



**2022/0155(COD)**

8.2.2023

# **DRAFT OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on Civil Liberties, Justice and Home Affairs

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

Rapporteur for opinion: Alex Agius Saliba

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

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## SHORT JUSTIFICATION

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

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

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

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

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

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

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

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

## AMENDMENTS

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

### Amendment 1

#### Proposal for a regulation

##### Recital 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### Amendment 2

#### Proposal for a regulation

##### Recital 2

*Text proposed by the Commission*

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

*Amendment*

(2) Given the central importance of relevant information society services **in the digital economy and the fact that those services are in certain cases abused by third parties to carry out illegal activities**

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

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

Or. en

### Amendment 3

#### Proposal for a regulation

##### Recital 4

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 4

### Proposal for a regulation Recital 5

#### *Text proposed by the Commission*

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

#### *Amendment*

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

prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner. *For example, where it is necessary to involve providers of information society services, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the specific provider that has the technical and operational ability to act against specific child sexual abuse material, so as to prevent and minimise any possible negative effects on the availability and accessibility of information that is not child sexual abuse material. To this end, cloud computing services and web-hosting services, when serving as infrastructure, should not in themselves be considered as disseminating to the public information stored or processed at the request of a recipient of the application, website or online platform which they host.*

Or. en

## Amendment 5

### Proposal for a regulation

#### Recital 6

##### *Text proposed by the Commission*

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

##### *Amendment*

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

the Union.

Or. en

## Amendment 6

### Proposal for a regulation Recital 7

#### *Text proposed by the Commission*

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council<sup>38</sup>, Directive 2000/31/EC of the European Parliament and of the Council<sup>39</sup> and Regulation (EU) .../... of the European Parliament and of the Council<sup>40</sup> **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]**, Directive 2010/13/EU of the European Parliament and of the Council<sup>41</sup>, Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>42</sup>, and Directive 2002/58/EC of the European Parliament and of the Council<sup>43</sup>.

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

<sup>39</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

<sup>40</sup> Regulation (EU) .../... of the European Parliament and of the Council on a Single

#### *Amendment*

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council<sup>38</sup>, Directive 2000/31/EC of the European Parliament and of the Council<sup>39</sup> and Regulation (EU) **2022/2065** of the European Parliament and of the Council<sup>40</sup>, Directive 2010/13/EU of the European Parliament and of the Council<sup>41</sup>, Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>42</sup>, and Directive 2002/58/EC of the European Parliament and of the Council<sup>43</sup>.

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

<sup>39</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

<sup>40</sup> Regulation (EU) .../... of the European Parliament and of the Council on a Single

Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L ...).

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

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

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

Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L ...).

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

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

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

Or. en

## Amendment 7

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

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

*Amendment*

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

*Digital Services (Digital Services Act) and amending Directive 2000/31/EC* apply in respect of issues that are not or not fully addressed by this Regulation.

Or. en

## Amendment 8

### Proposal for a regulation

#### Recital 10

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 9

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

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

*Amendment*

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

the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>44</sup>. Mere technical accessibility of a website from the Union should not, alone, be considered as establishing a substantial connection to the Union.

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

circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>44</sup>. Mere technical accessibility of a website from the Union should not, *on that ground* alone, be considered as establishing a substantial connection to the Union.

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

Or. en

## Amendment 10

### Proposal for a regulation Recital 14

#### *Text proposed by the Commission*

(14) With a view to minimising the risk that their services are misused for the dissemination of *known or new* child sexual abuse material *or the solicitation of*

#### *Amendment*

(14) With a view to minimising the risk that their services are misused for the dissemination of child sexual abuse material, providers of hosting services and

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

providers of publicly available ***number-independent*** interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements ***and safeguards*** to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons. ***That risk assessment should be specific to the services offered and proportionate to the systemic risk considering its severity and probability.***

Or. en

## Amendment 11

### Proposal for a regulation Recital 15

#### *Text proposed by the Commission*

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

#### *Amendment*

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) ***2022/2065*** with respect to information that they store and disseminate to the public. ***The obligations under this Regulation should not affect the obligations for very large online platforms and very large online search engines under Regulation (EU) 2022/2065. However, in order to ensure consistency and avoid duplication, very large online platforms and very large online search engines could also use, for***

required by this Regulation.

