AMENDMENTS
495 - 670

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 495
Marcel Kolaja

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

Amendment

Those reports shall include a detailed description of the measures taken to execute the investigation order, including the safeguards provided, and information on the functioning in practice of those measures, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

Or. en

Amendment 496
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

In respect of the investigation orders that the competent judicial authority or independent administrative authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether the conditions of Article 7(4) continue to be met. In that regard, it shall take account of additional mitigation measures that the provider may take to address the significant risk identified at the time of the
Amendment 497
Jean-Lin Lacapelle

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 498
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

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

Amendment

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

Amendment 499
Jean-Lin Lacapelle

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

Text proposed by the Commission

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

Amendment

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

Amendment 500
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

That Coordinating Authority shall request to the competent judicial authority or independent administrative authority that issued the detection order the modification or revocation of such order, where necessary in the light of the outcome of

Amendment

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

Amendment 501
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

That Coordinating Authority shall request to the competent judicial authority that issued the investigation order the modification or revocation of such order, where necessary in the light of the outcome of that assessment. The provisions of this Section shall apply to such requests, mutatis mutandis.

Or. en

Amendment 502
Jean-Lin Lacapelle

Proposal for a regulation
Article 10

Text proposed by the Commission

[...]

Amendment

deleted

Or. fr

Amendment 503
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 10
Proposal for a regulation
Article 10 – paragraph 1

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

Amendment

504
Marcel Kolaja

[...]
deleted

Or. en

Amendment 505
Marcel Kolaja

Proposal for a regulation
Article 10 – paragraph 2

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

Or. en

Amendment 506
Marcel Kolaja

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

Text proposed by the Commission

Amendment

3. The technologies shall be:

3. The technologies specified in the investigation orders shall be:

Or. en

Amendment 507
Marcel Kolaja

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

Text proposed by the Commission

Amendment

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

(a) effective in collecting evidence on the dissemination of child sexual abuse material, as applicable;

Or. en

Amendment 508
Marcel Kolaja

Proposal for a regulation
Article 10 – paragraph 3 – point b
(b) not be able to extract any other information from the relevant communications than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable;

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

Or. en

Amendment 509
Jean-Lin Lacapelle

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

(ba) respect the confidentiality of communications enshrined in Article 7 of the Charter of Fundamental Rights of the European Union and Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Or. fr

Amendment 510
Marcel Kolaja

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

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

(c) in accordance with the technological state of the art and the least intrusive in terms of the impact on the users’ rights to private and family life, including the confidentiality of communication, and to protection of personal data;
Amendment 511
Marcel Kolaja

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

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

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

Amendment 512
Ivan Štefanec

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

Text proposed by the Commission
(d a) effective in setting up a reliable age-based filter that verifies the age of users and effectively prevents the access of child users to websites subject to online child sexual abuse, and child sexual abuse offenses.

Amendment

Amendment 513
Marcel Kolaja

Proposal for a regulation
Article 10 – paragraph 4 – introductory part

Text proposed by the Commission
4. The provider shall:

Amendment
4. The issuing authority shall:
Amendment 514
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

(a) take all the necessary measures to ensure that the technologies specified in investigation orders and indicators, are proportionate for the purpose of investigating the dissemination of child sexual abuse material or the solicitation of children, and strictly necessary to execute the investigation orders they issue;

Or. en

Amendment 515
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Svenja Hahn

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

This paragraph shows that measures put in place shall be directed at CSAM, and shall not
constitute a blank obligation to indiscriminately search all private communications. The added wording makes sure that measures shall be secure and proportionate, so that they are not misused by malign actors and are proportionate with regards to privacy.

Amendment 516
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

(b) include in investigation orders specific internal procedures for providers to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including unauthorized access to, and unauthorised transfers of, such personal data and other data;

Or. en

Amendment 517
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

(c) include in investigation orders specific obligations on providers to ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors and potential solicitation of children are detected, human intervention;

Or. en

Amendment 518
Proposal for a regulation
Article 10 – paragraph 4 – point c

Text proposed by the Commission

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

Amendment

(c) ensure regular human oversight as necessary to ensure that the technologies operate and, where necessary, in particular when potential errors and potential solicitation of children are detected, human intervention;

Amendment 519
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová

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

Text proposed by the Commission

(c a) ensure privacy and safety by design and by default and, where applicable, the protection of encryption.

Amendment

(c a) establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the

Amendment 520
Marcel Kolaja

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

Text proposed by the Commission

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

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

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

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

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

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

Or. en

Amendment 523
Catharina Rinzema, Morten Løkkegaard, Sandro Gozi

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

Text proposed by the Commission

Amendment

(e a) Ensure safety-by-design tools such as parental controls tool and effective age verification tools.

