



2022/0155(COD)

9.3.2023

AMENDMENTS

158 - 494

Draft opinion

Alex Agius Saliba

(PE740.727v01-00)

Laying down rules to prevent and combat child sexual abuse

Proposal for a regulation

(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

Amendment 158
Kateřina Konečná

Proposal for a regulation
Title 1

Text proposed by the Commission

Amendment

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

Rejects the Commission Proposal

Or. en

Justification

The stated goal of the proposal is most important, however the Commission proposal puts forward measures that are likely to be dangerous, ineffective and unlawful. The privacy, security, safety and right to freedom of expression are threatened by the proposal, as it could result in widespread monitoring of nearly all public and private digital communication, with service providers being potentially forced into this monitoring, violating the fundamental rights of law-abiding internet users, including children themselves. An intrusive surveillance, that the act could lead to, would greatly undermine encryption while its effectiveness of preventing and combating child sexual abuse is questionable as there is lack evidence of its effectiveness. The right to anonymity would be further undermined by requirements of age verification, for example by identity documents scans or facial recognition features. Furthermore, the proposal could cause the rise of false flag alarm reports, overwhelming the capacities of law enforcement forces across the Union, leaving them with less capabilities to combat actual instances of child sexual abuse. A completely different, less intrusive, more targeted and awareness rising approach, which respects the fundamental rights of EU citizens, to preventing and combating child sexual abuse is required.

Amendment 159
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 1

Text proposed by the Commission

Amendment

(1) Information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life,

(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.

including for children. **But they are also used by** perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are **extremely** 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.

Or. en

Amendment 160
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Regulatory measures to address the dissemination of child sexual abuse content online should be complemented by Member States strategies including increasing public awareness, how to seek child-friendly and age appropriate reporting and assistance and informing about victims rights. Additionally Member States should make sure they have a child-friendly justice system in place in order to avoid further victimisation of the abused children.

Or. en

Amendment 161
Marcel Kolaja

Proposal for a regulation
Recital 2

Text proposed by the Commission

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

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often being in a position to prevent and **to help** combat such abuse. The measures taken should be targeted, carefully balanced , **effective, evidence-based** proportionate , **and subject to constant review**, so as to avoid any undue negative consequences **for the fight against crime and** for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid **directly or indirectly** imposing any excessive burdens on the providers of the services.

Or. en

Amendment 162

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Recital 2

Text proposed by the Commission

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

Amendment

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

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.

The measures taken should be targeted, *effective*, carefully balanced and proportionate, so as to avoid any 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.

Or. en

Amendment 163
Marion Walsmann, Ivan Štefanec

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) ***On the one hand it is very positive that*** Member States are ***aware of the existing problem and therefore*** 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 internet and the service provision concerned ***have an inherently cross-border nature and therefore diverging*** national laws, have a 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.

Or. en

Amendment 164
Marcel Kolaja

Proposal for a regulation
Recital 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 165
Marcel Kolaja

Proposal for a regulation
Recital 4

Text proposed by the Commission

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

Amendment

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

Amendment 166**Marion Walsmann, Ivan Štefanec****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, **carefully** balanced **and proportionate** 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 167**Adam Bielan****Proposal for a regulation****Recital 5***Text proposed by the Commission*

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those **service as** publicly available. **As** services which

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available **number-independent** interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those **services are** publicly available. **The**

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.

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 users of the service to upload, disseminate and exchange images, videos and sound not provided by the provider of the service itself. 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 **electronic games**, image-sharing and video-hosting are equally at risk of misuse, should be covered by this Regulation, ***in so far as they allow users of the service to upload, disseminate and exchange images and videos not provided by the provider of the service itself, or that depict content other than related to gameplay. The additional assessment should be given to the services enabling transmission of sound as an ancillary feature, while considering the general purpose of that service and the risk exposure, such as in the case of electronic games.*** 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 entity acting as data controller in accordance with Regulation (EU) 2016/697 or where that is unfeasible, 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 illegal content. To this end, detection obligations shall not apply to cloud computing services and web-hosting services when serving as infrastructure, given their specific role and the broad impact it would have on users utilising cloud-hosted services.

Or. en

Amendment 168
Arba Kokalari

Proposal for a regulation
Recital 5

Text proposed by the Commission

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

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available 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.

Regulation, *in so far as they allow for the dissemination and exchange of images and videos uploaded by their users*. 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.

Or. en

Amendment 169 Marcel Kolaja

Proposal for a regulation Recital 5

Text proposed by the Commission

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

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services *are* misused for the purpose of online child sexual abuse. As they are increasingly misused *to a significant extent* 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. As *online games* which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature *are also* 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

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.

obligations imposed on the providers of those services should be differentiated in an appropriate manner.

Or. en

Amendment 170

Marcel Kolaja

Proposal for a regulation

Recital 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 171

Marion Walsmann, Ivan Štefanec

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

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/**

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 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

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).

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).

Or. en

Amendment 172

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Recital 8

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 173

Marcel Kolaja

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Article 15(1) of Directive 2002/58/EC allows Member States to adopt legislative measures to restrict the scope of the rights and obligations provided for in

Amendment

(9) Article 15(1) of Directive 2002/58/EC allows Member States to adopt legislative measures to restrict the scope of the rights and obligations provided for in

certain specific provisions of that Directive relating to the confidentiality of communications when such restriction constitutes a necessary, appropriate and proportionate measure within a democratic society, inter alia, to prevent, investigate, detect and prosecute criminal offences, provided certain conditions are met, including compliance with the Charter. Applying the requirements of that provision by analogy, this Regulation should limit the exercise of the rights and obligations provided for in Articles 5(1), (3) and 6(1) of Directive 2002/58/EC, insofar as strictly necessary to execute **detection** orders issued in accordance with this Regulation with a view to prevent and combat online child sexual abuse.

certain specific provisions of that Directive relating to the confidentiality of communications when such restriction constitutes a necessary, appropriate and proportionate measure within a democratic society, inter alia, to prevent, investigate, detect and prosecute criminal offences, provided certain conditions are met, including compliance with the Charter, **which, inter alia, requires the specific measures to be provided for by law and genuinely achieve objectives of general interest.** Applying the requirements of that provision by analogy, this Regulation should limit the exercise of the rights and obligations provided for in Articles 5(1), (3) and 6(1) of Directive 2002/58/EC, insofar as strictly necessary **in line with Article 52 of the Charter** to execute **investigation** orders issued in accordance with this Regulation with a view to prevent and combat online child sexual abuse.

Or. en

Amendment 174

Marion Walsmann, Ivan Štefanec

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.**

Or. en

Amendment 175

Proposal for a regulation

Recital 11

Text proposed by the Commission

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

Amendment

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, on the basis of the existence of a significant number , *in relation to population size* of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the 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 *cannot*, 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).

in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

Amendment 176

Marion Walsmann, Ivan Štefanec

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 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.

Amendment

(13) ***In order to allow a future proof approach*** 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), ***including live-streaming and live transmission of child sexual abuse material*** as well as activities constituting the solicitation of children (‘grooming’). That is ***urgently*** 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 ***prevent it as soon as possible and*** address recent, ongoing and imminent abuse, to effectively protect children and to increase the likelihood of rescuing victims and stopping perpetrators ***as quick as possible*** .

Or. en

Amendment 177

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Recital 13 a (new)

(13 a) Member States should ensure that they additionally address the problem of solicitation of children by providing for efficient digital education. Children should be given at home and in school the necessary digital skills and tools they need to fully benefit from online access, whilst ensuring their safety.

Or. en

Amendment 178

Marcel Kolaja

Proposal for a regulation

Recital 14

Text proposed by the Commission

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

Amendment

(14) With a view to minimising the risk that their services are misused for the dissemination of **online** child sexual abuse material, providers of hosting services and providers of publicly available **number-independent** interpersonal communications services **that are exposed to substantial amount of child sexual abuse material** should assess **the existence of a significant risk stemming from the design and functioning of** 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, **as well as the effectiveness and proportionality of specific measures are** updated regularly and when needed for particular reasons.

Amendment 179**Marcel Kolaja****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) .../... [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, ***which should form the basis for the risk assessment under this instrument.*** 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.

Or. en

Amendment 180**Marion Walsmann, Ivan Štefanec****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***

Amendment

(15) Some of those providers of relevant information society services in scope of this Regulation, ***including online search engines,*** 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

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.

disseminate to the public. For the purposes of the present Regulation, those providers may **use** such a risk assessment **as a basis** 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.

Or. en

Amendment 181

Adam Bielan

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 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 with the highest level of privacy, safety and security for children by default where appropriate or adopting standards for protection of children, or 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 to comply with that obligation, which may include targeted measures to protect the rights of the child,

including age **assurance through** 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.

Or. en

Amendment 182

Marcel Kolaja

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 their services being misused for **the dissemination of known child sexual abuse material**. 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, 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.

Or. en

Amendment 183

Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 16

Text proposed by the Commission

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

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) **2022/2065** 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 ***assessment measures and age appropriate*** 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.