*the purpose of the risk assessment under this Regulation, the information already gathered* for the purposes of Regulation (EU) 2022/2065, so that these providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.

Or. en

## Amendment 12

### Proposal for a regulation Recital 16

#### *Text proposed by the Commission*

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

#### *Amendment*

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

measures to protect the rights of the child, including age *assessment* and parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Or. en

## Amendment 13

### Proposal for a regulation

#### Recital 17

##### *Text proposed by the Commission*

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

##### *Amendment*

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used ***in line with childrens' increasing need for autonomy and rights to access to information and freedom of expression as they grow.*** In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect online child sexual abuse in their services. ***For example, providers of hosting services and providers of number-independent interpersonal communications services should take the necessary targeted measures and tools to adapt their online interface and protect child users from solicitation, including through increased user information and awareness-raising tools, parental control tools or mechanisms aimed at helping children signal abuse or obtain support.***

## Amendment 14

### Proposal for a regulation Recital 17 a (new)

*Text proposed by the Commission*

*Amendment*

***(17 a) End-to-end encryption is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Any restrictions of encryption could potentially be abused by malicious third parties. In order to ensure effective consumer trust, nothing in this Regulation should be interpreted as prohibiting providers of information society services from providing their services applying encryption, restricting or undermining such encryption in the sense of being detrimental to users' expectations of confidential and secure communication services. Member States should not prevent providers of information society services from providing their services applying encryption, considering that such encryption is essential for trust in and security of the digital services, and effectively prevents unauthorised third party access.***

Or. en

## Amendment 15

### Proposal for a regulation Recital 18

*Text proposed by the Commission*

*Amendment*

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the

need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available ***number-independent*** interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. ***Those mitigation measures should always be the least intrusive option possible, with the level of intrusiveness increasing only if justified by lack of effectiveness or implementation of the less intrusive option.*** When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

Or. en

## Amendment 16

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

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

*Amendment*

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores, ***when they have hosting services***, should be made subject to ***the general*** obligations to take certain reasonable measures to assess and mitigate that risk ***in so far as they qualify as hosting services covered by this Regulation.***

Or. en

**Amendment 17**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

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

*Amendment*

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

publicly available interpersonal ***communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services***, it should only be possible to address detection orders to providers of such services.

publicly available ***number-independent*** interpersonal communications services, it should only be possible to address detection orders to providers of such services.

Or. en

## Amendment 18

### Proposal for a regulation Recital 20 a (new)

*Text proposed by the Commission*

*Amendment*

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

**Amendment 19****Proposal for a regulation****Recital 21***Text proposed by the Commission*

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

*Amendment*

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

**Amendment 20****Proposal for a regulation****Recital 22***Text proposed by the Commission*

(22) However, the finding of such a

*Amendment*

(22) However, the finding of such a

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

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

Or. en

## Amendment 21

### Proposal for a regulation Recital 23

#### *Text proposed by the Commission*

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted and specified so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to

#### *Amendment*

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is **justified, proportionate or related to the specific service, users or groups of users**, targeted **and limited in time** and specified so as to ensure that any

effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service where possible without prejudice to the effectiveness of the measure, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

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

Or. en

## Amendment 22

### Proposal for a regulation Recital 24

#### *Text proposed by the Commission*

(24) The competent judicial authority or the competent independent administrative authority, as applicable in accordance with the detailed procedural rules set by the relevant Member State, should be in a position to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent

#### *Amendment*

(24) The competent ***independent*** judicial authority or the competent independent administrative authority, as applicable in accordance with the detailed procedural rules set by the relevant Member State, should be in a position to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental

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

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

Or. en

## Amendment 23

### Proposal for a regulation

#### Recital 26

##### *Text proposed by the Commission*

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation.

