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ENFOPOL 12  
CRIMORG 3  
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DATAPROTECT 9  
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TELECOM 11  
COMPET 21  
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CONSOM 6  
DIGIT 10  
CODEC 30

**NOTE**

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From:	Presidency
To:	Law Enforcement Working Party (Police)
No. prev. doc.:	16329/24
Subject:	Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse – Presidency compromise texts

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With a view to the meeting of the Law Enforcement Working Party (Police) on 5 February 2025, delegations will find in the Annex Presidency compromise texts on the above proposal.

After more than two and half years of discussions in the Council, the Presidency aims at providing an innovative solution for a compromise that would provide efficient tools to limit the spread of child sexual abuse online while ensuring full compliance with fundamental rights that are foundations of our democracies and while addressing concerns related to the protection of our cyber resilience and cyber security.

The main elements of the compromise, compared to the previous version of the text are set out below:

- a) Detection orders are deleted from the scope of the Regulation (Articles 7 to 11).
- b) A review clause is maintained with the invitation to the Commission to assess within three years after entry into force of this Regulation the legal and technological possibilities of mandatory detection in the future (Article 85).
- c) The derogation from certain provisions of Directive 2002/58/EC is included in the Regulation as a permanent measure (Article 4a).
- d) Consequential amendments due to the changed scope of the proposal with a focus on strengthening aspects of prevention are introduced throughout the text, in particular regarding the tasks of the Coordinating Authorities, the other competent authorities and the EU Centre.
- e) More emphasis is put on measures to protect children in the digital environment. High risk service providers, in cooperation with the EU Centre, should be required to contribute to the development of reliable and accurate technologies to detect online child sexual abuse. Collaboration between service providers, Members States, other relevant stakeholders and the EU Centre should support efforts to prevent online child sexual abuse and contribute to the broader child protection framework.

Changes to the Commission proposal are marked in **bold** and ~~strikethrough~~.

New changes to the Commission proposal in comparison to document 16329/24 are marked in **bold underline** and ~~strikethrough underline~~.

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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**laying down rules to prevent and combat child sexual abuse**

(Text with EEA relevance)

HAVE ADOPTED THIS REGULATION:

**CHAPTER I**

**GENERAL PROVISIONS**

*Article 1*

*Subject matter and scope*

1. This Regulation lays down uniform rules to **prevent and combat** ~~address~~ **in a targeted, carefully balanced and proportionate manner** the misuse of relevant information society services for online child sexual abuse in the internal market.

It establishes, in particular:

- (a) obligations on providers of relevant information society services to ~~minimise the risk that~~ **make best efforts to prevent the use of** their services ~~are misused~~ for online child sexual abuse;
- (b) obligations on providers of hosting services and providers of interpersonal communications services to ~~detect and~~ report online child sexual abuse;
- (c) obligations on providers of hosting services to remove or disable access to child sexual abuse material on their services;
- (d) obligations on providers of internet access services to **prevent users from accessing** access child sexual abuse material;
- (da) obligations on providers of online search engines to delist websites indicating specific items of child sexual abuse;**
- (e) rules on the implementation and enforcement of this Regulation, including as regards the designation and functioning of the competent authorities of the Member States, the EU Centre on Child Sexual Abuse established in Article 40 ('EU Centre') and cooperation and transparency.

2. This Regulation shall apply to providers of relevant information society services offering such services in the Union, irrespective of their place of main establishment.
3. This Regulation shall not affect the rules laid down by the following legal acts:
  - (a) Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA;
  - (b) **Directive 2000/31/EC and Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)...** of the European Parliament and of the Council [~~on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC~~];
  - (ba) **Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)**;
  - (c) Directive 2010/13/EU;
  - (d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, and, subject to paragraph 4 of this Article, Directive 2002/58/EC;
  - (e) **Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online.**
- 3a. **This Regulation shall not have the effect of modifying the obligation to respect the rights, freedoms and principles referred to in Article 6 TEU and shall apply without prejudice to fundamental principles relating to the right for respect to private life and family life and to freedom of expression and information.**
4. This Regulation limits the exercise of the rights and obligations provided for in Article 5(1) ~~and (3)~~ and Article 6(1) of Directive 2002/58/EC to the extent strictly insofar as necessary in accordance with Article 4a. for the execution of the detection orders issued in accordance with Section 2 of Chapter 1 II of this Regulation.
5. ~~Without prejudice to Article 10(1),~~ **This Regulation shall not prohibit, make impossible, weaken, circumvent or otherwise undermine cybersecurity measures, in particular encryption, including end-to-end encryption, implemented by the relevant information society services or by the users. This Regulation shall not create any obligation that would require a provider of hosting services or a provider of interpersonal communications services to decrypt data or create access to end-to-end encrypted data, or that would prevent providers from offering end-to-end encrypted services.**
6. **This Regulation shall not create any obligation that would require a provider of hosting services or a provider of interpersonal communications services to use technologies to detect or filter online child sexual abuse in generalised and indiscriminate manner.**

## Article 2

### Definitions

For the purpose of this Regulation, the following definitions apply:

- (a) ‘hosting service’ means an information society service as defined in Article 23(g), point (iii) point (f), ~~third indent~~, of Regulation (EU) 2022/2065 ~~.../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]~~;
- (b) ‘interpersonal communications service’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972, including services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service;
- (ba) ‘number-independent interpersonal communications service’ means a number-independent interpersonal communications service as defined in Article 2, point 7, of Directive (EU) 2018/1972;**
- (c) ‘software application’ means a digital product or service as defined in Article 2, point 15 ~~13~~, of Regulation (EU) 2022/1925 ~~.../... [on contestable and fair markets in the digital sector (Digital Markets Act)]~~;
- (d) ‘software application store’ means a service as defined in Article 2, point 14 ~~12~~, of Regulation (EU) 2022/1925 ~~.../... [on contestable and fair markets in the digital sector (Digital Markets Act)]~~;
- (e) ‘internet access service’ means a service as defined in Article 2(2), point 2, of Regulation (EU) 2015/2120 of the European Parliament and of the Council<sup>1</sup>;
- (f) ‘relevant information society services’ means all of the following services:
  - (i) a hosting service;
  - (ii) an interpersonal communications service;
  - (iii) a software applications store;
  - (iv) an internet access service;
  - (v) online search engines.**

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<sup>1</sup> Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).

- (g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 3 2, point (d), of Regulation (EU) 2022/2065 .../... ~~[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]~~;
- (h) ‘user’ means any natural or legal person who uses a relevant information society service;
- (i) ‘child’ means any natural person below the age of 18 years;
- ~~(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of 17 years;~~
- (k) ‘micro, small or medium-sized enterprise’ means an enterprise as defined in Commission Recommendation 2003/361 concerning the definition of micro, small and medium-sized enterprises<sup>2</sup>;
- (l) ‘child sexual abuse material’ means: material constituting child pornography or pornographic performance as defined in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU;
- (m) ‘known child sexual abuse material’ means potential child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);
- (n) ‘new child sexual abuse material’ means potential child sexual abuse material **other than known child sexual abuse material** using the indicators contained in the database of indicators referred to in Article 44(1), point (b);
- (o) ‘solicitation of children’ means the solicitation of children for sexual purposes as referred to in Article 6 of Directive 2011/93/EU;
- (p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;
- (q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU;
- (r) ‘recommender system’ means the system as defined in Article 3, point (s) 2, ~~point (o)~~, of Regulation (EU) 2022/2065 .../... ~~[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]~~;

<sup>2</sup> Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36–41).

- (s) ‘content data’ means data as defined in ~~Article 2, point 10,~~ **Article 3, point 12** of Regulation (EU) **2023/1543 of the European Parliament and of the Council of 12 July 2023** ~~...~~*[on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings matters (.../... e-evidence Regulation)]*;
- (t) ‘content moderation’ means the activities as defined in **Article 3, point (t) 2,** ~~point (p),~~ of Regulation (EU) **2022/2065** ~~...~~*[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*;
- (ta) **‘Competent authority of establishment’ means the competent authority designated in accordance with Article 25 by the Member State where the provider of information society services has its main establishment or, where applicable, where its legal representative resides or is established;**
- (u) ‘Coordinating Authority of establishment’ means the **competent authority designated as the** Coordinating Authority for child sexual abuse issues ~~designated~~ in accordance with Article 25 by the Member State where the provider of information society services has its main establishment or, where applicable, where its legal representative resides or is established;
- (v) ‘terms and conditions’ means terms and conditions as defined in **Article 3, point (u) 2,** ~~point (q),~~ of Regulation (EU) **2022/2065** ~~...~~*[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*;
- (w) ‘main establishment’ means the head office or registered office of the provider of relevant information society services within which the principal financial functions and operational control are exercised;
- (x) **‘online search engine’ means an intermediary service as defined in Article 3, point (j), of Regulation (EU) 2022/2065.**
- ~~(y) ‘visual content’ means images and the visual components of videos.~~

## CHAPTER II

### OBLIGATIONS OF PROVIDERS OF RELEVANT INFORMATION SOCIETY SERVICES TO PREVENT AND COMBAT ONLINE CHILD SEXUAL ABUSE

#### Section 1 Risk assessment and ~~mitigation~~ prevention obligations

##### Article 3

##### *Risk assessment*

1. Providers of hosting services and providers of interpersonal communications services shall **diligently** identify, analyse and assess, for each such service that they offer, the risk of use of the service for the purpose of online child sexual abuse.
2. When carrying out a risk assessment, the provider shall take into account, in particular:
  - (a) any previously identified instances of use of its services for the purpose of online child sexual abuse;
  - (b) the existence and implementation by the provider of a policy and the availability of functionalities to address the risk referred to in paragraph 1, including through the following:
    - prohibitions and restrictions laid down in the terms and conditions;
    - measures taken to enforce such prohibitions and restrictions;
    - functionalities enabling age verification;
    - **functionalities enabling parental control or parental consent mechanisms;**
    - functionalities enabling users to **notify** online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;
    - **measures taken to ensure a robust and swift process to handle notified potential child sexual abuse;**
    - **functionalities enabling the providers the compilation and generation of relevant statistical information for assessment purposes.**
  - (c) the manner in which users use the service and the impact thereof on that risk;



- (ca) **age appropriate measures taken by the provider to promote users' digital literacy and safe use of the service;**
- (d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;
- (da) **the availability of functionalities enabling users to share images or videos with other users, in particular through private communications, and of functionalities enabling the providers to assess how easily, quickly, and widely such material may be disseminated further by means of the service;**
- (e) with respect to the risk of solicitation of children:
  - (i) the extent to which the service is used or is likely to be used by children;
  - (ii) where the service is used by children, the different age groups of the child users and the risk of solicitation of children in relation to those age groups;
  - (iii) the availability of functionalities creating or reinforcing the risk of solicitation of children, including the following functionalities:
    - enabling users to search for other users and, in particular, for adult users to search for child users;
    - enabling users to establish contact with other users directly, in particular through private communications.
    - ~~enabling users to share images or videos with other users, in particular through private communications.~~

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

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk assessment. **The EU Centre shall make available information to providers to determine those costs.**

The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules on the determination and charging of those costs, **the information to be provided** and the application of the exemption for micro, small and medium-sized enterprises.

4. The provider shall carry out the first risk assessment by *[Date of application of this Regulation + 3 months]* or, where the provider did not offer the service in the Union by *[Date of application of this Regulation]*, by three months from the date at which the provider started offering the service in the Union.

Subsequently, the provider shall update the risk assessment where necessary and, **depending on the risk category determined in accordance with Article 5(2)**, at least once every three years **for low-risk services, at least once every two years for medium-risk services and at least once every year for high-risk services** from the date at which it last carried out or updated the risk assessment. However:

~~(a) for a **high-risk** service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest two **four** months before the expiry of the period of application of the detection order;~~

(b) the Coordinating Authority of establishment may require the provider to update the risk assessment at a reasonable earlier date than the date referred to in the second subparagraph, where there is evidence, **including from Coordinating Authorities of other Member States or from providers offering low-risk or medium-risk services**, indicating a possible substantial change in the risk that the service is used for the purpose of online child sexual abuse.

- 4a. **The risk assessment shall gather information on the limitation of the risk to an identifiable part or component of the service where possible, such as specific types of channels of an interpersonal communications service, or to specific users or specific groups or types of users where possible, to the extent that such part, component, specific users or specific groups or types of users can be assessed in isolation for the purpose of mitigating the risk of preventing online child sexual abuse.**

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

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

## Article 4

### ~~Risk mitigation~~ Prevention of online child sexual abuse

1. **If providers of hosting services and providers of interpersonal communications services have identified a risk of the service being used for the purpose of online child sexual abuse pursuant to Article 3, they shall ~~take all reasonable~~ put in place appropriate and proportionate ~~mitigation~~ measures, tailored to the ~~that risk identified pursuant to Article 3,~~ to prevent online child sexual abuse in their services ~~minimise that risk~~. The ~~risk mitigation~~ prevention measures shall be limited to an identifiable part or component of the service, or to specific users or specific groups or types of users, where possible, without prejudice to the effectiveness of the measure.**

Such measures shall at least include some or all of the following:

- (a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions;
- (b) reinforcing the provider's internal processes or the internal supervision of the functioning of the service;
- (c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communications services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 22 ~~19~~ of Regulation (EU) 2022/2065 ~~.../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]~~;
- (d) **initiating or adjusting functionalities that enable users to notify online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;**
- (e) **initiating or adjusting functionalities that enable users to control what information about them is shared to other users and how other users may contact them, and introducing default suitable privacy settings for users who are children;**

- (f) **initiating or adjusting functionalities that provide information to users about notification mechanisms and direct users to helplines and trusted organisations, where users detect material or conversations indicating potential online child sexual abuse;**
- (g) **initiating or adjusting functionalities that allow the providers to collect statistical data to better assess the risks and the effectiveness of the mitigation prevention measures. This data shall not include any personal data.**
- (h) making use of the derogation from certain obligations laid down in Directive 2002/58/EC in accordance with Article 4a.**

2. The mitigation prevention measures shall be:

- (a) effective in ~~mitigating the identified risk~~ **preventing online child sexual abuse**;
- (b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk as well as the provider's financial and technological capabilities and the number of users;
- (c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation prevention measures for the exercise of fundamental rights of all parties affected;
- (d) introduced, **implemented**, reviewed, **modified**, discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), within three months from the date referred to therein.

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

**Those age verification and age assessment measures shall be privacy preserving, respecting the principles relating to the processing of personal data, notably the principles of lawfulness, purpose limitation and data minimisation, proportionate, transparent, effective, accurate, non-discriminatory, accessible and take as a primary consideration the best interest of the child.**

- 3a. **Providers of hosting services and providers of interpersonal communications services may request the EU Centre to assist in identifying and assessing technical aspects of specific mitigation prevention measures referred to in paragraphs 1, 2 and 3.**

**The costs incurred by the EU Centre for providing such assistance shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the identification and assessment of risk-mitigation prevention measures. The EU Centre shall make available information to determine those costs.**

**The assistance provided by the EU Centre shall not affect the responsibility of the provider to comply with the requirements applicable to the mitigation prevention measures and for any decisions it may take in connection to or as a result of the application of those measures.**

**The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules on the determination and charging of those costs, the information to be provided and the application of the exemption for micro, small and medium-sized enterprises.**

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation prevention measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation prevention measures.
5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

Article 4a

Derogation from certain provisions of Directive 2002/58/EC

- 1. This Regulation lays down strictly limited rules derogating from certain obligations laid down in Directive 2002/58/EC, with the sole objective of enabling providers of certain number-independent interpersonal communications services to use, without prejudice to Regulation (EU) 2016/679, specific technologies for the processing of personal and other data to the extent strictly necessary to detect online child sexual abuse on their services and report it and to remove online child sexual abuse material from their services.**
- 2. This Regulation does not apply to the scanning of audio communications.**
- 3. Regarding the scope of the derogation, Articles 5(1) and 6(1) of Directive 2002/58/EC shall not apply to the confidentiality of communications involving the processing by providers of personal and other data in connection with the provision of number-independent interpersonal communications services provided that:**
  - (a) the processing is:**
    - (i) strictly necessary for the use of specific technology for the sole purpose of detecting and removing online child sexual abuse material and reporting it to the EU Centre, law enforcement authorities and to organisations acting in the public interest against child sexual abuse and of detecting solicitation of children and reporting it to the EU Centre, law enforcement authorities or organisations acting in the public interest against child sexual abuse;**
    - (ii) proportionate and limited to technologies used by providers for the purpose set out in point (i);**
    - (iii) limited to content data and related traffic data that are strictly necessary for the purpose set out in point (i);**
    - (iv) limited to what is strictly necessary for the purpose set out in point (i);**
  - (b) the provider uses the corresponding indicators provided by the EU Centre in accordance with Article 46.**

- (c) the technologies used for the purpose set out in point (a)(i) of this paragraph including those technologies made available by the EU Centre in accordance with Article 50(1) meet the following conditions:**
- (i) are effective and suitable in detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, are in accordance with the state of the art in the industry and are the least privacy-intrusive, including with regard to the principle of data protection by design and by default laid down in Article 25 of Regulation (EU) 2016/679,**
  - (ii) to the extent that they are used to scan text in communications, they are not able to deduce the substance of the content of the communications but are solely able to detect patterns which point to possible online child sexual abuse;**
  - (iii) do not introduce cybersecurity risks for which it is not possible to take any effective measures to mitigate such risk;**
  - (iv) are subject to 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;**
  - (v) with regard to new technology used for the purpose set out in point (a)(i) of this paragraph, meaning technology used for the purpose of detecting online child sexual abuse material that has not been used by any provider in relation to services provided to users of number-independent interpersonal communications services in the Union before 2 August 2021, and with regard to technology used for the purpose of identifying possible solicitation of children, the provider shall report back to the competent authority on the measures taken to demonstrate compliance with written advice issued in accordance with Article 36(2) of Regulation (EU) 2016/679 by the competent supervisory authority designated pursuant to Chapter VI, Section 1, of that Regulation ('supervisory authority') in the course of the prior consultation procedure;**
  - (vi) are 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;**
  - (vii) in the case of 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;**