Or. en

Amendment 184
Kateřina Konečná

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) To further prevent online child sexual abuse effectively, an emphasis should be placed on public awareness raising, including through easily understandable campaigns and in

education with a focus on empowerment of young people to use the internet safely and to address societal factors that enable child sexual abuse, including harmful gender norms about women and girls and broader issues of societal inequality; In addition awareness raising should focus on hotlines where young people can report what has happened to them, as well as to improve access to institutional reporting by police and social services and other authorities.

Or. en

Amendment 185
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) The used age assessing tools should be able to prove age in an efficient, privacy-preserving and secure manner.

Or. en

Amendment 186
Kateřina Konečná

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

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in

which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect online child sexual abuse in their services and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.

which those services are used, ***taking into account the autonomy and rights of children and adapt their design, features and functions of services accordingly***. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect online child sexual abuse in their services and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.

Or. en

Amendment 187

Marcel Kolaja

Proposal for a regulation

Recital 17

Text proposed by the Commission

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

Amendment

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory ***specific*** measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk ***exposure*** 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. ***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, tools that prompt or warn users.***

Or. en

Amendment 188
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 17

Text proposed by the Commission

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

Amendment

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement **also voluntary** 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 **should be able to voluntary process metadata and are encouraged** to design and implement, in accordance with Union law, measures based on their existing practices to detect online child sexual abuse in their services and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation.

Or. en

Amendment 189
Adam Bielan

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) 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 the requirement to prevent, circumvent, compromise, undermine encryption in place, or prohibit providers of information society services from providing their services applying encryption, restricting or undermining such encryption in the sense of being detrimental to users' expectations of confidential and secure communication services, for example by implementation of client side scanning or other device-related, server-side solutions or requirements to proactively forward electronic communications to third parties which may weaken or introduce vulnerabilities into the encryption. Member States should not deter nor 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.

Or. en

Amendment 190
Kateřina Konečná

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) 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, including deployment of software on end-user devices which can inspect private messages before encryption and transfer this information to 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, 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 or discourage 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.

Or. en

Amendment 191
Marcel Kolaja

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) Relying on providers for risk mitigation measures comes with inherent problems, as business models, technologies and crimes evolve continuously. As a result, clear targets, oversight, review and adaptation, led by national supervisory authorities are needed, to avoid measures becoming redundant, disproportionate, ineffective, counterproductive and outdated.

Or. en

Amendment 192
Svenja Hahn, Moritz Körner

Proposal for a regulation
Recital 17 a (new)

(17 a) 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.

Or. en

Amendment 193

Adam Bielan

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 as, where appropriate, other measures such

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 interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such

as those based on industry best practices, including as established through self-regulatory cooperation, and those 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 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 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.

Or. en

Amendment 194
Marion Walsmann, Ivan Štefanec

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

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 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

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

consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission.

Providers should be able to indicate to the Coordinating Authority their assessment of the need for a detection order, after putting in place the risk mitigation measures. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

Or. en

Amendment 195 **Marcel Kolaja**

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

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 **specific** 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 **specific** measures **that** should reasonably be taken in a given situation, account should also be taken of **the ongoing effectiveness of the measures and** the financial and technological

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

capabilities and the size of the provider concerned. When selecting appropriate **specific** measures, providers should at least duly consider the possible measures listed in this Regulation, **quantifying the expected impact of the available** measures. **Objective data on ongoing effectiveness must be provided, in order for any measure to be recognised as best practice.**

Or. en

Amendment 196

Marcel Kolaja

Proposal for a regulation

Recital 19

Text proposed by the Commission

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

Amendment

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be made subject to obligations to take certain reasonable measures. The providers should **only make available on their platform software applications if prior to the use of their service they have obtained the contact details of the provider of software application developing team with the cooperation of the specific** providers of the services offered through the software application.

Or. en

Amendment 197

Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 19

Text proposed by the Commission

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

Amendment

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be made subject to obligations to take reasonable ***and effective*** measures to assess and mitigate that risk. The providers should make that assessment in a diligent manner, making efforts that are reasonable ***and effective*** 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.

Or. en

Amendment 198
Marcel Kolaja

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

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when ***data on the impact of specific*** measures ***demonstrate that their impact is below pre-determined targets e***, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the ***implementation of additional targeted and proportionate risk mitigation measures*** . 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

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.

targets, 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, and that solicitation of children mostly takes place in publicly available **number-independent** interpersonal communications services, it should only be possible to address **investigation** orders to providers of such services **in relation to specific suspects or specific group of suspects or a specific incident** .

Or. en

Amendment 199
Marion Walsmann, Ivan Štefanec

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

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 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 **a last resort measure and** 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 **in particular** solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to

providers of such services.

address detection orders to providers of such services.

Or. en

Amendment 200

Adam Bielan

Proposal for a regulation

Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) Having regard to the need to take due account of the fundamental rights guaranteed under the Charter of all parties concerned, any action taken by a provider of relevant information society services should be strictly targeted, in the sense that it should serve to detect, remove or disable access to the specific items of information considered to constitute child sexual abuse online, without unduly affecting the freedom of expression and of information of recipients of the service. Orders should therefore, as a general rule, be directed to the entity acting as a data controller or where that is unfeasible, to the specific provider of relevant information society services that has the technical and operational ability to act against such specific items of child sexual abuse material, so as to prevent and minimise any possible negative effects on the availability and accessibility of information that is not illegal content. The providers of relevant information society services who receive an order on the basis of which they cannot, for technical or operational reasons, remove the specific item of information, should inform the person or entity who submitted the order.

Or. en

Amendment 201

Marcel Kolaja

Proposal for a regulation

Recital 21

Text proposed by the Commission

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

Amendment

(21) Furthermore, as parts of those limits and safeguards, **investigation** orders should only be issued after a diligent and objective assessment leading to the finding that the **order is necessary and proportionate** .

Or. en

Amendment 202

Marion Walsmann, Ivan Štefanec

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

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 significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. **Such assessments may**

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.

include the voluntary use of detection technologies and the evidence they provide with regard to the risks of a service being misused. 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.

Or. en

Amendment 203 **Marcel Kolaja**

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

Amendment

(22) It should be ensured that ***investigation*** 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 ***specific results anticipated by the measure, the*** likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider

seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

concerned.

Or. en

Amendment 204

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Recital 22

Text proposed by the Commission

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

Amendment

(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 having objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

Or. en

Amendment 205
Marcel Kolaja

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 **investigation** order is to be issued, it should still be ensured that the order is targeted and **specific enough** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary. 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 **number-independent** interpersonal communications service, or to specific users or specific groups of users. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Or. en

Amendment 206
Marion Walsmann, Ivan Štefanec

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 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.

Or. en

Amendment 207
Kateřina Konečná

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23 a) 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. To the greatest extent possible, and as the predominant rule, detection orders should be targeted against users for whom there is a reasonable suspicion that they have been sharing child sexual abuse material in the past or that they will share child sexual abuse material in the future.

Or. en

Amendment 208
Marcel Kolaja

Proposal for a regulation
Recital 24

Text proposed by the Commission

Amendment

(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

(24) The competent judicial authority should ***have the data necessary to*** be in a position to take a well-informed decision on requests for the issuance of ***investigation*** 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 ***investigation*** 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

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

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 to protect children. Furthermore, **data protection authorities** should normally be able to provide their opinion **in a timely manner** 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 **investigation** order addressed to it under this Regulation.

Or. en

Amendment 209

Marion Walsmann, Ivan Štefanec

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

Amendment

(24) The competent judicial authority should be in a position to take a well-informed decision on requests for the issuance of detections orders. That is of **great** importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach, **this is in particular significant** 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

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

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

Or. en

Amendment 210

Marcel Kolaja

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.

Or. en

Amendment 211
Marion Walsmann, Ivan Štefanec

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

Amendment

(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, 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.

users, including those of children. ***Nothing in this Regulation should therefore be interpreted as making end-to-end encryption impossible, in particular considering that technologies that allow the effective detection of online child sexual abuse in end-to-end encrypted communications already exist, and make it possible to balance all the fundamental rights at stake. These rights include on one hand the right to physical and mental integrity of children (Article 3 of the EU Charter of Fundamental Rights (the ‘Charter’)), the prohibition of torture and inhuman and degrading treatment (Article 4 Charter), their right to such protection and care as is necessary for their well-being (Article 24 Charter), their right to respect for their private and family life (Article 7 EU Charter) as well as to protection of their personal data (Article 8 Charter). The rights also include, on the other hand, the right to respect for private and family life (Article 7 Charter), to protection of personal data (Article 8 Charter), and the freedom of expression (Article 11 Charter) of the other users of the online services concerned. Finally, the rights at stake also include the freedom to conduct a business (Article 16 Charter) of the online service providers that fall within the scope of the proposal. The Commission should in cooperation with the EU Centre consider making available effective detection of online child sexual abuse in end-to-end encrypted communications tools.*** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Or. en

Amendment 212
Marcel Kolaja

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, 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 avoid undermining the security and confidentiality of the communications of users.**

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available **number-independent** interpersonal communications services to execute **investigation** orders addressed to them should remain strictly limited to what is specified in this Regulation. This Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures **are not undermined** . 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. **Any weakening of encryption could potentially be abused by malicious third parties. Nothing in this Regulation should therefore be interpreted as prohibiting or weakening end-to-end encryption.**

Amendment 213**Catharina Rinzema, Morten Løkkegaard, Jordi Cañas****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, 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

Amendment

(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, **notably** those of children. ***Any prohibition of encryption could potentially be abused by malicious third parties. The issuance of a detection order should therefore not lead a provider to prohibit encryption. In full accordance and respect of encryption, this regulation encourages the innovation and constant improvement of technology detecting, reporting, and removing of CSAM in all digital spaces***

users.

