regard to the important public policy objective at stake and the need to act without undue delay to protect children. In particular, data

Amendment

(24) The competent judicial authority should *have the data* to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach. *In particular, the territorial scope of the detection orders should be clearly set out on the basis of the applicable law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In a cross-border context, the effect of the detection order should in principle be limited to the territory of the issuing Member State, unless the judicial authority considers that the rights at stake require a wider territorial scope, in accordance with Union and international law, namely in line with the principle of proportionality. Moreover, the duration of application of the detection order should be limited in time to what is strictly necessary and proportionate. Furthermore*, a procedure should be

protections authorities should do their utmost to avoid extending the time period set out in Regulation (EU) 2016/679 for providing their opinions in response to a prior consultation. Furthermore, they should normally be able to provide their opinion well within that time period in situations where the European Data Protection Board has already issued guidelines regarding the technologies that a provider envisages deploying and operating to execute a detection order addressed to it under this Regulation.

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

Amendment 33

Proposal for a regulation Recital 25

Text proposed by the Commission

(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

Amendment

deleted

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

Amendment 34

Proposal for a regulation Recital 26

Text proposed by the Commission

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

Amendment

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

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

items of information considered to constitute child sexual abuse material, without unduly affecting the freedom of expression and of information of the user. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties *or states*, and thus to avoid undermining the security and confidentiality of the communications of users. *In particular, providers should ensure effective internal procedures and safeguards to prevent general monitoring, surveillance and foreign espionage.*

Amendment 35

Proposal for a regulation

Recital 27

Text proposed by the Commission

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

Amendment

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

they developed themselves, as long as they meet the requirements of this Regulation.

they developed themselves, as long as they meet the requirements of this Regulation.

Amendment 36

Proposal for a regulation Recital 28

Text proposed by the Commission

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

Amendment

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

Amendment 37

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) Providers of hosting services and providers of publicly available

Amendment

(29) Providers of hosting services and providers of publicly available

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

interpersonal communications services are uniquely positioned to **address** online child sexual abuse involving their services. The information that they may obtain when offering their services **may help** to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to report on potential online child sexual abuse on their services, whenever they **obtain actual knowledge or awareness of illegal activities or illegal content**, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative **or through notices submitted to it by individuals in accordance with this Regulation in so far as such notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and, where appropriate, act against the allegedly illegal content**. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

Amendment 38

Proposal for a regulation Recital 29 a (new)

(29a) It is important that relevant information society service providers, regardless of their size, put in place easily accessible and user- and child-friendly notification mechanisms that facilitate the notification of child sexual abuse online, in particular new child sexual abuse material and solicitation. Such mechanisms should be clearly identifiable, located close to the information in question and easy to find and use by children. Having regard to the need to take due account of the fundamental rights of all parties concerned, as guaranteed under the Charter, any action taken by a provider after receiving a notification should be strictly targeted, in the sense that it should serve to report, remove or disable access to the specific child sexual abuse material, without unduly affecting the freedom of expression and of information of the recipients of the service. Micro and small sized enterprises should get support from the EU Centre to build up a corresponding mechanism.

Amendment 39

Proposal for a regulation Recital 30

Text proposed by the Commission

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

Amendment

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should

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

inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences. ***Parents or guardians should have equal legal standing to request removal in the instance that the child is not able to do so due to age or other limitations.***

Amendment 40

Proposal for a regulation Recital 31

Text proposed by the Commission

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

Amendment

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

Amendment 41

Proposal for a regulation Recital 34

Text proposed by the Commission

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

Amendment

(34) ***The legal certainty provided by the horizontal framework set out by Regulation (EU) 2022/2065 as regards conditional exemptions from liability for providers of intermediary services should be preserved. The rules on liability of providers of intermediary services set out in this Regulation should therefore be consistent with Regulation (EU) 2022/2065 and only establish when the***

complying with their obligations *under* this Regulation and they act in good faith.

provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should not be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine. In order to allow for an efficient reporting system and considering that acquiring, possessing, knowingly obtaining access and transmitting child sexual abuse material constitute criminal offences under Directive 2011/93/EU, it is necessary to exempt providers of relevant information society services from criminal liability when they are involved in such activities, *including when carrying out voluntary own-initiative investigations, or taking other measures*, insofar as their activities remain strictly limited to what is needed for the purpose of complying with their obligations *in compliance with Union law, including* this Regulation, and they act in good faith *and in a diligent manner*.

Amendment 42

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes

Amendment

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. ***The single point of contact should allow for direct communication with the users of the***

and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

service for issues related to this Regulation. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) **2022/2065**, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

Amendment 43

Proposal for a regulation Recital 42

Text proposed by the Commission

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

Amendment

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

Amendment 44

Proposal for a regulation Recital 44

Text proposed by the Commission

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

Amendment

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

Amendment 45

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) The Coordinating Authority, as well as other competent authorities, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities have not only the necessary investigatory and enforcement powers, but also **the** necessary financial, human, technological and other resources to **adequately** carry out their tasks under this Regulation. In particular, given the variety of providers of relevant information society services and their use of advanced technology in offering their

Amendment

(47) The Coordinating Authority, as well as other competent authorities, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities have not only the necessary investigatory and enforcement powers, but also **all** necessary **resources, including sufficient** financial, human, technological and other resources to **efficiently** carry out their tasks under this Regulation. In particular, given the variety of providers of relevant information society services and their use of advanced

services, it is essential that the Coordinating Authority, as well as other competent authorities, are equipped with the necessary number of staff, including experts with specialised skills. The resources of Coordinating Authorities should be determined taking into account the size, complexity and potential societal impact of the providers of relevant information society services under the jurisdiction of the designating Member State, as well as the reach of their services across the Union.

technology in offering their services, it is essential that the Coordinating Authority, as well as other competent authorities, are equipped with the necessary number of staff, including experts with specialised skills. The resources of Coordinating Authorities should be determined taking into account the size, complexity and potential societal impact of the providers of relevant information society services under the jurisdiction of the designating Member State, as well as the reach of their services across the Union.

Amendment 46

Proposal for a regulation

Recital 49

Text proposed by the Commission

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

Amendment

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

Amendment 47

Proposal for a regulation

Recital 50

Text proposed by the Commission

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to

Amendment

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to

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

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

Amendment 48

Proposal for a regulation

Recital 55

Text proposed by the Commission

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

Amendment

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

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

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

Amendment 49

Proposal for a regulation Recital 70

Text proposed by the Commission

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they *work together* effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

Amendment

(70) ***Hotlines play a very important role in the fight against child sexual abuse online at Union level, namely with regard to the reporting, detection and rapid removal of child sexual abuse material. Help-lines are also essential in providing support for children in need.***

Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they *cooperate and coordinate* effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union. ***Member States are therefore encouraged to further enhance the operational capacities of hotlines and***

help-lines.

Amendment 50

Proposal for a regulation

Recital 75

Text proposed by the Commission

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

Amendment

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

Amendment 51

Proposal for a regulation

Recital 77

Text proposed by the Commission

(77) The evaluation should be based on the criteria of efficiency, necessity, effectiveness, proportionality, relevance, coherence and Union added value. It should assess the functioning of the different operational and technical measures provided for by this Regulation, including the effectiveness of measures to

Amendment

(77) The evaluation should be based on the criteria of efficiency, necessity, effectiveness, proportionality, relevance, coherence and Union added value. It should assess the functioning of the different operational and technical measures provided for by this Regulation, including the effectiveness of measures to

enhance the detection, reporting and removal of online child sexual abuse, the effectiveness of safeguard mechanisms as well as the impacts on potentially affected fundamental rights, the freedom to conduct a business, the right to private life and the protection of personal data. The Commission should also assess the impact on potentially affected interests of third parties.

enhance the detection, reporting and removal of online child sexual abuse, the effectiveness of safeguard mechanisms, ***the possible use of new technologies, their impact, effectiveness and accuracy for the purpose of combating online child sexual abuse*** as well as the impacts on potentially affected fundamental rights, the freedom to conduct a business, the right to private life and the protection of personal data. The Commission should also assess the impact on potentially affected interests of third parties.

