



2022/0155(COD)

28.7.2023

AMENDMENTS

954 - 1332

Draft report
Javier Zarzalejos
(PE746.811v01-00)

Laying down rules to prevent and combat child sexual abuse

Proposal for a regulation
(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

Amendment 954

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 955

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

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

Or. en

Amendment 956

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) there is evidence of a significant risk of the service being used for the **deleted**

purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 957
Rob Rooker

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

Text proposed by the Commission

Amendment

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

(a) there is **clear** evidence of a **systemic risk that** the service **is** being used for the purpose of online child sexual abuse,

Or. en

Amendment 958
Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

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

(a) there is evidence **amounting to a reasonable suspicion** of the service being used for the purpose of **disseminating or receiving** child sexual abuse **material by one or more users**, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 959
Paul Tang, Alex Agius Saliba

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 ***substantive evidence demonstrating a reasonable suspicion that individual accounts or groups of accounts are*** being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 960

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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 ***substantive evidence amounting to reasonable suspicion that individual accounts or groups of accounts are*** being used for the purpose of child sexual abuse ***online***, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 961

Charlie Weimers, Cristian Terheş

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

Amendment

(a) there is evidence of the service being used for the purpose of online child

purpose of online child sexual abuse,
within the meaning of paragraphs 5, 6 and
7, as applicable;

sexual abuse, within the meaning of
paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 962

Paul Tang, Alex Agius Saliba

Proposal for a regulation

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

Text proposed by the Commission

Amendment

*(aa) 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 963

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 964

Sven Simon, Christian Doleschal, Niclas Herbst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 965
Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 966
Tiemo Wölken, René Repasi
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel

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 **warrant** 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.

Or. en

Amendment 967

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) the provider has failed to take all reasonable and proportionate mitigation measures within the meaning of Article 4 to prevent and minimise the risk of the service being used for the purpose of online child sexual abuse;

Or. en

Amendment 968

Paul Tang, Alex Agius Saliba

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) The detection warrant does not affect the security and confidentiality of communications on a general scale.

Or. en

Amendment 969
Rob Rooken

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

Text proposed by the Commission

Amendment

(ba) The detection order does not affect the security and confidentiality of communications on a general scale;

Or. en

Amendment 970
Paul Tang, Alex Agius Saliba

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

Text proposed by the Commission

Amendment

(bb) The technology used to protect the communication, such as any kind of encryption, shall not be affected or undermined by the detection warrant.

Or. en

Amendment 971
Rob Rooken

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

Text proposed by the Commission

Amendment

(bb) The technology used to protect the communication, such as any kind of encryption, shall not be affected or undermined by the detection order;

Or. en

Amendment 972
Rob Rooken

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(bc) All measures outlined in articles 3, 4 and 5 have been exhausted.

Or. en

Justification

The goal of this amendment is to make sure that the process of issuing a detection order is subject to appropriate and actionable safeguards and does not put users' communication or providers' technologies at risks. In particular, an order shall only be issued if it does not impact the security and confidentiality of communications.

Amendment 973
Rob Rooken

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 1 – point b d (new)

Text proposed by the Commission

Amendment

(bd) Nothing in the order can be construed as requiring or encouraging the provider to weaken, break, circumvent or otherwise undermine or limit the encryption, security, or other means of protecting the confidentiality of communications, of the platform or service of the provider.

Or. en

Amendment 974
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

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

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

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

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

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

Or. en

Amendment 975

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

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

particular:

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

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

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

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

Or. en

Amendment 976
Cristian Terheş

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, including any mitigation measures introduced, reviewed,

discontinued or expanded pursuant to Article 5(4) where applicable;

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

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

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

Or. en

Amendment 977

Paul Tang, Alex Agius Saliba

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(-a) the availability of information to adequately describe the specific purpose and scope of the order, including the legal basis for the suspicion;

Or. en

Amendment 978

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

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

Or. en

Amendment 979

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(aa) whether or not the prosecution or judge would have sufficient information to issue the warrant with instructions describing the specific purpose and scope regarding the envisaged technologies to execute the warrant, including the basis upon which the individuals concerned are suspects within the meaning of Union or national law;

Or. en

Amendment 980

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) any additional information obtained pursuant to paragraph 2 or any other relevant information available to it, *deleted*

in particular regarding the use, design and operation of the service, regarding the provider's financial and technological capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection order for all other parties affected;

Or. en

Amendment 981

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 982

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 983
Cristian Terheş

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 984
Paul Tang, Alex Agius Saliba

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 985
Cristian Terheş

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

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

Or. en

Amendment 986

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

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

(d) the opinions 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 987

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

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

(d) the *opinion* of the data protection authority submitted in accordance with paragraph 3.

Or. en

Amendment 988

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 989

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 990

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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 **the data protection authority**, it shall inform the **data protection authority** thereof, specifying the points at which it deviated and the main reasons for the deviation.

Or. en

Amendment 991
Paul Tang, Alex Agius Saliba

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

Where that Coordinating Authority substantially deviates from the opinion of the **data protection authorities**, it shall inform the **data protection authorities** and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

Or. en

Amendment 992
Cristian Terheş

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

5. As regards detection orders

Amendment

deleted

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

(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;

(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.

Or. en

Amendment 993

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

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

deleted

(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;

(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.

Or. en

Amendment 994

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

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

deleted

(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;

(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.

Or. en

Amendment 995
Paul Tang, Alex Agius Saliba

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

Amendment

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

(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;

(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.

Or. en

Amendment 996
Rob Rooker

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 4, **deleted**

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

(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;

(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.

Or. en

Amendment 997

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

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

deleted

(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;

(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.

Or. en

Amendment 998
Cristian Terheş

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 999
Cristian Terheş

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1000

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

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

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

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

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

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

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

Or. en

Amendment 1001

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

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

deleted

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

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

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

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

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

pursuant to Article 12.

Or. en

Amendment 1002
Rob Rooken

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission

Amendment

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

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

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

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

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

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

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

Or. en

Amendment 1003

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

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

deleted

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

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

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

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

(2) the provider submitted a significant number of reports concerning known

child sexual abuse material, detected through the measures taken to execute the detection order referred to in point (1), pursuant to Article 12.

Or. en

Amendment 1004

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

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

deleted

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

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

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

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

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

Or. en

**Amendment 1005
Cristian Terheş**

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

Text proposed by the Commission

Amendment

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

deleted

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

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

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

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

of the service;

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

Or. en

Amendment 1006
Cristian Terheş

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

(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 1007

Patrick Breyer

on behalf of the Verts/ALE Group

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

deleted

(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 1008

Rob Rooker

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

(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 1009

Sven Simon, Christian Doleschal, Niclas Herbst

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

(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 1010

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

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

deleted

(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.

Or. en

Amendment 1011

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

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

deleted

(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.

Or. en

Justification

Implementing the Commission's proposed text would constitute a broad based invasion of privacy and require AI technology that currently is not available.

Amendment 1012

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel

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

Text proposed by the Commission

Amendment

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

deleted

(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.