##### *Amendment*

(26) The measures taken by providers of hosting services and providers of publicly available *number-independent* interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with

In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

this Regulation. ***In particular, any action taken by a provider pursuant to the reception of a detection order should also be strictly targeted, in the sense that it should serve to remove or disable access to the specific items of information considered to constitute child sexual abuse material, without unduly affecting the freedom of expression and of information of the user.*** In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Or. en

## Amendment 24

### Proposal for a regulation Recital 28

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 25

### Proposal for a regulation Recital 29 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(29 a) It is important that relevant information society service providers, regardless of their size, put in place easily accessible and user and child-friendly notification mechanisms that facilitate the notification of child sexual abuse online,***

*in particular new child sexual abuse material and solicitation. Such mechanisms should be clearly identifiable, located close to the information in question and easy to find and use by children. Having regard to the need to take due account of the fundamental rights guaranteed under the Charter of all parties concerned, any action taken by a provider after receiving a notification should be strictly targeted, in the sense that it should serve to report, remove or disable access to the specific child sexual abuse material, without unduly affecting the freedom of expression and of information of the recipients of the service.*

Or. en

## Amendment 26

### Proposal for a regulation

#### Recital 30

##### *Text proposed by the Commission*

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

##### *Amendment*

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent ***independent*** judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences. ***Parents or guardians should have equal legal standing to request removal in the***

*instance that the child is not able to do so due to age or other limitations.*

Or. en

## **Amendment 27**

### **Proposal for a regulation**

#### **Recital 31**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 28**

### **Proposal for a regulation**

#### **Recital 34**

*Text proposed by the Commission*

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

*Amendment*

(34) ***The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, set out in Regulation (EU) 2022/2065 allows many novel services to emerge and scale up across the internal market. That framework should therefore be preserved. The rules on liability of providers of intermediary services set out in this Regulation should only establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should not be understood to provide a***

*positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine.* Considering that acquiring, possessing, knowingly obtaining access and transmitting child sexual abuse material constitute criminal offences under Directive 2011/93/EU, it is necessary to exempt providers of relevant information society services from criminal liability when they are involved in such activities, insofar as their activities remain strictly limited to what is needed for the purpose of complying with their obligations under this Regulation and they act in good faith.

Or. en

## **Amendment 29**

### **Proposal for a regulation Recital 40**

#### *Text proposed by the Commission*

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate

#### *Amendment*

(40) In order to facilitate smooth and efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate

compliance officers in accordance with Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

compliance officers in accordance with Regulation (EU) **2022/2065**, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

Or. en

### **Amendment 30**

#### **Proposal for a regulation Recital 42**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

### **Amendment 31**

#### **Proposal for a regulation Recital 49**

##### *Text proposed by the Commission*

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal orders *or*

##### *Amendment*

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal orders that it

**blocking orders** that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material **in the hosting services of the providers concerned**.

issued, are effectively complied in practice, each Coordinating Authority should be able to carry out **proportionate** searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material.

Or. en

## Amendment 32

### Proposal for a regulation Recital 70

#### *Text proposed by the Commission*

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

#### *Amendment*

(70) ***This Regulation recognises and reinforces the key role of hotlines in optimising the fight against child sexual abuse online at Union level. Hotlines are at the forefront of detecting new child sexual abuse material and have a track-record of proven capability in the rapid identification and removal of child sexual abuse material from the digital environment.*** Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and **coordinate and** work together effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

Or. en

## Amendment 33

### Proposal for a regulation

#### Article 1 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*aligning with the DSA*

## Amendment 34

### Proposal for a regulation

#### Article 1 – paragraph 1 – subparagraph 2 – point b

*Text proposed by the Commission*

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

*Amendment*

(b) obligations on providers of ***relevant information society*** services to report online child sexual abuse;