Amendment 52

Proposal for a regulation

Recital 78

Text proposed by the Commission

(78) Regulation (EU) 2021/1232 of the European Parliament and of the Council⁴⁵ provides for a temporary solution in respect of the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, ***pending the preparation and adoption of a long-term legal framework. This Regulation provides that long-term legal framework.*** Regulation (EU) 2021/1232 should therefore be repealed.

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

Amendment

(78) Regulation (EU) 2021/1232 of the European Parliament and of the Council⁴⁵ provides for a temporary solution in respect of the use of technologies by certain providers of publicly available number-independent interpersonal communications services for the purpose of combating online child sexual abuse. Regulation (EU) 2021/1232 should therefore be repealed.

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

Amendment 53

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 54

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) obligations on ***relevant*** providers of ***information society*** services ***that allow the dissemination, exchange and sharing of images, video and audio material to identify*** and report online child sexual abuse;

Amendment 55

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

(c) obligations on providers of ***hosting*** services to remove or disable access to child sexual abuse material on their

Amendment

(c) obligations on ***relevant*** providers of ***information society*** services to remove or disable access to child sexual abuse

services;

material on their services;

Amendment 56

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) *obligations on providers of internet access services to disable access to child sexual abuse material;*

(d) *deleted*

Amendment 57

Proposal for a regulation

Article 1 – paragraph 3 – point b

Text proposed by the Commission

Amendment

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

(b) Directive 2000/31/EC and Regulation (EU) **2022/2065**;

Amendment 58

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) Regulation (EU) .../... [laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts];

Amendment 59

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

Text proposed by the Commission

Amendment

(da) Directive (EU) 2022/2555 of the European Parliament and of the Council^{48a};

^{48a} Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80).

Amendment 60

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

Text proposed by the Commission

Amendment

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

(a) ‘hosting service’ means an information society service as defined in Article 2, point (f), third indent, of Regulation (EU) **2022/2065;**

Amendment 61

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

Text proposed by the Commission

Amendment

(aa) ‘cloud computing service’ means a service as defined in Article 6, point (30),

Amendment 62

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘interpersonal communications service’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972, including services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service;

Amendment

(b) ‘interpersonal communications service’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972, including services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service ***in so far as they allow the dissemination and sharing of images, video and audio material;***

Amendment 63

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 64

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ‘software application’ means a

(c) ‘software application’ means a

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

digital product or service as defined in Article 2, point **15**, of Regulation (EU) **2022/1925**;

Amendment 65

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

Text proposed by the Commission

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

Amendment

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

Amendment 66

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

Text proposed by the Commission

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

Amendment

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

Amendment 67

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

Text proposed by the Commission

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

Amendment

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

Amendment 68

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ha) ‘hotline’ means a service provided by an entity, other than the reporting channels provided by law enforcement agencies, under which victims or other members of the public are able to anonymously report alleged child sexual abuse to that entity, and which is officially recognised by the Member State of establishment of that entity for the purpose of combating child sexual abuse;

Amendment 69

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(hb) ‘help-line’ means a service provided by an entity, which is officially recognised by the Member State of establishment of that entity, consisting in providing information and support to children in need;

Amendment 70

Proposal for a regulation

Article 2 – paragraph 1 – point r

Text proposed by the Commission

Amendment

(r) ‘recommender system’ means the system as defined in Article 2, point (o), of Regulation (EU) .../... ***[on a Single***

(r) ‘recommender system’ means the system as defined in Article 3, point (s), of

Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];

Regulation (EU) 2022/2065;

Amendment 71

Proposal for a regulation

Article 2 – paragraph 1 – point t

Text proposed by the Commission

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

Amendment

(t) ‘content moderation’ means the activities as defined in Article 3, point **(t)**, of Regulation (EU) 2022/2065;

Amendment 72

Proposal for a regulation

Article 2 – paragraph 1 – point v

Text proposed by the Commission

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

Amendment

(v) ‘terms and conditions’ means terms and conditions as defined in Article 3, point **(u)**, of Regulation (EU) 2022/2065;

Amendment 73

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess,

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services

*for each such service that they offer, the risk of use of **the** service for the purpose of online child sexual abuse.*

shall identify, analyse and assess **any systemic** risk of use of **their** service for the purpose of online child sexual abuse. ***That risk assessment shall be specific to the services they offer and proportionate to the systemic risk considering its severity and probability, including in the specific cases where the service was misused to disseminate child sexual abuse materials.***

Amendment 74

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

Text proposed by the Commission

Amendment

1a. Without prejudice to Regulation (EU) 2022/2065, when conducting the risk assessment, providers of hosting services and providers of number-independent interpersonal communications services shall respect fundamental rights and avoid any actual or foreseeable negative effects for the exercise of those rights, in particular the fundamental rights to human dignity, respect for private and family life, the protection of personal data, freedom of expression and information, including the freedom and pluralism of the media, the prohibition of discrimination, the rights of the child and consumer protection, as enshrined in Articles 1, 7, 8, 11, 21, 24 and 38 of the Charter respectively.

Amendment 75

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

Text proposed by the Commission

Amendment

(a) any previously identified instances

(a) ***systemic risks and*** any previously

of use of its services for the purpose of online child sexual abuse;

identified instances of use of its services for the purpose of online child sexual abuse;

Amendment 76

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 77

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

— functionalities enabling ***age verification***;

Amendment

— functionalities enabling ***the effective protection of children online and preventing online child sexual abuse, without prejudice to Regulation (EU) 2016/679***;

Amendment 78

Proposal for a regulation

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

Text proposed by the Commission

Amendment

— ***functionalities enabling appropriate parental control measures***;

Amendment 79

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 a (new)

Text proposed by the Commission

Amendment

— *functionalities enabling detection of known child sexual abuse material, insofar as they remain strictly limited to what is needed for the purpose of complying with their obligations under this Regulation, proportionate and effective, and the relevant technology used is sufficiently reliable to limit to the maximum extent possible the rate of errors in distinguishing between lawful and unlawful content, without the need of independent human assessment;*

Amendment 80

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 b (new)

Text proposed by the Commission

Amendment

— *functionalities allowing access to the dark web;*

Amendment 81

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) the resources to meaningfully deal with reports and notifications about child sexual abuse in a timely manner;

Amendment 82

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

Text proposed by the Commission

(c) the manner in which users use the service and the impact thereof on that risk;

Amendment

(c) the manner in which users use the service and the ***negative*** impact thereof on that risk;

Amendment 83

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

Text proposed by the Commission

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

Amendment

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, ***the design of its recommender systems and any other relevant algorithmic system*** and the ***negative*** impact thereof on that risk, ***without prejudice to trade secrets under Directive (EU) 2016/943***;

Amendment 84

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

Text proposed by the Commission

(i) the extent to which the service is ***used or is likely to be*** used by children;

Amendment

(i) the extent to which the service ***is targeting and is*** used by children;

Amendment 85

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

Text proposed by the Commission

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

Amendment

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

Amendment 86

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Amendment 87

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 1 a (new)

Text proposed by the Commission

Amendment

— ***enabling unsolicited contact for users and, in particular, for adult users to engage and connect with unknown child users;***

Amendment 88

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

— enabling users to ***initiate unsolicited direct*** contact with other users directly, in particular ***on services targeting child users or*** through private

communications;

Amendment 89

Proposal for a regulation

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

Text proposed by the Commission

Amendment

— *enabling child users to create usernames that contain information on their location, age or a representation about, or imply, their age;*

Amendment 90

Proposal for a regulation

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

Text proposed by the Commission

Amendment

— *enabling users to know or infer the location of child users.*

Amendment 91

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Where providers of hosting services and number-independent interpersonal communication services seek to conduct the age assurance of users or to assess the age of child users, including through parental control tools, such measures shall not lead to maintaining, acquiring or processing more personal data than they already have and are strictly necessary in order to assess if the user is a child user, including*

not processing sensitive data such as biometric data. Thus, this obligation shall not incentivise providers of hosting services and number-independent interpersonal communication services to collect the age of the user. Any methods used to assess the age of users shall be without prejudice to Union law on protection of personal data and shall respect the rights of the child, take particular regard of the risks for exclusion from the online world for children that are unable to comply with the requirements and provide for appropriate remedies and redress mechanisms.