Or. en

Amendment 1013
Paul Tang, Alex Agius Saliba

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 1014
Annalisa Tardino

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1015
Cristian Terheş

Proposal for a regulation
Article 7 – paragraph 8

Text proposed by the Commission

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

To that aim, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the

Amendment

deleted

rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

In particular, they shall ensure that:

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(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;

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

Or. en

Amendment 1016

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 8

Text proposed by the Commission

Amendment

8. *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.* **deleted**

To that aim, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to

the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

In particular, they shall ensure that:

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(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;

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

Or. en

Amendment 1017

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari, Karen Melchior

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

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall, **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

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

paragraph 2 remain limited to what is strictly necessary, **justifiable and proportionate** to effectively address the significant risk referred to in point (a) thereof, **and limit the detection order to an identifiable part or component of a service, such as a specific channel of communication or a specific group of users identified with particularity for which the significant risk has been identified. In accordance with Article 6a, no such detection order shall be interpreted as prohibiting, or compromising the integrity and confidentiality of, end-to-end encrypted content and communications.**

Or. en

Justification

Detection orders must be justified, proportionate, targeted and limited in time, as well as related to an identifiable part of the specific service, users or group of users, in order to limit the encroachment on fundamental rights such as the right to privacy.

Amendment 1018

Sven Simon, Christian Doleschal, Niclas Herbst, Sara Skyttedal, Jessica Polfjärd, Tomas Tobé, Arba Kokalari

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or authority when issuing the **targeted** detection order, shall target and specify it in such a manner **effective and proportionate with regards to the applicable standards of criminal law.**

Amendment 1019
Paul Tang, Alex Agius Saliba

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

Text proposed by the Commission

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

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall **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 **reasonable suspicion** referred to in point (a) thereof.

Amendment 1020
Patrick Breyer
 on behalf of the Verts/ALE Group

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

Amendment

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

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

and proportionate to obtain the information required to effectively investigate the case, and collect the information required to assess the existence of a criminal offence.

Or. en

Amendment 1021

Charlie Weimers, Cristian Terheş

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 *a court of law* when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the significant risk referred to in point (a) thereof.

Or. en

Justification

Clarifies that a court of law of a Member State issues the detection order.

Amendment 1022

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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 **warrant**, and the competent judicial when issuing the detection **warrant**, 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 **reasonable suspicion** referred to in point (a) thereof.

Or. en

Amendment 1023

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová, Nathalie Loiseau

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

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

Amendment

To that aim, they shall take into account all relevant parameters, including:

- (i)** the availability of sufficiently reliable detection technologies in that **they can be deployed without undermining the security of the service in question and** they limit to the maximum extent possible the rate of errors regarding the detection;
- (ii)** **the** suitability and effectiveness **of the**

available technologies for achieving the objectives of this Regulation;

(iii) the impact of the measures on the rights of the users affected, *thereby ensuring that detection orders are only requested and issued when sufficiently reliable technologies in accordance with point (i) are available and that* the least intrusive measures *are chosen*, in accordance with Article 10, from among several equally effective measures.

Or. en

Amendment 1024

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

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

Amendment

To that aim, they shall take into account all relevant parameters, including the *technical feasibility*, availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, *in particular the risk of inaccurately identifying lawful speech as illegal content*, as well as the impact of the measures on the rights of the users affected *and on the security, integrity and confidentiality of their communications*, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures. *To this end, they shall ensure technologies are able to distinguish between known child abuse material and lawful speech accurately enough that no human intervention is needed.*

Or. en

Amendment 1025

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

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

Amendment

To that aim, they shall take into account all relevant parameters, including:

- (i)** the availability of sufficiently reliable detection technologies in that **they can be deployed without undermining the security of the service in question and** they limit to the maximum extent possible the rate of errors regarding the detection;
- (ii)** the suitability and effectiveness **of the available technologies** for achieving the objectives of this Regulation;
- (iii)** the impact of the measures on the rights of the users affected, **thereby ensuring that detection orders are only requested and issued when sufficiently reliable technologies in accordance with point (i) are available and that** the least intrusive measures **are chosen**, in accordance with Article 10, from among several equally effective measures.

Or. en

Amendment 1026

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1027

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

To that ***aim***, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of

Amendment

To that ***end***, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of

errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, ***including their likelihood to inaccurately detect lawful speech as illegal content***, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures. ***Methods used to detect child sexual abuse material shall be able to distinguish between lawful and unlawful content without the need for any independent human assessment.***

Or. en

Amendment 1028
Paul Tang, Alex Agius Saliba

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

Text proposed by the Commission

Amendment

In particular, they shall ensure that:

deleted

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(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;

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

Or. en

Amendment 1029
Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3

Text proposed by the Commission

Amendment

In particular, they shall ensure that:

deleted

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(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;

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

Or. en

Amendment 1030

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová, Nathalie Loiseau

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point a

Text proposed by the Commission

Amendment

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(a) where ***the information gathered in the risk assessment process indicates that*** that risk is limited to an identifiable part or component of a service ***where possible without prejudice to the effectiveness of the measure,*** the required measures are only applied in respect of that part or component;

Or. en

Amendment 1031

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point a

Text proposed by the Commission

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

Amendment

(a) where ***the information gathered in the risk assessment process indicates*** that risk is limited to an identifiable part or component of a service, ***where possible without prejudice to the effectiveness of the measure***, the required measures are only applied in respect of that part or component;

Or. en

Amendment 1032

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point a

Text proposed by the Commission

(a) where ***that risk*** is limited to ***an identifiable*** part or component of a service, the required measures are only applied in respect of that part or component;

Amendment

(a) where ***the suspicion*** is limited to ***a discrete*** part or component of a service, the required measures are only applied in respect of ***the uploads and communications of the suspects via*** that part or component;

Or. en

Amendment 1033

Patrick Breyer

on behalf of the Verts/ALE Group

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

Or. en

Amendment 1034
Cristian Terheş

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission

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

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

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

deleted

Or. en

Amendment 1035

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová, Nathalie Loiseau

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

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

Amendment

The competent judicial authority or independent administrative authority shall specify in the detection order the period during which it applies, indicating the start date and the end date, ***within which the providers of hosting services and providers of interpersonal communications services shall prove that their service is no longer misused for child sexual abuse and their specific service provided no longer poses a risk for child sexual abuse;***

Or. en

Amendment 1036

Charlie Weimers, Cristian Terheş

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

A court of law shall specify in the detection order the period during which it applies, indicating the start date and the end date.

Or. en

Justification

Clarifies that only a court of law of a Member State shall issue detection orders.

Amendment 1037

Sven Simon, Christian Doleschal, Niclas Herbst

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1038
Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1039
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

order. *It shall not be earlier than three months from the date at which the provider received the detection order and not be later than 12 months from that date.*

order.

Or. en

Amendment 1040
Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1041
Tiemo Wölken, René Repasi
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel

Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 2

Text proposed by the Commission

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the detection *order*. It shall not be earlier than three

Amendment

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the detection *warrant*. It shall not be earlier than three

months from the date at which the provider received the detection order and not be later than 12 months from that date.

months from the date at which the provider received the detection order and not be later than 12 months from that date.

Or. en

Amendment 1042

Patrick Breyer

on behalf of the Verts/ALE Group

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

Or. en

Amendment 1043

Paul Tang, Alex Agius Saliba

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 *warrants* concerning the dissemination of known child sexual abuse material shall not exceed *6 months*.

Or. en

Amendment 1044

Sven Simon, Christian Doleschal, Niclas Herbst

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 **targeted** detection orders concerning the dissemination of known or new child sexual abuse material shall not exceed 24 months.