Or. en

*Justification*

*aligning with the obligations in the articles of the regulation*

## Amendment 35

### Proposal for a regulation

#### Article 1 – paragraph 1 – subparagraph 2 – point c

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*aligning with the obligations in the articles of the regulation*

## Amendment 36

### Proposal for a regulation

#### Article 1 – paragraph 1 – subparagraph 2 – point d

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

*Justification*

*covered in point (b)*

## Amendment 37

### Proposal for a regulation

#### Article 1 – paragraph 3 – point b

*Text proposed by the Commission*

*Amendment*

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

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

2000/31/EC];

Or. en

## Amendment 38

### Proposal for a regulation

#### Article 2 – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

(a) ‘hosting service’ means an information society service as defined in Article 3, point (g), third indent, of Regulation (EU) **2022/2065**;

Or. en

*Justification*

*technical adjustment*

## Amendment 39

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***(b a) ‘number-based interpersonal communications service’ means a publicly available service as defined in Article 2, point 6, of Directive (EU) 2018/1972;***

Or. en

*Justification*

*technical adjustment*

## Amendment 40

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*technical adjustment*

## Amendment 41

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*technical adjustment*

## Amendment 42

### Proposal for a regulation

#### Article 2 – paragraph 1 – point d

*Text proposed by the Commission*

*Amendment*

(d) ‘software application store’ means

(d) software application store’ means a

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

service as defined in Article 2, point **14**, of Regulation (EU) **2022/1925**;

Or. en

*Justification*

*technical adjustment*

### **Amendment 43**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point f – point iii**

*Text proposed by the Commission*

*Amendment*

**(iii) a software applications store;**

**deleted**

Or. en

*Justification*

*aligning with the obligations in the articles of the regulation*

### **Amendment 44**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Technical adjustment*

## Amendment 45

### Proposal for a regulation

#### Article 2 – paragraph 1 – point r

*Text proposed by the Commission*

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

*Amendment*

(r) ‘recommender system’ means the system as defined in Article 2, point (s), of Regulation (EU) **2022/2065**;

Or. en

*Justification*

*technical adjustment*

## Amendment 46

### Proposal for a regulation

#### Article 2 – paragraph 1 – point t

*Text proposed by the Commission*

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

*Amendment*

(t) ‘content moderation’ means the activities as defined in Article 2, point (t), of Regulation (EU) **2022/2065**;

Or. en

*Justification*

*technical adjustment*

## Amendment 47

### Proposal for a regulation

#### Article 2 – paragraph 1 – point v

*Text proposed by the Commission*

*Amendment*

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

(v) ‘terms and conditions’ means terms and conditions as defined in Article 2, point (u), of Regulation (EU) **2022/2065**;

Or. en

*Justification*

*technical adjustment*

#### **Amendment 48**

##### **Proposal for a regulation Article 3 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

1. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall identify, analyse and assess ***any recurrent systemic*** risk of use of ***their services*** for the purpose of online child sexual abuse. ***That risk assessment shall be specific to the services they offer and proportionate to the systemic risk considering its severity and probability.***

Or. en

*Justification*

*aligning with the DSA and the European Electronic code*

#### **Amendment 49**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*aligning with the DSA*

## **Amendment 50**

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

*Text proposed by the Commission*

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

*Amendment*

(a) **systemic risks and** identified instances of use of its services for the purpose of online child sexual abuse;

Or. en

## **Amendment 51**

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

*Text proposed by the Commission*

*Amendment*

***(a a) any actual foreseeable negative effects of the use of its services in relation to the protection of children;***

Or. en

## **Amendment 52**

### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point b – indent 3**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## **Amendment 53**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(b a) the capacity to meaningfully deal with reports and notifications about child sexual abuse in a timely manner;***

Or. en

## **Amendment 54**

### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the manner in which users use the

(c) the manner in which users use the

service and the impact thereof on that risk;

service and the *negative* impact thereof on that risk;