Or. en

Amendment 524
Adam Bielan

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

Text proposed by the Commission

Amendment

(e a) ensure privacy and safety by design and by default and, where applicable, the protection of encryption;

Or. en

Amendment 525
Marcel Kolaja

Proposal for a regulation
Article 10 – paragraph 5 – subparagraph 1 – point a
Text proposed by the Commission

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

Amendment 526
Marcel Kolaja

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

Text proposed by the Commission

(b) the fact that it is required to report potential online child sexual abuse to the EU Centre in accordance with Article 12;

Or. en

Amendment 527
Jean-Lin Lacapelle

Proposal for a regulation
Article 10 – paragraph 5 – subparagraph 2

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

Except insofar as is necessary to satisfy the information requirements set out in this paragraph, the provider shall not provide information to users that may reduce the effectiveness of the measures to execute the detection order.

Or. fr

Amendment 528
Marcel Kolaja

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Proposal for a regulation
Article 10 – paragraph 5 – subparagraph 2

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

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

Amendment 529
Marcel Kolaja

Proposal for a regulation
Article 10 – paragraph 6

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

Amendment
deleted

Or. en

Amendment 530
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment
Article 11 deleted

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

Amendment 531
Marcel Kolaja

Proposal for a regulation
Article 11 – title

Text proposed by the Commission  Amendment

Guidelines regarding detection obligations  Guidelines regarding investigation obligations

Amendment 532
Marcel Kolaja

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission  Amendment

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

Or. en
Amendment 533
Marcel Kolaja

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a provider of hosting services or a provider of publicly available number-independent interpersonal communications services has actual knowledge of alleged online child sexual abuse on its services in any manner other than through a removal order issued in accordance with this Regulation, it shall promptly submit using state of the art encryption a report to the EU Centre in accordance with Article 13 and shall expeditiously remove such content, once the EU Centre confirms this will not prejudice an ongoing investigation. It shall do so through the system established in accordance with Article 39(2).

Or. en

Amendment 534
Jean-Lin Lacapelle

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a provider of hosting services or a provider of interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of any information indicating potential online child sexual abuse on its services, it shall promptly submit a report thereon to the competent national law enforcement and judicial authorities.
accordance with Article 39(2).

Amendment 535
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Sandro Gozi, Svenja Hahn

Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

1 a. Where a provider of hosting services or a provider of interpersonal communications services receives a report by the public through, among others, trusted hotline, it shall process and analyse the report in a timely and effective manner as to assess an imminent risk of misuse of the service for child sexual abuse, without prejudice to the obligation to report to the EU centre pursuant paragraph 1.

Justification
This AM takes into consideration the possibility for the providers to analyse the reports coming from the users themselves or trusted hotlines, without having to wait until the EU centre comes back to them, if they assess that there is an imminent risk. It adds to the multi-level approach and possibility for voluntary measures.

Amendment 536
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

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

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

Or. en

Amendment 537
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 538
Marcel Kolaja

Proposal for a regulation
Article 12 – paragraph 2 – subparagraph 3
Text proposed by the Commission

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

Amendment 539
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Sandro Gozi, Svenja Hahn

Proposal for a regulation
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

2 a. The report submitted by the provider pursuant paragraph 2, shall never contain information about the source of the report, especially when this stems from the person to whom the material relates.

Amendment 540
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

3. All providers shall establish and operate an easily found, accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service. Those mechanisms shall allow for
the submission of notices anonymously and exclusively by electronic means and for a clear indication of the exact electronic location of that information.

Or. en

Amendment 541
Ivan Štefanec
Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 542
Adam Bielan
Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 543
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Sandro Gozi
Proposal for a regulation
Article 12 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

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**Amendment 544**
Marcel Kolaja

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

*Text proposed by the Commission*

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

*Amendment*

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

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**Amendment 545**
Marcel Kolaja

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

*Text proposed by the Commission*

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

*Amendment*

(c) *all encrypted versions of* all content data, *being reported*;

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

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

Amendment
(d) **a list of** all available data other than content data related to the potential online child sexual abuse **preserved in line with the preservation order in Article 8a**;

Proposal for a regulation
Article 13 – paragraph 1 – point d a (new)

Text proposed by the Commission
(d a) a list of all traffic data and metadata retained in relation to the potential online child sexual abuse, which could be made available to law enforcement authorities, together with information concerning default storage periods.