Amendment 92

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

The provider may request the EU Centre to perform *a methodology analysis of risk assessments and* anonymized data samples, *available to the EU Centre* to support the risk assessment. *The request cannot serve the purpose of evading the provider's obligations set up in this Regulation. The EU Centre shall perform the analysis in a timely manner. The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk assessment.*

Amendment 93

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 94

Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

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

Amendment

6. The Commission, in cooperation with Coordinating Authorities, the EU Centre **and the European Data Protection Board** and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, **in particular to present best practices and support for micro and small sized enterprises to be able to fulfil the obligations under this Article**, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment 95

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

Text proposed by the Commission

Amendment

6a. By way of derogation, providers that qualify as small and micro sized enterprises as defined in Commission

Recommendation 2003/361/EC shall submit a simplified risk assessment by [Date of application of this Regulation + 6 months], from the date referred to in Article 3(4) or by 6 months from the date at which the provider started offering the service in the Union.

Amendment 96

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

Text proposed by the Commission

Amendment

6b. *The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to provide practical support for micro and small enterprises and to supplement this Regulation with the rules on the simplified risk assessment under paragraph 6a of this Article.*

Amendment 97

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

Text proposed by the Commission

Amendment

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

1. Providers of hosting services and providers of **number-independent** interpersonal communications services shall **put in place** reasonable, **effective and targeted specific** mitigation measures, tailored **to the type of service offered and proportionate** to the risk identified pursuant to Article 3, **with the aim of mitigating** that risk. Such measures shall include **at least** some or all of the following:

Amendment 98

Proposal for a regulation

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) adapting the design, features and functions of their services in order to ensure a high level of privacy, safety, and security by design and by default for children;

Amendment 99

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

(a) ***testing and*** adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, ***including the speed and quality of processing notices and reports related to online child sexual abuse and, where appropriate, the expeditious removal of the content notified;***

Amendment 100

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) introducing parental control features and functionalities that allow the parents or the legal guardians to exercise oversight over the child's activity;

Amendment 101

Proposal for a regulation

Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) informing users about services or organisations in the user’s region on preventing child sexual abuse, counselling, victim support and educational resources by hotlines and child protection organisations, including platform mechanisms or tools placed in a prominent way that allows users and potential victims to seek help;

Amendment 102

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) reinforcing the provider’s internal processes or the internal supervision of the functioning of the service;

(b) ***adapting or*** reinforcing the provider’s internal processes or the internal supervision of the functioning of the service;

Amendment 103

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in

accordance with Article **19** of Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]* .

accordance with Article **22** of Regulation (EU) **2022/2065**.

Amendment 104

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

Text proposed by the Commission

Amendment

(ca) initiating and reinforcing awareness-raising measures and adapting their online interface for increased user information, including automatic mechanisms and interface design elements to inform users about external preventive intervention programmes;

Amendment 105

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

Text proposed by the Commission

Amendment

(cb) initiating tools aimed at helping users to indicate child sexual abuse material and at helping children to signal abuse or obtain support, as appropriate.

Amendment 106

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

Text proposed by the Commission

Amendment

(a) effective in mitigating the identified *risk*;

(a) effective *and proportionate* in mitigating the identified *systemic risk*, *taking into account the characteristics of*

the service provided and the manner in which that service is used;

Amendment 107

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 108

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected *and in line with the right to privacy and the safety of individuals;*

Amendment 109

Proposal for a regulation

Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) based on clear objectives and methodologies for identifying and

quantifying impacts on the identified risk and on the exercise of the fundamental rights of all affected parties;

Amendment 110

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Providers of ***number-independent*** interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary ***targeted*** assessment measures ***adapted to their online interface*** to reliably ***enable*** them to take the mitigation measures.

Amendment 111

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken.

Amendment 112

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

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

Amendment

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, **shall** issue guidelines on the application of paragraphs 1, 2, 3 and 4, **in particular to present best practices and recommend mitigation measures and support for micro and small sized enterprises to be able to fulfil the obligations under this Article**, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

Amendment 113

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 114

Proposal for a regulation
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) the process and the results of the risk assessment conducted or updated

Amendment

(a) the process and the results of the risk assessment conducted or updated

pursuant to Article 3, including the assessment of **any potential** remaining risk referred to in Article 3(5);

pursuant to Article 3, including the assessment of **the** remaining **systemic** risk referred to in Article 3(5);

Amendment 115

Proposal for a regulation Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) any mitigation measures taken pursuant to Article 4.

Amendment

(b) any **specific** mitigation measures taken pursuant to Article 4, **and the effectiveness of such measures in the prevention, dissemination and detection of online child sexual abuse, and the level of intrusiveness of such measures on their users and assessment of alternative options, and whether this was the least intrusive option available;**

Amendment 116

Proposal for a regulation Article 5 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where applicable, any indicators of accuracy or margin of error of the technology used, as well as rates of false positives, false negatives, and number of appeals;

Amendment 117

Proposal for a regulation Article 5 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) where applicable, the number of

orders received pursuant to Articles 7 and 14, including information on the median time needed to inform about its receipt and to give an effect to the order;

Amendment 118

Proposal for a regulation Article 5 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(bc) where applicable, the number of notices submitted by users;

Amendment 119

Proposal for a regulation Article 5 – paragraph 1 – point b d (new)

Text proposed by the Commission

Amendment

(bd) actions taken pursuant to online child sexual abuse by differentiating whether the action was taken on the basis of the law or on the basis of Articles 7, 8a new, 12 or 14.

Amendment 120

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Within three months after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the mitigation

2. Within three months after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the *specific*

measures have been taken in accordance with the requirements of Articles 3 and 4.

mitigation measures **and plans** have been taken in accordance with the requirements of Articles 3 and 4.

Amendment 121

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Without prejudice to Articles 7 and 27 to 29, where the requirements of Articles 3 and 4 have not been met, **before taking any other steps pursuant to Article 7, the** Coordinating Authority shall require the provider **to make specific updates to** the risk assessment or to introduce, review, discontinue or expand, as applicable, the mitigation measures **that do not adversely affect the fundamental rights or legitimate interests of the users of the service**, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month.

Amendment 122

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

Text proposed by the Commission

Amendment

4a. Where the requirements of Articles 3 and 4 have been met and the provider has successfully implemented and enforced mitigation measures that minimise and prevent the risk of use of its service for the purpose of online child sexual abuse, the Coordinating Authority shall issue a positive opinion that needs to be taken into account prior to any decision pursuant to Article 7.

Amendment 123

Proposal for a regulation Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *By way of derogation, providers that qualify as small and micro enterprises as defined in Commission Recommendation 2003/361/EC shall submit a simplified version of the report by ... [6 months from the date referred to in Article 3(4)].*

Amendment 124

Proposal for a regulation Article 5 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. *The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to provide practical support for micro and small enterprises and supplement this Regulation with the rules on simplified reporting under paragraph 6a of this Article.*

Amendment 125

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

Text proposed by the Commission

Amendment

(a) *make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate*

(a) *indicate, based on the information provided by the providers of software applications, whether the software applications contain features that could*

presents a risk of being used for the purpose of the solicitation of children;

pose a risk to children;

Amendment 126

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

Text proposed by the Commission

Amendment

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

(b) *indicate, based on the information provided by the software applications, if measures have been taken by the software applications to mitigate the risks, and which measures have been taken to ensure safety and security by design and by default for children;*

Amendment 127

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

Text proposed by the Commission

Amendment

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

(c) *indicate, based on the information provided by the provider of the applications, the minimum age for using an application, as set out in the terms and conditions of the provider of the application;*

Amendment 128

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. *In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information,*

deleted

including the results of the risk assessment conducted or updated pursuant to Article 3.

Amendment 129

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

Amendment

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

Amendment 130

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

Amendment

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

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

Amendment 131

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

***Security of communications and
prohibition on general monitoring***

1. Nothing in this Regulation shall be construed as prohibiting, restricting or undermining the provision or the use of encrypted services nor shall be interpreted as prohibiting providers of information society services from providing their services applying end-to-end encryption. Member States shall not prevent or discourage providers of relevant information society services from offering encrypted services or from providing their services applying encryption.