Or. en

## Amendment 55

### Proposal for a regulation

#### Article 3 – paragraph 2 – point d

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 56

### Proposal for a regulation

#### Article 3 – paragraph 2 – point e – point i

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 57

### Proposal for a regulation

#### Article 3 – paragraph 2 – point e – point ii

*Text proposed by the Commission*

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

*Amendment*

(ii) where the service is used by children, the *extent to which the service is used or is likely to be used for the*

children *in relation to those age groups*;

solicitation of children;

Or. en

## Amendment 58

### Proposal for a regulation

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

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

## Amendment 59

### Proposal for a regulation

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

##### *Text proposed by the Commission*

##### *Amendment*

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

Or. en

## Amendment 60

### Proposal for a regulation

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

##### *Text proposed by the Commission*

##### *Amendment*

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

— enabling users to establish contact with other users directly, in particular ***on services directly targeting child users or*** through private communications;

## Amendment 61

### Proposal for a regulation

#### Article 3 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

The provider may request the EU Centre to perform ***a test of its risk assessment methodology and technologies on*** data samples ***available to the EU Centre*** to support the risk assessment.

Or. en

## Amendment 62

### Proposal for a regulation

#### Article 3 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 63

### Proposal for a regulation

#### Article 4 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall ***take*** reasonable mitigation measures, tailored to the risk identified

*Amendment*

1. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall ***put in place*** reasonable,

pursuant to Article 3, *to minimise* that risk. Such measures shall include some or all of the following:

*proportionate and targeted* mitigation measures, tailored to *their services and* the risk identified pursuant to Article 3, *with the aim of mitigating* that risk. Such measures shall include some or all of the following:

Or. en

## Amendment 64

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 65

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 66

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

*Text proposed by the Commission*

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

*Amendment*

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation 2022/2065.

Or. en

## Amendment 67

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

*Text proposed by the Commission*

*Amendment*

*(c a) reinforcing awareness-raising measures and adapting their online interface for increased user information, including child-appropriate information targeted to the risk identified;*

Or. en

## Amendment 68

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

*Text proposed by the Commission*

*Amendment*

***(c b) initiating targeted measures to protect the rights of the child and tools aimed at helping users to indicate child sexual abuse material and children to signal abuse or obtain support, as appropriate;***

Or. en

## **Amendment 69**

### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) effective in mitigating the identified risk;

(a) effective in mitigating the identified risk, ***taking into account the characteristics of the service provided and the manner in which that service is used;***

Or. en

## **Amendment 70**

### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 71

### Proposal for a regulation

#### Article 4 – paragraph 2 – point c

*Text proposed by the Commission*

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

*Amendment*

(c) applied in a diligent and non-discriminatory manner, **with full assessment**, in all circumstances, **of** the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

Or. en

## Amendment 72

### Proposal for a regulation

#### Article 4 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 73

### Proposal for a regulation

#### Article 4 – paragraph 4

*Text proposed by the Commission*

4. Providers of hosting services and

*Amendment*

4. Providers of hosting services and

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

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

Or. en

## Amendment 74

### Proposal for a regulation Article 4 – paragraph 5

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 75

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 76

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 77

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 78

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## **Amendment 79**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(b b) where applicable, the number of orders received pursuant to Articles 7 and 14, including information on the median time needed to inform its receipt and to give an effect to the order;***

Or. en

## **Amendment 80**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point b c (new)**

*Text proposed by the Commission*

*Amendment*

***(b c) where applicable, the number of notices submitted by users in accordance with Article 8a, the number of notices processed by using automated means and the median time needed for taking the action;***

Or. en

## **Amendment 81**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point b d (new)**

*Text proposed by the Commission*

*Amendment*

***(b d) where applicable, the number of reports submitted pursuant to Article 12;***

Or. en

## **Amendment 82**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point b e (new)**

*Text proposed by the Commission*

*Amendment*

***(b e) actions taken pursuant to online child sexual abuse by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, or on the basis of Article 7, 8a new, 12 or 14.***

