


# Procedure file

Basic information	
CNS - Consultation procedure	1998/0917(CNS)
Internet: combat child pornography	Procedure lapsed or withdrawn
Subject	
3.30.16 Ethical information policy 4.10.03 Child protection, children's rights 7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties and Internal Affairs		01/12/1998
		PSE <a href="#">SCHMID Gerhard</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs, Citizens' Rights		21/01/1999
		UPE <a href="#">CROWLEY Brian</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2146</a>	03/12/1998

Key events			
23/11/1998	Legislative proposal published	<a href="#">10850/5/1998</a>	Summary
03/12/1998	Debate in Council	<a href="#">2146</a>	
18/12/1998	Committee referral announced in Parliament		
16/03/1999	Vote in committee		
16/03/1999	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0141/1999</a>	
12/04/1999	Debate in Parliament		
13/04/1999	Decision by Parliament	T4-0245/1999	Summary
01/05/1999	End of procedure in Parliament		

Technical information	
Procedure reference	1998/0917(CNS)
Procedure type	CNS - Consultation procedure

Procedure subtype	Legislation
Legal basis	Treaty on the European Union (after Amsterdam) M K.3
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/4/10582

## Documentation gateway

Document attached to the procedure	<a href="#">B4-0881/1998</a>	22/09/1998	EP	
Document attached to the procedure	<a href="#">B4-0882/1998</a>	22/09/1998	EP	
Legislative proposal	<a href="#">10850/5/1998</a>	23/11/1998	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0141/1999</a> <a href="#">OJ C 219 30.07.1999, p. 0005</a>	16/03/1999	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0245/1999 <a href="#">OJ C 219 30.07.1999, p. 0023-0073</a>	13/04/1999	EP	Summary

## Internet: combat child pornography

**OBJECTIVE:** to establish a joint action on the basis of Article K.3 of the Treaty on European Union to combat child pornography on the Internet. **CONTENT:** this draft joint action aims to prevent and combat sexual abuse of children and, in particular, the production, distribution and possession of child pornography by means of the Internet. To achieve this, the proposal provides that Member States will take the necessary measures to encourage Internet users to inform the regulatory authorities in question (directly or indirectly) of suspected distribution of child pornography material on the Internet. This draft joint action also envisages strengthening the units in charge of these matters in the Member States so that they can act swiftly against the authors and users of these products. Provision is equally made for cooperation between Member States, such as the use of information from Interpol and appropriate information from EUROPOL. ?Ad hoc? meetings of those in charge of these matters in each Member State are also envisaged within the framework of EUROPOL. The proposal further provides that Member States, in direct cooperation with representatives of industry related to the Internet, should make every effort to eliminate child pornography from this information network, whether on a voluntary or legal basis. Specific measures are proposed to achieve this (essentially an exchange of information). It is also proposed that an assessment be carried out of the impact of actions implemented in the Member States within the framework of this joint action and that, based on this assessment, possible changes be envisaged with a view to further strengthening the proposed actions.?

## Internet: combat child pornography

Under consultation procedure, the European Parliament approved the legislative resolution by Gerhard Schmid (PSE,DE), which approves the draft joint action adopted by the Council on the basis of Article K.3 of the Treaty on European Union, to combat child pornography on the Internet, subject to amendments, notably in the following areas: - deleting reference to the Council resolution of 20/12/96 on individuals who cooperate with the judicial process in the fight against international organised crime; - adding a reference to the European Parliament's decision of 17/11/98 on the Council common position on the proposed decision to adopt a multiannual Community action plan on promoting safer use of the Internet by combatting illegal and harmful content on global networks, and the Commission's opinion with regard to the Parliament's decision, and in particular its amendment advocating a system of visible Quality-Site Labels; - reinforcing the wording with regard to the importance and respect which should be accorded to the physical and emotional integrity of children and the protection of victims of sexual crimes; - requiring specific efforts to be made by Member States to ensure appropriate and deterrent penalties against the circulation of child pornography via the Internet, while also ensuring that persons acquiring such material for the purposes of forwarding it to the law enforcement authorities shall not be punished; - defining a child, for the purposes of the draft action, as any person under the age of 15; - instead of requiring Member States to take measures to encourage Internet users to inform law enforcement authorities of the circulation of child pornography via the Internet, requiring Member States to give those same authorities the statutory and practical means for searching the Internet systematically for child pornography material; - making it a requirement (rather than a possible option) under the draft action that Member States set up specialised units within law enforcement to investigate (and the Parliament further stresses that this should be done independently) and deal swiftly with information on suspected circulation of child pornography via the Internet; - allowing Member States' law enforcement authorities to delay action for tactical reasons, for example in order to break child pornography rings; - specifying that Member States' cooperation in this field must be rapid, direct and immediate; - placing greater emphasis on the need to continue efforts by Member States to set up 24-hour points of contact consisting of knowledgeable personnel in order to improve the exchange of information and increase reciprocal contacts; - stressing the need to inform Europol immediately of suspected cases of child pornography, first and foremost by means of electronic communications; - deleting the proposal that Member States, in cooperation with Europol, should organise regular meetings of competent authorities specialising in this area with a view to promoting general information exchanges, analysis of the situation and tactical coordination; - providing for involvement at an early stage of the Central and Eastern European Countries (CEECs) in the fight against child pornography; - firming up the wording with regard to taking measures in relation to the Internet industry, by requiring that such measures must be taken within the framework of the draft action (rather than being a possible option) and must furthermore be legally binding; - adding to the measures to be taken by Member States with regard to the Internet industry measures to ensure that the identity of persons who have set up an e-mail address can be ascertained; - introducing a minimum period of three months, regardless of applicable national law, for traffic related

data to be made available for inspection by the criminal prosecution authorities; - deleting the requirement that Member States regularly verify whether technological developments require, in order to continuing efficiency in the fight against child pornography on the Internet, changes to criminal procedural law; - deleting the requirement that Member States cooperate, in contact with the industry, to encourage the production of filters and other technical means to prevent and detect the distribution of child pornography; - setting a deadline of July 2000 for the Council to examine the extent to which Member States have fulfilled their obligations in this area, and the measures set out in the draft joint action have proved effective.?