- (d) the providers of number-independent interpersonal communications services:**
- (i) have established internal procedures to prevent abuse of, unauthorised access to, and unauthorised transfers of, personal and other data, to diligently identify, analyse and assess the cybersecurity risks that could be introduced by the technologies used for detection and to take all reasonable mitigation measures, tailored to the possible cybersecurity risk identified, to minimise that risk;**
  - (ii) record, in respect of any processing of content and other data, the time and duration of the processing and, where applicable, the person performing the processing for the verification of the lawfulness of the processing, for self-monitoring, for ensuring data integrity and data security as well as for the purposes of criminal or disciplinary proceedings;**
  - (iii) keep the information contained in the logs referred to in point (ii) for no longer than necessary for the applicable purpose and, in any event, no longer than five years from the date of the measures taken that led to the obligation to preserve the information recorded in those logs. They shall subsequently irrevocably delete the information;**
  - (iv) the information contained in the logs referred to in point (ii) for a further specified period, upon request from the competent authority or court, set by that requesting competent authority or court, where and to the extent necessary for one of the purposes referred to in point (iii).**
  - (v) ensure human oversight of and, where necessary, human intervention in the processing of personal and other data using technologies falling under this Regulation;**
  - (vi) ensure that material not previously identified as online child sexual abuse material, or solicitation of children, is not reported to the EU Centre, law enforcement authorities or organisations acting in the public interest against child sexual abuse without prior human confirmation;**
  - (vii) have established appropriate procedures and redress mechanisms to ensure that users can lodge complaints with them within a reasonable timeframe for the purpose of presenting their views;**
  - (viii) inform users in a clear, prominent and comprehensible way of the fact that they have invoked, in accordance with this Regulation, the derogation from Articles 5(1) and 6(1) of Directive 2002/58/EC concerning the confidentiality of users' communications for the sole purpose set out in point (a)(i) of this paragraph, the logic behind the measures they have taken under the derogation and the impact on the confidentiality of users' communications, including the possibility that personal data are shared with law enforcement authorities and organisations acting in the public interest against child sexual abuse;**



**(ix) inform users of the following, where their content has been removed or their account has been blocked or a service offered to them has been suspended:**

- (1) the avenues for seeking redress from them;**
- (2) the possibility of lodging a complaint with a supervisory authority;**  
**and**
- (3) the right to a judicial remedy;**

**(x) by 31 January [year after the entry into force of this Regulation] and every year thereafter, publish and submit to the competent supervisory authority, the Coordinating Authority of establishment, the Commission and the EU Centre a report on the processing of personal data under this Regulation, including on:**

- (1) the type and volumes of data processed;**
- (2) the specific ground relied on for the processing pursuant to Regulation (EU) 2016/679;**
- (3) the ground relied on for transfers of personal data outside the Union pursuant to Chapter V of Regulation (EU) 2016/679, where applicable;**
- (4) the number of cases of online child sexual abuse identified, differentiating between online child sexual abuse material and solicitation of children;**
- (5) the number of cases in which a user has lodged a complaint with the internal redress mechanism or with a judicial authority and the outcome of such complaints;**
- (6) the numbers and ratios of errors (false positives) of the different technologies used;**
- (7) the measures applied to limit the error rate and the error rate achieved;**
- (8) the retention policy and the data protection safeguards applied pursuant to Regulation (EU) 2016/679;**
- (9) the names of the organisations acting in the public interest against child sexual abuse with which data has been shared pursuant to this Regulation;**

**The data included in the report referred to in this point shall be provided in writing by means of the standard form set out in Implementing Regulation (EU) 2024/2916. For amending the standard form, implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 87.**

- (e) where suspected online child sexual abuse has been identified, the content data and related traffic data processed for the purpose set out in point (a)(i), and personal data generated through such processing are stored in a secure manner, no longer than strictly necessary, and, in any event, no longer than 12 months from the date of the identification of the suspected online child sexual abuse, and solely for the purposes of:**
- (i) reporting, without delay, the suspected online child sexual abuse to the competent law enforcement and judicial authorities or organisations acting in the public interest against child sexual abuse;**
  - (ii) blocking the account of, or suspending or terminating the provision of the service to, the user concerned;**
  - (iii) creating a unique, non-reconvertible digital signature ('hash') of data reliably identified as online child sexual abuse material;**
  - (iv) enabling the user concerned to seek redress from the provider or pursue administrative review or judicial remedies on matters related to the suspected online child sexual abuse; or**
  - (v) responding to requests issued by competent law enforcement and judicial authorities in accordance with the applicable law to provide them with the necessary data for the prevention, detection, investigation or prosecution of criminal offences as set out in Directive 2011/93/EU;**
- (f) every case of a reasoned and verified suspicion of online child sexual abuse is reported without delay to the EU Centre, competent national law enforcement authorities or to organisations acting in the public interest against child sexual abuse.**
- 4. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with the requirements set out in paragraph 3 and for any decisions it may take in connection to or as a result of the use of the technologies.**
- 5. In accordance with Article 79 of Regulation (EU) 2016/679 and Article 15(2) of Directive 2002/58/EC, users shall have the right to an effective judicial remedy where they consider that their rights have been infringed as a result of the processing of personal and other data for the purpose set out in paragraph 3 point (a)(i), of this Article.**
- 6. The supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/679 shall monitor the processing falling within the scope of this Regulation in accordance with their competences and powers under that Chapter.**

## Article 5

### *Risk reporting and categorisation*

1. Providers of hosting services and providers of interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report ~~specifying~~ **including** the following:
  - (a) the ~~premise for the risk assessment pursuant to Article 3(2), the~~ process and the results of the risk assessment conducted or updated pursuant to Article 3, ~~including the assessment of any potential remaining risk referred to in Article 3(5);~~
  - (b) any ~~mitigation~~ **prevention** measures taken pursuant to Article 4 **and, where applicable, Article 5a, and the results thereof including the effectiveness of these measures and how they comply with the requirements of Article 4(2), and in case of age assessment and verification measures, how they comply with the requirements of Article 4(3);**
  - (ba) any other ~~mitigation~~ **prevention** measures implemented before carrying out the risk assessment and, when available, complementary informations about the effectiveness of these measures;
  - ~~(c) where potential remaining risk as referred to in Article 3(5) is identified, any available information relevant for identifying as precisely as possible the parts or components of the service, or the specific users or groups or types of users, in respect of which the potential remaining risk arises;~~
  - (ca) a self-assessment against the criteria established for the categorisation of risks of the service or the parts or components of the service, following the template established in accordance with Article 5(2a);
  - (d) whether the provider requests to the Coordinating Authority of establishment the authorisation to display the sign of reduced risk as referred to in Article 5b.

This report shall include available statistical information to support and illustrate the development and effectiveness of **mitigation prevention** measures.

~~Providers of hosting services and providers of interpersonal communications services may notify in this report whether there is evidence of the service or parts or components of the service being used for the purpose of online child sexual abuse that might require the issuing of a detection order in accordance with Article 7(4).~~

2. Within three months after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been **diligently** carried out or updated and the **mitigation prevention** measures have been taken in accordance with the requirements of Articles 3 and 4 **and evaluate the level of the remaining risk.**

**~~Based on the evaluation of the level of the remaining risk and~~ Taking into account the self-assessment carried out by the providers of hosting services and providers of interpersonal communications services against the criteria established for the categorisation of risks, the Coordinating Authority of establishment shall determine the risk category allocated to the service or the parts or components of the service, following the methodology and criteria established in accordance with Article 5(2a).**

The service or the parts or components of the service shall be classified into the following categories:

- (a) High risk;
- (b) Medium risk;
- (c) Low risk.

The decision of the Coordinating Authority of establishment determining the risk category, including the date by when the provider is required to update the risk assessment, shall be communicated to the providers concerned, recorded by the Coordinating Authority of establishment and notified to the EU Centre.

The Coordinating Authority of establishment may request the EU Centre to assist in evaluating the **mitigation prevention** measures taken by the provider, ~~evaluating the level of the remaining risk~~ and in determining the risk category allocated to the service or the parts or components of the service.

If the provider has submitted the request referred to in point (d) of paragraph 1, the Coordinating Authority shall decide on the issuance of the authorisation to display the sign of reduced risk in accordance to Article 5b.

- 2a. The risk categorisation shall be based on the report submitted by the providers to the Coordinating Authority of establishment in line with Article 5, in particular the risk assessment by the providers, the **mitigation prevention** measures undertaken by them and their self-assessment, and any other relevant information available to the Coordinating Authority of establishment or the EU Centre. The methodology and the criteria for the risk categorisation shall enable an objective, transparent and comprehensible classification of the risks of services related to child sexual abuse based on the scoring of risk indicators as outlined below:

- (a) The template for the self-assessment of providers shall be issued in different versions taking into account the size and the type of the services offered by the providers as indicated in ANNEX XIV.
- (b) The scoring shall be based on the following criteria: the size, type and core architecture of the service, the policies and safety by design functionalities in place to address the identified risks and a mapping of user tendencies.
- (c) The risk criteria shall be broken down in risk indicators as outlined in the list of risk indicators included in ANNEX XIV.
- (d) The risk indicators shall be weighted in a transparent and understandable manner according to their impact on the risks of a service related to child sexual abuse based on the methodology and criteria laid down in ANNEX XIV.
- (e) The result of the scoring shall be quantitative and comparable, and provide for a classification into high-risk, medium-risk and low-risk services.

The Commission shall be empowered to adopt delegated acts in accordance with Article 86 to detail and amend ANNEX XIV laying down the methodology and criteria for the risk categorisation in line with this paragraph, and to establish and amend the template for the self-assessment by providers.

2b. Where the Coordinating Authority of establishment considers that the service or parts or components of the service are classified as high risk ~~remaining risk~~, evaluated in accordance with paragraphs 2 and 2a, is significant in relation to the possible misuse of a high-risk service for the dissemination of new child sexual abuse material or the solicitation of children, it shall inform the provider accordingly, without undue delay. Upon that notification, the provider shall, in cooperation with the EU Centre in accordance with Article 50(1a), take the necessary measures to effectively contribute to the development of the relevant detection technologies. Such contribution shall be commensurate with the financial, technical, and operational capacities of the provider.

3. Where necessary for that assessment, that Coordinating Authority may require further information from the provider, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than two weeks.

The time period referred to in ~~the first subparagraph~~ **paragraph 2** shall be suspended until that additional information is provided.

~~4. Without prejudice to Articles 7 and 27 to 29, where the requirements of Articles 3 and 4 have not been met, that Coordinating Authority shall require the provider to re-conduct or update the risk assessment or to introduce, review, discontinue or expand, as applicable, the mitigation measures, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month.~~

5. Providers shall, when transmitting the report to the Coordinating Authority of establishment in accordance with paragraph 1, transmit the report also to the EU Centre.
6. Providers shall, upon request, transmit the report to the providers of software application stores, insofar as necessary for the assessment referred to in Article 6(2). Where necessary, they may remove confidential information from the reports.

#### *Article 5a*

##### *Adjusted or additional risk assessment or ~~risk mitigation~~ prevention measures*

1. Without prejudice to Articles 27 to 29, where on the basis of its assessment referred to in Article 5(2), the Coordinating Authority of establishment determines that a provider offering a service or parts or components of a service classified as high risk or medium risk has not met the requirements of Articles 3 or 4, it ~~shall require~~ may recommend to the provider of hosting services or the provider of interpersonal communications services to carry out one or several of the following actions, with respect to those parts or components of a service classified as high risk or medium risk, as appropriate:
  - (a) to re-conduct or update the risk assessment in accordance with Article 3, including where appropriate by modifying the methodology used to conduct the risk assessment, and report thereon in accordance with Article 5.
  - (b) to implement, review, modify, discontinue or expand some or all of the ~~risk mitigation~~ prevention measures taken in accordance with Article 4;
  - (c) to introduce additional ~~risk mitigation~~ prevention measures in accordance with Article 4.

The Coordinating Authority of establishment may request the EU Centre for an opinion on technical aspects of the possible actions that it intends to ~~recommend~~ require pursuant to the first subparagraph.

2. A provider that ~~is required to~~ performs the actions specified in points (b) or (c) of paragraph 1 shall re-conduct or update the risk assessment in accordance with Article 3 so as to take account of those actions, and report thereon in accordance with Article 5. In the report on the re-conducted or updated risk assessment the provider shall also specify and explain the actions performed pursuant to paragraph 1, within a time period set by the Coordinating Authority. That time period shall be reasonable, taking into account the complexity of the required actions.
3. The Coordinating Authority of establishment shall, by deviation from the time periods specified in Articles 3(4) and 5(1), set a reasonable time period for the performance of the actions pursuant to paragraph 1 and for the reporting pursuant to paragraph 2. That time period shall be reasonable, taking into account the complexity of the required actions.

4. The Coordinating Authority of establishment may recommend to a provider offering a service or parts or components of a service classified as low risk to carry out one or several of the actions listed in paragraph 1, with respect to those parts or components of a service classified as low risk, as appropriate.

*Article 5b*

*Sign of reduced risk*

1. ~~Where both of the following conditions have been met, the Coordinating Authority considers that the provider has carried out the risk assessment in accordance with Article 3 and has taken all reasonable prevention measures in accordance with Article 4, including where applicable pursuant to Article 5a, the Coordinating Authority of establishment shall authorise a the provider of hosting services or a provider of interpersonal communications services, upon its reasoned and voluntary request, as referred to in point (d) of Article 5(1), to publicly display a distinctive sign of reduced risk as a clear visual representation to users indicating that the service concerned meets those conditions.~~
  - ~~(a) the Coordinating Authority considers that the provider has carried out the risk assessment in accordance with Article 3 and has taken all reasonable risk mitigation measures in accordance with Article 4, including where applicable pursuant to Article 5a;~~
  - ~~(b) the Coordinating Authority considers that there is no need to initiate the process for the issuance of a detection order in accordance with Article 7, having regard in particular to the nature and extent of any remaining risk referred to in Article 5(2) and the conditions set out in Article 7(4).~~
2. The sign shall only be displayed upon receiving the authorisation referred to in paragraph 1. The provider shall not display the sign where the authorisation has been suspended or withdrawn in accordance with paragraph 4, in which case the provider shall stop displaying it within 24 hours.
3. Providers authorised in accordance with paragraph 1 shall, for as long as the authorisation is not withdrawn or suspended, do both of the following:
  - (a) prominently display the sign on the service concerned;
  - (b) include, in a clear and easily understandable manner, the necessary explanations regarding the sign in their terms and conditions, including about the conditions met to be authorised to display the sign and the fact that the authorisation does not mean that the risk of online child sexual abuse is completely eliminated.

4. The Coordinating Authority that issued an authorisation in accordance with paragraph 1 shall regularly, and at least every six months, review whether the conditions set out in that paragraph continue to be met, taking due account of the risk reporting in accordance with Article 5 and all other relevant information. Where necessary to that aim, it may require the provider concerned to do one or both of the following:

- a) conduct or update a risk assessment, take the necessary risk-mitigation prevention measures and report thereon in accordance with Articles 3, 4 and 5 respectively;
- b) provide any other relevant information.

The Coordinating Authority shall immediately suspend the authorisation where it has reasonable doubts about the provider's continued compliance with the conditions of paragraph 1. During the suspension, the Coordinating Authority shall review such compliance, including by requiring the provision of information pursuant to the first subparagraph where appropriate and giving the provider an opportunity to comment on its findings and its intended next steps within a reasonable time period. It shall conclude the review, without undue delay and taking into account any comments received within the time period set, either by terminating the suspension or by withdrawing the authorisation.

The Coordinating Authority shall withdraw the authorisation where it considers that the provider no longer meets the conditions of paragraph 1. It shall also withdraw the authorisation upon request of the provider.

5. Coordinating Authorities shall immediately inform the provider concerned and the EU Centre about each authorisation granted, suspended or withdrawn in accordance with paragraphs 1 and 4. The EU Centre shall maintain a publicly available registry of that information.

~~6. The issuance of an authorisation in accordance with paragraph 1 shall not affect the Coordinating Authority's possibility to initiate the process for the issuance of a detection order in accordance with Article 7.~~

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules on requests for authorisation to display the sign, on the issuance, suspension and withdrawal of the authorisation, on the design of the sign, on the display of the sign and the provision of information to users relating thereto, on the regular review of continued compliance with the conditions and on the registry of information.



## Article 6

### *Obligations for software application stores*

1. Providers of software application stores shall:
  - (a) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;
  - (b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;
  - (c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b). **Those age verification and age assessment measures shall be privacy preserving, proportionate, transparent, effective, accurate, non-discriminatory, accessible and take as a primary consideration the best interest of the child.**
2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk assessment conducted or updated pursuant to Article 3.
3. Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.
4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

## Section 2

### Detection obligations

#### Article 7

##### Issuance of detection orders

- ~~1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services **that are classified as high risk in accordance with Article 5(2) or parts or components of the services classified as high risks that fall** under the jurisdiction of that Member State to take the measures specified in Article 10 **for the sole purpose of to detecting in visual content or URLs the dissemination of known online child sexual abuse material on a specific service or parts or components of the service, classified as high risk in accordance with Article 5(2), for a limited period of time as specified in paragraph 9. Member States may decide that detection orders can be issued by the Coordinating Authority of establishment subject to prior authorisation by a judicial authority or an independent administrative authority.**~~
- ~~2. The Coordinating Authority of establishment shall, before requesting the issuance of **or the authorisation for issuing** a detection order, carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.~~

~~To that end, it may, where appropriate, require the provider to submit the necessary information, additional to the report and the further information referred to in Article 5(1) and (3), **and Article 5a(2)**, respectively, within a reasonable time period set by that Coordinating Authority, or request the EU Centre, another public authority or relevant experts or entities to provide the necessary additional information. **It may also request the assistance of the EU Centre to conduct simulation tests in accordance with Article 47a on the service in question to verify whether there are objective indications, as referred to in point (a) of paragraphs 5 or 6, as applicable.**~~
- ~~3. Where the Coordinating Authority of establishment takes the preliminary view that the conditions of paragraph 4 have been met, it shall:~~

- ~~(a) — establish a draft request for the issuance of a detection order, specifying the main elements of the content of the detection order it intends to request and the reasons **including the necessity** for requesting it;~~
- ~~(b) — submit the draft request to the provider and the EU Centre;~~
- ~~(c) — afford the provider an opportunity to comment on the draft request, within a reasonable time period set by that Coordinating Authority;~~
- ~~(d) — invite the EU Centre to provide its opinion on the draft request, within a time period of four weeks from the date of receiving the draft request.~~

~~Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall re-submit the draft request, adjusted where appropriate, to the provider. In that case, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority:~~

- ~~(a) — draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;~~
- ~~(b) — where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;~~
- ~~(c) — where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;~~
- ~~(d) — submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted in view of the outcome of the data protection impact assessment and of that opinion.~~

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

~~4. The Coordinating Authority of establishment shall request the issuance of **or the authorisation for issuing the detection order substantiated by its motivated reasoning and relevant justifications**, and the competent judicial authority or independent administrative authority **may** shall **issue or authorise the issuing by the Coordinating Authority of establishment of the detection order** where it considers that the following conditions are met:~~

- ~~(a) there is evidence of a significant and present or foreseeable risk of the **high-risk service or parts or components of the service** being used for the purpose of **dissemination of known** online child sexual abuse **material**, within the meaning of paragraphs **5, and 6 and 7**, as applicable;~~
- ~~(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.~~

~~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:~~

- ~~(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 **5a** 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;~~
- ~~(ca) **the necessity and proportionality in terms of the period of application, the intrusiveness of the technologies, approved by implementing act in line with Article 10(2), the impact on fundamental rights, and the possibility to limit the scope to parts or components of a service and other safeguards provided for in accordance with paragraph 8;**~~
- ~~(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.~~

~~As regards the second subparagraph, point (d), where that Coordinating Authority substantially deviates from the opinions **received** 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.~~

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:
- (a) it is likely, **there are objective indications that,** despite any mitigation measures that the provider may have taken or will take, that the service **or parts or components of the high-risk 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.
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:~~
- ~~(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 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.~~~~

~~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:~~

- ~~(a) the provider qualifies as a provider of interpersonal communication services;~~
- ~~(b) 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 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.~~

~~8. The Coordinating Authority of establishment when requesting the issuance of **or the authorisation to issue** detection orders, and the competent judicial or independent administrative authority when issuing **or authorising the issuing by the Coordinating Authority of establishment of** 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 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;
- (d) detection does not apply to accounts used by the State for national security purposes, maintaining law and order or military purposes.**

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 the 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.