Or. en

## **Amendment 83**

### **Proposal for a regulation**

#### **Article 5 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. Where the requirements of Article 4 have not been met and after the provider had re-conducted and updated the risk assessment pursuant to Article 5, paragraph 4, the Coordinating Authority, before taking any other steps pursuant to Article 7 should be able to enforce mitigation measures that do not adversely affect the fundamental rights or legitimate interests of the users of the service.***

## Amendment 84

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 85

### Proposal for a regulation Article 6

*Text proposed by the Commission*

*Amendment*

***Article 6***

***deleted***

***Obligations for software application stores***

***1. Providers of software application stores shall:***

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

***(b) take reasonable measures to prevent child users from accessing the***

*software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;*

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

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

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

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

Or. en

## **Amendment 86**

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

*Text proposed by the Commission*

*Amendment*

### **Article 6 a**

*Security of communications*

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

Or. en

**Amendment 87**

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

*Text proposed by the Commission*

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

*Amendment*

1. The Coordinating Authority of establishment shall have the power, **as a last resort, when all the measures in Article 3, 4 and 5 have been exhausted**, to request the competent **independent** judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue, **for a limited time and for the sole purpose of detecting known child sexual abuse material**, a detection order requiring a provider of hosting services or a provider of **number-independent** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect **known** child sexual abuse on a specific service **or relating to specific users or groups of users. The detection order shall be directed to the providers of hosting services and number-independent interpersonal communications services that can reasonably be expected to have the technical and operational ability to act.**

Or. en

## Amendment 88

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 89

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 90

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 2 – point a

*Text proposed by the Commission*

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

*Amendment*

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

the envisaged technologies and safeguards;

***and their negative impacts on the rights of all parties involved;***

Or. en

## **Amendment 91**

### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 2 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 92**

### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 93

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 3

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 94

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 95

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

(a) there is evidence of a significant risk ***that can cause the rapid and wide use*** of the service for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

## Amendment 96

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 1 – point b

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 97

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 2 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(a a) the gravity of the threat, the urgency of the measures and the actual or potential implications for the rights and***

*legitimate interests of all parties concerned, including the possible failure of the measures to respect the fundamental rights enshrined in the Charter;*

Or. en

## **Amendment 98**

### **Proposal for a regulation**

#### **Article 7 – paragraph 4 – subparagraph 2 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 99**

### **Proposal for a regulation**

#### **Article 7 – paragraph 4 – subparagraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 100

### Proposal for a regulation

#### Article 7 – paragraph 5 – point a

*Text proposed by the Commission*

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

*Amendment*

(a) despite *the* mitigation measures the provider *has* taken *and on the basis of objective criteria, the systemic risk remains and* the service is used, to *a substantial* extent, for the dissemination of known child sexual abuse material;

Or. en

## Amendment 101

### Proposal for a regulation

#### Article 7 – paragraph 5 – point b

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. en

## Amendment 102

### Proposal for a regulation

#### Article 7 – paragraph 6

*Text proposed by the Commission*

6. *As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, first*

*Amendment*

*deleted*

*subparagraph, point (a), shall be deemed to exist where the following conditions are met:*

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

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

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

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

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

Or. en

### **Amendment 103**

#### **Proposal for a regulation Article 7 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

*7. As regards detection orders concerning the solicitation of children, the significant risk referred to in*

*deleted*

*paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:*

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

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

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

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

Or. en

## **Amendment 104**

### **Proposal for a regulation**

#### **Article 7 – paragraph 8 – subparagraph 1**

##### *Text proposed by the Commission*

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

##### *Amendment*

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent **independent** judicial or independent administrative authority when issuing the detection order, shall **in accordance with Article 8 of Regulation (EU) 2022/2065** target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary, **justifiable and proportionate** to effectively address the significant risk referred to in point (a) thereof.