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

Or. en

Justification

End-to-end encryption shall be maintained. At the same time, innovation and improvement of technologies is encouraged, as to develop tools to be able to detect in all digital places, without breaking end-to-end encryption.

Amendment 214 **Marcel Kolaja**

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.

Amendment

(27) In order to facilitate the providers' compliance with the **investigation orders**, 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 **investigation** orders addressed to them. The European Data Protection Board should be consulted on **the acceptability or otherwise of** those technologies and the ways in which they should be deployed, **if at all, in** compliance with applicable Union law on the protection of personal data **and with the Charter of Fundamental Rights.** **The authoritative position** of the European Data Protection Board should be **fully** taken into account by the EU Centre and also by the Commission when preparing guidelines regarding the application of the

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.

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 **and other applicable EU law, such as Regulation 2016/679.**

Or. en

Amendment 215 **Marcel Kolaja**

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 technologies and ensure that they are sufficiently **accurate**, as well as to identify false positives and **false negatives and to** avoid erroneous reporting to the EU Centre, providers should ensure **adequate** human oversight and, where necessary, human intervention, adapted to the type of 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.

Or. en

Amendment 216

Marcel Kolaja

Proposal for a regulation

Recital 29

Text proposed by the Commission

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

Amendment

(29) The information ***providers*** 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 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. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. 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.

Or. en

Amendment 217

Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 29 a (new)

Text proposed by the Commission

Amendment

(29 a) In order to ensure effective prevention and fight against online child sexual abuse the providers should be able to make voluntary use of detection technologies as part of their mitigation measures, if they assess this as necessary in order to limit the risk of misuse.

Or. en

Amendment 218
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 29 b (new)

Text proposed by the Commission

Amendment

(29 b) All relevant providers should provide for easily accessible, child-friendly and age appropriate notification mechanisms that allow for a quick, efficient and privacy-preserving notification. Micro, small and medium sized enterprises should get support from the EU Centre to build up a corresponding mechanism.

Or. en

Amendment 219
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 31

Text proposed by the Commission

Amendment

(31) The rules of this Regulation should not be understood as affecting the

(31) The rules of this Regulation should not be understood as affecting the

requirements regarding removal orders set out in Regulation (EU) .../... *for a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC*.

requirements regarding removal orders set out in Regulation (EU) **2022/2065**.

Or. en

Amendment 220
Marcel Kolaja

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) The obligations of this Regulation do not apply to providers of hosting services that do not offer their services in the Union. However, such services may still be used to disseminate child sexual abuse material to or by users in the Union, causing harm to children and society at large, even if the providers' activities are not targeted towards Member States and the total numbers of users of those services in the Union are limited. ***For legal and practical reasons, it may not be reasonably possible to have those providers remove or disable access to the material, not even through cooperation with the competent authorities of the third country where they are established. Therefore, in line with existing practices in several Member States, it should be possible to require providers of internet access services to take reasonable measures to block the access of users in the Union to the material.***

Amendment

(32) The obligations of this Regulation do not apply to providers of hosting services that do not offer their services in the Union. However, such services may still be used to disseminate child sexual abuse material to or by users in the Union, causing harm to children and society at large, even if the providers' activities are not targeted towards Member States and the total numbers of users of those services in the Union are limited. ***In view of the very high number of ratifications of the UN Convention on the Rights of the Child or its optional Protocol on Child Pornography globally, it should always be possible to have those providers remove or disable access to the material. Where problems arise in relation to specific jurisdictions, Commission and Member States should use all reasonable means at their disposal to encourage and lead international efforts to remedy the situation.***

Or. en

Amendment 221
Marcel Kolaja

Proposal for a regulation

Recital 34

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 222

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Recital 34

Text proposed by the Commission

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

Amendment

(34) *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 taking voluntary measures, insofar as their activities remain strictly limited to what is needed for the purpose of complying with their obligations under this Regulation and they act in good faith.**

Or. en

Amendment 223

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Recital 40

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 224

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Recital 42

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 225

Marcel Kolaja

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 achievements of the objective*** of this Regulation, , ***including for trusted organisations providing assistance to victims and providing education and awareness raising***, without prejudice to the enforcement powers of other national authorities.

Amendment 226**Marcel Kolaja****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 **specific** measures and on the execution of **investigation** orders, removal orders, are effectively complied **with**, each Coordinating Authority should be able to carry out relevant **searches.**

Amendment 227**Marcel Kolaja****Proposal for a regulation****Recital 50***Text proposed by the Commission*

(50) **With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to afford them an opportunity to take expeditious action to remove or disable access on a voluntary basis, Coordinating Authorities of establishment should be able to notify those providers of the presence of known child sexual abuse material on their services and requesting removal or disabling of access thereof, for the providers' voluntary consideration.**

*Amendment***deleted**

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.

Or. en

Amendment 228
Marcel Kolaja

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 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

Amendment

(55) It is essential for the proper functioning of this Regulation that the EU Centre receives, via the Coordinating Authorities, ***anonymised 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 or a specific group of people or 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 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

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*.

the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set.

Or. en

Amendment 229
Marcel Kolaja

Proposal for a regulation
Recital 55 a (new)

Text proposed by the Commission

Amendment

(55 a) All communications containing illegal material should be encrypted to state of the art standards, all access by staff to such content should be limited to what is necessary and thoroughly logged.

Or. en

Amendment 230
Marcel Kolaja

Proposal for a regulation
Recital 56

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 231
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 69 a (new)

Text proposed by the Commission

Amendment

(69 a) Hotlines play an invaluable role in providing the public with a way to report suspected child sexual abuse material and by rapidly removing harmful content online, but they have different legal rights to process child sexual abuse material and therefore Member States are encouraged to aim for a harmonisation of the legal capacities of hotlines.

Or. en

Amendment 232
Adam Bielan

Proposal for a regulation
Recital 70

Text proposed by the Commission

Amendment

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

(70) This Regulation recognises and reinforces the key role of hotlines in optimising the fight against child sexual abuse online at the Union level. Hotlines are at the forefront of detecting new child sexual abuse material and have a track record of proven capability in the rapid identification and removal of child sexual abuse material from the digital environment. 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.

Or. en

Amendment 233
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Recital 70

Text proposed by the Commission

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

Amendment

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines, ***concluding, when necessary, strategic and/or operational cooperation agreements with them*** 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.

Or. en

Amendment 234
Marcel Kolaja

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 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).

Or. en

Amendment 235
Marcel Kolaja

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

effectively protected.

Or. en

Amendment 236
Marion Walsmann, Ivan Štefanec

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 *prevent and* address the misuse of relevant information society services for online child sexual abuse *and ensure the smooth functioning of a digital single* market.

Or. en

Amendment 237
Maria Grapini

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 misuse of relevant information society services for online child sexual abuse in the *EU Member States*.

Or. ro

Amendment 238
Arba Kokalari

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

Text proposed by the Commission

(b) obligations on providers of hosting

Amendment

(b) obligations on *relevant* providers of

services and providers of interpersonal communication services to detect and report online child sexual abuse;

hosting services and **relevant** providers of interpersonal communication services **that allow the dissemination and sharing of images and videos** to detect and report online child sexual abuse;

Or. en

Amendment 239

Marcel Kolaja

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 240

Jean-Lin Lacapelle

Proposal for a regulation

Article premier – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 241

Adam Bielan

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

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

(b) obligations on ***relevant*** providers of ***information society*** services ***that allow for the exchange of images, videos and where applicable sound, to*** report online child sexual abuse;

Or. en

Amendment 242

Adam Bielan

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

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

(c) obligations on ***relevant information society*** services to remove or disable access to child sexual abuse material on their services;

Or. en

Amendment 243

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(d a) obligations on providers of online search engines to delist websites indicating child sexual abuse material;

Or. en

Amendment 244

Marcel Kolaja

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(e a) Obligations on providers of online games;

Or. en

Amendment 245

Marion Walsmann, Ivan Štefanec

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;**

Or. en

Amendment 246

Jean-Lin Lacapelle

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) Regulation (EU) .../... [laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts], in particular Article 5;

Or. fr

Amendment 247

Marcel Kolaja

Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 248
Arba Kokalari

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 249
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

(a) ‘hosting service’ means an information society service as defined in Article 2, point **(f)**, third indent, of

Amendment

(a) ‘hosting service’ means an information society service as defined in Article **3**, point **(g)**, third indent, of

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

Regulation (EU) **2022/2065**;

Or. en

Amendment 250
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

(a) ‘hosting service’ means an information society service as defined in Article 3, point **(g)**, third indent, of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];

Or. en

Amendment 251
Adam Bielan

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

Text proposed by the Commission

Amendment

(a a) ‘cloud computing service’ means a service as defined in Article 6, point (30), of Directive (EU) 2022/2555 of the European Parliament and of the Council.