#### Article 8

##### Additional rules regarding detection orders

1. The competent judicial authority or independent administrative authority, or the **Coordinating Authority of establishment subject to prior authorisation by a judicial authority or an 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:

- (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 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.~~

~~1a. — If a detection order is issued by an independent administrative authority or by the Coordinating Authority of establishment with the prior authorisation by an independent administrative authority, that independent administrative authority must have a status enabling it to act objectively, impartially and free from any external influence when carrying out its duties.~~

~~2. — 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.~~

~~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 **transmitted in any of the official** languages declared by the provider pursuant to Article 23(3).~~

~~**The detection order may also be transmitted in any of the official languages of the Member State issuing the order, provided that it is accompanied by a translation of at least the most important elements necessary for the execution of the detection order into any of the official languages declared by the provider in accordance with article 23(3).**~~



~~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, **inform** request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex II. **That Coordinating Authority shall assess the matter and request the competent judicial authority or independent administrative authority that issued or authorised the issuing of the detection order the modification or revocation of such order, where necessary in the light of the outcome of that assessment.**~~

~~**The competent authority that issued the detection order shall inform the provider of the outcome of and the reasons leading to that assessment.**~~

~~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.~~

#### *Article 9*

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

~~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.~~

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

~~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.~~

~~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 **the necessary information** on the execution of the detection order at least once, halfway through the period of application.~~

~~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.~~

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.~~

~~That Coordinating Authority shall request to the competent judicial authority or independent administrative authority that issued **or authorised the issuing of** 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*.~~

#### *Article 10*

##### *Technologies and safeguards*

1. ~~Providers of hosting services and providers of interpersonal communications services that have received a detection order shall execute it by installing and operating technologies **approved by the Commission** 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. **In interpersonal communications services using end-to-end encryption those technologies shall detect the dissemination of known child sexual abuse material prior to its transmission.**~~
2. ~~The Commission shall adopt implementing acts to approve the technologies referred to in paragraph 1, after consulting the EU Centre, using the criteria set out in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87.~~

~~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 **referred to in paragraph 1 approved by the Commission** made available by the EU Centre shall not affect the responsibility of the provider to comply with those **the requirements set out in this Article** and for any decisions it may take in connection to or as a result of the use of the technologies.~~

3. ~~The technologies shall be:~~
- (a) ~~**be effective and suitable** in detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable;~~

- ~~(aa) not introduce cybersecurity risks for which it is not possible to take any effective measures to mitigate such risk;~~
- ~~(ab) if applied in services using end-to-end encryption, be certified by the EU Centre following tests conducted with the support of its Technology Committee, that their use could not lead to a weakening of the protection provided by the encryption;~~
- ~~(b) be limited to detect visual content and URLs, and shall not be able to deduce the substance of the content of the communications nor 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) be 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) be sufficiently reliable and accurate, in that they limit to the maximum extent possible the rate of errors regarding the detection and, where such errors occur, enable the correction of errors without undue delay.~~

~~4. The provider shall:~~

- ~~(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 it them. **In particular, the provider shall:**~~
- ~~(i) diligently identify, analyse and assess the cybersecurity risks that could be introduced by the technologies used for the execution of the detection orders;~~
- ~~(ii) take all reasonable mitigation measures, tailored to the possible cybersecurity risk identified, to minimise that risk;~~
- ~~(aa) upon receiving a detection order in interpersonal communications services, limit the functionalities of that service to prevent the transmission of visual content and URLs absent the user consent pursuant to paragraph 5(aa);~~
- ~~(b) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse, including misuses caused by breaching cybersecurity measures, of the technologies, indicators and personal data and other data referred to in point (a), and 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 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), (aa), (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);~~

~~5. The provider shall inform **request the consent of users to detect the dissemination of known child sexual abuse material for the purpose of executing detection orders after informing them in the terms and conditions of use** in a clear, prominent and comprehensible way of the following:~~

- ~~(a) the fact that, **upon receiving a detection order, the provider** it operates technologies to detect **known** online child sexual abuse **material** to execute the detection order, the ways in which it operates those technologies, **meaningful information about the logic involved**, and the impact on the confidentiality of users' communications;~~
- ~~**(aa) the fact that, upon receiving a detection order in interpersonal communications services, it is required to limit the functionalities of the service to prevent the transmission of visual content and URLs absent the user consent;**~~
- ~~(b) the fact that **the provider** 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.~~

~~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.~~

## Article 11

### 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.

## Section 3

### Reporting obligations

#### Article 12

##### Reporting obligations and notification by the users

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~~ **that indicate** 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).
2. Where the provider submits a report pursuant to paragraph 1, it shall inform the users concerned, **in accordance with the following sub-paragraphs** 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.~~

The provider shall inform the users 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 **six** ~~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. **The time period of six months referred to in this subparagraph shall be extended by up to 6 months where so requested by the competent authority referred to in Article 48(6), point a.**

Where within the ~~three months~~<sup>2</sup> 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 users concerned, without undue delay, after the expiry of the time period set out in that communication.

3. The provider shall establish and operate **for a service or the parts or components of the service classified as high risk according to Article 5(2)** an easy to access, ~~accessible~~, effective, age-appropriate and user-friendly, **in particular child-friendly**, mechanism that allows users to ~~notify flag~~ to the provider **information that indicate** potential online child sexual abuse on ~~its~~ the service. **Those mechanisms shall allow for the submission of notices by individuals or entities exclusively by electronic means.**

**The mechanisms shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices. To that end, the providers shall take the necessary measures, with particular attention to the needs of the child, to enable and to facilitate the submission of notices, with a view to receiving:**

- (a) **the reasons why the user alleges that the material or conversation at issue constitutes online child sexual abuse;**
- (b) **a clear indication of the online location of the alleged online child sexual abuse and, where necessary, information specific to a service that enables the identification of its online location.**

**The provider shall ensure that the receipt of users' notifications is acknowledged, and users are provided with effective feedback including about alternative means of reporting (including to organisations acting in the public interest against child sexual abuse and national law enforcement) and other relevant information, including assistance for victims.**

4. **The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, shall issue guidelines on the application of paragraph 3, having due regard in particular to the child's age, maturity, views, needs and concerns.**

#### *Article 13*

##### *Specific requirements for reporting*

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:
- (a) identification details of the provider and, where applicable, its legal representative;
  - (b) the date, time stamp and electronic signature of the provider;
  - (ba) manner in which the provider became aware of the potential child sexual abuse;**
  - (c) ~~all~~ content data **related to the reported potential online child sexual abuse,** ~~including images, videos and text;~~
  - (d) ~~all~~ **other** available data related to the **reported** potential online child sexual abuse, **including metadata related to media files and communications;**

- (e) whether the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material or the solicitation of children;
- (f) information concerning the geographic location related to the potential online child sexual abuse, such as the Internet Protocol address **of upload, with associated date and time stamp, including time zone, and port number**;
- (g) information concerning the identity of any user involved in the potential online child sexual abuse, **including unique identifiers of the user**;
- (h) whether the provider has also reported, or will also report, the **information that indicate** potential online child sexual abuse to a **third-country** public authority or other entity competent to receive such reports ~~of a third country~~ and if so, which authority or entity;
- (i) where the **information that indicate** 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, **and, where relevant, whether it has been done on a voluntary basis**;
- (j) **whether the provider considers that the report** requires urgent action;
- (k) a reference to this Regulation as the legal basis for reporting.

**1a. By deviation from paragraph 1, where the information referred to in Article 12(1) reasonably justifies the conclusion that there is likely to be an imminent threat to the life or safety of a child or when the information indicates ongoing abuse, the report referred to in paragraph 1 of this Article shall include:**

- (a) **in any event, the information referred to in points (a), (b), (f), (j) and (k) of paragraph 1 of this Article;**
- (b) **the information referred to in the other points of paragraph 1 of this Article, only insofar as that information is immediately available and the inclusion thereof in the report does not delay the submission of the report.**

**Where the report referred to in the first subparagraph does not contain all information referred to in paragraph 1 of this Article in accordance with point (b) of the first subparagraph, the provider of hosting services or of interpersonal communications services concerned shall promptly submit an additional report containing all that information, updated or completed where relevant. That additional report shall include a reference to the initial report submitted in accordance with the first subparagraph and shall indicate which information has been updated or completed.**

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

## Section 4 Removal obligations

### *Article 14*

#### *Removal orders*

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. The competent authority of each Member State shall have the power to issue a removal order, subject to any requirements of national law as referred to in paragraph 1a, requiring a provider of hosting services 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) is identified as constituting child sexual abuse material.~~
  - 1a. **By deviation from paragraph 1, and without causing undue delays in the process of issuance of those orders, Member States may decide that such orders can only be issued by or with the prior authorisation of a judicial authority, if necessary, at the request of another competent authority. Where a Member State makes use of this possibility, it shall inform the Commission thereof and maintain this information updated. The Commission shall make the information received publicly available and maintain this information updated.**
2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof. **The provider shall take the necessary measures to ensure that it is capable to reinstate the material or access thereto in accordance with Article 15(1a).**
3. ~~The competent judicial authority or the independent administrative authority shall issue a~~ **A removal order shall be issued** using the template set out in Annex IV. Removal orders shall include:
  - (a) ~~identification details of the competent judicial or independent administrative authority issuing the removal order and authentication of the removal order by that authority;~~
  - (b) the name of the provider and, where applicable, of its legal representative;
  - (c) the specific service **in respect** of ~~for~~ which the removal order is issued;



- (d) a sufficiently detailed statement of reasons explaining why the removal order is issued ~~and in particular why the material constitutes child sexual abuse material~~;
- (e) ~~an exact uniform resource locator and, where necessary, additional clear information for the identification of~~ **enabling the provider to identify and locate** the child sexual abuse material;
- (f) where applicable, the information about non-disclosure during a specified time period, in accordance with Article 15(4), point (c);
- (fa) the information necessary for the application, where relevant, of paragraphs 5, 6 and 7;**
- (g) a reference to this Regulation as the legal basis for the removal order;
- (h) the date, time stamp and electronic signature of the ~~judicial or independent administrative~~ **competent** authority issuing the removal order;
- (i) easily understandable information about the redress available to the addressee of the removal order, including information about redress to a court and about the time periods applicable to such redress.

4. The ~~judicial authority or the independent administrative~~ **competent 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.

~~It shall transmit~~ The removal order **shall be transmitted, where applicable in accordance with Article 14a**, to the ~~the provider's~~ point of contact referred to in Article 23(1) by electronic means capable of producing a written record under conditions that allow to establish the authentication of the sender, including the accuracy of the date and the time of sending and receipt of the order, to the Coordinating Authority **of the Member State whose authority issued the order** and to the EU Centre, through the system established in accordance with Article 39(2).

~~It~~ **The removal order shall be transmitted** ~~the removal order~~ in any of the official languages declared by the provider pursuant to Article 23(3).

**The order may also be transmitted in any of the official languages of the Member State issuing the order, provided that it is accompanied by a translation of at least the most important elements necessary for the execution of the order into any of the official languages declared by the provider in accordance with article 23(3).**

5. 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 **authority issuing the order** ~~of establishment~~ of those grounds, using the template set out in Annex V.

The time period set out in paragraph ~~24~~ shall start to run as soon as the reasons referred to in the first subparagraph have ceased to exist.

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

The time period set out in paragraph 2~~1~~ shall start to run as soon as the provider has received the necessary clarification.

7. The provider shall, without undue delay and using the template set out in Annex VI, inform the **authority issuing the order**, ~~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.
8. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes IV, V and VI where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

#### *Article 14a*

##### *Procedure for cross-border removal orders*

1. **Subject to Article 14, where the provider of hosting services does not have its main establishment or legal representative in the Member State of the authority that issued the removal order, that authority shall, simultaneously, submit through the Coordinating Authority a copy of the removal order to the Coordinating Authority of establishment.**
2. **The Coordinating Authority of establishment may, within 72 hours of receiving the copy of the removal order in accordance with paragraph 1, scrutinise the removal order to determine whether it seriously or manifestly infringes this Regulation or the fundamental rights and freedoms guaranteed by the Charter.**  
**Where it finds such an infringement, it shall, within the same period, adopt a reasoned decision to that effect.**
3. **Where a hosting service provider receives a removal order as referred to in paragraph 1, it shall take the measures provided for in Article 14 and take the necessary measures to be able to reinstate the content or access thereto, in accordance with paragraph 4 of this Article.**
4. **Upon receiving a decision finding an infringement communicated in accordance with paragraph 7, the provider of hosting services concerned shall without undue delay reinstate the content or access thereto, without prejudice to the possibility to enforce its terms and conditions in accordance with Union and national law.**

5. **By deviation from Article 14(1) and from paragraphs 1 and 2 of this Article, where required by the constitutional law of the Member State where the provider of hosting services has its main establishment or where its legal representative resides or is established, that Member State may decide that removal orders issued by the competent authorities of other Member States are to be transmitted through the Coordinating Authority of that Member State. That Member State shall inform the Commission of its decision and of its reasons for taking the decision. The Commission shall make publicly available, and keep up-to-date, a list of Member States that took the decision referred to in this subparagraph.**

**The Coordinating Authority of establishment shall as soon as possible and in any event within 72 hours of receiving the removal order transmit the removal order covered by the first subparagraph to the provider of hosting services, unless it adopts a reasoned decision within these 72 hours that the removal order seriously or manifestly infringes this Regulation or the fundamental rights and freedoms guaranteed by the Charter. The removal order shall only have legal effect upon the transmission thereof to the provider of hosting services.**

6. **The Coordinating Authority of establishment shall, before adopting a decision pursuant to the second subparagraph of paragraph 2 or the second subparagraph of paragraph 5, inform the Coordinating Authority of the Member State whose authority issued the removal order of its intention to adopt the decision and of its reasons for doing so.**
7. **Where the Coordinating Authority of establishment adopts a reasoned decision in accordance with the second subparagraph of paragraph 2, it shall, without delay, transmit that decision, to the Coordinating Authority of the Member State whose authority issued the removal order, the provider of hosting services and the EU Centre.**

**Where the Coordinating Authority of establishment adopts a reasoned decision in accordance with the second subparagraph of paragraph 5, it shall, without delay, transmit that decision to the Coordinating Authority of the Member State whose authority issued the removal order and the EU Centre.**

#### *Article 15*

##### *Redress and provision of information*

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.**

- 1a. **If the order is reversed as a result of a redress procedure, the provider shall without undue delay reinstate the material or access thereto, without prejudice to the possibility to enforce its terms and conditions in accordance with Union and national law.**
2. 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 **and copies of the information it has received pursuant to Article 14(5) to (7) to the Coordinating Authority of the Member State of the authority issuing the removal order of establishment.** That ~~Coordinating Authority~~ shall then, without undue delay, transmit ~~a copy~~ **copies** thereof to all other Coordinating Authorities **and to the EU Centre** through the system established in accordance with Article 39(2).

For the purpose of the first subparagraph, a removal 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 removal order following an appeal.

3. Where a provider removes or disables access to child sexual abuse material pursuant to a removal order issued in accordance with Article 14, it shall without undue delay, inform the user who provided the material of the following:
  - (a) the fact that it removed the material or disabled access thereto;
  - (b) the reasons for the removal or disabling, providing a copy of the removal order upon the user's request;
  - (c) the user's right to judicial redress referred to in paragraph 1 and the user's right to submit complaints to the Coordinating Authority in accordance with Article 34.
- 3a. **The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it complaints about alleged infringements of its obligations under this Section. It shall process such complaints in an objective, effective and timely manner.**
4. The **issuing authority** ~~Coordinating Authority of establishment~~ may **decide** request, when requesting the ~~judicial authority or independent administrative authority~~ issuing the removal order, and after having consulted **if necessary** 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 **or related criminal** offences.

In such a case:

- (a) ~~the judicial authority or independent administrative authority~~ issuing the removal order shall **inform the provider of its decision specifying the applicable time period that shall be set the time period** not longer than necessary and not exceeding ~~twelve~~ ~~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.~~

~~The That~~ ~~judicial authority or independent administrative authority~~ **issuing the removal order** 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, **the issuing 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.~~

- 4a. **Where Article 14a(5) applies, the issuing authority shall inform the provider of the decision referred to in paragraph 4 through the Coordinating Authority of establishment.**

## Section 5 Blocking obligations

### *Article 16*

#### *Blocking orders*

1. ~~The competent authority of establishment~~ **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, **subject to any requirements of national law as referred to in paragraph 1a**, 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.~~ **The competent authorities may make use of 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.**
- 1a. **By deviation from paragraph 1, and without causing undue delays in the process of issuance of those orders, Member States may decide that such orders can only be issued by or with the prior authorisation of a judicial authority at the request of another competent authority. Where a Member State makes use of this possibility, it shall inform the Commission thereof and maintain this information updated. The Commission shall make the information received publicly available and maintain this information updated.**

1b. The provider shall execute the blocking order as soon as possible and in any event within a reasonable time period set by the issuing authority. The provider shall take the necessary measures to ensure that it is capable of reinstating access in accordance with Article 18(1a).