Or. en

Amendment 1045

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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 **warrants** concerning the dissemination of known child sexual abuse material shall not exceed **6** months.

Or. en

Amendment 1046

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The European Data Protection Board shall also issue guidelines regarding the compliance with Regulation (EU) 2016/679 of existing and future technologies that are used for the detection of child sexual abuse material in encrypted and non-encrypted environments. Supervisory authorities as referred to in that Regulation shall supervise the application of those guidelines.

Prior to the use of any specific technology pursuant to this Article, a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679 and a mandatory prior consultation procedure as referred to in Article 36 of that Regulation must be conducted.

Or. en

Amendment 1047
Paul Tang, Alex Agius Saliba

Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 3 b (new)

Text proposed by the Commission

Amendment

The competent supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/678 shall have the right to challenge a detection warrant within the competence pursuant to Chapter VI, Section 2 of Regulation (EU) 2016/678 before the courts of the Member State of the competent judicial authority that issued the detection warrant.

Or. en

Amendment 1048

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. *The competent supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/678 shall have the right to challenge a detection warrant within the competence pursuant to Chapter VI, Section 2 of Regulation (EU) 2016/678 before the competent judicial authority that issued the detection warrant.*

Or. en

Amendment 1049

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Safeguards on encrypted services

For the scope of this Regulation and for the the sole purpose to prevent and combat child sexual abuse, providers of interpersonal communications services shall be subjected to obligations to prevent, detect, report and remove online child sexual abuse on all their services, which may include as well those covered by end-to-end encryption, when there is a significant risk that their specific service

is misused for online child sexual abuse, including for the purpose of the solicitation of children, pursuant to the risk assessment established in Article 3 of this Regulation.

The technologies deployed to execute the detection order pursuant to Article 7 of this Regulation shall never prohibit encryption or make it impossible and shall only be deployed after a prior authorization by the Coordinating Authority, in consultation with the competent data protection authority, and be subjected to constant monitoring and auditing by the competent data protection authority to verify their compliance with Union law.

Or. en

Amendment 1050

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová, Nathalie Loiseau

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Safeguards on encrypted services

For the scope of this regulation and for the sole purpose to prevent and combat child sexual abuse, providers of interpersonal communications services shall be subjected to obligations to prevent, detect, report and remove online child sexual abuse on all their services, which may include as well those covered by end-to-end encryption, when there is a significant risk that their specific service is misused for online child sexual abuse, including for the purpose of the solicitation of children, pursuant to the risk assessment established in Article 3 of this Regulation. The technologies

deployed to execute the detection order pursuant to Article 7 of this Regulation shall never prohibit or make encryption impossible and only be deployed after a prior authorization by the Coordinating Authority, in consultation with the competent data protection authority, and be subjected to constant monitoring and auditing by the competent data protection authority to verify their compliance with Union law.

Or. en

Amendment 1051
Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 8

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1052
Rob Rooken

Proposal for a regulation
Article 8

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1053
Cristian Terheş

Proposal for a regulation
Article 8

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1054

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

Amendment

Additional rules regarding detection orders

Additional rules regarding *targeted*
detection orders

Or. en

Amendment 1055

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

Amendment

Additional rules regarding detection *orders*

Additional rules regarding detection
warrants

Or. en

Amendment 1056

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

Amendment

Additional rules regarding detection *orders*

Additional rules regarding detection
warrants

Or. en

Amendment 1057

Cristian Terheş

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

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

(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;

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

(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);

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

solicitation of children;

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

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

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

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

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

Or. en

Amendment 1058

Charlie Weimers, Cristian Terheş

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. ***A court of law*** shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

Or. en

Justification

Clarifies that only a court of law of a Member State shall issue detection orders.

Amendment 1059

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. The competent judicial authority shall issue the detection orders referred to in Article 7. **Targeted** detection orders shall include **at minimum**:

Or. en

Amendment 1060

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1061

Paul Tang, Alex Agius Saliba, Birgit Sippel

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

Amendment

1. The competent judicial authority shall issue the detection **warrants** referred to in Article 7 using the template set out in

Article 7 using the template set out in
Annex I. Detection **orders** shall include:

Annex I. Detection **warrants** shall include:

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Article and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 1062

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1063

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1064

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1065

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) information regarding the measures to be taken to execute the 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);

Or. en

Amendment 1066

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation
Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) information, with respect to each device or user account, detailing the specific purpose and scope of the warrant, including the legal basis for the reasonable suspicion.

Or. en

Amendment 1067
Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(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;

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

Or. en

Amendment 1068
Sven Simon, Christian Doleschal, Niclas Herbst

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

Text proposed by the Commission

Amendment

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

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

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

authority;

Or. en

Amendment 1069

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

*(ca) (c) the name of the user(s) for
whom a targeted detection order has been
issued, insofar it is known, and digital
aliases in use by the user(s).*

Or. en

Amendment 1070

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(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);

(d) the specific service in respect of
which the **targeted** 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 1071

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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 1072
Paul Tang, Alex Agius Saliba, Birgit Sippel

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 1073
Patrick Breyer
on behalf of the Verts/ALE Group

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 1074

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1075

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 8 – paragraph 1 – point e a (new)

Text proposed by the Commission

(ea) the person or group of persons covered by the detection order and specifics of the suspicion of illegal activities;

Amendment

Or. en

Amendment 1076

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1077

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 8 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

(g) a sufficiently detailed **justification** explaining why the detection **warrant** is issued **and how it is necessary, effective and proportionate**;

Or. en

Amendment 1078

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1079

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1080

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – point h

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1081

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point h

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1082

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – point i

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1083

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point i

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1084

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point j

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1085

Cristian Terheş

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The competent judicial authority or independent administrative authority issuing the detection order shall address it to the main establishment of the provider

Amendment

deleted

or, where applicable, to its legal representative designated in accordance with Article 24.

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

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

Or. en

Amendment 1086

Charlie Weimers, Cristian Terheş

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 *court of law* 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

Justification

Clarifies that only a court of law of a Member State shall issue detection orders.

Amendment 1087

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1088

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

The competent judicial authority issuing the **targeted** 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 1089

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 1090

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 1091

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 1092

Cristian Terheş

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

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.*

deleted

Or. en

Amendment 1093

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1094

Sven Simon, Christian Doleschal, Niclas Herbst

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,

Amendment

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*.

request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex *I*.

Or. en

Amendment 1095
Cristian Terheş

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes I and II where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

deleted

Or. en

Amendment 1096
Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend **Annexes I and II** where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend **Annex I** where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

Or. en

Amendment 1097

Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

***Preservation of data in the context of
detection orders***

1. Detection orders may require the expedited preservation by the provider, insofar as the data is under their control, of one or more of the following data concerning the specific users against whom the detection order is directed, including new data generated after issuance of the order, as part of a planned or current criminal investigation;

a) Traffic data:

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

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

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

b) Content data:

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

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

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

Or. en

Amendment 1098
Cristian Terheş

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1099
Rob Rooker

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1100
Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1101
Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

Amendment

Redress, information, reporting and modification of detection orders

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

Or. en

Amendment 1102

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

Amendment

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

9 Redress, information, reporting and modification of detection **warrants**

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Regulation to "detection warrants". Detection warrants target individual suspects, can only be issued by competent judicial authorities and only concern "known child sexual abuse material".