Or. en

Amendment 252
Marcel Kolaja

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

Or. en

Amendment 253

Arba Kokalari

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 they allow the dissemination and sharing of images and videos;***

Or. en

Amendment 254

Adam Bielan

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

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;

Directive (EU) 2018/1972, including services which enable direct interpersonal and interactive exchange of information **that include videos and images**, merely as a minor ancillary feature that is intrinsically linked to another service;

Or. en

Amendment 255
Jean-Lin Lacapelle

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, **except** services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service;

Or. fr

Amendment 256
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

Or. en

Amendment 257
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

(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)]*;

Amendment

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

Or. en

Amendment 258
Marion Walsmann, Ivan Štefanec

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**;

Or. en

Amendment 259
Marcel Kolaja

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

Text proposed by the Commission

(e) ‘internet access service’ means a service as defined in Article 2(2), point 2, of Regulation (EU) 2015/2120 of the European Parliament and of the Council⁴⁹;

Amendment

deleted

⁴⁹ Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).

Or. en

Amendment 260
Jean-Lin Lacapelle

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

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 261
Marcel Kolaja

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

Text proposed by the Commission

Amendment

(ii) an interpersonal communications service;

(ii) a publicly available number-independent interpersonal communications service;

Or. en

Amendment 262
Marcel Kolaja

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

Text proposed by the Commission

Amendment

(iv) an internet access service.

deleted

Or. en

Amendment 263
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

Amendment

(iv a) online search engines;

Or. en

Amendment 264
Marcel Kolaja

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

Text proposed by the Commission

Amendment

(iv a) online games;

Or. en

Amendment 265
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

Amendment

(f a) “Online search engine” means an intermedietary service as defined in Article 3 point (j) of Regulation (EU)

Amendment 266
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

Amendment

(f b) ‘metadata’ means data processed for the purposes of transmitting, distributing or exchanging content data; including data used to trace and identify the source and destination of a communication, data on the location of the user, and the date, time, duration and the type of communication;

Amendment 267
Jean-Lin Lacapelle

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

Text proposed by the Commission

Amendment

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

(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article **2(1)**, of Regulation (EU) **2022/1925** on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC;

Amendment 268
Marcel Kolaja

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

Text proposed by the Commission

Amendment

(h a) ‘hotline’ means an organisation providing a mechanism, other than the reporting channels provided by law enforcement agencies, for receiving anonymous report from the public about alleged child sexual abuse material and online child sexual exploitation, which is officially recognised by the Member State of establishment and has the mission of combatting child sexual abuse;

Or. en

Amendment 269
Marcel Kolaja

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

Text proposed by the Commission

Amendment

(h b) ‘help-line’ means an organisation providing services for children in need as recognised by the Member State of establishment;

Or. en

Amendment 270
Ivan Štefanec

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

Text proposed by the Commission

Amendment

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

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of **18** years;

Amendment 271

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 2 – paragraph 1 – point r

Text proposed by the Commission

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

Amendment

(r) ‘recommender system’ means the system as defined in Article 3, point (s), of Regulation (EU) **2022/2065**;

Or. en

Amendment 272

Marion Walsmann, Ivan Štefanec

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**;

Or. en

Amendment 273

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 2 – paragraph 1 – point v

Text proposed by the Commission

(v) ‘terms and conditions’ means terms

Amendment

(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]*;

and conditions as defined in Article 3, point (u), of Regulation (EU) 2022/2065;

Or. en

Amendment 274
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

End-to-End Encryption and Prohibition on General Monitoring

1. End-to-end encryption is essential to guarantee the security, confidentiality of the communications of users, including those of children. Any restrictions of encryption could lead to abuse by malicious actors. Nothing in this Regulation should be interpreted as prohibiting providers of information society services from providing their services applying end-to-end encryption, restricting or undermining such encryption. 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.

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

Or. en

Amendment 275

Adam Bielan

Proposal for a regulation
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

Voluntary own-initiative detection

Providers of relevant information society services shall be deemed eligible to carry out own-initiative investigations into, or take other measures aimed at detecting, identifying and preventing dissemination or removing child sexual abuse on their services in addition to mandatory requirements foreseen in this Regulation.

Or. en

Justification

Introduction of the legal basis for onw-initiative investigations in line with Regulation (EU) 2021/1232.

Amendment 276
Adam Bielan

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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

1. Providers of hosting services, ***excluding cloud computing services***, and providers of ***number-independent*** interpersonal communications services shall identify, analyse and assess the ***recurrent systemic*** risk of use of ***their services*** for the purpose of online child sexual abuse. ***The risk assessment shall be specific to these services and proportionate to the systemic risk considering its severity and probability, including based on the specific cases where service was misused to disseminate child sexual abuse materials.***

Amendment 277
Kateřina Konečná

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

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services shall identify, analyse and assess, for each such service that they offer, the risk of use of the service for the purpose of online child sexual abuse. ***This risk assessment shall be specific to their services and proportionate to the risks, taking into consideration their severity and probability and in full respect to the fundamental rights enshrined in the Charter.***

Amendment 278
Marcel Kolaja

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

Amendment

1. Providers of hosting services and providers of **publicly available number-independent** interpersonal communications services ***that are exposed to substantial amount of child sexual abuse material*** shall identify, analyse and assess, for each such service that they offer, ***risks stemming from the design, functioning, including algorithmic systems*** of the service for the purpose of online child sexual abuse.

Amendment 279
Jean-Lin Lacapelle

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

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall ***carry out the risk assessment in accordance with Article 34 of Regulation (EU) 2022/2065 in relation to*** the risk of use of the service for the purpose of online child sexual abuse.

Or. fr

Justification

Text made to reflect the requirements in the Digital Services Act.

Amendment 280
Marcel Kolaja

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

Text proposed by the Commission

Amendment

1 a. A hosting service provider or publicly available number-independent interpersonal communication service is exposed to child sexual abuse material where the coordinating authority of the Member State of its main establishment or where its legal representative resides or is established has:

a) taken a decision, on the basis of objective factors, such as the provider having received two or more final removal orders in the previous 12 months, finding that the provider is exposed to child sexual abuse material; and

b) notified the decision referred to in point (a) to the provider.

Or. en

Amendment 281

Marcel Kolaja

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) any previously identified instances of use of its services for the purpose of online child sexual abuse; *deleted*

Or. en

Amendment 282

Marcel Kolaja

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) any actual or foreseeable negative effects for the exercise of fundamental rights

Or. en

Amendment 283

Marcel Kolaja

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

(b) the existence and implementation by the provider of a policy and the availability of functionalities to address the

*(b) the existence and implementation by the provider of a policy and the availability **and effectiveness** of*

risk referred to in paragraph 1, including through the following:

functionalities to address the risk referred to in paragraph 1, including through the following:

Or. en

Amendment 284
Marcel Kolaja

Proposal for a regulation
Article 3 – paragraph 2 – point b – indent 1

Text proposed by the Commission

Amendment

— *prohibitions and restrictions laid down in the terms and conditions;* *deleted*

Or. en

Amendment 285
Marcel Kolaja

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

Text proposed by the Commission

Amendment

— *measures taken to enforce such prohibitions and restrictions;* *deleted*

Or. en

Amendment 286
Maria Grapini

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

Text proposed by the Commission

Amendment

— measures taken to enforce such prohibitions and restrictions;

— **concrete** measures taken to enforce such prohibitions and restrictions;

Or. ro

Amendment 287
Svenja Hahn, Moritz Körner

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

Text proposed by the Commission

— functionalities enabling *age verification*;

Amendment

— functionalities enabling *protection of children and preventing online child sexual abuse*;

Or. en

Amendment 288
Adam Bielan

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

Text proposed by the Commission

— functionalities enabling *age verification*;

Amendment

— functionalities enabling *parental control, that among others allow for age assurance*;

Or. en

Amendment 289
Marcel Kolaja

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* ;

Or. en

Amendment 290

Kateřina Konečná

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

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

Amendment

— functionalities ***preventing online child sexual abuse***;

Or. en

Amendment 291

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

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

Amendment

— functionalities enabling age ***assessing measures***;

Or. en

Amendment 292

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Sandro Gozi

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- ***Functionalities enabling scanning for known child sexual abuse material on upload***;

Or. en

Amendment 293

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- ***functionalities enabling age appropriate parental control;***

Or. en

Amendment 294

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Sandro Gozi

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- ***Functionalities preventing uploads from the dark web;***

Or. en

Amendment 295

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- (b a) the capacity, in accordance with the state of the art, to deal with reports and notifications about child sexual abuse in a timely manner;***

Or. en

Amendment 296

Marcel Kolaja

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 297
Marcel Kolaja

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 their recommender systems and any other relevant algorithmic system* and the impact thereof on that risk;

Or. en

Amendment 298
Marcel Kolaja

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;* *deleted*

Amendment

Or. en

Amendment 299
Marcel Kolaja

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 300
Marcel Kolaja

Proposal for a regulation
Article 3 – paragraph 2 – point e – point iii – indent 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 301
Adam Bielan

Proposal for a regulation
Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

Amendment

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

Or. en

Amendment 302
Marcel Kolaja

Proposal for a regulation
Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 303
Adam Bielan

Proposal for a regulation
Article 3 – paragraph 2 – point e – point iii – indent 3

Text proposed by the Commission

Amendment

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

— enabling users **to establish direct contact and share images or videos with other users, in particular through private communications.**

Or. en

Amendment 304
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová

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

Text proposed by the Commission

Amendment

- **Enabling users to create usernames that contain a representation about, or imply, the user's age;**

Or. en

Amendment 305
Ivan Štefanec

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

Text proposed by the Commission

Amendment

- *the extent to which children have access to age-restricted content*

Or. en

Amendment 306

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- *Enabling child users to create usernames that contain location information on child users;*

Or. en

Amendment 307

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- *Enabling users to know or infer the location of child users.*

Or. en

Amendment 308

Jean-Lin Lacapelle

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- (iiia) enabling child users to access all or some of the functionalities above*

themselves.