~~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.~~

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.~~

~~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.~~

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 A blocking order **shall be issued**, where it considers that the following conditions are met:

(a) **other equally effective and less intrusive measures than blocking cannot be taken to prevent access to child sexual abuse material or if it is likely that such measure will fail;** there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to access 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 the material,~~ to 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.~~

5. ~~The Coordinating Authority of establishment when requesting the issuance of blocking orders, and the competent judicial or independent administrative authority when issuing the A blocking order,~~ shall:
  - (a) ~~specify effective and proportionate limits and safeguards necessary to ensure that a~~ **blocking order is targeted and 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.
6. The **issuing** ~~Coordinating~~ authority shall specify in the blocking order the period during which it applies, indicating the start date and the end date.

The period of application of blocking orders shall not exceed five years.

7. ~~In respect of the blocking orders that the competent judicial authority or independent administrative authority issued at its request,~~ **The Coordinating Authority issuing authority** shall, where necessary and at least once every year, assess whether any substantial changes to the grounds for issuing the blocking orders **have** occurred and, ~~in particular,~~ whether the conditions of paragraph 4 continue to be met.

~~The 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, w~~Where necessary in the light of the outcome of that assessment or to take account of justified requests ~~or~~ **other relevant information, including information obtained through** the reports referred to in Article ~~18~~ **17(5a) and (6),** respectively **an order shall be modified or reversed by the issuing authority, where relevant at the request of the Coordinating Authority.** ~~The provisions of this Section shall apply to such requests, *mutatis mutandis*.~~

## Article 17

### Additional rules regarding blocking orders

1. ~~The Coordinating Authority of establishment shall issue the A~~ blocking orders referred to ~~in Article 16~~ **shall be issued** using the template set out in Annex VII. Blocking orders shall include:
  - (a) **where applicable**, 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) **clear information enabling the provider to identify and locate the child sexual abuse material and** the specific service in respect of which the ~~detection~~ **blocking** order is issued;
  - (e) the start date and the end date of the blocking order;
  - (ea) **the limits referred to in Article 16(5);**
  - (f) a sufficiently detailed statement of reasons explaining why the blocking order is issued;
  - (fa) **the information necessary for the application, where relevant, of paragraphs 4a, 5, and 5a;**
  - (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~~ **competent** 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.
2. The ~~competent judicial authority or independent administrative~~ **competent** 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.



3. The blocking order shall be transmitted to the provider's point of contact referred to in Article 23(1) **by electronic means capable of producing a written record under conditions that allow to establish the authentication of the sender, including the accuracy of the date and the time of sending and receipt of the order**, to the Coordinating Authority **in the Member State in which the order was issued of establishment** and to the EU Centre, through the system established in accordance with Article 39(2).
4. The blocking order shall be ~~drafted~~ **transmitted in any of the official languages** declared by the provider pursuant to Article 23(3).
- 4a. **If the provider cannot execute the blocking 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 authority issuing the order of those grounds, using the template set out in Annex VIII.**
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~~ **from the authority issuing the order** ~~Coordinating Authority of establishment~~ using the template set out in Annex VIII.
- 5a. **The provider shall, without undue delay and using the template set out in Annex IX, inform the issuing authority of the measures taken to execute the blocking order, indicating, in particular, whether the provider has prevented access to child sexual abuse material.**

**The authority issuing the order shall require the provider to report to it at regular intervals on the measures taken and their functioning to execute a blocking order, including the effective and proportionate limitations and safeguards provided for.**

**Upon request of the issuing authority, the provider shall also provide, without undue delay, such reports or any other information relating to the execution of the blocking order needed for the purpose of the assessment referred to in Article 16(7).**
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes VII, ~~and VIII~~ **and IX** where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

## Article 18

### *Redress and provision of information, ~~information and reporting of blocking orders~~*

1. Providers of internet access services that have received a blocking order, ~~as well as~~ **and** users who provided ~~or were prevented from accessing a specific item of~~ **blocked** material indicated by the uniform resource locators in execution of such orders, shall have a right to effective redress. That right shall include the right to challenge the blocking order before the courts of the Member State of the ~~competent judicial authority or independent administrative authority that issued the blocking order.~~
- 1a. **If the order is reversed as a result of a redress procedure, the provider shall without undue delay reinstate access to the material, without prejudice to the possibility to enforce its terms and conditions in accordance with Union and national law.**
2. When the blocking order becomes final, the ~~competent judicial authority or independent administrative authority that issued the blocking order shall,~~ without undue delay, transmit a copy thereof **and copies of information it has received pursuant to Article 17 (4a) to (5a)** the Coordinating Authority. The Coordinating Authority shall then, without undue delay, transmit ~~a copy~~ **copies** thereof to all other Coordinating Authorities **and the EU Centre** through the system established in accordance with Article 39(2).

For the purpose of the first subparagraph, a blocking 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 ~~removal~~ **blocking** order following an appeal.
3. The provider shall 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. It shall process such complaints in an objective, effective and timely manner.
4. Where a provider prevents users from accessing ~~the content~~ **the content** ~~the uniform resource locators pursuant to a blocking order issued in accordance with Article 17,~~ it shall take reasonable measures to inform ~~the~~ **those** users of the following:
  - (a) the fact that it does so pursuant to a blocking order **and the reasons for doing so**;
  - ~~(b) the reasons for doing so, providing, upon request, a copy of the blocking order;~~
  - (c) the right of **users who provided the blocked material to** judicial redress referred to in paragraph 1, ~~their~~ **rights of users** to submit complaints to the provider through the mechanism referred to in paragraph 3 and to the Coordinating Authority in accordance with Article 34, ~~as well as their right to submit the requests referred to in paragraph 5.~~

~~5. The provider and the users referred to in paragraph 1 shall be entitled to request the Coordinating Authority that requested the issuance of the blocking order to assess whether users are wrongly prevented from accessing a specific item of material indicated by uniform resource locators pursuant to the blocking order. The provider shall also be entitled to request modification or revocation of the blocking order, where it considers it necessary due to substantial changes to the grounds for issuing the blocking orders that occurred after the issuance thereof, in particular substantial changes preventing the provider from taking the required reasonable measures to execute the blocking order.~~

~~The Coordinating Authority shall, without undue delay, diligently assess such requests and inform the provider or the user submitting the request of the outcome thereof. Where it considers the request to be justified, it shall request modification or revocation of the blocking order in accordance with Article 16(7) and inform the EU Centre.~~

~~6. Where the period of application of the blocking order exceeds 24 months, the Coordinating Authority of establishment shall require the provider to report to it on the measures taken to execute the blocking order, including the safeguards provided for, at least once, halfway through the period of application.~~

## **Section 5a**

### **Delisting obligations**

#### *Article 18a*

#### *Delisting orders*

- 1. The competent authority of each Member State shall have the power to issue a delisting order, subject to any requirements of national law as referred to in the paragraph 1a, requiring a provider of an online search engine to take reasonable measures to delist an online location where child sexual abuse material can be found from appearing in search results in all Member States. The competent authorities may make use of 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.**
- 1a. By deviation from paragraph 1, and without causing undue delays in the process of issuance of those orders, Member States may decide that such orders can only be issued by or with the prior authorisation of a judicial authority at the request of another competent authority. Where a Member State makes use of this possibility, it shall inform the Commission thereof and maintain this information updated. The Commission shall make the information received publicly available and maintain this information updated.**

2. The provider shall execute the delisting order as soon as possible and in any event within 24 hours of receipt thereof. The provider shall take the necessary measures to ensure that it is capable of reinstating the delisted online location to appear in search results in accordance with Article 18c(2).
3. A delisting order shall be issued where the following conditions are met:
  - (a) the delisting is necessary to prevent the dissemination of the child sexual abuse material in the Union, having regard in particular to the need to protect the rights of the victims;
  - (b) URLs specified in the delisting order correspond, in a sufficiently reliable manner, to online locations where child sexual abuse material can be found.
4. The issuing authority shall specify in the delisting order the period during which it applies, indicating the start date and the end date.

The period of application of delisting orders shall not exceed five years.
5. The Coordinating Authority or the issuing authority shall, where necessary and at least once every year, assess whether any substantial changes to the grounds for issuing the delisting orders have occurred and whether the conditions of paragraph 4 continue to be met.

Where necessary in the light of the outcome of that assessment or information of the reports referred to in Article 18b(6) an order may be modified or reversed by the issuing authority, where relevant at the request of the Coordinating Authority.

#### *Article 18aa*

##### *Procedure for cross-border delisting orders*

1. Subject to Article 18a, where the provider of an online search engine does not have its main establishment or legal representative in the Member State of the authority that issued the delisting order, that authority shall, simultaneously submit through the Coordinating Authority a copy of the delisting order to the Coordinating Authority of establishment.
2. The Coordinating Authority of establishment may, within 72 hours of receiving the copy of the delisting order in accordance with paragraph 1, scrutinise the delisting order to determine whether it seriously or manifestly infringes this Regulation or the fundamental rights and freedoms guaranteed by the Charter.

Where it finds such an infringement, it shall, within the same period, adopt a reasoned decision to that effect.

3. Where a provider of an online search engine receives a delisting order as referred to in paragraph 1, it shall take the measures provided for in Article 18a and take the necessary measures to be able to reinstate the delisted online location to appear in search results, in accordance with paragraph 4 of this Article.
4. Upon receiving a decision finding an infringement communicated in accordance with paragraph 7, the provider of an online search engine concerned shall without undue delay reinstate the delisted online location to appear in search results, without prejudice to the possibility to enforce its terms and conditions in accordance with Union and national law.
5. By deviation from Article 18a(1) and from paragraphs 1 and 2 of this Article, where required by the constitutional law of the Member State where the provider of an online search engine has its main establishment or where its legal representative resides or is established, that Member State may decide that delisting orders issued by the competent authorities of other Member States are to be transmitted through the Coordinating Authority of that Member State. That Member State shall inform the Commission of its decision and of its reasons for taking the decision. The Commission shall make publicly available, and keep up-to-date, a list of Member States that took the decision referred to in this subparagraph.

The Coordinating Authority of establishment shall as soon as possible and in any event within 72 hours of receiving the delisting order transmit the delisting order covered by the first subparagraph to the provider of the online search engine, unless it adopts a reasoned decision within these 72 hours that the delisting order seriously or manifestly infringes this Regulation or the fundamental rights and freedoms guaranteed by the Charter. The delisting order shall only have legal effect upon the transmission thereof to the provider of the online search engine.

6. The Coordinating Authority of establishment shall, before adopting a decision pursuant to the second subparagraph of paragraph 2 or the second subparagraph of paragraph 5, inform the Coordinating Authority of the Member State whose authority issued the delisting order of its intention to adopt the decision and of its reasons for doing so.
7. Where the Coordinating Authority of establishment adopts a reasoned decision in accordance with the second subparagraph of paragraph 2, it shall, without delay, transmit that decision, to the Coordinating Authority of the Member State whose authority issued the delisting order, the provider of the online search engine and the EU Centre.

Where the Coordinating Authority of establishment adopts a reasoned decision in accordance with the second subparagraph of paragraph 5, it shall, without delay, transmit that decision to the Coordinating Authority of the Member State whose authority issued the delisting order and the EU Centre.

*Article 18b*

*Additional rules regarding delisting orders*

1. **A delisting order shall be issued using the template set out in Annex X. Delisting orders shall include:**
  - (aa) where applicable, the reference to the list of uniform resource locators, provided by the EU Centre,**
  - (a) identification details of the authority issuing the delisting order and authentication of the order by that authority;**
  - (b) the name of the provider and, where applicable, its legal representative;**
  - (c) clear information enabling the provider to identify and locate the child sexual abuse material and the specific service in respect of which the delisting order is issued;**
  - (d) the start and end date of the delisting;**
  - (e) a sufficiently detailed statement of reasons explaining why the delisting order is issued;**
  - (f) the information necessary for the application, where relevant, of paragraphs 4, 5, and 6;**
  - (g) a reference to this Regulation as the legal basis for delisting;**
  - (h) the date, time stamp and electronic signature of the competent authority issuing the delisting order;**
  - (i) easily understandable information about the redress available, including information about redress to a court and about the time periods applicable to such redress.**

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

**The delisting order shall be transmitted to the provider's point of contact referred to in Article 23(1) by electronic means capable of producing a written record under conditions that allow to establish the authentication of the sender, including the accuracy of the date and the time of sending and receipt of the order to the Coordinating Authority in the Member State in which the order was issued and to the EU Centre, through the system established in accordance with Article 39(2).**

3. **The delisting order shall be transmitted in any of the official languages declared by the provider pursuant to Article 23(3).**
4. **If the provider cannot execute the delisting 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 authority issuing the order of those grounds, using the template set out in Annex XI.**
5. **If the provider cannot execute the delisting 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 from the authority issuing the order, using the template set out in Annex XI.**
6. **The provider shall, without undue delay and using the template set out in Annex XII, inform the issuing authority of the measures taken to execute the delisting order, indicating, in particular, whether the provider has prevented search results for the online location with child sexual abuse material to appear.**

**The authority issuing the order may require the provider to report to it regularly on the measures taken to execute a delisting order.**

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

*Article 18c*

*Redress and provision of information*

1. **Providers of online search engines that have received a delisting order and users that provided the material to a delisted online location shall have a right to effective redress. That right shall include the right to challenge the delisting order before the courts of the Member State of the authority that issued the delisting order.**
2. **If the order is reversed as a result of a redress procedure, the provider shall without undue delay reinstate the delisted online location to appear in search results, without prejudice to the possibility to enforce its terms and conditions in accordance with Union and national law.**
3. **When the delisting order becomes final, the issuing authority shall, without undue delay, transmit a copy thereof and information it has received pursuant to Article 18b (4) to (6) to the Coordinating Authority. The Coordinating Authority shall then, without undue delay, transmit copies thereof to all other Coordinating Authorities and the EU Centre through the system established in accordance with Article 39(2).**

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

- 3a. **The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it complaints about alleged infringements of its obligations under this Section. It shall process such complaints in an objective, effective and timely manner.**
4. **Where a provider prevents users from obtaining search results for child sexual abuse material corresponding to an online location pursuant to a delisting order, it shall take reasonable measures to inform those users of the following:**
  - (a) **the fact that it does so pursuant to a delisting order and the reasons for doing so;**
  - (b) **the right of users that provided the material to a delisted online location to judicial redress referred to in paragraph 1 and users' right to submit complaints to the Coordinating Authority in accordance with Article 34.**



## Section 6 Additional provisions

### *Article 19*

#### *Liability of providers*

Providers of relevant information society services shall not be liable for child sexual abuse offences **if and insofar as** ~~solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at~~ **assessing and mitigating risk, preventing, detecting, identifying, reporting, removing, disabling of access to, blocking or delisting from search results** ~~reporting online child sexual abuse in accordance with those requirements.~~

### *Article 20*

#### *Victims' right to information*

1. Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority ~~designated by~~ **in** the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the person making the request.

2. The request referred to in paragraph 1 shall indicate:
  - (a) the relevant item or items of known child sexual abuse material;
  - (b) where applicable, the individual or entity that is to receive the information on behalf of the person making the request;
  - (c) sufficient elements to demonstrate the identity of the person making the request.
3. The information referred to in paragraph 1 shall include:
  - (a) the identification of the provider that submitted the report;
  - (b) the date of the report;
  - (c) whether the EU Centre forwarded the report in accordance with Article 48(3) and, if so, to which authorities;
  - (d) whether the provider reported having removed or disabled access to the material, in accordance with Article 13(1), point (i).

## Article 21

### *Victims' right of assistance and support for removal*

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

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the person making the request.

3. The requests referred to in paragraphs 1 and 2 shall indicate the relevant item or items of child sexual abuse material.
4. The EU Centre's support referred to in paragraph 2 shall include, as applicable:
  - ~~(a) support in connection to requesting the provider's assistance referred to in paragraph 1;~~
  - (b) verifying whether the provider removed or disabled access to that item or those items, including by conducting the searches referred to in Article 49(1);
  - (c) notifying the item or items of known child sexual abuse material depicting the person to the provider and requesting removal or disabling of access, in accordance with Article 49(2);
  - (d) where necessary, informing the Coordinating Authority of establishment of the presence of that item or those items on the service, with a view to the issuance of a removal order pursuant to Article 14.

## Article 22

### Preservation of information

1. Providers of hosting services and providers of interpersonal communications services shall preserve the content data and other data processed **that is necessary for taking** ~~in connection to the measures taken~~ to comply with this Regulation and the personal data generated through such processing, when the following measures have been taken or for the purposes of complaints or redress procedures ~~complaints only for one or more of the following purposes~~, as applicable:

~~(xa) insofar as strictly necessary for using the technologies referred to in Article 10, involving in particular the automatic, intermediate and temporary preservation of such data for the use of the indicators provided by the EU Centre, as well as for applying the safeguards referred to in Article 10, when executing a detection order issued pursuant to Article 7;~~

- (a) ~~executing a detection order issued pursuant to Article 7, or a removal order issued pursuant to Article 14~~ **or a blocking order pursuant to Article 16 or a delisting order pursuant to Article 18a;**
- (b) reporting **information that indicate** potential online child sexual abuse to the EU Centre pursuant to Article 12;
- (c) blocking the account of, or suspending or terminating the provision of the service to, the user concerned;
- (d) handling users' complaints to the provider or to the Coordinating Authority, or the exercise of users' right to administrative or judicial redress, in respect of alleged infringements of this Regulation;

- 1a. ~~Upon a request responding to requests issued by a competent law enforcement authorities and judicial authorities, providers shall with a view to providing them~~ **requesting authority** with the necessary information for the prevention, detection, investigation or prosecution of child sexual abuse offences, **or the handling of complaints or administrative or judicial redress proceedings**, insofar as the content data and other data **have been preserved for one of the purposes in paragraphs 1(a) to (d)**. ~~relate to a report that the provider has submitted to the EU Centre pursuant to Article 12.~~

~~As regards the first subparagraph, point (a), the provider may also preserve the information for the purpose of improving the effectiveness and accuracy of the technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7. However, it shall not store any personal data for that purpose.~~

2. Providers shall preserve the information referred to in paragraph 1 for no longer than necessary for the applicable purpose and, in any event, no longer than 12 months from the date of the **measures taken that led to the obligation to preserve the information reporting or of the removal or disabling of access, whichever occurs first. They shall subsequently irrevocably delete the information.**

**Providers** ~~They shall, upon request from the competent national authority or court, preserve the information for a further specified period, set by that the requesting authority or court where and to the extent necessary for ongoing administrative or judicial redress proceedings, as referred to in paragraph 1, point (d).~~

3. Providers shall ensure that the information referred to in paragraph 1 is preserved in a secure manner and that the preservation is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the information can be accessed and processed only for the purpose for which it is preserved, that a high level of security is achieved and that the information is deleted upon the expiry of the applicable time periods for preservation. Providers shall regularly review those safeguards and adjust them where necessary.