Amendment 1103

Cristian Terheş

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

competent judicial authority or independent administrative authority that issued the detection order.

Or. en

Amendment 1104
Rob Rooker

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1105
Paul Tang, Alex Agius Saliba, Birgit Sippel

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

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services that have received a detection **warrant**, as well as users affected by the measures taken to execute it, shall have a right to **information and** effective redress. That right shall include the right to challenge the detection

State of the competent judicial authority *or independent administrative authority* that issued the detection order.

warrant before the courts of the Member State of the competent judicial authority that issued the detection order.

Or. en

Amendment 1106

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Providers of hosting services and providers of interpersonal communications services that have received a *targeted* 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 *targeted* detection order before the courts of the Member State of the competent judicial authority that issued the detection order.

Or. en

Amendment 1107

Patrick Breyer

on behalf of the Verts/ALE Group

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

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

State of the competent judicial authority *or independent administrative authority* that issued the detection order.

courts of the Member State of the competent judicial authority that issued the detection order.

Or. en

Amendment 1108
Cristian Terheş

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

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

Or. en

Amendment 1109
Charlie Weimers, Cristian Terheş

Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

Clarifies that only a court of law of a Member State shall issue detection orders.

Amendment 1110

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1111

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1112
Sven Simon, Christian Doleschal, Niclas Herbst

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1113
Cristian Terheş

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the period of application of the detection order exceeds 12 months, or six months in the case of a detection order concerning the solicitation of children, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

deleted

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

Or. en

Amendment 1114

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Where the period of application of the detection order exceeds 12 months, **or six months in the case of a detection order concerning the solicitation of children**, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Where the period of application of the detection order exceeds 12 months, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Amendment 1115
Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the period of application of the detection order exceeds 12 months, ***or six months in the case of a detection order concerning the solicitation of children***, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Amendment

Where the period of application of the detection order exceeds 12 months, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Amendment 1116
Maria Grapini

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the period of application of the detection order exceeds ***12*** months, or ***six*** months in the case of a detection order concerning the solicitation of children, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Amendment

Where the period of application of the detection order exceeds ***six*** months, or ***three*** months in the case of a detection order concerning the solicitation of children, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Amendment 1117

Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1118
Sven Simon, Christian Doleschal, Niclas Herbst

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1119
Cristian Terheş

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 1120
Sven Simon, Christian Doleschal, Niclas Herbst

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

Text proposed by the Commission

Amendment

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

In respect of the **targeted** detection orders that the competent judicial authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether **evidence has been substantiated.**

Or. en

Amendment 1121

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1122
Sven Simon, Christian Doleschal, Niclas Herbst

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1123
Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1124
Rob Rooken

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1125
Cristian Terheş

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1126
Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1127
Cristian Terheş

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. *Providers of hosting services and providers of interpersonal communication*

deleted

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.

Or. en

Amendment 1128

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

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 interpersonal communication services that have received a detection order ***concerning the online activities of persons suspected of being involved in child sexual abuse and persons disqualified from exercising activities involving children*** 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.

Or. en

Justification

According to opinion 8787/23 of the Council's legal service, if the Council were to decide to maintain interpersonal communications within the scope of the regime of the detection order, the regime should be targeted in such a way that it applies to persons in respect of whom there are reasonable grounds to believe that they are in some way involved in, committing or have committed a child sexual abuse offence, or have a connection, at least indirectly, with the commission of sexual abuse offences.

Amendment 1129

Lucia Ďuriš Nicholsonová

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 interpersonal communication services that have received a detection order ***or undertake voluntary detection measures in accordance with Article 4a,*** 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.

Or. en

Amendment 1130

Paul Tang, Alex Agius Saliba

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 ***warrant*** shall execute it by installing and operating ***secure and privacy-friendly*** technologies, ***approved by the Centre,*** to detect the dissemination of known child sexual abuse material, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Regulation to "detection warrants". Detection warrants target individual suspects, can only be issued by competent judicial authorities and only concern "known child sexual abuse material".

Amendment 1131

Sven Simon, Christian Doleschal, Niclas Herbst

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 interpersonal communication services that have received a **targeted** 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 **and with Article 6a**.

Or. en

Amendment 1132

Patrick Breyer

on behalf of the Verts/ALE Group

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

Amendment

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order **according to article 7** shall execute it **to collect evidence on one or more specific user's child sexual abuse offences**, using, **if necessary, specific technologies approved for this purpose** by the EU

corresponding indicators provided by the EU Centre in accordance with Article 46.

Centre in accordance with Article 46.

Or. en

Amendment 1133

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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 **warrant** 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 in accordance with Article 46.

Or. en

Amendment 1134

Cristian Terheş

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Or. en

Amendment 1135

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies ***specified in the orders and*** made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order. ***The technologies relied on, regardless of whether provided by the EU service or procured or developed by the provider itself, shall be audited independently as per their performance, and the results of these audits as well as the benchmarks used to measure the performance shall be made publicly-available. Relying on technologies provided by the EU Center shall not exempt the provider from the obligation to conduct a prior data protection impact assessment, as referred to in Article 35 of Regulation (EU) 2016/679, and a prior consultation procedure, as referred to in Article 36 of that Regulation. The prior consultation shall include access of the supervisory authority to the algorithm and the databases the content is matched against.***

Amendment 1136

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order ***and, where needed, of adopting the security measures imposed by Article 7(3)(a)***. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Amendment 1137

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová, Nathalie Loiseau

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU

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

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

Or. en

Amendment 1138
Lucia Ďuriš Nicholsonová

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1139

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1140

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

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

in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Or. en

Amendment 1141
Cristian Terheş

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

Amendment

- 3. The technologies shall be:**
- (a) effective in detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable;**
 - (b) not be able to extract any other information from the relevant communications than the information strictly necessary to 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;**
 - (c) in accordance with the state of the art in the industry and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;**
 - (d) sufficiently reliable, in that they limit to the maximum extent possible the rate of errors regarding the detection.**

deleted

Or. en

Amendment 1142

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

3. The technologies shall **be**:

Amendment

3. The technologies ***specified in the detection orders*** shall:

Or. en

Amendment 1143

Patrick Breyer

on behalf of the Verts/ALE Group

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) ***be*** effective in ***collecting evidence on*** the dissemination of child sexual abuse material;

Or. en

Amendment 1144

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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***

Amendment

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

children, as applicable;

Or. en

Amendment 1145

Paul Tang, Alex Agius Saliba, Birgit Sippel

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, as applicable;

Or. en

Amendment 1146

Patrick Breyer

on behalf of the Verts/ALE Group

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 *nor deduce the substance of the content of the communications or* any other information, from the relevant communications *other* than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of child sexual abuse material;

Or. en

Justification

EDPS-EDPB opinion para 84

Amendment 1147

Paul Tang, Alex Agius Saliba, Birgit Sippel

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, as applicable;

Or. en

Amendment 1148

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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, as applicable;

Or. en

Amendment 1149

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point c

Text proposed by the Commission

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

Amendment

(c) in accordance with the state of the art in the industry and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data. ***It shall not weaken or undermine end-to-end encryption and shall not limit providers of information society services from providing their services applying end-to-end encryption;***

Or. en

Amendment 1150

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1151

Patrick Breyer

on behalf of the Verts/ALE Group

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) ***be*** sufficiently reliable, in that they limit to the maximum extent possible the rate of errors ***where content is wrongly identified as known child sexual abuse material (“false positives”) to at most 1 in 50 billion, and where such occasional errors occur, their consequences are rectified without delay;***

Or. en

Amendment 1152

Lucia Ďuriš Nicholsonová, Fabienne Keller

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, ***of content representing online child sexual abuse and, where such occasional errors occur, their consequences are rectified without delay;***

Or. en

Amendment 1153

Javier Zarzalejos

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, ***with special attention to avoid deviations and***

bias with proper testing and training of algorithms and models where applicable.