Amendment
(d a) **a list of all traffic data and metadata retained in relation to the potential online child sexual abuse, which could be made available to law enforcement authorities, together with information concerning default storage periods.**

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

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

Amendment
(e) **deleted**
Amendment 549
Marcel Kolaja

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

Text proposed by the Commission  Amendment

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

Amendment 550
Marcel Kolaja

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

Text proposed by the Commission  Amendment

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

Amendment 551
Marcel Kolaja

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

Text proposed by the Commission  Amendment

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

Amendment: (i)  where the alleged online child
sexual abuse concerns the dissemination of
known or previously unknown child sexual
abuse material, whether the provider has
removed or disabled access to the material;
Amendment 552
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 553
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

1. **Removal orders shall be issued by judicial authorities in line with Article 9 on Orders to act against illegal content of the Regulation (EU) 2022/2065.**

Or. en
Justification

The Digital Services Act (DSA), has only just come into force and not yet been fully implemented. Article 9 of that Regulation already has a strong and well thought-through provision on removal orders, which is more detailed and also carries transparency obligations with it. To ensure legal coherence and certainty, as well as effective, and accountable implementation the CSA Regulation should be fully aligned with the DSA’s provisions on this point.

Amendment 554
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 555
Marcel Kolaja

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

Text proposed by the Commission

Amendment

PE745.291v01-00  28/81  AM\1274540EN.docx
1 a. Before issuing a removal order, the Coordinating Authority of establishment shall take all reasonable steps to ensure that implementing the order will not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment 556
Svenja Hahn, Moritz Körner
Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. en

Amendment 557
Maria Grapini
Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The provider shall execute the removal order as soon as possible and in any event within no more than 24 hours of receipt thereof.

Or. ro

Amendment 558
Marion Walsmann, Ivan Štefanec
Proposal for a regulation
Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 559
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 560
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Sandro Gozi

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

Text proposed by the Commission

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

Amendment

(b) the name of the provider and, where applicable, of its legal representative, without prejudice to the issuance of removal 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 561**  
Marcel Kolaja

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

*Text proposed by the Commission*

(c) the specific service for which the removal order is issued;  
*Amendment*

deleted

**Amendment 562**  
Marion Walsmann, Ivan Štefanec

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

*Text proposed by the Commission*

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

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

**Amendment 563**  
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Sandro Gozi

Proposal for a regulation  
Article 14 – paragraph 3 a (new)

*Text proposed by the Commission*

3 a. Providers of hosting services or providers of interpersonal communication services shall be encouraged to extend the effect of the order regarding one or more
specific items of material, referred to in paragraph 1, to any provider or services under their control and promptly inform the Coordinating Authority of establishment of this specific measure.

Or. en

Justification

Once a removal order has been issued, a provider is obliged to remove the image at the exact location indicated in the removal order. In addition, this amendment encourages the provider to take proactive and voluntary measures to also remove the image at source from all other services owned or controlled by the provider.

Amendment 564
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission  Amendment

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

Or. en

Amendment 565
Adam Bielan

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

Text proposed by the Commission  Amendment

1 a. If the order is modified or repealed as a result of a redress procedure, the
provider shall immediately reinstate the material or access thereto or take other necessary measures.

Amendment 566
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

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

Amendment

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

Amendment 567
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

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

Amendment 568
4. The Coordinating Authority of establishment may request, when requesting the judicial authority or independent administrative authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of or disabling of access to the child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

In such a case:

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

(b) the obligations set out in paragraph 3 shall not apply during that time period;

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

That judicial authority or independent administrative authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority or independent administrative authority shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.
Amendment 569  
Marion Walsmann, Ivan Štefanec  

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

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

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

Amendment 570  
Marion Walsmann, Ivan Štefanec  

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

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

*Amendment*  
(a) the judicial authority issuing the removal order shall set the time period not longer than necessary and not exceeding six weeks, during which the provider is not to disclose such information;
Amendment 571
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 572
Marion Walsmann, Ivan Štefanec

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 573
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 15 a (new)
Article 15 a

Delisting orders

1. The competent authority shall have the power to issue an order requiring a provider of online search engines under the jurisdiction of that Member State to take reasonable measures to delist a Uniform Resource Locator corresponding to online locations where child sexual abuse material can be found from appearing in search results.

2. The provider shall execute the delisting order without undue delay. The provider shall take the necessary measures to ensure that it is capable of reinstating the Uniform Resource Locator to appear in search results.

3. Before issuing a delisting order, the issuing authority shall inform the provider, if necessary via the Coordinating Authority, of its intention to do so specifying the main elements of the content of the intended delisting order and the reasons for its intention. It shall afford the provider an opportunity to comment on that information, within a reasonable time period set by that authority.

4. A delisting order shall be issued where the following conditions are met:

(a) the delisting is necessary to prevent the dissemination of the child sexual abuse material in the Union, having regard in particular to the need to protect the rights of the victims;

(b) all necessary investigations and assessments, including of search results, have been carried out to ensure that the Uniform Resource Locator to be delisted correspond, in a sufficiently reliable manner, to online locations where child sexual abuse material can be found.