2. Nothing in this Regulation should undermine the prohibition of general monitoring under EU law.

Amendment 132

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

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

1. ***As a last resort after all the measures in Article 3, 4 and 5 have been exhausted, the competent judicial authority may issue, following a request by the Coordinating Authority of the Member State that designated it, a detection order that is necessary and proportionate, requiring a provider of hosting services or a provider of number-independent interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 taking into account information on the specific user, specific***

group of users, or a specific incident to detect for a limited period of time and for the sole purpose of detecting online known or new child sexual abuse on a specific service without jeopardising the security of communications, as referred to in Article 6a.

Amendment 133

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

As a general rule, the detection order shall be directed to the providers of hosting services and number-independent interpersonal communications services that can reasonably be expected to have the technical and operational ability to act.

Amendment 134

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 135

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

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

Amendment

Where the Coordinating Authority of establishment takes the view that the conditions of paragraph 4 have been met **and the actions required by the detection order are strictly necessary, justified and proportionate**, it shall:

Amendment 136

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 137

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) submit the draft request to the provider and the EU Centre;

Amendment

(b) submit the draft request to the **relevant** provider and the EU Centre;

Amendment 138

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 139

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 140

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order **limited to the personal, territorial and material scope of the order and** including detailed information regarding the envisaged technologies and safeguards **and if any, the negative impacts and**

safeguards on the rights of all parties involved;

Amendment 141

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Amendment 142

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 143

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 144

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial *authority or independent administrative* authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Amendment

Where, having regard to the implementation plan of the provider and *taking utmost account of* the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection *order*, adjusted where appropriate, to the competent judicial authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request

Amendment 145

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

The Coordinating Authority of establishment shall request the issuance of

Amendment

The Coordinating Authority of establishment shall request the issuance of

the detection order, and the competent judicial *authority or independent administrative* authority shall issue the detection order where it considers that the following conditions are met:

the detection order and the competent judicial authority shall issue the detection order where it considers that the following conditions are met:

Amendment 146

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 147

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties *and without jeopardising the security of communications as referred to in Article 6a*.

Amendment 148

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – introductory part

Text proposed by the Commission

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

Amendment

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, ***implications for the rights and legitimate interest of all parties concerned, and the respect of fundamental rights enshrined in the Charter***, in particular:

Amendment 149

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

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

Amendment

(c) the views and the implementation plan ***and, where relevant the technical feasibility*** of the provider submitted in accordance with paragraph 3;

Amendment 150

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

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

Amendment

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3 ***and, where applicable, the opinion of the Coordinating Authority issued in accordance with Article 5(4b)***.

Amendment 151

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 152

Proposal for a regulation

Article 7 – paragraph 5 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 153

Proposal for a regulation

Article 7 – paragraph 5 – point a

Text proposed by the Commission

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

Amendment

(a) ***the*** mitigation measures that the provider may have taken or will take, ***have insufficient material impact on limiting the systemic risk and*** that the service is ***being used by suspect or suspects***, to an appreciable extent, for the dissemination of known child sexual abuse material;

Amendment 154

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

Text proposed by the Commission

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

Amendment

(b) there is evidence of the service having been used in the past 12 months ***by one or more suspects*** for the dissemination of known child sexual abuse material.

Amendment 155

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

Text proposed by the Commission

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

deleted

Amendment

Amendment 156

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

Text proposed by the Commission

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

deleted

Amendment

Amendment 157

Proposal for a regulation

Article 7 – paragraph 6 – point b

Text proposed by the Commission

Amendment

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

Amendment 158

Proposal for a regulation

Article 7 – paragraph 6 – point c – introductory part

Text proposed by the Commission

Amendment

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

Amendment 159

Proposal for a regulation

Article 7 – paragraph 6 – point c – point 1

Text proposed by the Commission

Amendment

(1) *a detection order concerning the dissemination of known child sexual abuse material has been issued in respect of the service;* *deleted*

Amendment 160

Proposal for a regulation

Article 7 – paragraph 6 – point c – point 2

Text proposed by the Commission

Amendment

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

Amendment 161

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

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

Amendment 162

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

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

Amendment 163

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

Amendment 164

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

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

Amendment 165

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

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

Amendment 166

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

The Coordinating Authority of

The Coordinating Authority of

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

establishment when requesting the issuance of detection orders, and the competent judicial when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary *and proportionate* to effectively address the *systemic* risk referred to in point (a) thereof, *while not jeopardising the security of communication as referred to in Article 6a*.

Amendment 167

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

Text proposed by the Commission

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

Amendment

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

Amendment 168

Proposal for a regulation Article 7 – paragraph 8 – subparagraph 3 – point b

Text proposed by the Commission

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to

Amendment

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to

those listed in Article 10(4), **(5) and (6)** are provided for;

those listed in Article 10(4) **and (5)** are provided for;

Amendment 169

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point c

Text proposed by the Commission

Amendment

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

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

Amendment 170

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) under no circumstances does the detection order require providers of interpersonal communications services to access the content of communications or make provision for methods to access these communications or to compromise their encryption.

Amendment 171

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 172

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 3

Text proposed by the Commission

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

Amendment

The period of application of detection orders concerning the dissemination of known child sexual abuse material shall *be proportionate, taking all relevant factors into account, and* not exceed 24 months.

Amendment 173

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 174

Proposal for a regulation

Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) information regarding the measures to be taken to execute the detection order, including the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards *as referred to in Article 7(8)*;

Amendment

(a) information regarding the *targeted and proportionate* measures to be taken to execute the detection order, including the *specific user or group of users concerned*, indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards *to protect the rights and*

legitimate interests of all users affected by the detection order;

Amendment 175

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 176

Proposal for a regulation

Article 8 – paragraph 1 – point d

Text proposed by the Commission

(d) the specific service in respect of which the detection order is issued and, where applicable, the part or component of the service affected as referred to in Article 7(8);

Amendment

(d) the specific service *and content* in respect of which the detection order is issued and, where applicable, the part or component of the service affected as referred to in Article 7(8);

Amendment 177

Proposal for a regulation

Article 8 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

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

Amendment 178

Proposal for a regulation

Article 8 – paragraph 1 – point f

Text proposed by the Commission

(f) the start date and the end date of the detection order;

Amendment

(f) the ***territorial scope and*** start date and the end date of the detection order;

Amendment 179

Proposal for a regulation

Article 8 – paragraph 1 – point g

Text proposed by the Commission

(g) a sufficiently detailed statement of reasons explaining why the detection order is issued;

Amendment

(g) a sufficiently detailed statement of reasons explaining why the detection order is issued, ***including grounds justifying the order;***

Amendment 180

Proposal for a regulation

Article 8 – paragraph 1 – point i

Text proposed by the Commission

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

Amendment

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

Amendment 181

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 182

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

Text proposed by the Commission

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

Amendment

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

Amendment 183

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 184

Proposal for a regulation Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Notification mechanism

- 1. Without prejudice to Article 16 of Regulation (EU) 2022/2065, relevant information society service providers shall establish mechanisms or use existing mechanisms that allow users to notify them of the presence on their service of specific content or activities that the user considers to be potential child sexual abuse, in particular of new child sexual abuse material and solicitation of children for sexual purposes.*
- 2. Those mechanisms shall be easy to access, user- and child-friendly, and allow for the submission of the notification exclusively by electronic means.*
- 3. Providers shall ensure that such notices are processed effectively without undue delay.*
- 4. Where the notification contains an electronic contact information of the individual or entity that submitted it, the provider of the relevant information society services shall, without undue delay, send a confirmation of receipt of the notification and inform the user of its decision and actions taken in relation to the notification.*

Amendment 185

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 186

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 187

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Those reports shall include a detailed description of the measures taken to

Amendment

Those reports shall include a detailed description of the measures taken to

execute the detection order, including the safeguards provided, and information on the functioning in practice of those measures, in particular on their effectiveness in detecting the dissemination of known or new child sexual abuse material *or the solicitation of children, as applicable*, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

execute the detection order, including the safeguards provided, and information on the functioning in practice of those measures, in particular on their effectiveness in detecting the dissemination of known or new child sexual abuse material, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

Amendment 188

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

Text proposed by the Commission

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

Amendment

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

Amendment 189

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

Text proposed by the Commission

That Coordinating Authority shall request to the competent judicial *authority or*

Amendment

That Coordinating Authority shall request to the competent judicial authority that

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

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

Amendment 190

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Providers of hosting services and providers of ***number-independent*** interpersonal communication services that have received a detection order shall execute it ***using, if necessary, specific technologies approved for this purpose*** by the EU Centre in accordance with Article 46.