Or. en

Amendment 1154

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) for searching known child sexual abuse material, create a unique, non-reconvertible digital signature ('hash') of electronically communicated pictures or videos for the sole purpose of immediately comparing that hash with a database containing hashes of material previously reliably identified as child sexual abuse and exploitation material as provided by the EU Centre pursuant to Article 44(1);

Or. en

Amendment 1155

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) the technologies used to detect patterns of possible solicitation of children are limited to the use of relevant key indicators and objectively identified risk factors such as age difference and the likely involvement of a child in the scanned communication, without prejudice to the right to human review.

Or. en

Amendment 1156

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1157

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) (e) focused on communications where there is an established suspicion of illegal activity and the technologies shall not lead to general monitoring of private communications;

Or. en

Amendment 1158

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensure that the interference with the fundamental right to privacy and the other rights laid down in the Charter is

limited to what is strictly necessary.

Or. en

Amendment 1159

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensure that the interference with the fundamental right to privacy and the other rights laid down in the Charter is limited to what is strictly necessary

Or. en

Amendment 1160

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not able to weaken end-to end encryption and to lead to a general monitoring of private communications.

Or. en

Amendment 1161

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not able to prohibit or make end-to-end encryption impossible.

Or. en

Amendment 1162

Hilde Vautmans, Maite Pagazaurtundúa, Fabienne Keller, Olivier Chastel, Lucia Āuriš Nicholsonová, Nathalie Loiseau

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not able to prohibit or make end-to-end encryption impossible.

Or. en

Amendment 1163

Carles Puigdemont i Casamajó

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not able to weaken end-to-end encryption.

Or. en

Amendment 1164

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) ensure the processing is limited to what is strictly necessary for the purpose of detection, reporting and removal of child sexual abuse material and, unless child sexual abuse material has been detected and confirmed as such, the data is erased immediately;

Or. en

Amendment 1165

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point d c (new)

Text proposed by the Commission

Amendment

(dc) ensure the processing does not interfere with, weaken, or circumvent the security of encrypted communications, and only applies to unencrypted communications;

Or. en

Amendment 1166

Cristian Terhes

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. The provider shall:

deleted

(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;

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

(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;

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

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

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

information in the report referred to in Article 9(3).

Or. en

Amendment 1167

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. The provider shall:

deleted

(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;

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

(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;

(d) establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of

its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

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

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

Or. en

Justification

The technology required to implement the Commission's proposed text does not currently exist.

Amendment 1168

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The *provider* shall:

4. The *issuing authority* shall:

Or. en

Amendment 1169

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point -a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1170

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point a

Text proposed by the Commission

Amendment

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

(a) ***request, in respect of any specific technology used for the purpose set out in this Article, a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679, and request a mandatory prior consultation procedure as referred to in Article 36 of that Regulation have been conducted and*** 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, as applicable, insofar as strictly necessary to execute the detection ***warrants*** addressed to them;

Amendment 1171

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová, Nathalie Loiseau

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 or new child sexual abuse material or the solicitation of children, as applicable, insofar as strictly necessary to *use voluntary measures, when authorised, or* execute detection orders addressed to them;

Amendment 1172

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – point a

Text proposed by the Commission

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

Amendment

(a) take all the necessary measures to ensure that the technologies *specified in detection orders* 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 child sexual abuse material insofar as strictly necessary to execute the detection orders *they issue*;

Justification

If detection is limited to suspects and reliable technology exists, automated searches of intercepted interpersonal communications and hosted data for both known and unknown CSEM are justified.

Amendment 1173

Sven Simon, Christian Doleschal, Niclas Herbst

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 or new child sexual abuse material, as applicable, insofar as strictly necessary to execute the *targeted* detection orders addressed to them;

Or. en

Amendment 1174

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation**Article 10 – paragraph 4 – point a (new)***Text proposed by the Commission**Amendment*

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

Amendment 1175

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 1176

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 1177

Maria Grapini

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 and potential solicitation of children are detected, human intervention; ***ensure that any malfunctions or defects in the technologies used are remedied within a matter of hours;***

Or. ro

Amendment 1178

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – point c

Text proposed by the Commission

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

Amendment

(c) ***include in detection orders specific obligations on providers*** 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 1179

Paul Tang, Alex Agius Saliba

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 **continuous** human oversight to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors are detected, **immediate** human intervention;

Or. en

Amendment 1180

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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 human oversight **at any moment** to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors are detected, **immediate** human intervention;

Or. en

Amendment 1181

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – point d

Text proposed by the Commission

Amendment

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

(d) establish and operate an accessible, **child-appropriate** and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of **providers'** obligations under this Section, as well as any decisions that provider may have taken in relation to the use of the technologies, and process such complaints in an objective, effective and timely manner;

Or. en

Amendment 1182

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1183

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1184

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1185

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1186

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 10 – paragraph 4 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1187

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ea) request in respect of any specific technology used for the purpose set out in this Article, a prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679, and request a prior consultation procedure as referred to in Article 36 of that Regulation have been conducted;

Or. en

Amendment 1188

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 10 – paragraph 4 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ensure privacy without hampering the integrity of encryption and without leading to a general monitoring of private communications.

Or. en

Amendment 1189

Carles Puigdemont i Casamajó

Proposal for a regulation

Article 10 – paragraph 4 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ensure privacy by design and by default and, where applicable, without hampering the integrity of encryption.

Or. en

Amendment 1190

Paul Tang, Alex Agius Saliba, Birgit Sippel

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

Text proposed by the Commission

Amendment

4a. in respect of any specific technology used for the purpose set out in this Article, conduct a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679 and a mandatory prior consultation procedure as referred to in Article 36 of that Regulation;

Or. en

**Amendment 1191
Cristian Terheş**

**Proposal for a regulation
Article 10 – paragraph 5**

Text proposed by the Commission

Amendment

5. The provider shall inform users in a clear, prominent and comprehensible way of the following:

deleted

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

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

(c) the users' right of judicial redress referred to in Article 9(1) and their rights to submit complaints to the provider through the mechanism referred to in paragraph 4, point (d) and to the Coordinating Authority in accordance with Article 34.

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

Or. en

Amendment 1192

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) the fact that it operates technologies to detect **known** child sexual abuse **material** to execute the detection **warrant**, the ways in which it operates those technologies and the impact on the **users’ fundamental rights to private and family life, including the** confidentiality of communications **and the protection of personal data**;

Or. en

Amendment 1193

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) the fact that it operates technologies to detect child sexual abuse **material** to execute the detection order, the ways in which it operates those technologies and the on **the users’ fundamental rights to private and family life, including the**

confidentiality of communications **and the protection of personal data**;

Or. en

Amendment 1194
Maria Grapini

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

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 1195
Sven Simon, Christian Doleschal, Niclas Herbst

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1196
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 1197

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

Or. en

Justification

This is a horizontal obligation under Article 12.