5. The issuing authority shall specify in the delisting order the period during which it applies, indicating the start date and the end date. The period of
application of delisting orders shall not exceed five years.

6. The Coordinating Authority or the issuing authority shall, where necessary and at least once every year, assess whether any substantial changes to the grounds for issuing the delisting orders have occurred and whether the conditions of paragraph 4 continue to be met.

Amendment 574
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 15 b (new)

Text proposed by the Commission

Amendment
Article 15 b

Redress and provision of information

1. Providers of online search engines that have received a delisting order shall have a right to effective redress. That right shall include the right to challenge the delisting order before the courts of the Member State of the authority that issued the delisting order.

2. If the order is modified or repealed as a result of a redress procedure, the provider shall immediately reinstate the delisted Uniform Resource Locator to appearing in search results.

3. When the delisting order becomes final, the issuing authority shall, without undue delay, transmit a copy thereof to the Coordinating Authority. The Coordinating Authority shall then, without undue delay, transmit copies thereof to all other Coordinating Authorities and the EU Centre through the system established in accordance with Article 39(2). For the purpose of the first subparagraph, a delisting 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 delisting order following an appeal.

4. Where a provider prevents users from obtaining search results for child sexual abuse material corresponding to Uniform Resource Locator pursuant to a delisting order, it shall take reasonable measures to inform those users of the following:

(a) the fact that it does so pursuant to a delisting order;

(b) the right of providers of delisted Uniform Resource Locators corresponding to blocked online locations to judicial redress referred to in paragraph 1 and the users’ right to submit complaints to the Coordinating Authority in accordance with Article 34.

Or. en

Amendment 575
Marcel Kolaja

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19 deleted

Liability of providers

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

Or. en
Amendment 576
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation. They shall also not be liable for carrying out, in good faith and in accordance with Article 4, voluntary measures and activities, in particular those aimed at detecting, identifying, removing, disabling of access to, blocking or reporting online child sexual abuse in accordance with this Regulation.

Or. en

Amendment 577
Jean-Lin Lacapelle

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

The carrying out, in good faith, by providers of relevant information society services, of the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking or reporting online child sexual abuse in accordance with those requirements, cannot be classified as child sexual abuse offences.

Or. fr

Amendment 578
Adam Bielan

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 579
Adam Bielan

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 580
Marcel Kolaja
Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 581
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 582
Marcel Kolaja

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

Text proposed by the Commission

7. Coordinating Authorities may, where necessary for the performance of their tasks under this Regulation, request the assistance of the EU Centre in carrying out those tasks, in particular by requesting the EU Centre to:

Amendment

7. Coordinating Authorities may, where necessary for the performance of their tasks under this Regulation, request the assistance of the EU Centre in carrying out those tasks

Or. en

Amendment 583
Marcel Kolaja

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

Text proposed by the Commission

(a) provide certain information or technical expertise on matters covered by this Regulation;

Amendment

deleted

Or. en

Amendment 584
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

deleted

Or. en
State that designated the requesting Coordinating Authority;

Or. en

Amendment 585
Marcel Kolaja

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

Text proposed by the Commission

(c) verify the possible need to request competent national authorities to issue a detection order, a removal order or a blocking order in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;

Amendment

deleted

Or. en

Amendment 586
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 587
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 25 – paragraph 8
**Text proposed by the Commission**

8. The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this Regulation and insofar as its resources and priorities allow.

**Amendment**

8. The EU Centre shall provide such assistance *without undue delay*, free of charge and in accordance with its tasks and obligations under this Regulation and insofar as its resources and priorities allow.

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**Amendment 588**

Marcel Kolaja

Proposal for a regulation
Article 25 – paragraph 8

**Text proposed by the Commission**

8. The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this Regulation and insofar as its resources and priorities allow.

**Amendment**

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

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**Amendment 589**

Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 26 – paragraph 1

**Text proposed by the Commission**

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

**Amendment**

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected. Member States shall *provide* their Coordinating Authorities *with sufficient* technical, financial and human resources to *efficiently* carry out their tasks.
Amendment 590
Jean-Lin Lacapelle

Proposal for a regulation
Article 26 – paragraph 2 – introductory part

Text proposed by the Commission

2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Coordinating Authorities shall act with complete independence. To that aim, Member States shall ensure, in particular, that they:

Amendment

2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Member States shall ensure that the Coordinating Authorities:

Amendment 591
Jean-Lin Lacapelle

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

Text proposed by the Commission

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

Amendment

deleted

Or. fr

Amendment 592
Adam Bielan

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

Text proposed by the Commission

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

Amendment

deleted

Or. fr
**Amendment 593**  
Jean-Lin Lacapelle

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) neither seek nor take instructions from any <strong>other public authority or any</strong> private party;</td>
<td>(d) neither seek nor take instructions from any private party;</td>
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</tbody>
</table>