Or. fr

Justification

Some providers may limit certain functionalities for child user accounts. Where a child cannot communicate via private messages or post or receive pictures or videos on a platform, the risk that they may be exposed to online abuse is inherently minimised, and this should be taken into account during the risk assessment.

Amendment 309
Jean-Lin Lacapelle

Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The fact that a provider of interpersonal communications services ensures that interpersonal communications remain confidential or are encrypted cannot be considered a risk factor within the meaning of this Regulation.*

Or. fr

Amendment 310
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

Amendment

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

The provider may request the EU Centre to perform an analysis of representative, anonymized data samples to identify potential online child sexual abuse, to support the risk assessment. ***This request cannot serve the purpose of evading any of the provider's obligations set up in this Regulation. The EU Centre shall perform the analysis in a timely manner.***

Amendment 311

Marcel Kolaja

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 an analysis of *methodology for risk assessment in order* to support the risk assessment.

Amendment 312

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

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.

Amendment 313

Marcel Kolaja

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

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

The costs incurred by the EU Centre for the 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. **The Centre may reject** the request **on the basis that it is not** reasonably necessary to support the risk assessment.

Or. en

Amendment 314

Marcel Kolaja

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules on the determination and charging of those costs and the application of the exemption for micro, small and medium-sized enterprises.

Amendment

deleted

Or. en

Amendment 315

Catharina Rinzema, Morten Løkkegaard, Sandro Gozi

Proposal for a regulation

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Providers of hosting services and providers of interpersonal communication services shall put forward specific age assurance verification systems that meet the following criteria:

(a) effectively protect the privacy of users and do not disclose data gathered for the

purposes of age assurance for any other purpose

(b) do not collect data that is not strictly necessary for the purposes of age assurance;

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

(d) provide appropriate remedies and redress mechanisms for users whose age is wrongly identified.

Or. en

Justification

This AM suggests a wording that makes age verification a safety-by-design tool that has to be carried out by the providers themselves so as to increase prevention.

Amendment 316

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The provider may also voluntary use the measures specified in Article 10 to detect online child sexual abuse on a specific service. In this case they have to notify the Coordinating authority and include the results of its analyses in a separate section of the risk assessment.

Or. en

Amendment 317

Marcel Kolaja

Proposal for a regulation

Article 3 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) for a service which is subject to a **detection** order issued in accordance with Article 7, the provider shall update the risk assessment at the latest two months before the expiry of the period of application of the **detection** order;

(a) for a service which is subject to a **investigation** order issued in accordance with Article 7, the provider shall update the risk assessment at the latest two months before the expiry of the period of application of the order;

Or. en

Amendment 318
Kateřina Konečná

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, 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.

Or. en

Amendment 319
Marcel Kolaja

Proposal for a regulation
Article 4 – title

Text proposed by the Commission

Risk mitigation

Amendment

Specific measures

Or. en

Amendment 320
Marcel Kolaja

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

Text proposed by the Commission

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:

Amendment

1. Providers of hosting services and providers of ***publicly available number-independent*** interpersonal communications services ***that are exposed to substantial amount of child sexual abuse material*** shall take ***proportionate and effective specific*** measures, tailored to the ***serious*** risk identified pursuant to Article 3. Such measures shall include some or all of the following:

Or. en

Amendment 321
Adam Bielan

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

Text proposed by the Commission

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:

Amendment

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

Or. en

Amendment 322
Jean-Lin Lacapelle

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

Text proposed by the Commission

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:

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall take **the** reasonable mitigation measures **set out in Article 35 of Regulation (EU) 2022/2065**, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

Or. fr

Justification

Text made to reflect the requirements in the Digital Services Act.

Amendment 323

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Sandro Gozi, Svenja Hahn

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

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:

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, **but need not to be limited to**, some or all of the following:

Or. en

Amendment 324

Maria Grapini

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications

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:

services shall take **concrete** 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:

Or. ro

Amendment 325
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

(a) 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. en

Amendment 326
Marcel Kolaja

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

Text proposed by the Commission

(a a) providing technical measures and tools that allow users to manage their own privacy, visibility, reachability and safety, and that are set to the most secure levels by default;

Amendment

Or. en

Amendment 327

Adam Bielan

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

Text proposed by the Commission

Amendment

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

Or. en

**Amendment 328
Marion Walsmann, Ivan Štefanec**

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

Text proposed by the Commission

Amendment

(a a) adapting privacy and safety by design and by default for children, including age appropriate parental control tools;

Or. en

**Amendment 329
Marcel Kolaja**

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

Text proposed by the Commission

Amendment

(a b) informing users about external resources and services in the user's region on preventing child sexual abuse, counselling by help-lines, victim support and educational resources by hotlines and child protection organisation;

Or. en

Amendment 330

Adam Bielan

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a b) implementing measures to prevent and combat the dissemination of online child sex abuse materials;

Or. en

Amendment 331

Marcel Kolaja

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a c) providing tools in a prominent way on their platform that allow users and potential victims to seek help from their local help-line

Or. en

Amendment 332

Marcel Kolaja

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a d) automatic mechanisms and interface design elements to inform users about external preventive intervention programmes

Or. en

Amendment 333
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 334
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

Amendment

(b a) processing metadata;

Or. en

Amendment 335
Jean-Lin Lacapelle

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

Text proposed by the Commission

Amendment

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

deleted

Justification

There was never any suggestion in the Digital Services Act that trusted flaggers should be enlisted as internet patrollers. Although predictable, this extension of their remit is inadmissible.

Amendment 336

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of 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) **2022/2065**.

Amendment 337

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Sandro Gozi

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

If the risk assessment conducted or updated in accordance with Article 3 identifies that there is a risk of use of the service being used to disseminate, store or make available known child sexual abuse material, reasonable mitigation measures

may include measures to detect and remove such material.

Or. en

Justification

Providers of hosting services and providers of interpersonal communications services should be able to take steps voluntarily to detect known child sexual abuse material and remove it from their services, subject to safeguards to protect the fundamental rights of users in accordance with the EU Charter and rulings of the Court of Justice of the European Union. The current proposal of the European Commission would not provide the opportunity for such proactive, voluntary actions by providers. This AM seeks to establish this room for voluntary action.

Amendment 338

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) foreseeing awareness-raising measures;

Or. en

Amendment 339

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c b) using any other measures in accordance with the current or future state of the art that are fit to mitigate the identified risk;

Or. en

Amendment 340

Marcel Kolaja

Proposal for a regulation

Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 341

Marcel Kolaja

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 **serious** risk;

Or. en

Amendment 342

Maria Grapini

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 efficient** in mitigating the identified risk;

Or. ro

Amendment 343

Marcel Kolaja

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) subject to an implementation plan with clear objectives and methodologies for identifying and quantifying impacts on the identified serious risk and on the exercise of the fundamental rights of all affected parties. The implementation plan shall be reviewed every six months.

Or. en

Amendment 344

Adam Bielan

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) ***applied in line with the right to privacy and the safety of individuals,*** 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;

Or. en

Amendment 345

Marcel Kolaja

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, the seriousness of the risk , ***any impact on the functionality of the service*** as well as the provider's financial and technological capabilities and the number of users;

Or. en

Amendment 346

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Sandro Gozi

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(d a) Providers of hosting services and providers of interpersonal communications services are encouraged to put in place voluntary measures to detect and report online child sexual abuse for those services that have proven to pose a risk of misuse for child sexual abuse, or in cases there is an imminent risk of misuse for child sexual abuse, including for the purpose of the solicitation of children;

Or. en

Amendment 347

Jean-Lin Lacapelle

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The requirement that the providers of interpersonal communications services take risk mitigation measures shall in no way constitute a requirement that they access the content of communications or make provision for methods to access these communications or to compromise their encryption.

Or. fr

Amendment 348

Marcel Kolaja

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, 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.

deleted

Or. en

Amendment 349
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, 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.

deleted

Or. en

Amendment 350
Ivan Štefanec

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, 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 ***and to put in place effective measure to block the access of children to websites that fall under an age-restriction applicable under national law.***

Or. en

Amendment 351

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age assessment measures to reliably identify child users on their services, enabling them to take the mitigation measures. ***The age assessment tools shall be able to verify the age in an efficient, privacy-preserving and secure manner.***

Or. en

Amendment 352

Adam Bielan

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary ***targeted*** measures, ***such as parental control tools that enable age assurance, and other tools that adapt their online interface and protect*** child users ***from solicitation.***

Or. en

Amendment 353
Kateřina Konečná

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 assessment measures ***to reliably enable*** them to take the mitigation measures.