## Amendment 105

### Proposal for a regulation

#### Article 7 – paragraph 8 – subparagraph 3 – point b

*Text proposed by the Commission*

(b) *where necessary, in particular to* limit such negative consequences, effective and proportionate safeguards additional to those listed in Article 10(4), (5) and (6) are provided for;

*Amendment*

(b) such negative consequences **remain limited and** effective and proportionate safeguards additional to those listed in Article 10(4), (5) and (6) are provided for;

Or. en

## Amendment 106

### Proposal for a regulation

#### Article 7 – paragraph 8 – subparagraph 3 – point c

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 107

### Proposal for a regulation

#### Article 7 – paragraph 9 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 108

### Proposal for a regulation

#### Article 7 – paragraph 9 – subparagraph 3

*Text proposed by the Commission*

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

*Amendment*

The period of application of detection orders concerning the dissemination of known child sexual abuse material shall not exceed 24 months.

## Amendment 109

### Proposal for a regulation

#### Article 8 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 110

### Proposal for a regulation

#### Article 8 – paragraph 1 – point a

*Text proposed by the Commission*

(a) information regarding the measures to be taken to execute the detection order,

*Amendment*

(a) information regarding the *targeted and time-limited* measures to be taken to

including the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards *as referred to in Article 7(8)*;

execute the detection order, including the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards *to protect the rights and legitimate interests of all parties concerned by the detection order*;

Or. en

## Amendment 111

### Proposal for a regulation Article 8 – paragraph 1 – point b

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 112

### Proposal for a regulation Article 8 – paragraph 1 – point d

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 113

### Proposal for a regulation

#### Article 8 – paragraph 1 – point e

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

## Amendment 114

### Proposal for a regulation

#### Article 8 – paragraph 1 – point g

*Text proposed by the Commission*

*Amendment*

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

(g) a sufficiently detailed *justification* explaining why the detection order is issued *and how it is necessary, effective and proportionate to address the significant risk in question;*

Or. en

## Amendment 115

### Proposal for a regulation

#### Article 8 – paragraph 1 – point i

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 116

### Proposal for a regulation

#### Article 8 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 117

### Proposal for a regulation

#### Article 8 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

3. ***In accordance with Article 6a***, if the provider cannot execute the detection order because it contains manifest errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex II.

Or. en

## Amendment 118

### Proposal for a regulation

#### Article 8 a (new)

*Text proposed by the Commission*

*Amendment*

***Article 8 a***

***User notification mechanism***

***1. Without prejudice to Article 16 of Regulation (EU) 2022/2065, relevant information society service providers shall establish mechanisms or use existing mechanisms to allow any individual or entity to notify them of the presence on their service of potential online child sexual abuse, in particular of new child sexual abuse material and solicitation of children for sexual purposes.***

***Those mechanisms shall be easy to access, user- and child-friendly, and allow for the submission of the notification exclusively by electronic means.***

***Providers shall ensure that sufficient human and financial resources are allocated to ensure that the notifications are effectively processed in a timely manner.***

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

***3. Where the notification contains an electronic contact information of the individual or entity that submitted it, the provider of the relevant information society services shall, without undue delay, send a confirmation of receipt of the notification and inform that individual or entity of its decision and actions taken in relation to the notification.***

Or. en

## Amendment 119

### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 120

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

*Text proposed by the Commission*

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

*Amendment*

1. Providers of hosting services and providers of ***number-independent*** interpersonal communication services that have received a detection order shall execute it by installing and operating technologies to detect the dissemination of known child sexual abuse material, as applicable, using the corresponding indicators provided by the EU Centre.

Or. en

## Amendment 121

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

*Text proposed by the Commission*

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

*Amendment*

(a) effective in detecting the dissemination of known child sexual abuse material;

Or. en

## Amendment 122

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

*Text proposed by the Commission*

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

*Amendment*

(b) 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 child sexual abuse material;

Or. en

## Amendment 123

### 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 detection *and, where such occasional errors occur, their consequences are rectified without delay.*

## Amendment 124

### 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 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 child sexual abuse material, insofar as strictly necessary to execute the detection orders addressed to them;

Or. en

## Amendment 125

### 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 in a sufficiently reliable manner and, where necessary, in particular when potential errors are detected, human intervention;

Or. en

## Amendment 126

### Proposal for a regulation

#### Article 10 – paragraph 4 – point e a (new)

*Text proposed by the Commission*

*Amendment*

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

Or. en

## **Amendment 127**

### **Proposal for a regulation Article 12 – paragraph 1**

*Text proposed by the Commission*

*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 EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

1. Where a provider of hosting services or a provider of interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of **alleged** online child sexual abuse on its services, it shall promptly **report, without delay, that abuse to the competent law enforcement and independent judicial authorities and** 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).