**Amendment 594**  
Jean-Lin Lacapelle

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

<table>
<thead>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) <strong>are not charged with tasks relating to the prevention or combating of child sexual abuse, other than their tasks under this Regulation.</strong></td>
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</table>

**Amendment 595**  
Adam Bielan

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) <strong>are not charged with tasks relating to the prevention or combating of child sexual abuse, other than their tasks under this Regulation.</strong></td>
<td>deleted</td>
</tr>
</tbody>
</table>
Amendment 596
Jean-Lin Lacapelle

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 597
Adam Bielan

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Paragraph 2 shall not prevent supervision of the Coordinating Authorities in accordance with national constitutional law or from coordination with public authorities relevant to combat child sexual materials.

Or. fr

Amendment 598
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 26 – paragraph 4

Text proposed by the Commission

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

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

**Amendment 599**
Marcel Kolaja

Proposal for a regulation
Article 26 – paragraph 5

*Text proposed by the Commission*

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

**Amendment**

5. *Without prejudice to national or Union legislation on whistleblower protection,* The management and other staff of the Coordinating Authorities shall, in accordance with Union or national law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks. Member States shall ensure that the management and other staff are subject to rules guaranteeing that they can carry out their tasks in an objective, impartial and independent manner, in particular as regards their appointment, dismissal, remuneration and career prospects.

**Amendment 600**
Jean-Lin Lacapelle

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

*Text proposed by the Commission*

(a) the power to require those providers, as well as any other persons

**Amendment**

(a) the power to require those providers, as well as any other persons
acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, to provide such information within a reasonable time period;

Or. fr

Amendment 601
Jean-Lin Lacapelle
Proposal for a regulation
Article 27 – paragraph 1 – point b

Text proposed by the Commission

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

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

Or. fr

Amendment 602
Marcel Kolaja
Proposal for a regulation
Article 27 – paragraph 1 – point b

Text proposed by the Commission

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

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

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

Or. en

Amendment 603
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

(d) the power to request information, to assess the compliance with the requirements of this Regulation.

Or. en

Amendment 604
Marcel Kolaja

Proposal for a regulation
Article 28 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 605
Marcel Kolaja

Proposal for a regulation
Article 29 – paragraph 1 – point b

Text proposed by the Commission

(b) the infringement persists;

Amendment

(b) the infringement persists and;

Or. en

Amendment 606
Marcel Kolaja

Proposal for a regulation
Article 29 – paragraph 2 – point a – point i

Text proposed by the Commission

(i) adopt and submit an action plan setting out the necessary measures to terminate the infringement;

Amendment

(i) adopt and submit an action plan setting out the necessary measures to terminate the infringement, subject to the approval of the Coordinating Authority;

Or. en

Amendment 607
Jean-Lin Lacapelle

Proposal for a regulation
Article 29 – paragraph 2 – point b – introductory part

Text proposed by the Commission

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

Amendment 608
Marcel Kolaja
Proposal for a regulation
Article 29 – paragraph 2 – point b – point ii

Text proposed by the Commission

(ii) the infringement persists and causes serious harm;

Amendment

(ii) the infringement persists and causes serious harm that is greater than the likely harm to users relying on the service for legal purposes and;

Or. en

Amendment 609
Marcel Kolaja
Proposal for a regulation
Article 29 – paragraph 4 – subparagraph 3 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 610
Marcel Kolaja
Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles

Amendment

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

Amendment 611
Marcel Kolaja
Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

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

Amendment

Coordinating Authorities shall have the power to carry out searches on publicly accessible material on hosting services to detect the dissemination of known or new child sexual abuse material, using the indicators contained in the databases referred to in Article 44(1), points (a) and (b).

Amendment 612
Marcel Kolaja
Proposal for a regulation
Article 32

Text proposed by the Commission

Amendment
Article 32

Deleted

Notification of known child sexual abuse material

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

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

Amendment 613
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 32 a (new)

Text proposed by the Commission

Amendment

Article 32 a

Public awareness campaigns

Coordinating authorities shall in cooperation with the EU Center regularly carry out public awareness campaigns to inform about measures to prevent and combat child sexual abuse online and offline and how to seek child-friendly and age appropriate reporting and assistance and to inform about victims rights.
Amendment 614
Jean-Lin Lacapelle

Proposal for a regulation
Article 34 – paragraph 2 a (new)

Text proposed by the Commission

2a. Where national law does not grant a minor the legal capacity to lodge a complaint, his or her legal representative may do so on his or her behalf.

Amendment

Or. fr

Amendment 615
Marcel Kolaja

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

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

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

Amendment

Or. en

Amendment 616
Marcel Kolaja

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify

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

Amendment 617
Marcel Kolaja

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5% of the average daily global turnover of the provider or the other person referred to in Article 27 in the preceding financial year per day, calculated from the date specified in the decision concerned.