Amendment 191

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order. ***The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU***

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order.

Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Amendment 192

Proposal for a regulation

Article 10 – paragraph 3 – point a

Text proposed by the Commission

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

Amendment

(a) effective in *collecting evidence and* detecting the dissemination of known or new child sexual abuse material *online*;

Amendment 193

Proposal for a regulation

Article 10 – paragraph 3 – point b

Text proposed by the Commission

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

Amendment

(b) *able to ensure that the processing is limited to what is strictly necessary and* not be able to extract any other information from the relevant communications than the information strictly necessary *for the purpose of detecting, reporting and removing* child sexual abuse material;

Amendment 194

Proposal for a regulation

Article 10 – paragraph 3 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 195

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

Text proposed by the Commission

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

Amendment

(d) sufficiently reliable ***and able to distinguish between lawful and unlawful content without the need for any independent human assessment;***

Amendment 196

**Proposal for a regulation
Article 10 – paragraph 3 – point d a (new)**

Text proposed by the Commission

(da) to limit to the maximum extent possible the rate of errors regarding the detection and where such errors occur, their consequences are rectified without delay;

Amendment

Amendment 197

**Proposal for a regulation
Article 10 – paragraph 3 – point d b (new)**

Text proposed by the Commission

Amendment

(db) to respect the confidentiality of communications enshrined in Article 7 of the Charter of Fundamental Rights of the European Union and without jeopardising the security of communication as referred to in Article 6a;

Amendment 198

Proposal for a regulation Article 10 – paragraph 4 – point a

Text proposed by the Commission

Amendment

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

4. The issuing authority shall take all the necessary measures to ensure that the technologies specified in detection orders and indicators are proportionate and strictly necessary for the sole purpose of detecting the dissemination of known or new child sexual abuse material;

Amendment 199

Proposal for a regulation Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The provider shall:
(a) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including unauthorised access to, and unauthorised transfers of,

such personal data and other data;

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

(c) ensure effective internal procedures and safeguards to prevent general monitoring, surveillance and espionage;

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

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

(f) regularly review the functioning of the measures referred to in points (a)- (d) of this paragraph and adjust them where necessary to ensure that the requirements set out therein are met, as well as document the review process and the outcomes thereof and include that information in the report referred to in Article 9(3).

Proposal for a regulation
Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

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

(a) the fact that it operates technologies to detect online child sexual abuse to execute the detection order **and** the ways in which it operates those technologies;

Amendment 201

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

Amendment

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

deleted

Amendment 202

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, ***may issue guidelines*** on the

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, ***shall be empowered to adopt***

application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

a delegated act on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Amendment 203

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a provider of hosting services or a provider of *number-independent* interpersonal communications services *obtains* in any manner other than through a removal order issued in accordance with this Regulation *actual knowledge* of online child sexual abuse *content* on its services, *or becomes aware of facts or circumstances from which the existence of such content is apparent*, it shall promptly submit a report thereon to the *competent law enforcement authorities and to the EU Centre* in accordance with Article 13 *and it shall expeditiously remove such content*. It shall do so through the system established in accordance with Article 39(2).

Amendment 204

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

Text proposed by the Commission

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned, providing information on the main content of the report, on the manner in which the provider has become

Amendment

Where the provider submits a report pursuant to paragraph 1, it shall *request from the competent law enforcement authorities or the EU Centre an authorisation to* inform the user

aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

concerned, ***which shall reply without undue delay, at maximum within two days. The notification to the user shall include*** providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Amendment 205

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The provider shall establish and operate an ***easily found, accessible, effective***, age-appropriate and user-friendly mechanism that allows users to ***easily*** flag to the provider potential online child sexual abuse on the service, ***including self-reporting of self-generated content. Those mechanisms shall allow for the submission of notices anonymously and by electronic means and for a clear indication of the exact electronic location of that information. The providers shall process any notices that they receive under the mechanisms referred to in this paragraph in a timely, diligent, non-arbitrary and objective manner.***

Amendment 206

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

Text proposed by the Commission

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

Amendment

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

Amendment 207

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

Text proposed by the Commission

(c) **all** content data, including images, videos **and text**;

Amendment

(c) content data **being reported**, including images **and** videos;

Amendment 208

**Proposal for a regulation
Article 13 – paragraph 1 – point d**

Text proposed by the Commission

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

Amendment

(d) **available and relevant** data other than content data related to the potential online child sexual abuse, **in line with Regulation (EU) 2016/679**;

Amendment 209

**Proposal for a regulation
Article 13 – paragraph 1 – point e**

Text proposed by the Commission

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

Amendment

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

or the solicitation of children;

Amendment 210

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

Text proposed by the Commission

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

Amendment

(f) *a clear indication of the exact electronic location of the child sexual abuse material and, where necessary, additional information enabling the identification of such material;*

Amendment 211

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

Text proposed by the Commission

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

Amendment

(g) information concerning the identity of *users suspected to be* involved in the potential online child sexual abuse; *the report shall not contain information about the identity of the person to whom the content relates;*

Amendment 212

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

Text proposed by the Commission

(h) whether *the provider has also reported, or will also report*, the potential online child sexual abuse to a public authority or other entity competent to receive such reports of a third country and if so, which authority or entity;

Amendment

(h) *an indication* whether the potential online child sexual abuse *was reported* to a public authority or other entity competent to receive such reports of a third country and if so, which authority or entity;

Amendment 213

Proposal for a regulation

Article 13 – paragraph 1 – point i

Text proposed by the Commission

(i) where the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material, whether the provider has removed or disabled access to the material;

Amendment

(i) where the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material, ***information on the actions taken by the provider and*** whether the provider has removed or disabled access to the material;

Amendment 214

Proposal for a regulation

Article 13 – paragraph 1 – point j

Text proposed by the Commission

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

Amendment

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

Amendment 215

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ja) information on how the provider has become aware of the reported online child sexual abuse;

Amendment 216

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment 217

**Proposal for a regulation
Article 14 – paragraph 2**

Text proposed by the Commission

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

Amendment 218

**Proposal for a regulation
Article 14 – paragraph 2 a (new)**

Amendment

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

Amendment

2. The provider shall execute the removal order as soon as possible and in any event within **the timeframe indicated in the order or, if no timeframe is indicated, within** 24 hours of receipt thereof. **For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider.**

Text proposed by the Commission

Amendment

2a. *Before issuing a removal order, the judicial authorities of establishment shall take all reasonable measures to ensure that implementing the order does not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.*

Amendment 219

Proposal for a regulation

Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

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

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

Amendment 220

Proposal for a regulation

Article 14 – paragraph 3 – point a

Text proposed by the Commission

Amendment

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

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

Amendment 221

Proposal for a regulation

Article 14 – paragraph 3 – point h

Text proposed by the Commission

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

Amendment

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

Amendment 222

Proposal for a regulation

Article 14 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 223

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 224

Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If the order is modified or repealed as a result of a redress procedure, the provider shall take the necessary measures as soon as possible to comply with the modified or repealed order.

Amendment 225

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

Text proposed by the Commission

Amendment

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

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

Amendment 226

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

Text proposed by the Commission

Amendment

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

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

Amendment 227

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

Text proposed by the Commission

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

Amendment

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

Amendment 228

Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 229

Proposal for a regulation
Article 15 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

(c) that judicial ***authority or***

Amendment

(c) that judicial authority shall inform

independent administrative authority shall inform the provider of its decision, specifying the applicable time period.

the provider of its decision, specifying the applicable time period.

Amendment 230

Proposal for a regulation Article 15 – paragraph 4 – subparagraph 3

Text proposed by the Commission

That judicial *authority or independent administrative* authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority *or independent administrative authority* shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.

Amendment

That judicial authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.

