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Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2022/0155(COD) Awaiting Parliament's position in 1st reading
Combating child sexual abuse online	
Subject 3.30.25 International information networks and society, internet 4.10.03 Child protection, children's rights 7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling 7.40.04 Judicial cooperation in criminal matters	
Legislative priorities Joint Declaration 2023-24 Joint Declaration 2022	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs		
	Former committee responsible		10/10/2022
	 Civil Liberties, Justice and Home Affairs		ZARZALEJOS Javier
	Committee for opinion	Rapporteur for opinion	Appointed
	 Budgets		
	 Internal Market and Consumer Protection (Associated committee)		
	 Culture and Education		
	 Women's Rights and Gender Equality		
	Former committee for opinion		05/07/2022
 Internal Market and Consumer Protection (Associated committee)		AGIUS SALIBA Alex	
 Budgets		21/06/2022	
 Culture and Education		HERBST Niclas	
 Culture and Education		24/06/2022	
 Women's Rights and Gender Equality		KIZILYÜREK Niyazi	
 Women's Rights and Gender Equality		FRITZON Heléne	
 Women's Rights and Gender Equality		13/12/2022	

Key events

11/05/2022	Legislative proposal published	COM(2022)0209	Summary
12/09/2022	Committee referral announced in Parliament, 1st reading		
16/02/2023	Referral to associated committees announced in Parliament		
16/11/2023	Committee report tabled for plenary, 1st reading	A9-0364/2023	Summary
20/11/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
22/11/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		

Technical information

Procedure reference	2022/0155(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Rules of Procedure EP 57_o; Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	LIBE/10/00194

Documentation gateway

Legislative proposal	COM(2022)0209	11/05/2022	EC	Summary
Document attached to the procedure	SEC(2022)0209	12/05/2022	EC	
Document attached to the procedure	SWD(2022)0209	12/05/2022	EC	
Document attached to the procedure	SWD(2022)0210	12/05/2022	EC	
Committee report tabled for plenary, 1st reading/single reading	A9-0364/2023	16/11/2023	EP	Summary

Combating child sexual abuse online

PURPOSE: to set out a clear and harmonised legal framework on preventing and combating child sexual abuse.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children but also for perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union, and to protect society at large.

In the absence of harmonised rules at EU level, social media platforms, gaming services, other hosting and online service providers face divergent rules. Certain providers voluntarily use technology to detect, report and remove child sexual abuse material on their services. Measures taken, however, vary widely and voluntary action has proven insufficient to address the issue.

The protection of children, both offline and online, is a Union priority.

CONTENT: in order to address the abovementioned challenges, the Commission proposed to establish a clear and harmonised legal framework on preventing and combating online child sexual abuse. It seeks to provide legal certainty to providers as to their responsibilities to assess and mitigate risks and, where necessary, to detect, report and remove such abuse on their services in a manner consistent with the fundamental rights laid down in the Charter and as general principles of EU law.

This proposal therefore lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse in the internal market. It establishes, in particular:

An EU Centre

The proposal seeks to establish the EU Centre on Child Sexual Abuse (EUCSA) as a decentralised agency to enable the implementation of the new Regulation. It aims to help remove obstacles to the internal market, especially in connection to the obligations of providers under this Regulation to detect online child sexual abuse, report it and remove child sexual abuse material. The Centre will create, maintain and operate databases of indicators of online child sexual abuse that providers will be required to use to comply with the detection obligations. These databases should therefore be ready before the Regulation enters into application. To ensure that, the Commission has already made funding available to Member States to help with the preparations of these databases.

Mandatory risk assessment and risk mitigation measures

Providers of hosting or interpersonal communication services will have to assess the risk that their services are misused to disseminate child sexual abuse material or for the solicitation of children, known as grooming. Providers will also have to propose risk mitigation measures.

Targeted detection obligations, based on a detection order

Member States will need to designate national authorities in charge of reviewing the risk assessment. Where such authorities determine that a significant risk remains, they can ask a court or an independent national authority to issue a detection order for known or new child sexual abuse material or grooming. Detection orders are limited in time, targeting a specific type of content on a specific service.

Strong safeguards on detection

Companies having received a detection order will only be able to detect content using indicators of child sexual abuse verified and provided by the EU Centre. Detection technologies must only be used for the purpose of detecting child sexual abuse. Providers will have to deploy technologies that are the least privacy-intrusive in accordance with the state of the art in the industry, and that limit the error rate of false positives to the maximum extent possible.

Clear reporting obligations

The proposal obliges providers that have detected online child sexual abuse to report it to the EU Centre.

Effective removal

National authorities can issue removal orders if the child sexual abuse material is not swiftly taken down. Internet access providers will also be required to disable access to images and videos that cannot be taken down, e.g., because they are hosted outside the EU in non-cooperative jurisdictions.

Reducing exposure to grooming

The rules require software application stores to ensure that children cannot download applications that may expose them to a high risk of solicitation of children.

Solid oversight mechanisms and judicial redress

Detection orders will be issued by courts or independent national authorities. To minimise the risk of erroneous detection and reporting, the EU Centre will verify reports of potential online child sexual abuse made by providers before sharing them with law enforcement authorities and Europol. Both providers and users will have the right to challenge any measure affecting them in Court.

Combating child sexual abuse online

The Committee on Civil Liberties, Justice and Home Affairs adopted a report by Javier ZARZALEJOS (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter and scope

The proposed Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse, in order to contribute to the proper functioning of the internal market and to create a safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights enshrined in the Charter are effectively protected. It establishes, inter alia, obligations on providers of online games.