Amendment

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5% of the average daily worldwide turnover of the provider or the other person referred to in Article 27 in the preceding financial year per day, calculated from the date specified in the decision concerned.

Or. en

Amendment 618
Jean-Lin Lacapelle

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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

Amendment

Coordinating Authorities shall submit to the EU Centre, without undue delay and through the system established in accordance with Article 39(2), the evidence gathered through the procedures provided for in this Regulation:

Or. fr
Amendment 619
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 620
Marcel Kolaja

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) exact uniform resource locators indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers’ refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for

Amendment

(b) exact uniform resource locators indicating specific items of material related to a specific person, specific group of people, or specific incident that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers’ refusal to remove or disable access thereto and to the lack of
the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile a public list of states that facilitate crimes against children by not ensuring expeditious removal of child sexual abuse material.

Amendment 621
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

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

Amendment 622
Marcel Kolaja

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

Text proposed by the Commission

Where the Commission has reasons to suspect that a provider of relevant information society services infringed this

Amendment

Where, in the reasoned opinion of the Commission, there are grounds to suspect that a provider of relevant information

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

society services infringed this Regulation in a manner *causing harm in* at least three Member States, it may recommend that the Coordinating Authority of establishment assess the matter.

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**Amendment 623**

Marcel Kolaja

**Proposal for a regulation**

**Article 37 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) any other information that the Coordinating Authority that sent the request, or the Commission, considers relevant, including, where appropriate, information gathered on its own initiative and suggestions for specific investigatory or enforcement measures to be taken.

*Amendment*

(c) any other information that the Coordinating Authority that sent the request, or the Commission, considers relevant, including, where appropriate, information gathered on its own initiative.

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**Amendment 624**

Marcel Kolaja

**Proposal for a regulation**

**Article 37 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

The Coordinating Authority of establishment shall assess the suspected infringement, taking into utmost account the request referred to in paragraph 1.
Amendment 625
Marcel Kolaja

Proposal for a regulation
Article 37 – paragraph 3 – subparagraph 2

Text proposed by the Commission
Where it considers that it has insufficient information to assess the suspected infringement or to act upon the request or recommendation and has reasons to consider that the Coordinating Authority that sent the request, or the Commission, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

Amendment
Where it considers that it has insufficient information to assess the suspected infringement or to act upon the request and has reasons to consider that the Coordinating Authority that sent the request, or the Commission, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

Or. en

Amendment 626
Marcel Kolaja

Proposal for a regulation
Article 37 – paragraph 4

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

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

Or. en
Amendment 627
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 38 – paragraph 2 a (new)

Text proposed by the Commission

2 a. Coordinating Authorities shall increase public awareness regarding the nature of the problem of online child sexual abuse material, how to seek assistance, and how to work with providers of relevant information society services to efficiently detect, remove and block content and coordinate victim identification efforts undertaken in collaboration with existing victim identification programmes.

Or. en

Amendment 628
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 629
Adam Bielan

Proposal for a regulation
Article 39 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

Amendment 630
Kateřina Konečná

Proposal for a regulation
Article 39 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

Amendment 631
Marion Walsmann, Ivan Štefanec

Proposal for a regulation
Article 39 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

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

Amendment 632
Adam Bielan
Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 633
Kateřina Konečná
Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Coordinating Authorities, hotlines, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.
Amendment 634  
Marion Walsmann, Ivan Štefanec  
Proposal for a regulation  
Article 39 – paragraph 3  

Text proposed by the Commission  
Amendment

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

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

Or. en

Amendment 635  
Adam Bielan  
Proposal for a regulation  
Article 39 – paragraph 3 a (new)  

Text proposed by the Commission  
Amendment

3 a. Where the EU Centre receives a report from a hotline, or where a provider that submitted the report to the EU Centre has indicated that the report is based on the information received from a hotline, the EU Centre shall coordinate with the relevant Coordinating Authorities in order avoid duplicated reporting on the same material that has already been reported to the national law enforcement authorities by the hotlines and monitor the removal of the child sexual abuse material or cooperate with the relevant hotline to track the status.

Or. en
Amendment 636
Alexandra Geese, Marcel Kolaja

Proposal for a regulation
Article 55 – paragraph 1 – point d a (new)

Text proposed by the Commission

(d a) a Survivors’ Advisory Board as an advisory group, which shall exercise the tasks set out in Article 66a (new).