Amendment 231

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 232

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

1. Providers of relevant information society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation.

Amendment

1. Providers of relevant information society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation. ***The single point of contact shall allow for direct communication with the users of the service for issues related to this Regulation.***

Amendment 233

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 234

Proposal for a regulation Article 24 – paragraph 6

Text proposed by the Commission

6. The provider shall notify the name,

Amendment

6. The provider shall notify the name,

address, the electronic mail address and telephone number of its legal representative designated pursuant to paragraph 1 to the Coordinating Authority in the Member State where that legal representative resides or is established, and to the EU Centre. They shall ensure that that information is up to date and publicly available.

postal address, the electronic mail address and telephone number of its legal representative designated pursuant to paragraph 1 to the Coordinating Authority in the Member State where that legal representative resides or is established, and to the EU Centre. They shall ensure that that information is up to date and publicly available.

Amendment 235

Proposal for a regulation Article 25 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 236

Proposal for a regulation Article 25 – paragraph 7 – introductory part

Text proposed by the Commission

7. Coordinating Authorities may, where necessary for the performance of their tasks under this Regulation, request

Amendment

7. Coordinating Authorities may, where necessary for the performance of their tasks under this Regulation, request

the assistance of the EU Centre in carrying out those tasks, *in particular by requesting the EU Centre* to:

the assistance of the EU Centre in carrying out those tasks to:

Amendment 237

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

Text proposed by the Commission

Amendment

(b) *assist in assessing, in accordance with Article 5(2), the risk assessment conducted or updated or the mitigation measures taken by a provider of hosting or interpersonal communication services under the jurisdiction of the Member State that designated the requesting Coordinating Authority;*

deleted

Amendment 238

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

Text proposed by the Commission

Amendment

(d) *verify the effectiveness of a detection order or a removal order issued upon the request of the requesting Coordinating Authority.*

(d) *help with regard to risk assessments, mitigation measures and orders.*

Amendment 239

Proposal for a regulation Article 25 – paragraph 8

Text proposed by the Commission

Amendment

8. The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this

8. The EU Centre shall provide such assistance, *without undue delay*, free of charge and in accordance with its tasks and

Regulation *and insofar as its resources and priorities allow*.

obligations under this Regulation.

Amendment 240

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected. Member States shall **ensure that** their Coordinating Authorities **have adequate** technical, financial and human resources to carry out their tasks.

Amendment

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected. Member States shall **provide** their Coordinating Authorities **with all necessary resources, including sufficient** technical, financial and human resources to **efficiently** carry out their tasks.

Amendment 241

Proposal for a regulation Article 26 – paragraph 2 – point a

Text proposed by the Commission

(a) are **legally and functionally** independent **from any other public authority**;

Amendment

(a) are independent;

Amendment 242

Proposal for a regulation Article 26 – paragraph 2 – point e

Text proposed by the Commission

(e) **are not charged with tasks relating**

Amendment

deleted

to the prevention or combating of child sexual abuse, other than their tasks under this Regulation.

Amendment 243

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

3. Paragraph 2 shall not prevent supervision of the Coordinating Authorities in accordance with national constitutional law, to the extent that such supervision does not affect their independence as required under this Regulation.

Amendment

3. Paragraph 2 shall not prevent supervision of the Coordinating Authorities in accordance with national constitutional law, ***or coordination with public authorities responsible for combatting child sexual abuse*** to the extent that such supervision ***and coordination*** does not affect their independence as required under this Regulation.

Amendment 244

Proposal for a regulation Article 26 – paragraph 4

Text proposed by the Commission

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience and technical skills to perform their duties.

Amendment

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience, ***integrity*** and technical skills to perform their duties.

Amendment 245

Proposal for a regulation Article 26 – paragraph 5

Text proposed by the Commission

5. The management and other staff of

Amendment

5. ***Without prejudice to national or***

the Coordinating Authorities shall, in accordance with Union or national law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks. Member States shall ensure that the management and other staff are subject to rules guaranteeing that they can carry out their tasks in an objective, impartial and independent manner, in particular as regards their appointment, dismissal, remuneration and career prospects.

Union legislation on whistle-blower protection, the management and other staff of the Coordinating Authorities shall, in accordance with Union or national law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks. Member States shall ensure that the management and other staff are subject to rules guaranteeing that they can carry out their tasks in an objective, impartial and independent manner, in particular as regards their appointment, dismissal, remuneration and career prospects.

Amendment 246

Proposal for a regulation Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) the power to carry out ***on-site*** inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Amendment

(b) the power to carry out, ***or to request a judicial authority in their Member States to order*** inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Amendment 247

Proposal for a regulation Article 27 – paragraph 1 – point d

Text proposed by the Commission

(d) the power to request information, **including** to assess whether the measures taken **to execute a detection order, removal order or blocking order** comply with the requirements of this Regulation.

Amendment

(d) the power to request information and to assess whether the measures taken comply with the requirements of this Regulation.

Amendment 248

Proposal for a regulation

Article 28 – paragraph 1 – point b

Text proposed by the Commission

(b) the power to order the cessation of infringements of this Regulation and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;

Amendment

(b) the power to order **specific measures to bring about** the cessation of infringements of this Regulation and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;

Amendment 249

Proposal for a regulation

Article 29 – paragraph 1 – point b

Text proposed by the Commission

(b) the infringement persists;

Amendment

(b) the infringement persists **and**;

Amendment 250

Proposal for a regulation

Article 29 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) request the competent judicial **authority or independent administrative**

Amendment

(b) request the competent judicial authority of the Member State that

authority of the Member State that designated the Coordinating Authority to order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

designated the Coordinating Authority to order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

Amendment 251

Proposal for a regulation

Article 29 – paragraph 4 – subparagraph 3 – point a

Text proposed by the Commission

(a) the provider has failed to take the necessary measures to terminate the infringement;

Amendment

(a) the provider has failed to take the necessary ***and proportionate*** measures to terminate the infringement;

Amendment 252

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27, 28 and 29 is subject to adequate safeguards laid down in the applicable national law ***to respect the fundamental rights of all parties affected***. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

Amendment

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27, 28 and 29 is subject to adequate safeguards, ***specific rules and procedures*** laid down in the applicable national law, ***in compliance with the Charter and with the general principles of Union law***. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

Amendment 253

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

Coordinating Authorities shall have the power to carry out searches on publicly accessible material **on hosting services** to detect the dissemination of **known or new** child sexual abuse material, using the indicators contained in the databases referred to in Article 44(1), **points** (a) and (b), **where necessary to verify whether** the providers of hosting services under the jurisdiction of the Member State that designated the Coordinating Authorities **comply with their** obligations under this Regulation.

Amendment

Coordinating Authorities shall have the power to carry out searches on publicly accessible material to detect the dissemination of child sexual abuse material, using the indicators contained in the databases referred to in Article 44(1), **point** (a) and (b), **in relation to** the providers of hosting services under the jurisdiction of the Member State that designated the Coordinating Authorities **and the** obligations under this Regulation.

Amendment 254

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

Coordinating Authorities shall have the power to notify providers of hosting services under the jurisdiction of the Member State that designated them of the presence on their service of one or more specific items of known child sexual abuse material and to request them to remove or disable access to that item or those items, **for the providers' voluntary consideration.**

Amendment

Coordinating Authorities shall have the power to notify providers of hosting services under the jurisdiction of the Member State that designated them of the presence on their service of one or more specific items of known child sexual abuse material and to request them to remove or disable access to that item or those items.

Amendment 255

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

The request shall clearly set out the identification details of the Coordinating Authority making the request and information on its contact point referred to in Article 25(5), the necessary information for the identification of the item or items of known child sexual abuse material concerned, as well as the reasons for the request. ***The request shall also clearly state that it is for the provider's voluntary consideration.***

Amendment

The request shall clearly set out the identification details of the Coordinating Authority making the request and information on its contact point referred to in Article 25(5), the necessary information for the identification of the item or items of known child sexual abuse material concerned, as well as the reasons for the request.