Amendment 1198

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) the users' right of judicial redress referred to in Article 9(1) and their rights to submit complaints to the provider through the mechanism referred to in paragraph 4, point (d) and to the Coordinating Authority in accordance with Article 34.

(c) the users' right of judicial redress referred to in Article 9(1) and their rights to submit complaints to the provider through the mechanism referred to in paragraph 4, point (d) and to the **Data Protection Authority and** Coordinating Authority in accordance with Article 34.

Or. en

Amendment 1199

Sven Simon, Christian Doleschal, Niclas Herbst, Sara Skyttedal, Jessica Polfjård, Tomas Tobé, Arba Kokalari

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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

Amendment

The provider shall not provide information to users that may reduce the effectiveness of the measures to execute the **targeted** detection order, **notwithstanding Article 6a and general advice on confidential communication**.

Or. en

Amendment 1200

Cristian Terheş

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

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

Amendment

deleted

interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Or. en

Amendment 1201

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

Reporting obligations are covered in Article 12. From an operational perspective, it should not matter how the illegal activity was identified.

Amendment 1202

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. Where a provider detects potential online child sexual abuse through the

6. Where a provider detects potential online child sexual abuse through the

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

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

Or. en

Amendment 1203

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1204

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Safeguarding end-to-end encryption

The integrity of end-to-end encryption services must be safeguarded. The detection obligations set out in this section shall therefore not apply to end-to-end encryption services. This includes, inter alia, no possibility within end-to-end encryption technology to build in so called 'backdoors' i.e. client-side scanning with side-channel leaks which could weaken the end-to-end encryption and lead to a third part getting access to private data. Client-side scanning, when a message is scanned twice, on sending and receiving, threatens the integrity and privacy of users. Such 'backdoors' shall not be built in on end-to-end encryption in the pursuit of enforcing this regulation.

Or. en

Amendment 1205

Cristian Terheş

Proposal for a regulation

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Guidelines regarding detection obligations

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

Amendment 1206
Rob Rooker

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Guidelines regarding detection obligations

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

Amendment 1207
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 11 – title

Text proposed by the Commission

Amendment

Guidelines regarding detection obligations

Additional rules regarding detection obligations

Amendment 1208
Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 1209

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

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

The Commission, in cooperation with the ***European Data Protection Board, Fundamental Rights Agency,*** Coordinating Authorities and the EU Centre and after having conducted a public consultation, ***shall*** issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments, ***ensuring that the interference with the fundamental right to privacy and the other rights laid down in the Charter is limited to what is strictly necessary*** and the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 1210
Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1211
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

EDPS-EDPB opinion para 110

Amendment 1212

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1213

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Chapter II – Section 3 – title

Text proposed by the Commission

3 Reporting obligations

Amendment

3 Reporting ***and removal*** obligations

Or. en

Amendment 1214

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – title

Text proposed by the Commission

Reporting obligations

Amendment

Reporting **and removal** obligations

Or. en

Amendment 1215

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a provider of hosting services or a provider of **number-independent** interpersonal communications services 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 1216

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. Where a provider of hosting services or a provider of interpersonal

Amendment

1. Where a provider of hosting services or a provider of **publicly available**

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).

number-independent interpersonal communications services *has actual knowledge of alleged online child sexual abuse on its services* in any manner other than through a removal order issued in accordance with this Regulation, it shall promptly submit, *using state of the art encryption*, a report to the EU Centre *and the relevant competent national authority* in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Or. en

Amendment 1217

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a provider of hosting services or a provider of *number-independent* interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of any information indicating potential child sexual abuse *material* 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).

Or. en

Amendment 1218

Rob Rooken

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a provider of hosting services or a provider of **number independent** interpersonal communications services 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).

Or. en

Amendment 1219
Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

1a. Where a provider of hosting services has actual knowledge of online child sexual abuse material on its services and of its unlawful nature it shall expeditiously remove or disable access to it in all Member States.

Or. en

Justification

Where a provider of hosting services has actual knowledge of online child sexual abuse material on its services and of its unlawful nature but does not expeditiously remove or disable access to it, it is no longer exempt from liability according to the Digital Services Act and should be obliged to remove the material, to prevent its continued circulation.

Amendment 1220

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

Where the provider submits a report pursuant to paragraph 1, it shall **request authorisation from the EU Centre to notify** the user concerned, **which shall reply without undue delay, at maximum within two days. In case of authorisation, the provider shall notify the user without undue delay. The notification shall include** information on the main content of the report, on the manner in which the provider has become aware of the **alleged** child sexual abuse concerned, **on the authority the report has been transferred to**, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Or. en

Amendment 1221

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 1222

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

The EU Center shall coordinate with the relevant competent authority the requests it receives for exercise of individuals' right of access, rectification and deletion in relation to personal data processed pursuant to this Regulation.

Amendment 1223

Cornelia Ernst, Clare Daly

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

Text proposed by the Commission

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

Amendment

The provider shall inform the user concerned without undue delay.

Or. en

Amendment 1224

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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

Text proposed by the Commission

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

Amendment

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

Amendment 1225

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

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

Amendment 1226

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

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

Amendment 1227

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The EU Center shall coordinate with the relevant competent authority the requests it receives for exercise of individuals' right of access, rectification and deletion in relation to personal data processed pursuant to this Regulation.

Or. en

Justification

EDPS-EDPB opinion para 117

Amendment 1228

Patrick Breyer

on behalf of the Verts/ALE Group

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.

deleted

Or. en

Justification

Covered under specific measures, Article 4, now.

Amendment 1229

Paul Tang, Alex Agius Saliba

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The provider, ***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 1230
Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The provider shall establish and operate an accessible, age-appropriate, ***child-friendly*** and user-friendly mechanism, ***including self-reporting tools***, that allows users to flag ***or notify*** to the provider potential online child sexual abuse on the ***services. Those mechanisms shall allow for anonymous reporting already available through anonymous reporting channels as defined by Directive (EU) 2019/1937.***

Or. en

Amendment 1231
Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1232

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1233

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Providers of hosting services and providers of **number independent** interpersonal communications services shall submit the report referred to in Article

Annex III. The report shall include:

12 using the template set out in Annex III.
The report shall include, *insofar available*:

Or. en

Amendment 1234

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1235

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1236

Rob Rooken

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1237

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1238

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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

Text proposed by the Commission

Amendment

(aa) where applicable, an exact uniform resource locator and, where necessary, additional information for the identification of the child sexual abuse material

Or. en

Amendment 1239

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ab) the specific technology that enabled the provider to become aware of the potential online child sexual abuse;

Or. en

Amendment 1240

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

(c) content data;

Or. en

Amendment 1241

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

(c) *the relevant* content data

Or. en

Amendment 1242

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

(c) all content data *being reported*;

Or. en

Amendment 1243

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) where applicable, an exact uniform resource locator and, where necessary, additional information for the identification of the child sexual abuse material;

Or. en

Amendment 1244
Cornelia Ernst, Clare Daly

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

Text proposed by the Commission

Amendment

(ca) information on the reporting mechanism or specific technology used to detect the content;

Or. en

Amendment 1245
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1246
Paul Tang, Alex Agius Saliba, Birgit Sippel

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

Text proposed by the Commission

Amendment

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

Amendment 1247
Jadwiga Wiśniewska

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

Text proposed by the Commission

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

Amendment

(d) *other* available data related to the *reported* potential online child sexual abuse, *including unique identifiers of the user and metadata related to media files and communications*

Or. en

Amendment 1248
Cornelia Ernst, Clare Daly

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

Text proposed by the Commission

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

Amendment

(d) *other relevant* data other than content data related to the *suspected* online child sexual abuse;

Or. en

Amendment 1249
Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

(da) a list of all traffic data and metadata retained in relation to the potential online child sexual abuse, which

could be made available to law enforcement authorities, together with information concerning default retention periods.