Or. en

Amendment 354
Maria Grapini

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 355

Marcel Kolaja

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Any requirement to take specific measures shall be without prejudice to Article 8 of Regulation (EU) 2022/2065 and shall entail neither a general obligation for hosting services providers to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.

Or. en

Amendment 356

Jean-Lin Lacapelle

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

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.

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, ***unless the measures impinge on the essence of the service underlying the contract of use, or unless they amend, derogate from or invalidate another clause in the provider's terms and conditions.***

Or. fr

Amendment 357

Marcel Kolaja

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. ***Where appropriate*** providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms ***of service*** the mitigation measures that they have taken. That description shall not include information that ***is likely to*** reduce the effectiveness of the mitigation measures.

Or. en

Amendment 358

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. The Commission, in cooperation with Coordinating Authorities and the EU

Amendment

5. The Commission, in cooperation with Coordinating Authorities and the EU

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

Centre and after having conducted a public consultation, *shall* 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.

Or. en

Amendment 359

Marcel Kolaja

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, may issue guidelines on the application of paragraphs **1 and 2**, 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.

Or. en

Amendment 360

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Legal basis for risk mitigation through metadata processing

1. To the extent necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, providers of

number independent interpersonal communication services shall be allowed, as a mitigating measure under Article 4, to process metadata.

2. All relevant service providers shall process metadata when ordered to do so by the Coordinating Authority of establishment in accordance with Article 5bis(4). When assessing whether to require a provider to process metadata, the Coordinating Authority shall take into account the interference with the rights to privacy and data protection of the users of the service that such a processing entails and determine whether, in the case at hand, the processing of metadata would be effective in mitigating the risk of use of the service for the purpose of child sexual abuse, strictly necessary and proportionate.

3. If they process metadata as a risk mitigation measure, providers shall inform their users of such processing in their terms and conditions, including information on the possibility to submit complaints.

Or. en

Amendment 361
Marcel Kolaja

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

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

Where an online platform is primarily used for the dissemination of user generated pornographic content, the platform shall take the necessary technical and organisational measures to

ensure

a. user-friendly reporting mechanisms to report alleged child sexual abuse material;

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

c. automatic mechanisms and interface design elements to inform users about external preventive intervention programmes in the user's region.

Or. en

Amendment 362
Marcel Kolaja

Proposal for a regulation
Article 4 b (new)

Text proposed by the Commission

Amendment

Article 4 b

Specific measures for number-independent interpersonal communications service within games

Providers of online games that operate number-independent interpersonal communications service within their games shall take the necessary technical and organisational measures

a) preventing users from initiating unsolicited contact with other users;

b) facilitating user-friendly reporting of alleged child sexual abuse material;

c) providing technical measures and tools that allow users to manage their own privacy, visibility reachability and safety. and that are set to the most secure levels by default;

d) providing tools in a prominent way on their platform that allow users and potential victims to seek help from their local help-line.

Amendment 363

Marcel Kolaja

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 **publicly available 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:

Or. en

Amendment 364

Maria Grapini

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 interpersonal communications services shall transmit, **within 30 days of** the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Or. ro

Amendment 365

Marcel Kolaja

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 366

Marcel Kolaja

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** measures taken pursuant to Article 4.

Or. en

Amendment 367

Marcel Kolaja

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. Within three months after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the **mitigation** measures have been taken in accordance with the requirements of Articles 3 and 4.

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

Or. en

Amendment 368

Maria Grapini

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. Within **three months** after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the mitigation measures have been taken in accordance with the requirements of Articles 3 and 4.

Amendment

2. Within **60 days** after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the mitigation measures have been taken in accordance with the requirements of Articles 3 and 4.

Or. ro

Amendment 369

Marcel Kolaja

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where necessary for that assessment, that Coordinating Authority may require further information from the provider, ***within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than two weeks.***

Amendment

Where necessary for that assessment, that Coordinating Authority may require further information from the provider, ***to be provided without undue delay .***

Or. en

Amendment 370

Marcel Kolaja

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 371

Marcel Kolaja

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, that Coordinating Authority shall require the provider to ***make specific updates to*** the risk assessment within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month.

Or. en

Amendment 372

Marcel Kolaja

Proposal for a regulation

Article 5 – paragraph 6

Text proposed by the Commission

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

deleted

Amendment

Or. en

Amendment 373

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Sandro Gozi, Svenja Hahn

Proposal for a regulation

Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Providers of hosting services and providers of interpersonal communications services that qualify as micro (or small) enterprises within the meaning of Article 3 of Directive 2013/34/EU shall transmit a simplified version of the report under paragraph 1 of this Article.

Or. en

Amendment 374

Svenja Hahn, Moritz Körner

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

User 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 to allow any individual or entity to notify them of the presence on their service of potential online child sexual abuse, in particular of new child sexual abuse material and solicitation of children for sexual purposes. Those mechanisms shall be easy to access, user- and child-friendly, and allow for the submission of the notification exclusively by electronic means. Providers shall ensure that sufficient human and

financial resources are allocated to ensure that the notifications are effectively processed in a timely manner.

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of notifications to flag to the provider of a relevant information society service potential online child sexual abuse on the service, allowing that provider to identify alleged online child sexual abuse without a detailed legal examination and containing a clear indication of the exact electronic location of that information, and, where necessary and possible, additional information enabling the identification of the illegal content adapted to the type of content.

3. 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 that individual or entity of its decision and actions taken in relation to the notification.

Or. en

Amendment 375
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Obligations for software application stores

1. Providers of software application stores shall:

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

applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;

(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;

(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).

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

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.

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.

Or. en

Amendment 376
Kateřina Konečná

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Obligations for software application stores

1. Providers of software application stores shall:

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

(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;

(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).

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

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.

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.

Or. en

Amendment 377
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

(a) make reasonable efforts to **to ensure that** software applications, whether each service offered through the software applications **can only make available on their platform software applications if prior to the use of their service they have obtained the contact details of the provider of software application developing team ;**

Or. en

Amendment 378
Marcel Kolaja

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

Text proposed by the Commission

(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;**

Amendment

deleted

Or. en

Amendment 379

Ivan Štefanec

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(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;

Amendment

(b) take reasonable **and effective** 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 **leading to an online child sex abuse**;

Or. en

Amendment 380

Marcel Kolaja

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(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).**

Amendment

deleted

Or. en

Amendment 381

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) take the necessary **age verification and** age assessment measures to reliably identify child users on their services,

Amendment

(c) take the necessary age assessment measures to reliably identify child users on their services **in an effective, privacy-**

enabling them to take the measures referred to in point (b).

preserving and secure manner, enabling them to take the measures referred to in point (b).

Or. en

Amendment 382

Marcel Kolaja

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

deleted

Or. en

Amendment 383

Marcel Kolaja

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

Or. en

Amendment 384

Marcel Kolaja

**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.

deleted

Or. en

**Amendment 385
Kateřina Konečná**

**Proposal for a regulation
Article 6 a (new)**

Text proposed by the Commission

Amendment

Article 6 a

***Security and confidentiality of
communications***

Nothing in this Regulation shall be construed as prohibiting, restricting or undermining the provision or the use of encrypted services. Member States shall not prevent or discourage providers of relevant information society services from offering encrypted services.

Or. en

**Amendment 386
Adam Bielan**

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Encrypted services

Nothing in this Regulation shall be construed as prohibiting, restricting or undermining the provision or the use of encrypted services. Providers of information society services shall not be deterred nor prevented by relevant public authorities from offering encrypted services.

Or. en

Amendment 387

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Encrypted services

Member States shall not prevent providers of relevant information society services from offering encrypted services. But when offering them, providers have to make sure that they process metadata in order to detect known child sexual abuse material.

Or. en

Amendment 388

Marcel Kolaja

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Security of communications and services

Nothing in this regulation shall be construed as encouraging the prohibition, restriction, circumvention or undermining of the provision or the use of encrypted services.

Or. en

Amendment 389

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 6 b (new)

Text proposed by the Commission

Amendment

Article 6 b

Support for micro and small and medium sized enterprises

The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with guidelines that foresee practical support for micro and small and medium sized enterprises in order for them to be able to fulfil the obligations of this Regulation.