#### Article 22a

##### Keeping of logs

~~1. Providers of hosting services and providers of interpersonal communications services shall record, in respect of any processing of content and other data in connection with the execution of detection order pursuant to Article 7, the time and duration of the processing and, where applicable, the person performing the processing.~~

~~2. The logs shall only be used for the verification of the lawfulness of the processing, for self-monitoring, for ensuring data integrity and data security as well as for the purposes of criminal or disciplinary proceedings.~~

~~3. Providers shall keep the information contained in the logs referred to in paragraph 1 for no longer than necessary for the applicable purpose and, in any event, no longer than five years from the date of the measures taken that led to the obligation to preserve the information recorded in those logs. They shall subsequently irrevocably delete the information.~~

~~They shall, upon request from the competent national authority or court, keep the information for a further specified period, set by that the requesting authority or court, where and to the extent necessary for one of the purposes referred to in paragraph 2.~~

## Article 23

### Points of contact

1. Providers of relevant information society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation.
2. The providers shall communicate to the EU Centre and make public the information necessary to easily identify and communicate with their single points of contact, including their names, addresses, the electronic mail addresses and telephone numbers.
3. The providers shall specify in the information referred to in paragraph 2 the official language or languages of the Union, which can be used to communicate with their points of contact.

The specified languages shall include at least one of the official languages of the Member State in which the provider has its main establishment or, where applicable, where its legal representative resides or is established.

## Article 24

### Legal representative

1. Providers of relevant information society services which do not have their main establishment in the Union shall designate, in writing, a natural or legal person as its legal representative in the Union **for the purposes of this Regulation**.
2. The legal representative shall reside or be established in one of the Member States where the provider offers its services.
3. The provider shall mandate its legal representatives to be addressed in addition to or instead of the provider by the Coordinating Authorities, other competent authorities of the Member States and the Commission on all issues necessary for the receipt of, compliance with and enforcement of **orders and** decisions issued in relation to this Regulation, including ~~detection orders~~, removal orders ~~and~~, blocking orders **and delisting orders**.

4. The provider shall provide its legal representative with the necessary powers and resources to cooperate with the Coordinating Authorities, other competent authorities of the Member States and the Commission and **to** comply with the **orders and** decisions referred to in paragraph 3.
5. The ~~designated~~ legal representative may be held liable for non-compliance with obligations of the provider under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider.
6. The provider shall notify the name, address, the electronic mail address and telephone number of its legal representative designated pursuant to paragraph 1 to the Coordinating Authority in the Member State where that legal representative resides or is established, and to the EU Centre. **The provider or the legal representative** ~~They~~ shall ensure that that information is up to date and publicly available.
7. The designation of a legal representative within the Union pursuant to paragraph 1 shall not amount to an establishment in the Union.

## CHAPTER III

### SUPERVISION, ENFORCEMENT AND COOPERATION

#### Section 1

#### **Coordinating Authorities of the Member States for child sexual abuse issues**

##### *Article 25*

##### *Coordinating Authorities for child sexual abuse issues and other competent authorities*

1. Member States shall, by [~~Date~~ **two-eigh**teen months from the date of entry into force of this Regulation], designate one or more competent authorities as responsible for the application, **and supervision and** enforcement of this Regulation (**‘competent authorities’**).
2. Member States shall, by the date referred to in paragraph 1, designate one of the competent authorities as their Coordinating Authority for child sexual abuse issues (**‘Coordinating Authority’**). **Where Member States designate only one competent authority, that competent authority shall be the Coordinating Authority.**

**Without prejudice to the tasks of the supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/679,** the Coordinating Authority shall be responsible for all matters related to **the** application and enforcement of this Regulation in the Member State concerned, unless that Member State has assigned certain specific tasks or sectors to other competent authorities.

The Coordinating Authority shall in any event be responsible for ensuring coordination at national level in respect of ~~those~~ **all matters relating to the application, supervision and enforcement of this Regulation** and ~~for contributing to the effective efficient and consistent application, and enforcement of this Regulation throughout the Union.~~

3. Where a Member State designates more than one competent authority ~~in addition to the Coordinating Authority,~~ it shall ensure that the respective tasks of those authorities ~~and of the Coordinating Authority~~ **including those of the Coordinating Authority,** are clearly defined and that they cooperate closely and effectively when performing their tasks. ~~The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the EU Centre and the Commission.~~
4. Within one week after the designation of the **competent authorities, including the Coordinating Authorities** ~~and other competent authorities pursuant to paragraph 1,~~ Member States shall make publicly available, and communicate to the Commission and the EU Centre, the names of ~~their Coordinating Authority~~ **those authorities as well as their respective tasks or sectors.** They shall keep that information updated.

5. ~~Each Member States shall ensure that a contact point is designated or~~ **establish a contact point** within ~~their the~~ Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement of this Regulation ~~in that Member State~~. Member States shall make the information on the contact point publicly available and communicate it to the EU Centre. They shall keep that information updated.
6. **The EU Centre shall, by [eighteen months and two weeks from the date of entry into force of this Regulation]** ~~Within two weeks after the designation of the Coordinating Authorities pursuant to paragraph 2, the EU Centre shall set up an online register listing~~ **the competent authorities, including** the Coordinating Authorities and their contact points, **designated pursuant to paragraphs 1, 1a, 2 and 5**. The EU Centre shall regularly publish any modification thereto.
7. **Competent authorities** ~~Coordinating Authorities~~ may, where necessary for the performance of their tasks under this Regulation, request **through the Coordinating Authority**, the assistance of the EU Centre in carrying out those tasks, in particular, by requesting the EU Centre to:
- (a) provide certain information or technical expertise on matters covered by this Regulation;
  - (b) assist in assessing, in accordance with Article 5(2), the risk assessment conducted or updated or the mitigation prevention measures taken by a provider of hosting or interpersonal communications services under the jurisdiction of the Member State that designated the requesting ~~Coordinating Authority~~ **competent authority**;
  - ~~(c) **provide an opinion on** verify the possible need to request competent national authorities to issue **the issuance of** a detection order, a removal order, or a blocking order in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;~~
  - (d) **provide an opinion on** ~~verify~~ the effectiveness of **the prevention measures taken by a provider of hosting services or interpersonal communications services under the jurisdiction of the Member State that designated the requesting competent authority.** ~~a detection order or a removal order issued upon the request of the requesting Coordinating Authority;.]~~
8. ~~The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this Regulation and insofar as its resources and priorities allow.~~
9. ~~The requirements applicable to Coordinating Authorities set out in Articles 26, 27, 28, 29 and 30 shall also apply to any other competent authorities that the Member States designate pursuant to paragraph 1.~~



## Article 26

### *Requirements for Coordinating **competent** Authorities*

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

**Those authorities shall not seek or take instructions from any other body in relation to carrying out their tasks under this Regulation.**

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

- ~~(a)~~ are legally and functionally independent from any other public authority;
- ~~(b)~~ have a status enabling them to act objectively and impartially when carrying out their tasks under this Regulation;
- ~~(c)~~ are free from any external influence, whether direct or indirect;
- ~~(d)~~ neither seek nor take instructions from any other public authority or any private party;
- ~~(e)~~ are not charged with tasks relating to the prevention or combating of child sexual abuse, other than their tasks under this Regulation.

- ~~2-3.~~ Paragraph ~~2-1~~ shall not prevent supervision of the **Coordinating competent** ~~a~~Authorities in accordance with national constitutional law, ~~to the extent that such supervision does not affect their independence as required under this Regulation.~~

- ~~3 4.~~ The ~~Coordinating Authorities~~ **competent authorities** shall ensure that **their relevant** ~~members of staff~~ have the required qualifications, experience, and technical skills to ~~perform~~ **carry out the application, supervision and enforcement under this Regulation** duties.

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

**Section 2**  
**Powers of ~~Coordinating Authorities~~ competent authorities of Member States**

*Article 27*

*Investigatory and enforcement powers*

1. Where needed **in order to** ~~for~~ carrying out their tasks **under this Regulation, competent authorities** ~~Coordinating Authorities~~ shall have the following powers of investigation, in respect of **conduct by** providers of relevant information society services under the jurisdiction of ~~the~~ **their** Member State ~~that designated them~~:
  - (a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, to provide such information **without undue delay** ~~within a reasonable time period~~;
  - (b) the power to carry out, **or to request a judicial authority to order**, ~~on-site~~ inspections of any premises that those providers or ~~the other~~ **those persons referred to in point (a)** use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of ~~this Regulation~~ in any form, irrespective of the storage medium;
  - (c) the power to ask any member of staff or representative of those providers or ~~the other~~ **those persons** to give explanations in respect of any information relating to a suspected infringement of this Regulation and to record the answers **by any technical means**;
  - (d) the power to request information, including to assess whether the measures taken to **prevent online child sexual abuse or** execute a ~~detection order~~, removal order, or blocking order **or delisting order** comply with the requirements of this Regulation.
2. ~~Member States may grant additional investigative powers to the Coordinating Authorities.~~

*Article 28*

*Enforcement powers*

~~2.1.~~—Where needed for carrying out their tasks **under this Regulation**, **competent authorities** ~~Coordinating Authorities~~ shall have the following enforcement powers, in respect of providers of relevant information society services under the jurisdiction of ~~the~~ **their** Member State ~~that designated them~~:

- (a) the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding;
- (b) the power to order the cessation of infringements ~~of this Regulation~~ and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end **or to request a judicial authority to do so**;
- (c) the power to impose fines, or request a judicial authority in their Member State to do so, in accordance with Article 35 for **failure to comply with infringements** ~~of this Regulation~~, including ~~non-compliance with~~ any of the orders issued pursuant to **paragraph 1 of this Article 27** and to point (b) of this paragraph;
- (d) the power to impose a periodic penalty payment, **or to request a judicial authority to do so**, in accordance with Article 35 to ensure that an infringement ~~of this Regulation~~ is terminated in compliance with an order issued pursuant to point (b) of this **subparagraph** or for failure to comply with any of the orders issued pursuant to **paragraph 1 of this Article. 27** and to point (b) of this paragraph;
- (e) the power to adopt interim measures **or to request the competent national judicial authority to do so**, to avoid the risk of serious harm.

~~2.~~—Member States may grant additional enforcement powers to the ~~Coordinating Authorities~~.

~~3.~~ As regards **the first subparagraph** ~~1~~, points (c) and (d), **competent authorities** ~~Coordinating Authorities~~ shall **also** have the enforcement powers set out in those points ~~also~~ in respect of the other persons referred to in **paragraph 1—Article 27**, for failure to comply with any of the orders issued to them pursuant to that **paragraph Article. 4**. They shall only exercise those enforcement powers after having provided those other persons in good time with all relevant information relating to such orders, including the applicable ~~time period~~, the fines or periodic payments that may be imposed for failure to comply and ~~redress the possibilities for redress~~.

*Article 29*

*Additional enforcement powers*

- ~~3.1.~~—Where needed for carrying out their tasks **under this Regulation, competent authorities** ~~Coordinating Authorities shall have the additional enforcement powers referred to in paragraph 2,~~ in respect of providers of relevant information society services under the jurisdiction of their Member State, ~~where that designated them, provided that:~~
- ~~(a)~~—all other powers pursuant to ~~this~~ Articles ~~27 and 28~~ to bring about the cessation of an infringement ~~of this Regulation~~ have been exhausted;
  - ~~(b)~~—**and the infringement has not been remedied or is continuing and is** ~~persistent;~~
  - ~~(c)~~—~~the infringement causes~~ **causing** serious harm which cannot be avoided through the exercise of other powers available under Union or national law, **also have the power to take the following measures:**
- ~~2.~~—~~Coordinating Authorities shall have the additional enforcement powers to take the following measures:~~
- (a) **to** require the management body of the providers, **without undue delay,** to examine the situation, ~~within a reasonable time period and to:~~
    - ~~(i)~~—adopt and submit an action plan setting out the necessary measures to terminate the infringement;
    - ~~(ii)~~—ensure that the provider takes those measures; **and**
    - ~~(iii)~~—report on the measures taken;
  - (b) **where the competent authorities consider that a provider of relevant information society services has not sufficiently complied with the requirements of point (a), that the infringement has not been remedied or is continuing and is causing serious harm, and that that infringement entails a criminal offence involving a threat to the life or safety of persons or the infringement results in the regular and structural facilitation of child sexual abuse offences,** to request **that** the competent judicial authority or **other** independent administrative authority of its the Member State ~~that designated the Coordinating Authority~~ to order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place. ~~, where the Coordinating Authority considers that:~~

- ~~(i) — the provider has not sufficiently complied with the requirements of point (a);~~
- ~~(ii) — the infringement persists and causes serious harm;~~
- ~~(iii) — the infringement results in the regular and structural facilitation of child sexual abuse offences.~~

3. — ~~The Coordinating Authority~~ **competent authorities** shall, prior to submitting the request referred to in ~~this~~ paragraph 2, point (b), invite interested parties to submit written observations **within a period that shall not be less than two weeks, describing the measures that it intends to request and identifying the intended addressee or addressees thereof. The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings before the competent judicial authority or other independent administrative authority.**

~~on its intention to submit that request within a reasonable time period set by that Coordinating Authority. That time period shall not be less than two weeks.~~

~~The invitation to submit written observations shall:~~

- ~~(a) — describe the measures that it intends to request;~~
- ~~(b) — identify the intended addressee or addressees thereof.~~

~~The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings regarding the request.~~

4. — ~~Any measure ordered upon the request referred to in paragraph 2, point (b), shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by users of the service concerned.~~

~~The temporary restriction of access shall be apply for a period of four weeks, subject to the possibility for the competent judicial authority~~ **or other independent administrative authority of the Member State**, in its order, to allow the ~~Coordinating Authority~~ **competent authorities** to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by ~~that~~ **judicial authority or other independent administrative authority.**

~~The Coordinating Authority~~ **competent authorities referred to in the second subparagraph** shall only extend the period where ~~it considers~~, having regard to the rights and ~~legitimate interests of all parties affected by the~~ **that** restriction and all relevant ~~facts and circumstances, including any information that the provider, the addressee or addressees and any other third party that demonstrated a legitimate interest may provide to them~~ ~~it~~, **they consider** that both of the following conditions have been met:

- (a) the provider has failed to take the necessary measures to terminate the infringement;
- (b) the temporary restriction does not unduly restrict access to lawful information by users of the service, having regard to the number of users affected and whether any adequate and readily accessible alternatives exist.

Where the ~~Coordinating Authority~~ **competent authority**, considers that **the conditions set out in the fifth subparagraph, points (a) and (b)** ~~those two conditions~~ have been met but it cannot further extend the period pursuant to the **fourth** ~~second~~ subparagraph, it shall submit a new request to the ~~competent~~ judicial authority **or other independent administrative authority**, as referred to in ~~the first subparagraph-2~~, point (b).

#### *Article 30*

##### *Common provisions on investigatory and enforcement powers*

- 4. 1.—The measures taken by the ~~Coordinating Authorities~~ **competent authorities** in the exercise of their investigatory and enforcement powers **listed in paragraphs 1, 2 and 3** ~~referred to in Articles 27, 28 and 29~~ shall be effective, dissuasive and proportionate, having regard, in particular, to the nature, gravity, recurrence and duration of the infringement ~~of this Regulation~~ or suspected infringement to which those measures relate, as well as the economic, technical and operational capacity of the provider of relevant information society services concerned, where **relevant** applicable.
- 5. 2.—Member States shall **lay down specific rules and procedures for the exercise of the powers pursuant to paragraphs 1, 2 and 3 and shall** ensure that any exercise of ~~those the investigatory and enforcement powers referred to in Articles 27, 28 and 29~~ is subject to adequate safeguards laid down in the applicable national law **in compliance with the Charter and with the general principles of Union law** ~~to respect the fundamental rights of all parties affected~~. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all ~~parties affected~~ **parties**.

#### *Article 31*

##### *Searches to verify compliance*

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

## Article 32

### *Notification of known child sexual abuse material*

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

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

## Section 3

### Other provisions on enforcement

#### Article 33

##### *Jurisdiction*

1. The Member State in which the main establishment of the provider of relevant information society services is located shall have jurisdiction for the purposes of this Regulation.
2. A provider of relevant information society services which does not have an establishment in the Union shall be deemed to be under the jurisdiction of the Member State where its legal representative resides or is established.

Where a provider failed to appoint a legal representative in accordance with Article 24, all Member States shall have jurisdiction. Where a Member State decides to exercise jurisdiction under this subparagraph, it shall inform all other Member States and ensure that the principle of *ne bis in idem* is respected.

#### Article 34

##### *Right of users of the service to lodge a complaint*

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

2. Coordinating Authorities shall provide child-friendly mechanisms to submit a complaint under this Article and adopt a child-sensitive approach when handling complaints submitted by children, taking due account of the child's age, maturity, views, needs and concerns.
3. The Coordinating Authority ~~receiving the complaint~~ shall assess the complaint and, where appropriate, transmit it to the Coordinating Authority of establishment, **accompanied, where appropriate, by its reasoning.**

Where the complaint falls under the responsibility of another competent authority **in its Member State**, ~~that designated the Coordinating Authority receiving the complaint, that Coordinating Authority~~ shall transmit it to that ~~other competent~~ authority.

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

#### *Article 34a*

#### *Representation*

1. **Without prejudice to Directive (EU) 2020/1828 or to any other type of representation under national law, users of relevant information society services shall at least have the right to mandate a body, organisation or association to exercise the rights conferred by this Regulation on their behalf, provided the body, organisation or association meets all of the following conditions:**
  - (a) **it operates on a non-profit basis;**
  - (b) **it has been properly constituted in accordance with the law of a Member State;**
  - (c) **its statutory objectives include a legitimate interest in ensuring that this Regulation is complied with.**
2. **Providers of relevant information society services shall take the necessary technical and organisational measures to ensure that complaints submitted by bodies, organisations or associations referred to in paragraph 1 of this Article on behalf of users through the mechanisms referred to in Article 34 are processed and decided upon with priority and without undue delay.**



## Article 35

### Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of the obligations pursuant to Chapters II and V of this Regulation by providers of relevant information society services under their jurisdiction and shall take all the necessary measures to ensure that they are implemented **in accordance with Article 27**.