Or. en

Amendment 1250
Cornelia Ernst, Clare Daly

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1251
Cristian Terheş

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1252
Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

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

(e) whether the potential online child sexual abuse **to their knowledge** concerns the dissemination of known or new child sexual abuse material or the solicitation of children;

Or. en

Amendment 1253

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 13 – paragraph 1 – point f

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 1254

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 13 – paragraph 1 – point f

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

If communications metadata that constitutes location data is meant, it should be defined accordingly. The term "Geographic location" creates uncertainty about the meaning. GPS cannot be meant because of the reference to IP-address.

Amendment 1255

Patrick Breyer

on behalf of the Verts/ALE Group

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 ***apparent*** geographic location related to the potential online child sexual abuse, such as the Internet Protocol address;

Or. en

Amendment 1256

Cornelia Ernst, Clare Daly

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 ***suspected*** online child sexual abuse

Or. en

Amendment 1257

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

(g) **a list of available** information **indicating** the identity of any user involved in the potential online child sexual abuse **together with default retention periods**;

Or. en

Amendment 1258

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 13 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1259

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ga) whether the provider considers that the report involves and imminent threat to the life or safety of a child or requires urgent action;

Or. en

Amendment 1260

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 13 – paragraph 1 – point h

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1261

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 – point i

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1262

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 13 – paragraph 1 – point i

Text proposed by the Commission

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

Amendment

(i) where the ***suspected*** online child sexual abuse concerns the dissemination of known child sexual abuse material, whether the provider has removed access to the material;

Or. en

Amendment 1263

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ia) information on the specific technology that enabled the provider to become aware of the relevant abusive content, in case the provider became aware of the potential child sexual abuse following measures taken to execute a detection order issued in accordance with Article 7 of the Proposal.

Or. en

Justification

EDPS-EDPB opinion para 77

Amendment 1264

Alessandra Mussolini

Proposal for a regulation

Article 13 – paragraph 1 – point j

Text proposed by the Commission

Amendment

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

(j) whether the provider considers that the report **is indicative of an imminent threat to the life or safety of a child or otherwise** requires urgent action;

Or. it

Amendment 1265

Paul Tang, Alex Agius Saliba

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ja) 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 1266

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

**Proposal for a regulation
Article 14 – paragraph 1**

Text proposed by the Commission

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it ***or another independent administrative authority of that Member State*** to issue a 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.

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

Or. en

Amendment 1267

Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1268
Paul Tang, Alex Agius Saliba

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,

Amendment

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

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.

referred to in Article 36(1) identified as constituting child sexual abuse material.

Or. en

Amendment 1269
Maite Pagazaurtundúa, Moritz Körner

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1270
Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it 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 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 1271

Cornelia Ernst, Clare Daly

**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 within 24 hours of receipt thereof. ***For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider, but in any case no longer than 3 days.***

Or. en

Amendment 1272

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

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 within 24 hours of receipt thereof. ***For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider.***

Or. en

Amendment 1273

Paul Tang, Alex Agius Saliba, Birgit Sippel

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 within 24 hours of receipt thereof. ***For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider.***

Or. en

Amendment 1274

Rob Rooken

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 within 24 hours of receipt thereof. ***For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider.***

Or. en

Amendment 1275
Patrick Breyer

Proposal for a regulation
Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1276
Patrick Breyer
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

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

Amendment

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

Amendment 1277

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 3 – point c

Text proposed by the Commission

Amendment

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

deleted

Amendment 1278

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 14 – paragraph 3 – point g

Text proposed by the Commission

Amendment

(g) a reference to this Regulation as the legal basis for the removal order;

(g) a reference to *Article 14 of* this Regulation as the legal basis for the removal order;

Amendment 1279

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 3 – point h

Text proposed by the Commission

Amendment

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

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

Amendment 1280

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 1281

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 14 – paragraph 5 – subparagraph 1

Text proposed by the Commission

If the provider cannot execute the removal order on grounds of force majeure or de facto impossibility *not attributable to it, including for objectively justifiable technical or operational reasons*, it shall, without undue delay, inform the Coordinating Authority of establishment of those grounds, using the template set out in Annex V.

Amendment

If the provider cannot execute the removal order on grounds of force majeure or de facto impossibility it shall, without undue delay, inform the Coordinating Authority of establishment of those grounds, using the template set out in Annex V.

Amendment 1282

Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 14 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *If the provider considers that the removal order has not been issued in accordance with this Article, or is manifestly abusive, it shall refuse to execute the order and provide a reasoned justification to the Coordinating Authority that issued the order.*

Or. en

Amendment 1283
Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission

Amendment

7. The provider shall, without undue delay and using the template set out in Annex VI, inform the Coordinating Authority of establishment and the EU Centre, of the measures taken to execute the removal order, indicating, in particular, whether the provider removed the child sexual abuse material *or disabled access thereto* in all Member States and the date and time thereof.

7. The provider shall, without undue delay and using the template set out in Annex VI, inform the Coordinating Authority of establishment and the EU Centre, of the measures taken to execute the removal order, indicating, in particular, whether the provider removed the child sexual abuse material in all Member States and the date and time thereof.

Or. en

Amendment 1284
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Where Europol or a national authority become aware of the presence of child sexual abuse material on a hosting service, they shall notify the Coordinating authority of its exact uniform resource locator, and the Coordinating authority shall request a removal order where the conditions of paragraph 1 are met.

Or. en

Justification

To ensure that hosted child sexual abuse material known to authorities is removed. In an operation against the “Boystown” online child sexual abuse platform, Europol and the German Federal Crime Agency (BKA) did not ensure that the child sexual abuse material shared via the platform they had access to was removed by the hosting services, resulting in its continued circulation and proliferation.

Amendment 1285

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1286

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1287

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1288

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 15 – paragraph 3 – point a

Text proposed by the Commission

(a) the fact that it removed the material *or disabled access thereto*;

Amendment

(a) the fact that it removed the material;

Or. en

Amendment 1289

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 15 – paragraph 3 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1290

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 15 – paragraph 3 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1291

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 15 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

In such a case:

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

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

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

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

Or. en

Justification

The removal or disabling of content as such will alert the criminal that the content has been identified. Effective coordination, in line with the proposed Article 14.1a, is needed to avoid disruption of investigations.

Amendment 1292

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1293

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Chapter II – Section 5

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 1294

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

**Proposal for a regulation
Chapter II – Section 5**

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Blockings can be circumvented. CSAM must be removed.