Amendment 256

**Proposal for a regulation
Article 32 a (new)**

Text proposed by the Commission

Amendment

Article 32a

Public awareness campaigns

Coordinating Authorities shall, in coordination with the EU Centre, increase public awareness regarding the nature of the problem of online child sexual abuse material, how to seek assistance, and how to work with providers of relevant information society services to remove content and coordinate victim identification efforts undertaken in collaboration with existing victim identification programmes. Coordinating Authorities and the EU Centre shall regularly carry out public awareness campaigns to inform about victims' rights and measures to prevent and combat child sexual abuse and how to seek child-friendly and age appropriate reporting and assistance.

Amendment 257

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

Amendment

1. Users ***and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf*** shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

Amendment 258

Proposal for a regulation
Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. During these proceedings, both parties shall have the right to be heard and receive appropriate information about the status of the complaint, in accordance with national law.

Amendment 259

Proposal for a regulation
Article 34 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The Coordinating Authority receiving the complaint shall assess the complaint and, where appropriate, transmit it to the Coordinating Authority of establishment.

The Coordinating Authority receiving the complaint shall assess the complaint and, where appropriate, transmit it to the Coordinating Authority of establishment ***accompanied, where considered appropriate, by an opinion.***

Amendment 260

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the maximum amount of penalties imposed for an infringement of this Regulation shall not exceed 6 % of the annual **income or global** turnover of the preceding business year of the provider.

Amendment

2. Member States shall ensure that the maximum amount of penalties imposed for an infringement of this Regulation shall not exceed 6 % of the annual **worldwide** turnover of the preceding business year of the provider.

Amendment 261

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed 1% of the annual income or **global** turnover of the preceding business year of the provider or the other person referred to in Article 27.

Amendment

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed 1% of the annual income or **worldwide** turnover of the preceding business year of the provider or the other person referred to in Article 27.

Amendment 262

Proposal for a regulation Article 35 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily **global** turnover of the

Amendment

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily **worldwide** turnover of the

provider or the other person referred to in Article 27 in the preceding financial year per day, calculated from the date specified in the decision concerned.

provider or the other person referred to in Article 27(1)(a) in the preceding financial year per day, calculated from the date specified in the decision concerned.

Amendment 263

Proposal for a regulation Article 35 – paragraph 5 – point c

Text proposed by the Commission

(c) any previous infringements by the provider or the other person;

Amendment

(c) any previous infringements by the provider or the other person, *referred to in Article 27(1)(a)*;

Amendment 264

Proposal for a regulation Article 35 – paragraph 5 – point d

Text proposed by the Commission

(d) the financial strength of the provider or the other person;

Amendment

(d) the financial strength of the provider or the other person, *referred to in Article 27(1)(a)*;

Amendment 265

Proposal for a regulation Article 35 – paragraph 5 – point e

Text proposed by the Commission

(e) the level of cooperation of the provider or the other person;

Amendment

(e) the level of cooperation of the provider or the other person, *referred to in Article 27(1)(a)*;

Amendment 266

Proposal for a regulation Article 35 – paragraph 5 – point g

Text proposed by the Commission

Amendment

(g) the degree of fault of the provider or other person, taking into account the technical and organisational measures taken by it to comply with this Regulation.

(g) the degree of fault of the provider or other person, ***referred to in Article 27(1)(a)***, taking into account the technical and organisational measures taken by it to comply with this Regulation.

Amendment 267

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) specific items of material and transcripts of conversations that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material or the solicitation of children, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

(a) specific items of material and transcripts of conversations ***related to a specific person, specific group of people, or specific incident*** that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material or the solicitation of children, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

Amendment 268

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) exact uniform resource locators indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual

(b) exact uniform resource locators indicating specific items of material ***related to a specific person, specific group of people, or specific incident*** that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member

abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

Amendment 269

Proposal for a regulation Article 36 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, the transcripts of conversations identified as the solicitation of children, and the uniform resource locators, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the ***encrypted copies of*** material identified as child sexual abuse material, the transcripts of conversations ***related to a specific person, specific group of people or specific incident*** identified as the solicitation of children, and the uniform resource locators, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment 270

Proposal for a regulation Article 37 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the Commission has reasons to

Amendment

Where, the Commission has reasons to

suspect that a provider of relevant information society services infringed this Regulation in a manner involving at least three Member States, it may recommend that the Coordinating Authority of establishment assess the matter and take the necessary *investigatory and enforcement* measures to ensure compliance with this Regulation.

suspect that a provider of relevant information society services infringed this Regulation in a manner involving at least three Member States, it may recommend that the Coordinating Authority of establishment assess the matter and take the necessary measures to ensure compliance with this Regulation.

Amendment 271

Proposal for a regulation Article 37 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment shall assess the suspected infringement, taking into *utmost* account the request or recommendation referred to in paragraph 1.

Amendment

The Coordinating Authority of establishment shall assess the suspected infringement, taking into account the request or recommendation referred to in paragraph 1.

Amendment 272

Proposal for a regulation Article 37 – paragraph 4

Text proposed by the Commission

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, or the Commission, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, *an explanation* of the investigatory or enforcement measures taken or envisaged in relation thereto to

Amendment

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, or the Commission, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, *details* of the investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance

ensure compliance with this Regulation.

with this Regulation.

Amendment 273

Proposal for a regulation Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Coordinating Authorities may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

Amendment

Coordinating Authorities ***shall exchange best practice standards and guidance on the detection and removal of child sexual abuse material and*** may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

Amendment 274

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment

1. Coordinating Authorities shall ***efficiently*** cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, ***hotlines and help-lines***, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment 275

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Amendment

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, **hotlines and help-lines**, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Amendment 276

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

3. The Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Amendment

3. The Coordinating Authorities, **hotlines and help-lines**, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Amendment 277

Proposal for a regulation
Article 39 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the EU Centre receives a report from a hotline, or where a provider that submitted the report to the EU Centre has indicated that the report is based on the information received from a hotline, the EU Centre shall coordinate with the

relevant Coordinating Authorities in order to avoid duplicated reporting on the same material that has already been reported to the national law enforcement authorities by the hotlines and monitor the removal of the child sexual abuse material or cooperate with the relevant hotline to track the status.

Amendment 278

Proposal for a regulation

Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services, providers of interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre upon request:

Amendment

1. Providers of hosting services, providers of **number-independent** interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre **and** upon request **to the public**:

Amendment 279

Proposal for a regulation

Article 83 – paragraph 1 – point a – indent 2

Text proposed by the Commission

— the **error** rates of the technologies deployed to detect online child sexual abuse **and** measures taken to prevent or remedy any errors;

Amendment

— the rates of **false positives and false negatives of** the technologies deployed to detect online child sexual abuse, measures taken to prevent or remedy any errors **and steps taken to mitigate the harm caused by any inaccuracy**;

Amendment 280

Proposal for a regulation

Article 83 – paragraph 1 – point a – indent 3

Text proposed by the Commission

— in relation to complaints and cases submitted by users in connection to the measures taken to comply with the order, the number of complaints submitted directly to the provider, the number of cases brought before a judicial authority, the basis for those complaints and cases, the decisions taken in respect of those complaints and in those cases, the *average* time needed for taking those decisions and the number of instances where those decisions were subsequently reversed;

Amendment

— in relation to complaints and cases submitted by users in connection to the measures taken to comply with the order, the number of complaints submitted directly to the provider, the number of cases brought before a judicial authority, the basis for those complaints and cases, the decisions taken in respect of those complaints and in those cases, the *median* time needed for taking those decisions and the number of instances where those decisions were subsequently reversed;

Amendment 281

Proposal for a regulation

Article 83 – paragraph 1 – point b

Text proposed by the Commission

(b) the number of removal orders issued to the provider in accordance with Article 14 and the *average time needed* for removing or disabling access to the item or items of child sexual abuse material in question;

Amendment

(b) the number of removal orders issued to the provider in accordance with Article 14 and the *median time* for removing or disabling access to the item or items of child sexual abuse material in question, *counting from the moment the order entered the provider's system*;

Amendment 282

Proposal for a regulation

Article 83 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the number and duration of delayed removals, requested by competent authorities or law enforcement authorities for the integrity of the investigations;

Amendment 283

Proposal for a regulation Article 83 – paragraph 1 – point c

Text proposed by the Commission

(c) the total number of items of child sexual abuse material that the provider removed or to which it disabled access, broken down by whether the items were removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre or a third party or at the provider's own initiative;