~~The p~~Penalties shall be effective, proportionate and dissuasive, **taking into account the risk categorisation of services laid down in Article 5(2)**. Member States shall, by [Date of application of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.

2. Member States shall ensure that the maximum amount of ~~penalties~~ **fin**es that may be imposed for ~~an~~ **a failure to comply with an obligation laid down in** infringement of this Regulation shall ~~be~~ not exceed 6 % of the annual ~~worldwide income or global~~ turnover of the **providers concerned in the** preceding financial ~~business year of the provider~~. ~~3.~~ **Member States shall ensure that the maximum amount of the fine that may be imposed** Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information ~~or~~ **and failure** to submit to an ~~on-site~~ inspection shall ~~be~~ not exceed 1% of the annual income or worldwide ~~global~~ turnover of the ~~preceding business year of the provider or the other person concerned in the preceding financial year referred to in Article 27~~.
34. Member States shall ensure that the maximum amount of a periodic penalty payment shall ~~be~~ not exceed 5 % of the average daily ~~worldwide global~~ turnover **or income** of the provider ~~or the other person referred to in Article 27~~ in the preceding financial year per day, calculated from the date specified in the decision concerned.
45. Member States shall ensure **that the competent authorities**, when deciding whether to impose a penalty and when determining the type and level of penalty, account is taken of all relevant circumstances, including:
  - (a) the nature, gravity and duration of the infringement;
  - (b) whether the infringement was intentional or negligent;
  - (c) ~~any~~ previous infringements by the provider or the other person;
  - (d) the financial strength of the provider or the other person;

- (e) the level of cooperation of the provider or the other person **with the competent authorities**;
- (f) the nature and size of the provider or the other person, in particular whether it is a micro, small or medium-sized enterprise;
- (g) the degree of fault of the provider **or other person**, taking into account the technical and organisational measures taken by **the provider** ~~it~~ to comply with this Regulation.

## Section 4

### Cooperation

#### *Article 36*

##### *Identification and submission of online child sexual abuse*

1. ~~Coordinating Authorities~~ **Competent authorities** shall submit to the EU Centre, without undue delay and through the system established in accordance with Article 39(2):
  - (a) specific items of material and ~~transcripts~~ **extracts** of conversations that **competent authorities** ~~Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities~~ of a Member State have identified, after a diligent assessment, **subject to adequate oversight by judicial authorities**, as constituting child sexual abuse material or the solicitation of children, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);
  - (b) exact uniform resource locators indicating **the electronic location of the information** ~~specific items of material that competent authorities~~ ~~Coordinating Authorities or that competent judicial authorities or other independent administrative authorities~~ of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, ~~hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction,~~ for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3);

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

- 1a. **By deviation from paragraph 1, last subparagraph, Member States may decide that the submission to the EU Centre, in accordance with the requirements specified in points (a) and (b) of paragraph 1, can be carried out by the competent authorities without undue delay and through the system established in accordance with Article 39(2). Where a Member State is making use of this possibility, the competent authority shall inform the Coordinating Authority of all the correspondence with the EU Centre.**
2. Upon the request of the EU Centre where necessary to ensure that the data contained in the databases referred to in Article 44(1) are complete, accurate and up-to-date, Coordinating Authorities **competent authorities** shall verify or provide clarifications or additional information as to whether the conditions of paragraph 1, points (a) and (b) have been and, where relevant, continue to be met, in respect of a given submission to the EU Centre in accordance with that paragraph.
3. Member States shall ensure that, where their law enforcement authorities receive a report of the dissemination of new child sexual abuse material or of the solicitation of children forwarded to them by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1 and, if the material or conversation is identified as constituting child sexual abuse material or as the solicitation of children, the Coordinating Authority **competent authority** submits the material to the EU Centre, in accordance with that paragraph, within one **two** months from the date of reception of the report or, where the assessment is particularly complex, two **six** months from that date.
4. They shall also ensure that, where the diligent assessment indicates that the material does not constitute child sexual abuse material or the solicitation of children, the Coordinating Authority is informed of that outcome and subsequently informs the EU Centre thereof, within the time periods specified in the first subparagraph.

#### *Article 37*

##### *Cross-border cooperation among Coordinating Authorities*

1. Where a Coordinating Authority that is not the Coordinating Authority of establishment has reasons to suspect that a provider of relevant information society services infringed this Regulation **in a manner negatively affecting the users of the service in the Member State of that Coordinating Authority**, it ~~may~~ shall request the Coordinating Authority of establishment to assess the matter and **to** take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

~~Where the Commission has reasons to suspect that a provider of relevant information society services infringed this Regulation in a manner involving at least three Member States, it may recommend that the Coordinating Authority of establishment assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.~~

2. ~~The A request or recommendation pursuant referred to in paragraph 1 shall be duly reasoned and~~ at least indicate:
  - (a) the point of contact of the provider as set out in Article 23;
  - (b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Coordinating Authority that sent the request, ~~or the Commission~~ suspects, that the provider infringed this Regulation **including the description of the negative effects of the alleged infringement;**
  - (c) any other information that the Coordinating Authority that sent the request, ~~or the Commission,~~ considers relevant, including, where appropriate, information gathered on its own initiative ~~and~~ **or** suggestions for specific investigatory or enforcement measures to be taken, **including interim measures.**
3. The Coordinating Authority of establishment shall **take utmost account of the requests pursuant to paragraph 1 of this Article** ~~assess the suspected infringement, taking into utmost account the request or recommendation referred to in paragraph 1. Where it considers that it has insufficient information to assess the suspected infringement or to act upon the request or recommendation and has reasons to consider that the Coordinating Authority that sent the request, or the Commission, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.~~
4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request ~~or recommendation~~ pursuant ~~referred to in paragraph 1,~~ communicate to the Coordinating Authority that sent the request, ~~or the Commission,~~ the ~~outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable,~~ an explanation of the investigatory or enforcement measures taken or envisaged, **if any,** in relation thereto to ensure compliance with this Regulation.

## Article 38

### *Joint investigations*

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

Such joint investigations are without prejudice to the tasks and powers of the participating Coordinating Authorities and the requirements applicable to the performance of those tasks and exercise of those powers provided for in this Regulation.

2. The participating Coordinating Authorities shall make the results of the joint investigations available to other Coordinating Authorities, the Commission and the EU Centre, through the system established in accordance with Article 39(2), for the fulfilment of their respective tasks under this Regulation.

## Article 38a

### *Mutual assistance*

1. **The Coordinating Authorities and the other competent authorities of the Member States shall cooperate closely and provide each other with mutual assistance in order to apply this Regulation in a consistent and efficient manner. Mutual assistance shall include, in particular, exchange of information in accordance with this Article and the duty of the Coordinating Authority to inform all the other Coordinating Authorities about the opening of an investigation and the intention to take a final decision, including its assessment, in respect of a specific provider of a relevant information society service.**
2. **For the purpose of an investigation, a Coordinating Authority may request a Coordinating Authority in another Member State to provide specific information in its possession as regards a specific provider of relevant information society services or to exercise their investigative powers referred to in Article 27(1) with regard to specific information located in its Member State. Where appropriate, the Coordinating Authority receiving the request may involve other competent authorities or other public authorities of the Member State in question.**
3. **The Coordinating Authority receiving the request pursuant to paragraph 2 shall comply with such request and inform the requesting Coordinating Authority about the action taken, without undue delay, unless:**
  - (a) **the scope or the subject matter of the request is not sufficiently specified, justified or proportionate in view of the investigative purposes; or**

- (b) neither the requested Coordinating Authority nor other competent authority or other public authority of that Member State is in possession of the requested information nor can have access to it; or
- (c) the request cannot be complied with without infringing Union or national law.

The Coordinating Authority receiving the request shall justify its refusal by submitting a reasoned reply, within the period set out in the first subparagraph.

#### Article 39

##### *General eCooperation, coordination and information-sharing system*

1. **Competent authorities** ~~Coordinating Authorities~~ shall sincerely cooperate with each other, ~~other competent authorities of the Member States that designated the Coordinating Authority~~, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and to ensure its effective, efficient and consistent application and enforcement, **without prejudice to the possibility for Member States to provide for cooperation mechanisms and regular exchanges of views between the competent authorities where relevant for the performance of their respective tasks in accordance with this Regulation.**
  - 1a. The authorities and agencies referred to in paragraph 1 shall, including with the support from the EU Centre, coordinate their work for the performance of their respective tasks under this Regulation, with a view to ensuring its effective, efficient and consistent application and enforcement and avoiding interference with criminal investigations in different Member States and duplication of efforts.
  - 1b. **To facilitate the implementation of this Regulation, Member States shall put in place national strategies to prevent and combat online child sexual abuse and exploitation. These national strategies shall also ensure effective coordination and cooperation of the Member States with the EU Centre and the Commission. The national strategies shall be transmitted to the EU Centre to facilitate the sharing of best practices.**
2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between **competent authorities** ~~Coordinating Authorities~~, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.
  - 2a. **The information sharing system or systems referred to in paragraph 2 shall facilitate compliance with the obligations set out in Article 83(2) by enabling automated collection and easy retrieval of relevant statistical information.**
3. The **competent authorities** ~~Coordinating Authorities~~, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing **system or** systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

4. The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information-sharing **system or** systems referred to in paragraph 2 and their interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 87.

## CHAPTER IV

### EU CENTRE TO PREVENT AND COMBAT CHILD SEXUAL ABUSE

#### Section 1

#### Principles

##### *Article 40*

##### *Establishment and scope of action of the EU Centre*

1. A European Union Agency to prevent and combat child sexual abuse, the EU Centre on Child Sexual Abuse, is established.
2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the **prevention** ~~detection~~, reporting, removal or disabling of access to, and blocking of online child sexual abuse and **by gathering** and **shareing** information, **knowledge** and expertise; **supporting activities** and **facilitateing** cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

##### *Article 41*

##### *Legal status*

1. The EU Centre shall be a body of the Union with legal personality.
2. In each of the Member States the EU Centre shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.
3. The EU Centre shall be represented by its Executive Director.

##### *Article 42*

##### *Seat*

The seat of the EU Centre shall be [~~The Hague, The Netherlands~~].

## Section 2

### Tasks

#### Article 43

##### *Tasks of the EU Centre*

The EU Centre shall:

1. facilitate the risk assessment **and ~~risk mitigation~~ process the prevention measures** referred to in Section 1 of Chapter II, by:
  - (a) supporting the Commission in the preparation of the guidelines referred to in Article 3(68), Article 4(5), **and** Article 6(4) ~~and Article 11~~, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;
  - (b) upon request from a provider of relevant information services, providing an analysis of anonymised data samples for the purpose referred to in Article 3(3) **and assisting in identifying and assessing technical aspects of specific mitigation prevention measures pursuant to Article 4(3a)**;
  - (c) **upon request from the Coordinating Authority of establishment, providing an opinion on technical aspects of the possible actions that it intends to require pursuant to Article 5a(1), first subparagraph**;
  - (d) **upon request from the Coordinating Authority of establishment, assisting in evaluating the mitigation effectiveness of the prevention measures taken by the provider, evaluating the level of the remaining risk and evaluating the self-assessment by the provider for the risk categorisation pursuant to Article 5(2)**;
  - (e) **keep a record of the decisions by the Coordinating Authorities of establishment on the risk categorisation of services notified to the EU Centre pursuant to Article 5(2).**
2. facilitate the **activities of providers in accordance with Article 4a** ~~detection process referred to in Section 2 of Chapter II~~, by:
  - ~~(a) providing the opinions on intended detection orders referred to in Article 7(3), first subparagraph, point (d)~~;
  - (aa) conducting simulation tests in connection to the possible issuance of detection orders, in accordance with Article 47a**;
  - (b) maintaining and operating the databases of indicators referred to in Article 44;



- (c) giving providers of hosting services and providers of interpersonal communications services ~~that received a detection order~~ access to the relevant databases of indicators in accordance with Article 46;
  - (d) making technologies available to providers ~~for the execution of detection orders issued to them~~, in accordance with Article 50(1);
3. facilitate the reporting process referred to in Section 3 of Chapter II, by:
- (a) maintaining and operating the database of reports referred to in Article 45;
  - (b) assessing, processing and, where necessary, forwarding the reports and providing feedback thereon in accordance with Article 48;
4. facilitate the removal process referred to in Section 4 of Chapter II and the other processes referred to in Section 5, **5a** and 6 of that Chapter, by:
- (a) receiving the removal orders transmitted to it pursuant to Article 14(4) in order to fulfil the verification function referred to in Article 49(1);
  - (aa) receiving decisions on a cross-border removal order transmitted to it pursuant to Article 14a(5);**
  - (ab) receiving copies of final removal orders and thereto connected information transmitted to it pursuant to Article 15(2);**
  - ~~(b) cooperating with and responding to requests of Coordinating Authorities in connection to intended blocking orders as referred to in Article 16(2);~~
  - (c) receiving and processing the blocking orders transmitted to it pursuant to Article 17(3);
  - (ca) receiving copies of final blocking orders and thereto connected information transmitted to it pursuant to Article 18(2);**
  - (cb) receiving the delisting orders transmitted to it pursuant to Article 18b(2);**
  - (cc) receiving copies of final delisting orders and thereto connected information transmitted to it pursuant to Article 18c(3);**
  - (d) providing information and support to victims in accordance with Articles 20 and 21;
  - (e) maintaining up-to-date records of contact points and legal representatives of providers of relevant information society services as provided in accordance with Article 23(2) and Article 24(6);
5. support the **competent authorities, including the** Coordinating Authorities, and the Commission in the performance of their tasks under this Regulation and facilitate cooperation, coordination and communication in connection to matters covered by this Regulation, by:

- (a) creating and maintaining an online register listing the Coordinating Authorities and their contact points referred to in Article 25(6);
  - (b) providing assistance to the **competent authorities** ~~Coordinating Authorities~~ **free of charge and in accordance with its tasks under this Regulation** ~~as provided for in Article 25(7)~~;
  - (c) assisting the Commission, upon its request, in connection to its tasks under the cooperation mechanism referred to in Article 37;
  - (d) creating, maintaining and operating the information-sharing system referred to in Article 39;
  - (e) assisting the Commission in the preparation of the delegated and implementing acts and the guidelines that the Commission adopts under this Regulation;
  - (f) providing information to Coordinating Authorities, upon their request or on its own initiative, relevant for the performance of their tasks under this Regulation, including by informing the Coordinating Authority of establishment of potential infringements identified in the performance of the EU Centre's other tasks;
6. facilitate the generation and sharing of knowledge with other Union institutions, bodies, offices and agencies, **competent authorities including** Coordinating Authorities, or other relevant authorities of the Member States to contribute to the achievement of the objective of this Regulation, by:
- (a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal data gathering, and providing expertise on matters regarding the prevention and combating of online child sexual abuse, in accordance with Article 51;
  - (b) supporting the development and dissemination of research and expertise on those matters and on assistance to victims, including by serving as a hub of expertise to support evidence-based policy **and by inviting other Union institutions, bodies, offices and agencies, competent authorities including Coordinating Authorities, or other relevant authorities of the Member States to share information about relevant prevention initiatives**;
  - (ba) **making available the knowledge referred to in points (a) and (b) in the database referred to in Article 50(4), and in accordance with Article 51**;
  - (c) drawing up the annual reports referred to in Article 84;

7. develop a communication strategy and promote the dialogue with relevant stakeholders such as civil society organisations, law enforcement and providers of hosting or interpersonal communications services to raise public awareness of and promote measures to prevent and combat online child sexual abuse;
8. develop or facilitate the further development of technologies to prevent ~~detect~~ online child sexual abuse in accordance with Article 50(1a).
- ~~8. advise the Commission with a view of preparing implementing acts for the approval of technologies used to detect the dissemination of known child sexual abuse material in accordance with Article 10(2);~~
- ~~9. certify technologies that are intended to be used to detect the dissemination of known child sexual abuse material in services using end-to-end encryption following tests conducted with the support of its Technology Committee that their use could not lead to a weakening of the protection provided by the encryption in accordance with Article 10(3)(ab).~~

#### *Article 44*

##### *Databases of indicators*

1. The EU Centre shall create, maintain and operate databases of the following three types of indicators of online child sexual abuse:
  - (a) indicators to prevent ~~detect~~ the dissemination of child sexual abuse material previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1).
  - (b) indicators to prevent ~~detect~~ the dissemination of child sexual abuse material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);
  - (c) indicators to prevent ~~detect~~ the solicitation of children.
2. The databases of indicators shall solely contain:
  - (a) relevant indicators, consisting of digital identifiers to be used to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, on hosting services and interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;
  - (b) as regards paragraph 1, point (a), the relevant indicators shall include a lists of uniform resource locators compiled by the EU Centre in accordance with paragraph 3 **for the purpose of, respectively, the issuance of blocking orders in accordance with Article 16 and the issuance of delisting orders in accordance with Article 18a;**

- (c) the necessary additional information to facilitate the use of the indicators in accordance with this Regulation, including identifiers allowing for a distinction between images, videos and, where relevant, other types of material for the **prevention** ~~detection~~ of the dissemination of known and new child sexual abuse material and language identifiers for the **prevention** ~~detection~~ of solicitation of children.
3. The EU Centre shall generate the indicators referred to in paragraph 2, point (a), solely on the basis of the child sexual abuse material and the solicitation of children identified as such by the ~~Coordinating Authorities or the courts or other independent~~ **competent** authorities of the Member States, submitted to it by the Coordinating Authorities pursuant to Article 36(1), point (a), **or by other competent authorities pursuant to Article 36(1a)**.
- The EU Centre shall compile ~~the~~ lists of uniform resource locators referred to in paragraph 2, point (b), solely on the basis of the uniform resource locators submitted to it pursuant to Article 36(1), point (b) **for the purpose of, respectively, the issuance of blocking orders in accordance of Article 16 and the issuance of delisting orders in accordance with Article 18a**.
4. The EU Centre shall keep records of the submissions and of the process applied to generate the indicators and compile the lists referred to in the first and second subparagraphs. It shall keep those records for **no longer than** ~~as long as~~ the indicators, including the uniform resource locators, to which they correspond are contained in the databases of indicators referred to in paragraph 1.