Or. en

## **Amendment 128**

### **Proposal for a regulation Article 12 – paragraph 3**

*Text proposed by the Commission*

*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**.

3. The provider, **the EU centre, the competent authority or any judicial enforcement bodies**, shall, **without undue delay notify the individual or entity that have notified the alleged** online child

sexual abuse, *of their decision in respect of the information to which the notified content relates, providing information on the possibilities for redress in respect of that decision.*

Or. en

## Amendment 129

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

*Text proposed by the Commission*

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

*Amendment*

(f) information concerning the geographic location related to the potential online child sexual abuse;

Or. en

## Amendment 130

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 131

### 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 ***independent*** 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.

Or. en

**Amendment 132**

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

*Text proposed by the Commission*

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

*Amendment*

2. The provider shall execute the removal order as soon as possible and in any event, ***unless the removal order indicates a shorter period***, within 24 hours of receipt thereof.

Or. en

**Amendment 133**

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

Or. en

**Amendment 134**

**Proposal for a regulation**

**Article 14 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 135**

**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 **or material** solely because they carry out, in good faith **and in a diligent manner**, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, or reporting online child sexual abuse in accordance with those requirements.

## Amendment 136

### Proposal for a regulation Article 23 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 137

### Proposal for a regulation Article 24 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 138

### Proposal for a regulation Article 24 – paragraph 6

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 139

### 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*

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

Or. en

## Amendment 140

### 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

*Amendment*

(b) the power to carry out, **or to request an independent judicial authority**

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;

*in their Member State to order*, 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 141

### 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, including to assess whether the measures taken to execute a detection order **or** removal order comply with the requirements of this Regulation.

Or. en

## Amendment 142

### 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

#### *Amendment*

Coordinating Authorities shall have the power to carry out **proportionate and justifiable** searches on publicly accessible material to detect the dissemination of known child sexual abuse material, using the indicators contained in the databases referred to in Article 44(1), **point (a)**, 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.

jurisdiction of the Member State that designated the Coordinating Authorities comply with their obligations under this Regulation.

Or. en

### Amendment 143

#### Proposal for a regulation Article 34 – paragraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

### Amendment 144

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

##### *Text proposed by the Commission*

##### *Amendment*

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

Or. en

## Amendment 145

### Proposal for a regulation

#### Article 34 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 146

### Proposal for a regulation

#### Article 35 – paragraph 5 – point d

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. en

## Amendment 147

### Proposal for a regulation

#### Article 35 a (new)

*Text proposed by the Commission*

*Amendment*

***Article 35 a***

***Compensation***

***Users and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf shall have the right to seek, in accordance with Union and national law, compensation from providers of relevant information society services, for any damage or loss suffered due to an***

*infringement by those providers of their obligations under this Regulation.*

Or. en

## Amendment 148

### Proposal for a regulation

#### Article 38 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 149

### Proposal for a regulation

#### Article 38 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***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 remove content and coordinate victim identification efforts undertaken in collaboration with existing victim identification programmes.***

Or. en

## Amendment 150

### 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 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, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Or. en

## Amendment 151

### 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 152

### 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 153**

**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 154**

**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 interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre ***and to the public*** upon request:

Or. en

**Amendment 155**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 156**

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

*Text proposed by the Commission*

*Amendment*

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

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

*(b) the number of notifications and requests received pursuant to Articles 8a and 35a and an overview of their follow-up;*

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

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

Or. en

## Amendment 157

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

*the end of each period.*

Or. en