Or. en

Amendment 390

Svenja Hahn, Moritz Körner

Proposal for a regulation

Chapter II – Section 2

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 391
Marcel Kolaja

Proposal for a regulation
Chapter II – Section 2 – title

<i>Text proposed by the Commission</i>	<i>Amendment</i>
2 Detection obligations	2 Investigation obligations

Or. en

Amendment 392
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 7

<i>Text proposed by the Commission</i>	<i>Amendment</i>
[...]	<i>deleted</i>

Or. en

Amendment 393
Marcel Kolaja

Proposal for a regulation
Article 7 – title

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Issuance of detection orders	Issuance of investigation orders

Or. en

Amendment 394
Adam Bielan

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Coordinating Authority of establishment shall have the power, **as a last resort, when all the measures in Article 3, 4 and 5 have been exhausted**, to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue, **for a limited time and for the sole purpose of detecting known child sexual abuse material**, a detection order requiring a provider of hosting services **excluding cloud computing services**, or a provider of **number-independent** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect **known** child sexual abuse on a specific service **or relating to specific users or groups of users. The detection order shall be limited to the information identified in the order, allow the service provider to fulfill it without the need to carry out an independent assessment of that content and search and removal can be carried out by reliable automated tools. The detection order shall be directed to the providers of hosting services, excluding cloud computing services, and number-independent interpersonal communications services that can reasonably be expected to have the technical and operational ability to act.**

Or. en

Amendment 395
Kateřina Konečná

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to

Amendment

1. The Coordinating Authority of establishment shall have the power, **as a**

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.

last resort, when all the measures in Article 3, 4 and 5 have been exhausted, to request the competent ***independent*** judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue, ***for a limited time and for the sole purpose of detecting known child sexual abuse material,*** a detection order requiring a provider of hosting services or a provider of ***number-independent*** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect ***known*** child sexual abuse on a specific service ***and relating to specific users or groups of users. 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.***

Or. en

Amendment 396
Marcel Kolaja

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue ***an investigation*** order requiring a provider of hosting services or a provider of ***publicly available number-independent*** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to ***assist in investigations of a specific person, specific group of people, or a specific incident related to*** online child

sexual abuse on a specific service.

Or. en

Amendment 397
Jean-Lin Lacapelle

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a detection order requiring a provider of hosting services or a provider of 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.

Or. fr

Amendment 398
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it ***or another independent administrative authority of that Member State*** to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State

Amendment

1. ***As a last resort***, the Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a detection order, ***limited in time***, 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 take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

to detect online child sexual abuse on a specific service.

Or. en

Amendment 399

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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. ***Detection orders issued by the coordinating authorities shall serve as a measure of last resort, only enacted when all mitigating measures, including voluntary ones, have proven unsuccessful.***

Or. en

Justification

AM to make sure there is room for proactive and voluntary detection, and that detection orders serve as measure of last resort when all previous measures are deemed unsuccessful.

Amendment 400

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

Before requesting the issuance of a detection order, the Coordinating Authority of establishment shall carry out the investigations and assessments necessary to determine whether ***all*** conditions of

paragraph 4 have been met.

paragraph 4 have been met.

Or. en

Amendment 401

Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 402

Marion Walsmann, Ivan Štefanec

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 preliminary view that the conditions of paragraph 4 have been met *and the measures envisaged in the detection order are proportionate*, it shall:

Or. en

Amendment 403

Marcel Kolaja

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, it shall:

Or. en

Amendment 404
Marcel Kolaja

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 for the issuance of **an investigation** order, specifying **the factual and legal grounds upon which the request is based**, the main elements of the content of the **investigation** order it intends to request and the reasons for requesting it;

Or. en

Amendment 405
Marion Walsmann, Ivan Štefanec

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 **concerned** provider and the EU Centre;

Or. en

Amendment 406
Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) *afford the provider an opportunity to comment on the draft request, within a reasonable time period set by that Coordinating Authority;* *deleted*

Or. en

Amendment 407

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(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.

(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.

Or. en

Amendment 408

Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

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 **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**:

Where, having regard to 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 request **the judicial validation of the inquiry/investigation order from the competent judicial authority responsible for the issuing of such orders pursuant to paragraph 4. Upon receipt of judicial validation of the order, the Coordinating Authority shall submit the order**, adjusted where appropriate, to the provider. **Prior to**

requesting the judicial validation of the investigation order, the Coordinating Authority shall request the provider to do all of the following within a reasonable time period:

Or. en

Amendment 409
Kateřina Konečná

Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards ***and their negative impacts on the rights of all parties involved, including the users of the service;***

Or. en

Amendment 410
Marcel Kolaja

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 incident that the authority intends to investigate***, the measures it envisages taking to execute the intended ***investigation*** order, including detailed information regarding the envisaged technologies and safeguards;

Or. en

Amendment 411
Jean-Lin Lacapelle

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;

Or. fr

Justification

Since the circumstances leading to the issue of a detection order may change, a new impact assessment needs to be conducted, since this contains a proportionality element.

Amendment 412
Marcel Kolaja

Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) where the draft implementation plan concerns an intended **investigation** order concerning the solicitation of children other than the renewal of a previously issued **investigation** 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 413
Jean-Lin Lacapelle

Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

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

Amendment

(c) where point (b) ***has revealed circumstances pointing to*** 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;

Or. fr

Amendment 414
Marcel Kolaja

Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 415

Marcel Kolaja

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.

Or. en

Amendment 416

Jean-Lin Lacapelle

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 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. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Or. fr

Amendment 417

Marcel Kolaja

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 taking utmost account of*** the opinion of the data protection authority, that Coordinating Authority ***is*** of the view that the conditions of paragraph 4 have met, it shall submit the request for the ***validation and*** issuance of the ***investigation 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.

Or. en

Amendment 418

Marion Walsmann, Ivan Štefanec

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 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.

Or. en

Amendment 419

Jean-Lin Lacapelle

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 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:

Amendment

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

Or. fr

Amendment 420

Marion Walsmann, Ivan Štefanec

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 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:

Amendment

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

Or. en

Amendment 421

Marcel Kolaja

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 the *detection* order, and the competent

Amendment

Based on a reasoned justification, The Coordinating Authority of establishment shall request the issuance of the

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

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

Or. en

Amendment 422
Marcel Kolaja

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(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;

(a) there is evidence of a *specific* 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;

Or. en

Amendment 423
Jean-Lin Lacapelle

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

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.

(b) the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, *including all users where the implementation plan would undermine the structure processing the interpersonal communications*, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

Or. fr

Amendment 424

Marcel Kolaja

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 issuing *of the the investigation* order *is necessary and proportionate and outweighs* negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

Or. en

Amendment 425

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Sandro Gozi, Svenja Hahn

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) The voluntary measures applied as mitigating measures have not proven successful in preventing the misuse of the service for child sexual abuse.

Or. en

Justification

Amendment providing the option for voluntary or proactive measures.

Amendment 426

Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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, in particular: *deleted*

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to Article 5(4) where applicable;

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

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

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

Or. en

Amendment 427

Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to Article 5(4) where applicable; *deleted*

Amendment 428

Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

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

Or. en

Amendment 429

Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 430

Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 431

Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

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 the points at which it deviated and the main reasons for the deviation.

deleted

Or. en

Amendment 432

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

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 the points at which it deviated and the main reasons for the deviation.

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 ***in detail*** the points at which it deviated and the main reasons for the deviation.

Or. en

Amendment 433

Marcel Kolaja

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

Or. en

Amendment 434

Jean-Lin Lacapelle

Proposal for a regulation

Article 7 – paragraph 5 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 435

Marcel Kolaja

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

Amendment

(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;

or will take, that the service is **being used by the suspect or suspects**, to an appreciable extent for the dissemination of known child sexual abuse material;

Or. en

Amendment 436
Jean-Lin Lacapelle

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 and to an appreciable extent for the dissemination of known child sexual abuse material.

Or. fr

Justification

The risk that a service poses must depend solely on the characteristics of that service and cannot be assumed on the basis of the conduct of other providers, on account of the legal personality principle.

Amendment 437
Marcel Kolaja

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**

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.

extent for the dissemination of known child sexual abuse material.

Or. en

Amendment 438
Marcel Kolaja

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission

Amendment

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*

(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;

(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;

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

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

(2) the provider submitted a significant number of reports concerning known child sexual abuse material, detected through the measures taken to execute the

detection order referred to in point (1), pursuant to Article 12.

Or. en

Amendment 439
Jean-Lin Lacapelle

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 440
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

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

Amendment

(a) 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, ***including live stream and live transmission***;

Or. en

Amendment 441
Jean-Lin Lacapelle

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

Text proposed by the Commission

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

Amendment

(b) there is evidence of the service having been used in the past 12 months and to an appreciable extent for the dissemination of new child sexual abuse material;

Or. fr

Justification

The risk that a service poses must depend solely on the characteristics of that service and cannot be assumed on the basis of the conduct of other providers, on account of the legal personality principle.

Amendment 442
Marcel Kolaja

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

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

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

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

(c) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the

Amendment

deleted

detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

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

Or. en

Amendment 443
Jean-Lin Lacapelle

Proposal for a regulation
Article 7 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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

Or. fr

Amendment 444
Jean-Lin Lacapelle

Proposal for a regulation
Article 7 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

(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.

Amendment

(c) there is evidence of the service having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

Or. fr

Justification

The risk that a service poses must depend solely on the characteristics of that service and cannot be assumed on the basis of the conduct of other providers, on account of the legal personality principle.