#### *Article 45*

##### *Database of reports*

1. The EU Centre shall create, maintain and operate a database for the reports submitted to it by providers of hosting services and providers of interpersonal communications services in accordance with Article 12(1) and assessed and processed in accordance with Article 48.
2. The database of reports shall contain the following information:
- (a) the report;
  - (b) where the EU Centre considered the report manifestly unfounded, the reasons and the date and time of informing the provider in accordance with Article 48(2);
  - (c) where the EU Centre forwarded the report in accordance with Article 48(3), the date and time of such forwarding and the name of the competent law enforcement authority or authorities to which it forwarded the report or, where applicable, information on the reasons for forwarding the report solely to Europol for further analysis;
  - (d) where applicable, information on the requests for and provision of additional information referred to in Article 48(5);

- (e) where available, information indicating that the provider that submitted a report concerning the dissemination of known or new child sexual abuse material removed or disabled access to the material;
- (f) where applicable, information on the EU Centre's request to the ~~Coordinating Authority~~ **competent authority** of establishment to issue a removal order pursuant to Article 14 in relation to the item or items of child sexual abuse material to which the report relates;
- (g) relevant indicators and ancillary tags associated with the reported potential child sexual abuse material.

#### *Article 46*

##### *Access, accuracy and security*

1. Subject to paragraphs 2 and 3, solely EU Centre staff and auditors duly authorised by the Executive Director shall have access to and be entitled to process the data contained in the databases referred to in Articles 44 and 45.
2. The EU Centre shall give providers of hosting services, providers of interpersonal communications services, and providers of internet access services **and providers of online search engines** access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to **perform activities in accordance with Article 4a,** ~~or execute the detection or~~ blocking orders that they received in accordance with Articles ~~7 or~~ 16. It shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the ~~detection or~~ **activities in accordance with Article 4a or the** blocking orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.
3. The EU Centre shall give ~~Coordinating Authorities~~ **competent authorities** access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks under this Regulation.
4. The EU Centre shall give Europol and the competent law enforcement authorities of the Member States access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks of investigating suspected child sexual abuse offences.
5. The EU Centre shall give Europol access to the databases of reports referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of suspected child sexual abuse offences

6. The EU Centre shall provide the access referred to in paragraphs 2, 3, 4 and 5 only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The requests for the access referred to in paragraph 2 shall also include a reference to the detection order or activities in accordance with Article 4a or the blocking order, as applicable.

The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose.

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, ~~detection~~ **preventing** and blocking in accordance with this Regulation, as well as facilitating and monitoring of accurate **prevention** ~~detection~~ technologies and processes. In particular, as regards the uniform resource locators contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met. Those verifications shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or delete the data.
8. The EU Centre shall ensure that the data contained in the databases referred to in Articles 44 and 45 is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary.

#### *Article 47*

#### *Delegated acts relating to the databases*

The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules concerning:

- (a) the types, precise content, set-up and operation of the databases of indicators referred to in Article 44(1), including the indicators and the necessary additional information to be contained therein referred to in Article 44(2);
- (b) the processing of the submissions by Coordinating Authorities, the generation of the indicators, the compilation of the lists of uniform resource locators and the record-keeping, referred to in Article 44(3);
- (c) the precise content, set-up and operation of the database of reports referred to in Article 45(1);

- (d) access to the databases referred to in Articles 44 and 45, including the modalities of the access referred to in Article 46(1) to (5), the content, processing and assessment of the requests referred to in Article 46(6), procedural matters related to such requests and the necessary measures referred to in Article 46(6);
- (e) the regular verifications and audits to ensure that the data contained in those databases is complete, accurate and up-to-date referred to in Article 46(7) and the security of the storage of the data, including the technical and organisational safeguards and regular review referred to in Article 46(8).

Article 47a

Simulation tests to assist in connection to the possible issuance of detection orders

1. Where requested by the Coordinating Authority of establishment, the EU Centre shall conduct the tests referred to in Article 7(2), last subparagraph. Those tests shall, in particular, consist of the EU Centre engaging in the exchange of simulated known child sexual abuse material so as to determine whether and if so, to which extent and in which manner the service in question, or certain identifiable parts or components thereof, can be used, where relevant by certain specific users or groups or types of users, for the purpose of child sexual abuse.
2. The tests referred to in paragraph 1 shall:
  - (a) only be conducted involving accounts specifically set up and solely operated by the EU Centre for the purpose of those tests;
  - (b) only be conducted by duly authorised staff of the EU Centre, subject to adequate safeguards and supervision, and be duly documented;
  - (c) be designed and conducted by the EU Centre in an accurate and objective manner, so as to lead to non-biased and representative outcomes.
  - (d) not involve any exchange of child sexual abuse material, nor involve or otherwise affect communications, with or between any users other than the relevant staff of the Centre;
  - (e) be conducted without the knowledge of the service provider concerned.
3. The EU Centre shall design, prepare and conduct the test referred to in paragraph 1 in cooperation with the Coordinating Authority of establishment that made the request and, where so requested, also with the relevant law enforcement authorities indicated in the request. That Coordinating Authority shall in any event inform the relevant law enforcement authorities of the tests in due time prior to the beginning of the tests.

~~4. The EU Centre shall, without undue delay, report to the Coordinating Authority of establishment that made the request on the outcomes of the tests referred to in paragraph 1. Those reports shall not contain any personal data.~~

~~The EU Centre shall store those reports. It may make those reports or some or all of the outcomes of the tests available to other Coordinating Authorities and it may use those reports or outcomes for the performance of its other tasks under this Regulation, subject to the protection of confidential information.~~

~~5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules concerning the tests referred to in paragraph 1, in particular as regards procedural aspects, the design and conduct of those tests, the necessary safeguards and supervision, cooperation, reporting and storage, as well as the making available and further use of the reports or their outcomes.~~

*Article 48*

*Reporting*

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are manifestly unfounded or are to be forwarded.
2. Where the EU Centre considers that the report is manifestly unfounded, it shall inform the provider that submitted the report, specifying the reasons why it considers the report to be unfounded.
3. Where the EU Centre considers that **there are reasonable grounds for the EU Centre to consider that the a report is not manifestly unfounded**, it shall forward the report, together with any additional relevant information available to it, to Europol and to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates.

Where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty, the EU Centre shall forward the report, together with any additional relevant information available to it, to Europol, for further analysis and subsequent referral by Europol to the competent law enforcement authority or authorities.



4. ~~Where a provider that submitted the report has indicated that the report requires urgent action, the EU Centre shall assess and process that report as a matter of priority and, where it forwards the report in accordance with paragraph 3 and it considers that the report requires urgent action, shall ensure that the forwarded report is marked as such.~~

**The EU Centre shall perform the assessment and processing referred to in paragraphs 1, 2 and 3 of this Article as a matter of priority in respect of reports submitted in accordance with Article 13(2), first subparagraph. In particular, where there are reasonable grounds for the EU Centre to consider that the report is founded and that there is likely to be an imminent threat to the life or safety of a child including when the report indicates ongoing abuse, it shall immediately forward the report in accordance with paragraph 3, marking it as requiring urgent action.**

**In other cases, it shall forward the report in accordance with paragraph 3 without such marking and inform the provider that submitted the report and the competent authority, indicating in all cases the outcome of the assessment and the reasons explaining that outcome.**

5. Where the report does not contain all the information required in Article 13, the EU Centre may request the provider that submitted the report to provide the missing information.
6. Where so requested by a competent law enforcement authority of a Member State in order to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall:
- (a) communicate to the provider that submitted the report that it is not to inform the user concerned, specifying the time period during which the provider is not to do so;
  - (b) where the provider that submitted the report is a provider of hosting services and the report concerns the potential dissemination of child sexual abuse material, communicate to the provider that it is not to remove or disable access to the material, specifying the time period during which the provider is not to do so.
7. The time periods referred to in ~~the first subparagraph 6~~, points (a) and (b), shall be those specified in the competent law enforcement authority's request to the EU Centre, provided that they remain limited to what is necessary to avoid interference with the relevant activities and does not exceed 18 months, **as well as constitute necessary and proportionate restrictions and respect the essence of the rights of the victims.**
8. The EU Centre shall verify whether a provider of hosting services that submitted a report concerning the potential dissemination of child sexual abuse material removed or disabled access to the material, insofar as the material is publicly accessible. Where it considers that the provider did not remove or disable access to the material expeditiously, the EU Centre shall inform the Coordinating Authority of establishment thereof.

## Article 49

### Searches and notification

1. The EU Centre shall have the power to conduct searches on hosting services for the dissemination of publicly accessible child sexual abuse material, using the relevant indicators from the databases of indicators referred to in Article 44(1), points (a) and (b), in the following situations:
  - (a) where so requested to support a victim by verifying whether the provider of hosting services removed or disabled access to one or more specific items of known child sexual abuse material depicting the victim, in accordance with Article 21(4), point (c);
  - (b) where so requested to assist a ~~Coordinating Authority~~ **competent authority** by verifying the possible need for the issuance of ~~a detection order or a removal order in respect of a specific service or the effectiveness of a detection order or a removal order that the Coordinating Authority issued~~, in accordance with Article 25(7), points (c) and (d), respectively;
  - (c) **where so requested to assist a Coordinating Authority, by verifying the effectiveness of the prevention measures taken by a provider of hosting services or interpersonal communications services under the jurisdiction of the Member State that designated the requesting competent authority a detection order that the competent authorities issued, in accordance with Article 25(7), point (d).**
2. The EU Centre shall have the power to notify, after having conducted the searches referred to in paragraph 1, providers of hosting services of the presence of one or more specific items of known child sexual abuse material on their services and request them to remove or disable access to that item or those items, for the providers' voluntary consideration.

The request shall clearly set out the identification details of the EU Centre and a contact point, the necessary information for the identification of the item or items, as well as the reasons for the request. The request shall also clearly state that it is for the provider's voluntary consideration.
3. Where so requested by a competent law enforcement authority of a Member State in order to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall not submit a notice, for as long as necessary to avoid such interference but no longer than 18 months.

Article 50

*Technologies, information and expertise*

1. The EU Centre shall make available technologies that providers of hosting services and providers of interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions **to prevent the dissemination of child sexual abuse material and the solicitation of children.** ~~to execute detection orders in accordance with Article 10(1).~~

~~To that aim, the EU Centre shall compile lists of such technologies, having regard to the requirements of this Regulation and in particular those of Article 10(2).~~

~~Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.~~

- 1a. **The EU Centre shall, in cooperation with Coordinating Authorities, providers of hosting services and providers of interpersonal communications services and, where relevant, independent experts, develop or facilitate the further development of technologies to prevent detect online child sexual abuse, including new child sexual abuse material and the solicitation of children, in such a manner as to ensure that those technologies are capable of meeting the requirements of this Regulation, in particular Article 10(3).**

- ~~1b. **Where the EU Centre has been requested, in accordance with this Regulation, to provide an opinion, information or other assistance on technologies, including a functional and security audit at the source code level, that may be used for the execution of a specific order issued under this Regulation, it may, in accordance with Article 66, request the Technology Committee for its opinion thereon. In that case, the rules of the third paragraph on the time period for providing that opinion shall apply.**~~

2. The EU Centre shall collect, record, analyse and make available relevant, objective, reliable and comparable information on matters related to the prevention and combating of child sexual abuse, in particular:

- (a) information obtained in the performance of its tasks under this Regulation concerning ~~detection, preventing,~~ reporting, removing or disabling of access to, and blocking of online child sexual abuse;
- (b) information resulting from the research, surveys and studies referred to in paragraph 3;
- (c) information resulting from research or other activities conducted by Member States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres and civil society organisations;

**(d) information on available technologies and tools.**

3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage research, surveys and studies, either on its own initiative or, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission.

**4-3a. The EU Centre shall keep a database encompassing all research, surveys and studies, involving public EU or national resources, as referred to in paragraphs 2 and 3 and the information resulting thereof. That database shall not contain any personal data other than information identifying the authors and any other persons having contributed to the research, survey and studies.**

**The competent authorities may consult this database where necessary for the performance of their tasks under this Regulation.**

**The EU Centre may decide to provide the appropriate level of access for consultation of this database to other entities and individuals upon reasoned request, if the requesting entities and individuals can justify that such access could contribute to the achievement of the objectives of this Regulation.**

4. The EU Centre shall provide the information referred to in paragraph 2 and the information resulting from the research, surveys and studies referred to in paragraph 3, including its analysis thereof, and its opinions on matters related to the prevention and combating of online child sexual abuse to other Union institutions, bodies, offices and agencies, Coordinating Authorities, other competent authorities and other public authorities of the Member States, either on its own initiative or at request of the relevant authority. Where appropriate, the EU Centre shall make such information publicly available.

~~5. The EU Centre shall develop a communication strategy and promote dialogue civil society organisations, and providers of hosting or interpersonal communications services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.~~

### Section 3

#### Processing of information

##### Article 51

###### *Processing activities and data protection*

1. In so far as is necessary for the performance of its tasks under this Regulation, the EU Centre may process personal data.
2. The EU Centre shall process personal data as strictly necessary for the purposes of:
  - ~~(a) providing the opinions on intended detection orders referred to in Article 7(3);~~
  - (b) cooperating with and responding to requests of Coordinating Authorities in connection to intended blocking orders as referred to in Article 16(2);
  - (c) receiving and processing blocking orders transmitted to it pursuant to Article 17(3);
  - (d) cooperating with Coordinating Authorities in accordance with Articles 20 and 21 on tasks related to victims' rights to information and assistance;
  - (e) maintaining up-to-date records of contact points and legal representatives of providers of relevant information society services as provided in accordance with Article 23(2) and Article 24(6);
  - (f) creating and maintaining an online register listing the Coordinating Authorities and their contact points referred to in Article 25(6);
  - (g) providing assistance to Coordinating Authorities in accordance with Article 25(7);
  - (h) assisting the Commission, upon its request, in connection to its tasks under the cooperation mechanism referred to in Article 37;
  - (i) create, maintain and operate the databases of indicators referred to in Article 44;
  - (j) create, maintain and operate the database of reports referred to in Article 45;
  - (k) providing and monitoring access to the databases of indicators and of reports in accordance with Article 46;
  - (l) performing data quality control measures in accordance with Article 46(7);

- (m) assessing and processing reports of potential online child sexual abuse in accordance with Article 48;
  - (n) cooperating with Europol and partner organisations in accordance with Articles 53 and 54, including on tasks related to the identification of victims;
  - (o) generating statistics in accordance with Article 83.
3. The EU Centre shall store the personal data referred to in paragraph 2 only where and for as long as strictly necessary for the applicable purposes listed in paragraph 2.
  4. It shall ensure that the personal data is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary.

## **Section 4**

### **Cooperation**

#### *Article 52*

##### *Contact officers*

1. Each Coordinating Authority shall designate at least one contact officer, who shall be the main contact point for the EU Centre in the Member State concerned. The contact officers may be seconded to the EU Centre. Where several contact officers are designated, the Coordinating Authority shall designate one of them as the main contact officer.
2. Contact officers shall assist in the exchange of information between the EU Centre and the Coordinating Authorities that designated them. Where the EU Centre receives reports submitted in accordance with Article 12 concerning the potential dissemination of new child sexual abuse material or the potential solicitation of children, the contact officers designated by the competent Member State shall facilitate the process to determine the illegality of the material or conversation, in accordance with Article 36(1).
3. The Management Board shall determine the rights and obligations of contact officers in relation to the EU Centre. Contact officers shall enjoy the privileges and immunities necessary for the performance of their tasks.
4. Where contact officers are seconded to the EU Centre, the EU Centre shall cover the costs of providing them with the necessary premises within the building and adequate support for contact officers to perform their duties. All other costs that arise in connection with the designation of contact officers and the performance of their tasks shall be borne by the Coordinating Authority that designated them.

### *Article 53*

#### *Cooperation with Europol*

1. Where necessary for the performance of its tasks under this Regulation, within their respective mandates, the EU Centre shall cooperate with Europol.
2. Europol and the EU Centre shall provide each other with the fullest possible access to relevant information and information systems, where necessary for the performance of their respective tasks and in accordance with the acts of Union law regulating such access.

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT) and budget implementation.

3. The terms of cooperation and working arrangements shall be laid down in a memorandum of understanding.

### *Article 53a*

#### *Cooperation with other Union agencies and bodies*

1. **In addition to the obligation to cooperate with Europol in accordance with Article 53, where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with other Union agencies and bodies, in particular the EU Agency for Fundamental Rights, the European Union Agency for Cybersecurity, the European Data Protection Supervisor and the European Data Protection Board in accordance with the respective mandates of the EU Centre and those other Union agencies and bodies.**
2. **The EU Centre may conclude memoranda of understanding with Union agencies and bodies referred to in paragraph 1, laying down the terms of cooperation.**

### *Article 54*

#### *Cooperation with partner organisations*

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.
2. The EU Centre may conclude memoranda of understanding with organisations referred to in paragraph 1, laying down the terms of cooperation, **including on data sharing.**

## *Article 54a*

### *Cooperation with third countries and international organisations*

- 1. In so far as is necessary in order to achieve the objectives set out in this Regulation, and without prejudice to the respective competences of the Member States and the institutions of the Union, the EU Centre may cooperate with the competent authorities of third countries or with international organisations.**

To this end, the EU Centre may, subject to prior approval by the Commission, establish working arrangements with the authorities of third countries or international organisations. These arrangements shall not create legal obligations incumbent on the Union and its Member States.

- 2. The EU Centre shall be open to the participation in its work of third countries that have entered into agreements with the Union to this effect.**

Under the relevant provisions of the agreements referred to in the first subparagraph, arrangements shall be developed specifying, in particular, the nature, extent and manner in which the third countries concerned will participate in the work of the EU Centre, including provisions relating to participation in the initiatives undertaken by the EU Centre, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.

- 3. The Management Board shall adopt a strategy for relations with third countries or international organisations concerning matters for which the EU Centre is competent. The Commission shall ensure that the EU Centre operates within its mandate and the existing insitutional framework by concluding an appropriate working arrangement with the EU Centre's Executive Director.**

## **Section 5**

### **Organisation**

#### *Article 55*

##### *Administrative and management structure*

The administrative and management structure of the EU Centre shall comprise:

- (a) a Management Board, which shall exercise the functions set out in Article 57;**
- ~~**(b) an Executive Board which shall perform the tasks set out in Article 62;**~~
- (c) an Executive Director of the EU Centre, who shall exercise the responsibilities set out in Article 64;**
- (d) a Technology Committee as an advisory group, which shall exercise the tasks set out in Article 66.**



## Part 1: Management Board

### Article 56

#### *Composition of the Management Board*

1. The Management Board shall be composed of one representative from each Member State and ~~one two~~ representatives of the Commission, all as members with voting rights.
2. The Management Board shall also include one independent expert observer designated by the European Parliament, without the right to vote.  
  