Amendment

Justification

A new Advisory Board is established as per Article 66a (new)

Amendment 637
Alexandra Geese, Marcel Kolaja

Proposal for a regulation
Article 57 – paragraph 1 – point c

Text proposed by the Commission

(c) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of any other advisory group it may establish and publish annually on its website the declaration of interests of the members of the Management Board;

Amendment

(c) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of the Survivors’ Advisory Board and publish annually on its website the declaration of interests of the members of the Management Board;

Justification

(c)......A new Advisory Board is established as per Article 66a (new)

Amendment 638
Alexandra Geese, Marcel Kolaja

Proposal for a regulation
Article 57 – paragraph 1 – point f

Text proposed by the Commission

(c) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of the Survivors’ Advisory Board and publish annually on its website the declaration of interests of the members of the Management Board;

Amendment

(c) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of the Survivors’ Advisory Board and publish annually on its website the declaration of interests of the members of the Management Board;
(f) appoint the members of the Technology Committee, and of any other advisory group it may establish;

(f) appoint the members of the Technology Committee and of the Survivors’ Advisory Board;

Amendment 639
Alexandra Geese, Marcel Kolaja

Proposal for a regulation
Article 57 – paragraph 1 – point h a (new)

_text proposed by the Commission_  
(h a) consult the Survivors’ Advisory Board as regards the obligations referred to in points (a) and (h) of this Article.

Amendment

Or. en

Amendment 640
Alexandra Geese, Marcel Kolaja

Proposal for a regulation
Article 66 a (new)

_text proposed by the Commission_  
Article 66 a

Survivors’ Advisory Board

1. The Survivors’ Advisory Board shall be composed of child sexual abuse victims over the age of 18 years, appointed by the Management Board on the basis of their personal experience and expertise, following the publication of a call for expressions of interest in the Official Journal of the European Union. Its members shall be independent from government and corporate interests.

2. The procedures for the appointment of the members of the Survivors’ Advisory Board, its functioning and the conditions for the submission of information to the Survivors’ Advisory Board shall be laid
down in the rules of procedure of the Management Board and shall be made public.

3. The members of the Survivors’ Advisory Board shall act in the interest of child sexual abuse victims. The EU Centre shall publish the list of members of the Survivors’ Advisory Board on its website and keep it up to date.

4. If a member no longer meets the criterion of independence, he or she shall inform the Management Board. The Management Board may, on the proposal of at least one third of its members or of the Commission, determine a lack of independence and revoke the appointment of the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure applicable to full members.

5. The term of office of the members of the Survivors’ Advisory Board shall be four years. It may be renewed once.

6. The Executive Director and the Management Board may consult the Survivors Advisory Board on any matter relating to the interests of the persons concerned.

7. The Survivors’ Advisory Board shall have the following tasks:

(a) ensure visibility of the interests of victims;

(b) advise the Management Board on matters set out in Article 57 point (h a);

(c) advise the Executive Director and the Management Board as set out in paragraph 6 of this Article;

(d) contribute experience and expertise in preventing and combating child sexual abuse and in providing help in the aftermath of such abuse;

(e) submit proposals from the Coordinating Authorities;
(f) serve as a networking platform for child sexual abuse victims by maintaining and publishing a list of existing national victims' networks.

Amendment 641
Marcel Kolaja
Proposal for a regulation
Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Providers of hosting services, providers of publicly available number-independent interpersonal communications services and shall collect data on the following topics and make that information public:

Amendment 642
Marcel Kolaja
Proposal for a regulation
Article 83 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(a) where the provider has been subject to a detection order issued in accordance with Article 7:

Amendment

(a) where the provider has been subject to an investigation order issued in accordance with Article 7:

Amendment 643
Marcel Kolaja
Proposal for a regulation
Article 83 – paragraph 1 – point a – indent 1
— the measures taken to comply with the order, including the technologies used for that purpose and the safeguards provided;

— the measures taken to comply with the order,

Amendment 644
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 1 – point a – indent 2

Text proposed by the Commission

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

— the rates of false positives and false negatives the technologies deployed to detect online child sexual abuse related to specific person, specific group of people or specific incident and steps taken to mitigate the harm caused by any inaccuracy

Or. en

Amendment 645
Adam Bielan

Proposal for a regulation
Article 83 – paragraph 1 – point a – indent 3

Text proposed by the Commission

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

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

Or. en

Amendment 646
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 647
Adam Bielan

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 648
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 1 – point b a (new)
(b a) the number and duration of delays to removals as a result of requests from competent authorities or law enforcement authorities;

Amendment 649
Marcel Kolaja
Proposal for a regulation
Article 83 – paragraph 1 – point c

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

Amendment 650
Marcel Kolaja
Proposal for a regulation
Article 83 – paragraph 1 – point c a (new)

(c a) The number of instances the provider was asked to provide additional support to law enforcement authorities in relation to content that was removed;
Amendment 651
Marcel Kolaja

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

Text proposed by the Commission

(d) the number of blocking orders issued to the provider in accordance with Article 16;