Amendment 445 **Kateřina Konečná**

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

Text proposed by the Commission

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

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial 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. ***To the greatest extent possible, the detection order should be targeted against users who can be reasonably suspected of distributing child sexual abuse material.***

Or. en

Amendment 446 **Marcel Kolaja**

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

Text proposed by the Commission

The Coordinating Authority of establishment when requesting the issuance of ***detection*** orders, and the competent judicial ***or independent administrative authority*** when issuing the ***detection*** order, shall target and specify it in such a manner

Amendment

The Coordinating Authority of establishment when requesting the ***judicial validation and the investigation*** orders, and the competent judicial when issuing the ***investigation*** order, shall target and specify it in such a

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*.

manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary *and proportionate to obtain the information required to effectively investigate the case, and collect the information required to assess the existence of a criminal offence*.

Or. en

Amendment 447
Jean-Lin Lacapelle

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

Text proposed by the Commission

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

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial 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.

Or. fr

Amendment 448
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent

Amendment

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.

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 to effectively address the significant risk referred to in point (a) thereof.

Or. en

Amendment 449

Marcel Kolaja

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 *investigative* technologies in that they limit to the maximum extent possible the rate of errors regarding the *investigation* 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.

Or. en

Amendment 450

Marcel Kolaja

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

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;

and proportionate safeguards additional to those listed in Article 10(4), **and (5)** are provided for;

Or. en

Amendment 451
Jean-Lin Lacapelle

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

Text proposed by the Commission

Amendment

(ba) under no circumstances, shall 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;

Or. fr

Amendment 452
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Sandro Gozi

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 or independent administrative authority shall specify in the detection order the period during which it applies, indicating the start date and the end date, ***within which the providers of hosting services and providers of interpersonal communications services shall prove that their service is no longer used for child sexual abuse.***

Or. en

Amendment 453
Jean-Lin Lacapelle

Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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

Or. fr

Amendment 454
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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

Or. en

Amendment 455
Marcel Kolaja

Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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

Amendment 456

Marcel Kolaja

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 2

Text proposed by the Commission

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the **detection** order. ***It shall not be earlier than three months from the date at which the provider received the detection order and not be later than 12 months from that date.***

Amendment

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the **investigation** order.

Amendment 457

Marcel Kolaja

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 **investigation** orders shall ***be proportionate, taking all relevant factors into account.***

Amendment 458

Svenja Hahn, Moritz Körner

Proposal for a regulation

Article 8

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 459

Marcel Kolaja

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

Amendment

Additional rules regarding *detection* orders

Additional rules regarding *investigation* orders

Or. en

Amendment 460

Jean-Lin Lacapelle

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. fr

Amendment 461

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 462
Marcel Kolaja

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 **investigation** orders referred to in Article 7 using the template set out in Annex I. **Investigation** orders shall include:

Or. en

Amendment 463
Marcel Kolaja

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 measures to be taken to execute the **investigation** order, including **the person, group of person or incident concerned, the temporal scope**, 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);

Or. en

Amendment 464
Jean-Lin Lacapelle

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;

Or. fr

Amendment 465
Marion Walsmann, Ivan Štefanec

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;

Or. en

Amendment 466
Marcel Kolaja

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*

Amendment

(b) identification details of the competent judicial authority issuing the

independent administrative authority issuing the *detection* order and authentication of the *detection* order by that judicial *or independent administrative* authority;

investigation order and authentication of the *investigation* order by that judicial authority;

Or. en

Amendment 467

Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Sandro Gozi, Svenja Hahn

Proposal for a regulation

Article 8 – paragraph 1 – point c

Text proposed by the Commission

(c) the name of the provider and, where applicable, its legal representative;

Amendment

(c) the name of the provider and, where applicable, its legal representative, ***without prejudice to the issuance of detection orders where the legal name of the provider is not readily ascertained;***

Or. en

Justification

There are instances where it may not be apparent or easy to identify, so there should always be a fall-back mechanism that will allow the detection of CSAM, even in those instances.

Amendment 468

Marcel Kolaja

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

Or. en

Amendment 469
Marcel Kolaja

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 **investigation** order issued concerns the dissemination of known or **previously unknown** child sexual abuse material or the solicitation of children;

Or. en

Amendment 470
Marcel Kolaja

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 start date and the end date of the **investigation** order;

Or. en

Amendment 471
Marcel Kolaja

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 detailed statement of reasons explaining why the **investigation** order is issued;

Or. en

Amendment 472

Marcel Kolaja

Proposal for a regulation

Article 8 – paragraph 1 – point h

Text proposed by the Commission

(h) a reference to this Regulation as the legal basis for the detection order;

Amendment

(h) ***the factual and legal grounds justifying the issuing of the order, and*** a reference to this Regulation as the legal basis for the detection order;

Or. en

Amendment 473

Jean-Lin Lacapelle

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;

Or. fr

Amendment 474

Marion Walsmann, Ivan Štefanec

Proposal for a regulation

Article 8 – paragraph 1 – point i

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 475

Marcel Kolaja

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 *investigation* order;

Or. en

Amendment 476

Marcel Kolaja

Proposal for a regulation

Article 8 – paragraph 1 – point j

Text proposed by the Commission

(j) easily understandable information about the redress available to the addressee of the *detection* order, including information about redress to a court and about the time periods applicable to such redress.

Amendment

(j) easily understandable information about the redress available to the addressee of the *investigation* order, including information about redress to a court and about the time periods applicable to such redress.

Or. en

Amendment 477

Jean-Lin Lacapelle

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

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.

with Article 24.

Or. fr

Amendment 478
Marion Walsmann, Ivan Štefanec

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.

Or. en

Amendment 479
Marcel Kolaja

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 *investigation* order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Or. en

Amendment 480
Marcel Kolaja

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 **investigation** 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).

Or. en

Amendment 481

Marcel Kolaja

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The **detection** order shall be drafted in the language declared by the provider pursuant to Article 23(3).

Amendment

The **investigation** order shall be drafted in the language declared by the provider pursuant to Article 23(3).

Or. en

Amendment 482

Marcel Kolaja

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 **investigation** order because it contains errors , **or it appears unnecessary or 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 483
Marcel Kolaja

Proposal for a regulation
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a

Scope of preservation orders

Investigation orders may require the expedited preservation by the provider, insofar as the data is under their control, of one or more of the following, including new data generated after issuance of the order, as part of a planned or current law enforcement operation;

a) Traffic data:

i) Pseudonyms, screen names or other identifiers used by the subject(s) of the investigation;

ii) Network identifiers, such as IP addresses, port numbers, or MAC addresses used by, or associated with, the subject(s) of the investigation;

iii) Any other traffic data, including metadata, of any activity linked to subject(s) of the investigation;

b) Content data:

i) Copies of any data uploaded, downloaded or otherwise communicated by the subject(s) of the investigation;

2. Access to the data shall be made available to law enforcement authorities on the basis of the national law of the country of establishment of the provider.

3. The provider shall inform all users concerned of the investigation order, unless the issuing authority instructs it, on the basis of a reasoned opinion, not to do so.

4. Investigation orders may require providers to provide support for law enforcement authorities. Such support shall be technically feasible, clearly defined, subject to specific judicial oversight, necessary proportionate and respect the fundamental rights of all parties involved.

Or. en

**Amendment 484
Marcel Kolaja**

**Proposal for a regulation
Article 8 c (new)**

Text proposed by the Commission

Amendment

Article 8 c

Notification mechanism

1. Providers of hosting services and providers of interpersonal communication services shall establish mechanisms that allow users to notify to them the presence on their service of specific items or activities that the user considers to be potential child sexual abuse material, in particular previously unknown child sexual abuse material and solicitation of children. Those mechanisms shall be easy to access and user-friendly, child-friendly and shall allow for the submission of notices exclusively by electronic means.

2. Where the notice contains the electronic contact information of the user who submitted it, the provider shall without undue delay send a confirmation or receipt to the user.

3. Providers shall ensure that such notices are processed without undue delay.

Or. en

Amendment 485
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 486
Marcel Kolaja

Proposal for a regulation
Article 9 – title

Text proposed by the Commission

Amendment

Redress, information, reporting and modification of *detection* orders

Redress, information, reporting and modification of *investigation* orders

Or. en

Amendment 487
Marcel Kolaja

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. Providers of hosting services and providers of *publicly available number-independent* interpersonal communications services that have received a *investigation* 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 *investigation* order before the courts of the Member State of the competent judicial authority that issued the *investigation* order.

Amendment 488
Marion Walsmann, Ivan Štefanec

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 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.

Or. en

Amendment 489
Jean-Lin Lacapelle

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Exercising the right to recourse under paragraph 1 shall suspend execution of the detection order.

Or. fr

Amendment 490
Jean-Lin Lacapelle

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).

Or. fr

Amendment 491

Marion Walsmann, Ivan Štefanec

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).

Or. en

Amendment 492

Marcel Kolaja

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 **investigation** order becomes final, the competent judicial authority that issued the **investigation** 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).

Or. en

Amendment 493

Marcel Kolaja

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 494

Marcel Kolaja

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the period of application of the **detection** order exceeds 12 months, or six months in the case of a **detection** order

Amendment

Where the period of application of the **investigation** order exceeds 12 months, or six months in the case of a **investigation**

concerning the solicitation of children, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the *detection* order at least once, halfway through the period of application.

order concerning the solicitation of children, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the *investigation* order at least once, halfway through the period of application.

Or. en