Amendment 1295

Patrick Breyer

on behalf of the Verts/ALE Group

Rob Rooken, Paul Tang, Karen Melchior, Cristian Terheş

**Proposal for a regulation
Chapter II – Section 5**

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

(for deleting blocking provisions entirely): Access blocking is ineffective and can easily be circumvented by persons actively seeking access to unlawful content. Also it is usually technologically impossible to comply with the prohibition of collateral or excessive blocking of access to lawful content hosted on the same website or server or via the same IP address (ECtHR, Vladimir Kharitonov v. Russia, 10795/14).

Amendment 1296

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1297

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1298

Rob Rooker

Proposal for a regulation

Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Technically infeasible.

Amendment 1299

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1300
Cristian Terheş

Proposal for a regulation
Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1301
Cristian Terheş

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. *The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or an independent administrative authority of that Member State to issue a blocking order requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing known child sexual abuse material indicated by all uniform resource locators on the list of uniform resource locators included in the database of indicators, in accordance with Article 44(2), point (b) and provided by the EU Centre.*

deleted

Or. en

Amendment 1302
Cristian Terhes

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

Amendment

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

To that end, it shall, where appropriate:

(a) verify that, in respect of all or a representative sample of the uniform resource locators on the list referred to in paragraph 1, the conditions of Article 36(1), point (b), are met, including by carrying out checks to verify in cooperation with the EU Centre that the list is complete, accurate and up-to-date;

(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, the necessary information, in particular regarding the accessing or attempting to access by users of the child sexual abuse material indicated by the uniform resource locators, regarding the provider's policy to address the risk of dissemination of the child sexual abuse material and regarding the provider's financial and technological capabilities and size;

(c) request the EU Centre to provide the necessary information, in particular explanations and assurances regarding the accuracy of the uniform resource locators in indicating child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;

(d) request any other relevant public authority or relevant experts or entities to

provide the necessary information.

Or. en

Amendment 1303
Cristian Terheş

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Coordinating Authority of establishment shall, before requesting the issuance of the blocking order, inform the provider of its intention to request the issuance of the blocking order, specifying the main elements of the content of the intended blocking order and the reasons to request the blocking order. It shall afford the provider an opportunity to comment on that information, within a reasonable time period set by that Coordinating Authority.* **deleted**

Or. en

Amendment 1304
Cristian Terheş

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

Amendment

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

(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or

attempting to access the child sexual abuse material indicated by the uniform resource locators;

(b) the blocking order is necessary to prevent the dissemination of the child sexual abuse material to users in the Union, having regard in particular to the quantity and nature of that material, the need to protect the rights of the victims and the existence and implementation by the provider of a policy to address the risk of such dissemination;

(c) the uniform resource locators indicate, in a sufficiently reliable manner, child sexual abuse material;

(d) the reasons for issuing the blocking order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties, including the exercise of the users' freedom of expression and information and the provider's freedom to conduct a business.

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, including any information obtained pursuant to paragraph 2 and the views of the provider submitted in accordance with paragraph 3.

Or. en

**Amendment 1305
Cristian Terhes**

**Proposal for a regulation
Article 16 – paragraph 5**

Text proposed by the Commission

Amendment

5. The Coordinating Authority of ~~deleted~~

establishment when requesting the issuance of blocking orders, and the competent judicial or independent administrative authority when issuing the blocking order, shall:

(a) specify effective and proportionate limits and safeguards necessary to ensure that any negative consequences referred to in paragraph 4, point (d), remain limited to what is strictly necessary;

(b) subject to paragraph 6, ensure that the period of application remains limited to what is strictly necessary.

Or. en

Amendment 1306
Cristian Terheş

Proposal for a regulation
Article 16 – paragraph 6

Text proposed by the Commission

Amendment

6. The Coordinating Authority shall specify in the blocking order the period during which it applies, indicating the start date and the end date. **deleted**

The period of application of blocking orders shall not exceed five years.

Or. en

Amendment 1307
Cristian Terheş

Proposal for a regulation
Article 16 – paragraph 7

Text proposed by the Commission

Amendment

7. In respect of the blocking orders that the competent judicial authority or independent administrative authority **deleted**

issued at its request, the Coordinating Authority shall, where necessary and at least once every year, assess whether any substantial changes to the grounds for issuing the blocking orders occurred and, in particular, whether the conditions of paragraph 4 continue to be met.

That Coordinating Authority shall request to the competent judicial authority or independent administrative authority that issued the blocking order the modification or revocation of such order, where necessary in the light of the outcome of that assessment or to take account of justified requests or the reports referred to in Article 18(5) and (6), respectively. The provisions of this Section shall apply to such requests, mutatis mutandis.

Or. en

Amendment 1308

Rob Rooken

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1309

Cristian Terheş

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1310
Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1311
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel

Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1312
Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1313

Cristian Terheş

**Proposal for a regulation
Article 17 – paragraph 1**

Text proposed by the Commission

Amendment

1. The Coordinating Authority of establishment shall issue the blocking orders referred to in Article 16 using the template set out in Annex VII. Blocking orders shall include: *deleted*

(a) the reference to the list of uniform resource locators, provided by the EU Centre, and the safeguards to be provided for, including the limits and safeguards specified pursuant to Article 16(5) and, where applicable, the reporting requirements set pursuant to Article 18(6);

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

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

(d) the specific service in respect of which the detection order is issued;

(e) the start date and the end date of the blocking order;

(f) a sufficiently detailed statement of reasons explaining why the blocking order is issued;

(g) a reference to this Regulation as the legal basis for the blocking order;

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

(i) easily understandable information about the redress available to the addressee of the blocking order, including information about redress to a court and about the time periods applicable to such

redress.

Or. en

Amendment 1314

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 17 – paragraph 1 – point d

Text proposed by the Commission

(d) the specific service in respect of which the detection order is issued;

Amendment

(d) the specific service in respect of which the **targeted** detection order is issued;

Or. en

Amendment 1315

Cristian Terheş

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 1316

Cristian Terheş

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1317
Cristian Terheş

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1318
Cristian Terheş

Proposal for a regulation
Article 17 – paragraph 5

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1319
Cristian Terheş

Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes VII and VIII where necessary to improve the templates in view of relevant technological developments or practical experiences gained.*

deleted

Or. en

Amendment 1320
Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1321
Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1322

Cristian Terheş

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1323

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1324

Rob Rooker

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1325

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Liability of providers

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

Or. en

Justification

Redundant, see Art 7 DSA

Amendment 1326

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation
Article 19 – title

Text proposed by the Commission

Amendment

Liability of providers

Liability of providers ***and hotlines***

Or. en

Amendment 1327

Rob Rooker

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

Amendment

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

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, ***or because of the voluntary measures they take to remove or disable access to child sexual abuse material on their services.***

Or. en

Justification

Providers shall not be held liable for the measures they implement on a voluntary basis. All providers have strong incentives to fight against child sexual abuse materials and shall not be discouraged from proactively or reactively act or build measures to do so. This exemption must be specifically stated in the regulation.

Amendment 1328

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

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

Or. en

Amendment 1329

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1330
Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1331
Paul Tang, Alex Agius Saliba

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1332

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

Proposal for a regulation
Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a

Respect to Privacy

Nothing in this Regulation shall be interpreted as a requirement to

- 1. break cryptography;***
- 2. scan content on users' devices;***
- 3. restrict anonymous access to online services and software applications.***

Or. en