Amendment

deleted

Or. en

Amendment 652
Marcel Kolaja

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

Text proposed by the Commission

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

Amendment

2. The Coordinating Authorities shall collect data on the following topics and make that information publicly available redacting operationally sensitive data as appropriate and proving an unredacted version to the EU Centre:

Or. en

Amendment 653
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 2 – point a – indent 4 a (new)

Text proposed by the Commission

- the nature of the report and its key characteristics such as if the security of the hosting service was allegedly breached;

Amendment
**Amendment 654**
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 2 – point b

Text proposed by the Commission

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

**Amendment**

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

**Or. en**

**Amendment 655**
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 2 – point c

Text proposed by the Commission

(c) a list of the providers of hosting services and providers of interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;

**Amendment**

(c) a list of the providers of hosting services and providers of interpersonal communications services to which the Coordinating Authority addressed an investigation order in accordance with Article 7;

**Or. en**

**Amendment 656**
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 2 – point d
(d) the number of detection orders issued in accordance with Article 7, broken down by provider and by type of online child sexual abuse, and the number of instances in which the provider invoked Article 8(3);

(d) the number of investigation orders issued in accordance with Article 7, broken down by provider and by type of online child sexual abuse, and the number of instances in which the provider invoked Article 8(3);

Or. en

Amendment 657
Marcel Kolaja
Proposal for a regulation
Article 83 – paragraph 2 – point f

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

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

Or. en

Amendment 658
Marcel Kolaja
Proposal for a regulation
Article 83 – paragraph 2 – point g

(g) the number of blocking orders issued in accordance with Article 16, broken down by provider, and the number of instances in which the provider invoked Article 17(5);

deleted

Or. en
Amendment 659
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 3 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

Amendment 660
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 3 – point a

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

Amendment 661
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 3 – point b

*Text proposed by the Commission*

(b) the number of submissions of child sexual abuse material and solicitation of children referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and,

*Amendment*

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

Amendment 662
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 3 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 663
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 3 – point d

Text proposed by the Commission

(d) the online child sexual abuse to which the reports relate, including the number of items of potential known and new child sexual abuse material and instances of potential solicitation of children, the Member State the competent authority of which the EU Centre forwarded the reports to in accordance with

Amendment

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

Or. en

Amendment 664
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 3 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 665
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 3 – point f

Text proposed by the Commission

(f) the number of reports relating to potential new child sexual abuse material and solicitation of children that were assessed as not constituting child sexual abuse material of which the EU Centre was informed pursuant to Article 36(3), broken down by Member State;

Amendment

(f) the number of reports relating to potential previously unknown child sexual abuse material and solicitation of children that were assessed as not constituting child sexual abuse material of which the EU Centre was informed pursuant to Article 36(3), broken down by Member State;

Or. en

Amendment 666
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 3 – point h
Text proposed by the Commission

(h) where the same item of potential child sexual abuse material was reported more than once to the EU Centre in accordance with Article 12 or detected more than once through the searches in accordance with Article 49(1), the number of times that that item was reported or detected in that manner.

Amendment

(h) where materially the same item of potential child sexual abuse material was reported more than once to the EU Centre in accordance with Article 12 or detected more than once through the searches in accordance with Article 49(1), the number of times that that item was reported or detected in that manner.

Or. en

Amendment 667
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data stored pursuant to paragraphs 1, 2 and 3, respectively, shall not contain any personal data.

Or. en

Amendment 668
Marcel Kolaja

Proposal for a regulation
Article 83 – paragraph 5

Text proposed by the Commission

5. They shall ensure that the data is stored in a secure manner and that the storage is subject to appropriate technical

Amendment

5. They shall ensure that the data is stored in a secure manner and that the storage is subject to appropriate technical
and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the information is deleted when no longer necessary for that purpose. They shall regularly review those safeguards and adjust them where necessary. All access to this data shall be logged and the logs securely stored for five years. They shall regularly review those safeguards and adjust them where necessary.

Amendment 669
Kateřina Konečná

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

Text proposed by the Commission

1 a. The annual report shall also include the number of users affected by detection and removal orders.

Amendment

Or. en

Amendment 670
Catharina Rinzema, Morten Løkkegaard, Jordi Cañas, Dita Charanzová, Svenja Hahn

Proposal for a regulation
Article 85 – paragraph 1

Text proposed by the Commission

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

Amendment

1. By [five years after the entry into force of this Regulation], and every five years thereafter, the Commission shall evaluate this Regulation and submit a report on its application to the European Parliament and the Council. This report shall address in particular the possible use of new technologies for a safe and trusted processing of personal and other data and for the purpose of combating
online child sexual abuse and in particular to detect, report and remove online child sexual abuse. The report shall be accompanied, where appropriate, by a legislative proposal.