It should not apply to audio communications.

Detection obligations

Concerning detection orders and its consequent detection obligations, Members considered that they should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (known material), but also material not previously detected that is likely to constitute child sexual abuse material but has not yet been confirmed as such (new material), as well as activities constituting the solicitation of children (grooming).

In the adopted text, Members excluded end-to-end encryption from the scope of the detection orders to guarantee that all users communications are secure and confidential. Providers would be able to choose which technologies to use as long as they comply with the strong safeguards foreseen in the law, and subject to an independent, public audit of these technologies.

In order to stress detection orders as a mechanism of last resort, Members proposed reinforcing prevention as part of the mitigation measures to be taken by relevant society communication services. Mitigation measures may include targeted measures to protect the rights of the child, including safety and security design for children by default, functionalities enabling age assurance and age scoring, age-appropriate parental control tools, allowing flagging and/or notifying mechanisms, self-reporting functionalities, or participating in codes of conduct for protecting children.

Detection orders should contain information about the right to appeal to a court of law according to the national legislation.

Reporting obligations

Providers of hosting services and providers of number-independent interpersonal communication services should establish and operate an easy to access, age-appropriate, child-friendly and user-friendly mechanism that allows any users or entity to flag or notify them of the presence on their service of specific items of information that the individual or entity considers to be potential online child sexual abuse, including self-generated material.

EU centre for child protection

Under the amended text, the European Union Agency to prevent and combat child sexual abuse, the EU Centre for child protection, is established. It should gather and share anonymised information, gender-, and age-disaggregated statistics, and expertise, educational materials and best practices and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online. It should promote and ensure the appropriate support and assistance to victims.

Victims Rights and Survivors Consultative Forum

Members proposed to create a Victims Rights and Survivors Consultative Forum to make sure that victims voices are heard.

Establishment of an online European Child Protection Platform

Members proposed that the EU Centre should create, maintain and operate an online platform for the presentation of information about Member States hotlines and helplines ('Child Protection Platform'). That platform may also be used for the promotion of awareness-raising and prevention campaigns. The platform should be accessible 24 hours a day and seven days a week in all Union languages and shall be child-friendly, age-appropriate and accessible.

Seat

The choice of the location of the seat of the EU Centre should be made in accordance with the ordinary legislative procedure, based on specific criteria. The Commission had initially proposed the Netherlands.

Review

Within three years from the entry into force of the Regulation, the Commission should submit a report to the European Parliament and to the Council on the necessity and feasibility of including the solicitation of children in the scope of the detection orders, taking into account in particular the reliability and accuracy of the state of art of the detection technologies. Where appropriate, the report should be accompanied by legislative proposals.

Transparency				
TANG Paul	Shadow rapporteur	LIBE	10/06/2024	Centre for Democracy & Technology, Europe
TANG Paul	Shadow rapporteur	LIBE	04/04/2024	UN Special Rapporteur on the sale and sexual exploitation of children
BREYER Patrick	Shadow rapporteur	LIBE	03/04/2024	Ella Jakubowska, EDRI - TBC Brian Donnelly, EDRI Sharon Polsky, PACC - TBC Silvia Lorenzo Perez, CDT Alexander Hanff, Hanff & Co.

				Monica Horten, IPtegrity Hannes Stummer, Epicenter.works Susan Landau, academic at Tufts University Bart Preneel, BE academic, Leuven university Carmela Troncoso, academic at the École polytechnique fédérale de Lausanne (EPFL) Irene, Xnet Marko Hölbl, University of Maribor Maja Cimerman, Slovenian NGO danesjenovdan
BREYER Patrick	Shadow rapporteur	LIBE	03/04/2024	Tom Jennissens, German campaign "Chatkontrolle stoppen!" Olaf Berberich, GISAD Konstantin Macher Achim Klabunde, DVD (Data protection org) Kai Rannenber, CEPIS
TANG Paul	Shadow rapporteur	LIBE	03/04/2024	UNICEF
TANG Paul	Shadow rapporteur	LIBE	03/04/2024	The Office of the High Commissioner for Human Rights (OHCHR)
TANG Paul	Shadow rapporteur	LIBE	03/04/2024	International Telecommunication Union (ITU)
TANG Paul	Shadow rapporteur	LIBE	03/04/2024	Safe Online
TANG Paul	Shadow rapporteur	LIBE	15/03/2024	Film and Publication Board (FPB)
TANG Paul	Shadow rapporteur	LIBE	07/03/2024	Stichting Defence for Children International Nederland -ECPAT Nederland
SIPPEL Birgit	Member	28/02/2024	Microsoft Corporation	
GUSMÃO José	Member	15/11/2023	Quebrar o Silêncio Miúdos Seguros Na.Net	
AZMANI Malik	Member	09/11/2023	International Justice Mission (NL), SafetoNet	
WINZIG Angelika	Member	06/11/2023	ECPAT Österreich-Arbeitsgemeinschaft zum Schutz der Rechte der Kinder vor sexueller Ausbeutung	
SIPPEL Birgit	Member	23/10/2023	BalkanInsights	
AZMANI Malik	Member	17/10/2023	Head of EU and Governmental Affairs of Apple Inc.	
TORVALDS	Member	10/10/2023	Electronic Frontier Finland	

Nils			
GUSMÃO José	Member	10/10/2023	Privacy Lx
LENAERS Jeroen	Member	27/09/2023	European Digital Rights
RIBA I GINER Diana	Member	20/09/2023	Federación de Asociaciones para la Prevención del Maltrato Infantil