Amendment

(c) the total number of items of child sexual abuse material that the provider removed or to which it disabled access, broken down by whether the items were removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre or a third party ***including a national hotline, a trusted flagger or a private individual*** or at the provider's own initiative;

Amendment 284

Proposal for a regulation Article 83 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the number of instances the provider was asked to provide additional support to law enforcement authorities in relation to content that was removed;

Amendment 285

Proposal for a regulation Article 83 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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

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

Amendment 286

Proposal for a regulation

Article 83 – paragraph 2 – point a – indent -1 (new)

Text proposed by the Commission

Amendment

– *the nature of the report and its key characteristics;*

Amendment 287

Proposal for a regulation

Article 83 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the most important and recurrent risks of online child sexual abuse, as reported by providers of hosting services and providers of interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

(b) the most important and recurrent risks of online child sexual abuse *encountered*, as reported by providers of hosting services and providers of *number-independent* interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

Amendment 288

Proposal for a regulation

Article 83 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove or disable access to the item or items of child sexual abuse material concerned, and the number of instances in which the provider invoked Article 14(5) and (6);

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove or disable access to the item or items of child sexual abuse material concerned, *including the time it took the Coordinating Authority to process the order* and the number of instances in which the provider invoked Article 14(5) and (6);

Amendment 289

Proposal for a regulation

Article 83 – paragraph 3 – introductory part

Text proposed by the Commission

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of or disabling of access to online child sexual abuse under this Regulation. The data shall ***be in particular on the following topics:***

Amendment

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of or disabling of access to online child sexual abuse under this Regulation. The data shall ***include:***

Amendment 290

Proposal for a regulation

Article 83 – paragraph 3 – point a

Text proposed by the Commission

(a) the number of indicators in the databases of indicators referred to in Article 44 and the ***development*** of that number as compared to previous years;

Amendment

(a) the number of indicators in the databases of indicators referred to in Article 44 and the ***change*** of that number as compared to previous years;

Amendment 291

Proposal for a regulation

Article 83 – paragraph 3 – point b

Text proposed by the Commission

(b) the number of submissions of child sexual abuse material and solicitation of children referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof and the number of uniform resource locators included in the list of uniform resource locators in accordance with Article 44(3);

Amendment

(b) the number of submissions of child sexual abuse material and solicitation of children referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof and the number of ***still active*** uniform resource locators included in the list of uniform resource locators in accordance with Article 44(3);

Amendment 292

Proposal for a regulation

Article 83 – paragraph 3 – point c

Text proposed by the Commission

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of ***number-independent*** interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment 293

Proposal for a regulation

Article 83 – paragraph 3 – point d

Text proposed by the Commission

(d) the online child sexual abuse to which the reports relate, including the number of items of potential ***known and new*** child sexual abuse material and instances of potential solicitation of children, the Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3), and type of relevant information society service that the reporting provider offers;

Amendment

(d) the online child sexual abuse to which the reports relate, including the number of items of potential child sexual abuse material and instances of potential solicitation of children, the Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3), and type of relevant information society service that the reporting provider offers;

Amendment 294

Proposal for a regulation

Article 83 – paragraph 3 – point e

Text proposed by the Commission

(e) the number of reports that the EU Centre considered manifestly unfounded, as referred to in Article 48(2);

Amendment

(e) the number of reports that the EU Centre considered **unfounded or** manifestly unfounded, as referred to in Article 48(2);

Amendment 295

**Proposal for a regulation
Article 83 – paragraph 4**

Text proposed by the Commission

4. The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Amendment

4. The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data **stored** referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Amendment 296

**Proposal for a regulation
Article 84 – paragraph 1**

Text proposed by the Commission

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by 31 January of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.

Amendment

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by 31 January of every year subsequent to the year to which the report relates, make the report available to the public **in a machine-readable way** and communicate it to the Coordinating Authority of establishment, the

Amendment 297

**Proposal for a regulation
Article 84 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. The annual report shall also include the following information:

(a) the number and subject matter of detection orders and removal orders to act against alleged online child sexual abuse and the number of notifications received in accordance with Article 32 and the effects given to those orders;

(b) the number of notifications and requests received pursuant to Article 8a and an overview of their follow-up;

(c) the number of users affected by detection and removal orders;

(d) information on the effectiveness of the different technologies used and on the false positive and false negative rates of those technologies, as well as statistics on appeals and the effect they have on the users of its services and information of the effectiveness of the measures and obligations under Articles 3, 4, 5 and 7;

(e) information on the tools used by the provider to become aware of the reported online child sexual abuse, including data and aggregate statistics on how technologies used by the provider work.

Amendment 298

**Proposal for a regulation
Article 85 – paragraph 1**

Text proposed by the Commission

1. By [five years after the entry into force of this Regulation], and every five years thereafter, the Commission shall evaluate this Regulation and submit a report on its application to the European Parliament and the Council.

Amendment

1. By [five years after the entry into force of this Regulation], and every five years thereafter, the Commission shall evaluate this Regulation and submit a report on its application to the European Parliament and the Council. ***The implementation report shall address, among others, the possible use of new technologies, their impact, effectiveness and accuracy for the purpose of combating online child sexual abuse. The report shall be accompanied, where appropriate, by an impact assessment and a legislative proposal.***

Amendment 299

**Proposal for a regulation
Article 85 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. By ... [two years after the entry into force of this Regulation] the Commission shall carry out an evaluation on the effectiveness of the detection order in relation to the amount of detected child sexual abuse material compared to the years before the entry into force of this Regulation. The Commission shall submit a report on its main findings to the European Parliament and the Council. The report shall be accompanied, where appropriate, by an impact assessment and a legislative proposal.

Amendment 300

**Proposal for a regulation
Article 86 – paragraph 2**

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 3, 8, 13, 14, 17, 47 and 84 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of adoption of the Regulation].

Amendment

2. The power to adopt delegated acts referred to in Articles 3, 8, 13, 14, 17, 47 and 84 shall be conferred on the Commission for ***a*** period of ***5 years*** from [date of adoption of the Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down rules to prevent and combat child sexual abuse
References	COM(2022)0209 – C9-0174/2022 – 2022/0155(COD)
Committee responsible Date announced in plenary	LIBE 12.9.2022
Opinion by Date announced in plenary	IMCO 12.9.2022
Associated committees - date announced in plenary	16.2.2023
Rapporteur for the opinion Date appointed	Alex Agius Saliba 5.7.2022
Discussed in committee	2.3.2023 25.4.2023 23.5.2023
Date adopted	29.6.2023
Result of final vote	+: 35 -: 3 0: 4
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Biljana Borzan, Vlad-Marius Botoș, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Alexandra Geese, Maria Grapini, Svenja Hahn, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Kateřina Konečná, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Antonius Manders, Beata Mazurek, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Kim Van Sparrentak, Marion Walsmann
Substitutes present for the final vote	Marco Campomenosi, Maria da Graça Carvalho, Geoffroy Didier, Francisco Guerreiro, Tsvetelina Penkova, Catharina Rinzema, Kosma Złotowski
Substitutes under Rule 209(7) present for the final vote	Asger Christensen, Nicolás González Casares, Grzegorz Tobiszowski

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
ECR	Eugen Jurzyca, Beata Mazurek, Grzegorz Tobiszowski, Kosma Złotowski
ID	Alessandra Basso, Marco Campomenosi, Virginie Joron
NI	Miroslav Radačovský
PPE	Pablo Arias Echeverría, Maria da Graça Carvalho, Deirdre Clune, Geoffroy Didier, Krzysztof Hetman, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Marion Walsmann
Renew	Vlad-Marius Botoș, Asger Christensen, Catharina Rinzema
S&D	Alex Agius Saliba, Biljana Borzan, Nicolás González Casares, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose
The Left	Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, Alexandra Geese, Kim Van Sparrentak

3	-
PPE	Arba Kokalari
Renew	Andrus Ansip, Svenja Hahn

4	0
Renew	Dita Charanzová
The Left	Kateřina Konečná
Verts/ALE	David Cormand, Francisco Guerreiro

Key to symbols:

+ : in favour

- : against

0 : abstention