Europol may designate a representative to attend the meetings of the Management Board as an observer on matters involving Europol, **without the right to vote**, at the request of the Chairperson of the Management Board.
3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his/her absence.
4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of combating child sexual abuse, taking into account relevant managerial, administrative and budgetary ~~skills~~ **competencies**. Member States shall appoint a representative of their Coordinating Authority, within four months of [*date of entry into force of this Regulation*]. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.
5. The term of office for members and their alternates shall be four years. That term may be renewed.

### Article 57

#### *Functions of the Management Board*

1. The Management Board shall:
  - (a) give the general orientations for the EU Centre's activities;
  - (aa) be responsible for the overall planning and the execution of the tasks conferred on the EU Centre pursuant to Article 43, and it shall adopt all the decisions of the EU Centre;**

- (b) contribute to facilitate the effective cooperation with and between the Coordinating Authorities;
- (c) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of any other advisory group it may establish and publish annually on its website the declaration of interests of the members of the Management Board;
- ~~(d) adopt the assessment of performance of the Executive Board referred to in Article 61(2);~~
- (e) adopt and make public its Rules of Procedure;
- (f) appoint the members of the Technology Committee, and of any other advisory group it may establish;
- (fa) consult the Victims Board in all cases where, in the performance of its tasks pursuant to points (a) and (h), interests of victims are concerned;**
- ~~(g) adopt the opinions on intended detection orders referred to in Article 7(4), on the basis of a draft opinion provided by the Executive Director;~~
- (h) adopt and regularly update the communication and dissemination plans referred to in Article 77(3) based on an analysis of needs;
- (i) adopt, by 30 November of each year, the draft Single Programming Document, and shall transmit it for information to the European Parliament, the Council and the Commission by 31 January the following year, as well as any other updated version of the document;**
- (j) adopt the draft annual budget of the EU Centre and exercise other functions in respect of the EU Centre's budget;**
- (k) assess and adopt a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July of each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public;**
- (l) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations, and a strategy for the organisational management and internal control systems;**

- (m) exercise, with respect to the staff of the EU Centre, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the EU Centre Empowered to Conclude a Contract of Employment<sup>3</sup> ("the appointing authority powers");
- (n) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the Staff Regulations;
- (o) appoint the Executive Director and remove him/her from office, in accordance with Article 65;
- (p) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties;
- (q) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF);
- (r) adopt the financial rules applicable to the EU Centre;
- (s) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their modification;
- (t) appoint a Data Protection Officer;
- (u) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51, after consulting the European Data Protection Supervisor;
- (v) authorise the conclusion of memoranda of understanding referred to in Articles 53(3), 53a(2) and 54(2).

2. With respect to the powers mentioned in paragraph 2 point (m) and (n), the Management Board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment, delegating relevant appointing authority powers to the Executive Director. The Executive Director shall be authorised to sub-delegate those powers.

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<sup>3</sup> Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)

3. **In exceptional circumstances, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.**

*Article 58*

*Chairperson of the Management Board*

1. The Management Board shall elect a Chairperson and a Deputy Chairperson from among its members. The Chairperson and the Deputy Chairperson shall be elected by a majority of two thirds of the members of the Management Board.

The Deputy Chairperson shall automatically replace the Chairperson if he/she is prevented from attending to his/her duties.

2. The term of office of the Chairperson and the deputy Chairperson shall be four years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.
3. **The detailed procedure for the election of the Chairperson and the Vice-Chairperson shall be set out in the rules of procedure of the Management Board.**

*Article 59*

*Meetings of the Management Board*

1. The Chairperson shall convene the meetings of the Management Board.
2. The Executive Director shall take part in the deliberations, without the right to vote.
3. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of at least one-third of its members.
4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer, **including representatives of the Victims Board.**
5. The members of the Management Board and their alternates may, subject to its rules of procedure, be assisted at the meetings by advisers or experts, **including representatives of the Victims Board.**
6. The EU Centre shall provide the secretariat for the Management Board.

## Article 60

### *Voting rules of the Management Board*

1. Unless provided otherwise in this Regulation, the Management Board shall take decisions by absolute majority of its members **with voting rights**.
2. Each member shall have one vote. In the absence of a member **with the right to vote**, his/her alternate shall be entitled to exercise his/her right to vote.
3. The Executive Director shall not take part in the voting.
4. The Management Board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.

## Part 2: Executive Board

### Article 61

#### *Composition and appointment of the Executive Board*

- ~~1. The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members with the right to vote and two representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.~~

~~The Executive Director shall participate in meetings of the Executive Board without the right to vote.~~

- ~~2. The term of office of members of the Executive Board shall be four years. In the course of the 12 months preceding the end of the four-year term of office of the Chairperson and five members of the Executive Board, the Management Board or a smaller committee selected among Management Board members including a Commission representative shall carry out an assessment of performance of the Executive Board. The assessment shall take into account an evaluation of the Executive Board members' performance and the EU Centre's future tasks and challenges. Based on the assessment, the Management Board may extend their term of office once.~~

## Article 62

### *Tasks of the Executive Board*

1. ~~The Executive Board shall be responsible for the overall planning and the execution of the tasks conferred on the EU Centre pursuant to Article 43. The Executive Board shall adopt all the decisions of the EU Centre with the exception of the decisions that shall be taken by the Management Board in accordance with Article 57.~~
2. ~~In addition, the Executive Board shall have the following tasks:~~
  - (a) ~~adopt, by 30 November of each year, on the basis of a proposal by the Executive Director, the draft Single Programming Document, and shall transmit it for information to the European Parliament, the Council and the Commission by 31 January the following year, as well as any other updated version of the document;~~
  - (b) ~~adopt the draft annual budget of the EU Centre and exercise other functions in respect of the EU Centre's budget;~~
  - (c) ~~assess and adopt a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public;~~
  - (d) ~~adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations, and a strategy for the organisational management and internal control systems~~
  - (e) ~~adopt rules for the prevention and management of conflicts of interest in respect of its members;~~
  - (f) ~~adopt its rules of procedure;~~
  - (g) ~~exercise, with respect to the staff of the EU Centre, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the EU Centre Empowered to Conclude a Contract of Employment<sup>4</sup> ("the appointing authority powers");~~

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<sup>4</sup> ~~Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)~~

- ~~(h) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the Staff Regulations;~~
  - ~~(i) appoint the Executive Director and remove him/her from office, in accordance with Article 65;~~
  - ~~(j) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties;~~
  - ~~(k) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF);~~
  - ~~(l) adopt the financial rules applicable to the EU Centre;~~
  - ~~(m) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their modification;~~
  - ~~(n) appoint a Data Protection Officer;~~
  - ~~(o) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51, after consulting the European Data Protection Supervisor;~~
  - ~~(p) authorise the conclusion of memoranda of understanding referred to in Article 53(3) and Article 54(2).~~
- ~~3. With respect to the powers mentioned in paragraph 2 point (g) and (h), the Executive Board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment, delegating relevant appointing authority powers to the Executive Director. The Executive Director shall be authorised to sub-delegate those powers.~~
- ~~4. In exceptional circumstances, the Executive Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.~~
- ~~5. Where necessary because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters.~~

## Article 63

### *Voting rules of the Executive Board*

- ~~1. The Executive Board shall take decisions by simple majority of its members. Each member of the Executive Board shall have one vote. The Chairperson shall have a casting vote in case of a tie.~~
- ~~2. The representatives of the Commission shall have a right to vote whenever matters pertaining to Article 62(2), points (a) to (l) and (p) are discussed and decided upon. For the purposes of taking the decisions referred to in Article 62(2), points (f) and (g), the representatives of the Commission shall have one vote each. The decisions referred to in Article 62(2), points (b) to (e), (h) to (l) and (p), may only be taken if the representatives of the Commission casts a positive vote. For the purposes of taking the decisions referred to in Article 62(2), point (a), the consent of the representatives of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working programme of the EU Centre.~~

~~The Executive Board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.~~

## **Part 3: Executive Director**

### Article 64

#### *Responsibilities of the Executive Director*

1. The Executive Director shall manage the EU Centre. The Executive Director shall be accountable to the Management Board.
2. The Executive Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.
3. The Executive Director shall be the legal representative of the EU Centre.



4. The Executive Director shall be responsible for the implementation of the tasks assigned to the EU Centre by this Regulation. In particular, the Executive Director shall be responsible for:
- (a) the day-to-day administration of the EU Centre;
  - (b) preparing decisions to be adopted by the Management Board;
  - (c) implementing decisions adopted by the Management Board;
  - (d) preparing the Single Programming Document and submitting it to the ~~Executive~~ **Management** Board after consulting the Commission;
  - (e) implementing the Single Programming Document and reporting to the ~~Executive~~ **Management** Board on its implementation;
  - (f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre's activities and presenting it to the ~~Executive~~ **Management** Board for assessment and adoption;
  - (g) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-Fraud Office (OLAF) and by the European Public Prosecutor's Office (EPPO) and reporting on progress twice a year to the Commission and regularly to the Management Board ~~and the Executive Board~~;
  - (h) protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, without prejudicing the investigative competence of OLAF and EPPO by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and **by reporting any criminal conduct in respect of which the EPPO could exercise its competence in accordance with Article 24 of Regulation (EU) 2017/1939**, ~~where appropriate, by imposing effective, proportionate and dissuasive administrative, including financial penalties~~;

- (i) preparing an anti-fraud strategy, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations and a strategy for the organisational management and internal control systems for the EU Centre and presenting them to the **Executive Management** Board for approval;
  - (j) preparing draft financial rules applicable to the EU Centre;
  - (k) preparing the EU Centre's draft statement of estimates of revenue and expenditure and implementing its budget;
  - (l) preparing and implementing an IT security strategy, ensuring appropriate risk management for all IT infrastructure, systems and services, which are developed or procured by the EU Centre as well as sufficient IT security funding.
  - (m) implementing the annual work programme of the EU Centre under the control of the **Executive Management** Board;
  - (n) drawing up a draft statement of estimates of the EU Centre's revenue and expenditure as part of the EU Centre's Single Programming Document and implementing the budget of the EU Centre pursuant to Article 67;
  - (o) preparing a draft report describing all activities of the EU Centre with a section on financial and administrative matters;
  - (p) fostering recruitment of appropriately skilled and experienced EU Centre staff, while ensuring gender balance.
5. Where exceptional circumstances so require, the Executive Director may decide to locate one or more staff in another Member State for the purpose of carrying out the EU Centre's tasks in an a more efficient, effective and coherent manner. Before deciding to establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State concerned. The decision shall be based on an appropriate cost-benefit analysis that demonstrates in particular the added value of such decision and specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the EU Centre. A headquarters agreement with the Member State(s) concerned may be concluded.
6. **Without prejudice to the powers of the Commission and of the Management Board, the Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.**

*Article 65*

*Executive Director*

1. The Executive Director shall be engaged as a temporary agent of the EU Centre under Article 2(a) of the Conditions of Employment of Other Servants.
2. The Executive Director shall be appointed by the **Executive Management Board**, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.
3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Executive Management Board**.
4. The term of office of the Executive Director shall be five years. Six months before the end of the Executive Director's term of office, the **Commission-Management Board, with the support of the Commission**, shall complete an assessment that takes into account an evaluation of the Executive Director's performance and the EU Centre's future tasks and challenges.
5. The **Executive Management Board**, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.
6. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.
7. The Executive Director may be dismissed only upon a decision of the **Executive Management Board acting on a proposal from the Commission**.
8. The **Executive Management Board** shall take decisions on appointment, extension of the term of office or dismissal of the Executive Director by a majority of two-thirds of its members with voting rights.

## Subsection 5: Technology Committee and Victims Board

### Article 66

#### *Establishment and tasks of the Technology Committee*

1. The Technology Committee shall consist of technical experts appointed by **the Management Board in view of their excellence, their independence, and particular area of expertise, to ensure a complete and varied set of skills and expertise** ~~the Management Board in view of their excellence and their independence,~~ following the publication of a call for expressions of interest in the Official Journal of the European Union. **Member States may nominate up to four technical experts each, of which the Management Board shall select a maximum of two per Member State while the Commission and Europol may nominate up to two technical experts each, from which the Management Board shall select one of each. The Management Board may appoint up to eleven additional experts beyond those nominated by Member States, or appointed by the Commission and Europol. These experts nominated by Member States are not seconded national experts but experts mandated by Member States to perform technical expertise missions on an ad hoc basis upon request by the Management Board.**

**The experts of the Technology Committee shall act in the general interest, observing the principles of neutrality and transparency.**

- 1a. **The Technology Committee shall be divided in working groups specialised in assessing specific categories of technologies or types of technologies used to prevent and combat online child sexual abuse. Those working groups may call on external experts on an ad hoc basis.**
2. Procedures concerning the appointment of the members of the Technology Committee and its operation shall be specified in the rules of procedure of the Management Board and shall be made public.
3. ~~The members of the Committee shall be independent and shall act in the public interest.~~ The list of members of the Committee shall be made public and shall be updated by the EU Centre on its website.
4. When a member no longer meets the criteria of **acting in the general interest, neutrality or transparency in the framework of his/her mandate** ~~independence,~~ he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members **or the member appointed by** ~~of~~ the Commission, **a lack of independence that the member is no longer acting in the general interest, or that he or she does not meet the neutrality or transparency criteria** and revoke the **appointment of that member**. ~~The Management Board shall appoint a new member~~ **In that case, a replacement shall be appointed for the remaining term of office remainder of the mandate of the member concerned** in accordance with the procedure described in paragraph 1 ~~for ordinary members.~~

5. The mandates of members of the Technology Committee shall be four years. Those mandates shall be renewable once.
6. The Technology Committee shall
  - ~~(a) contribute to the EU Centre's opinions referred to in Article 7(3), first subparagraph, point (d);~~
  - (aa) contribute to the EU Centre's activities related to the development, or facilitation of the development, of technologies to detect prevent online child sexual abuse, in accordance with Article 50(1a);**
  - ~~**(ab) contribute to the EU Centre's activities related to the advice provided to the Commission with a view of preparing implementing acts for the approval of technologies used to detect the dissemination of known child sexual abuse material in accordance with Article 10(2);**~~
  - ~~**(ac) contribute to the EU Centre's activities related to the testing of technologies that are intended to be used to detect the dissemination of known child sexual abuse material in services using end-to-end encryption with a view of excluding that their use could lead to a weakening of the protection provided by the encryption in accordance with Article 10(3)(ab);**~~
  - (b) contribute to the EU Centre's assistance to the Coordinating Authorities, the Management Board, ~~the Executive Board~~ and the Executive Director, in respect of matters related to the use of technology;
  - (c) provide internally upon request, expertise on matters related to the use of technology for the purposes of prevention and detection of child sexual abuse online;
  - (d) provide internally expertise after having involved the relevant working group or groups, on an ad hoc basis and at the request of the Management Board.**

#### *Article 66a*

##### *Appointment and tasks of the Victims and Survivors Board*

1. The Victims Board shall be comprised of adult victims of child sexual abuse and recognised experts in providing assistance to victims who, following a call for expressions of interest published in *the Official Journal of the European Union*, shall be appointed by the Management Board on the basis of their personal experience, expertise and independence.
2. The procedures governing the appointment of the members of the Victims Board, its functioning and the conditions governing the transmission of information to the Victims Board shall be laid down in the Management Board's rules of procedure, and shall be published.

- 3. The members of the Victims Board shall be independent in carrying out their tasks as members thereof and shall act in the interest of victims of online child sexual abuse. The EU Centre shall publish on its website and maintain updated the list of the members of the Victims Board.**
- 4. Members who cease to be independent shall inform the Management Board accordingly. In addition, the Management Board, at the proposal of at least one third of its members or of the member appointed by the Commission, may determine that a given member lacks sufficient independence and revoke the appointment. The Management Board shall appoint a replacement for the remainder of mandate of the member concerned, following the procedure referred to in paragraph 1.**
- 5. The mandate of members of the Victims Board shall be four years. It may be renewed once by the Management Board.**
- 6. The Executive Director and the Management Board may consult the Victims Board in connection with all matters concerning victims of online child sexual abuse.**
- 7. The Victims Board has the following tasks:**
  - (a) make the concerns of victims heard and represent their interests in connection to the work of the EU Centre;**
  - (b) advise the Management Board in matters referred to in Article 57 (1)(fa);**
  - (c) advise the Executive Director and the Management Board when consulted in accordance with paragraph 6;**
  - (d) contribute their experience and expertise to the work of the EU Centre as a knowledge hub as regards preventing and combating online child sexual abuse and assisting and supporting victims;**
  - (e) contribute to the work of the EU Centre in connection to European networks of victims of child sexual abuse.**

## Section 6

### Establishment and Structure of the Budget

#### Subsection 1

#### Single Programming Document

##### Article 67

###### *Establishment of the budget ~~Budget establishment and implementation~~*

1. Each year the Executive Director shall draw up a **provisional** draft ~~statement of estimates~~ of the EU Centre's revenue and expenditure for the following financial year, including ~~an~~ **the establishment plan**, and shall send it to the ~~Executive Management~~ Board.
2. **The provisional draft estimate shall be based on the objectives and expected results of the annual programming document, and shall take into account the financial resources necessary to achieve those objectives and expected results, in accordance with the principle of performance-based budgeting.**
23. The ~~Executive Management~~ Board shall, on the basis of the **provisional** draft ~~statement of estimates~~, adopt a ~~provisional~~ draft estimate of the EU Centre's revenue and expenditure for the following financial year and shall send it to the Commission by 31 January each year.
4. **The Commission shall send the draft estimate to the budgetary authority together with the draft general budget of the Union. The draft estimate shall also be made available to the EU Centre.**
5. **On the basis of the draft estimate, the Commission shall enter in the draft general budget of the Union the estimates that it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 TFEU.**
6. **The budgetary authority shall authorise the appropriations for the contribution from the general budget of the Union to the EU Centre.**
7. **The budgetary authority shall adopt the EU Centre's establishment plan.**
8. **The Management Board shall adopt the EU Centre's budget. It shall become final following the final adoption of the general budget of the Union and, if necessary, it shall be adjusted accordingly.**

- 9. For any building project likely to have significant implications for the budget of the EU Centre, Delegated Regulation (EU) 2019/715 shall apply.**
- ~~3. The Executive Board shall send the final draft estimate of the EU Centre's revenue and expenditure, which shall include a draft establishment plan, to the European Parliament, the Council and the Commission by 31 March each year.~~
- ~~4. The Commission shall send the statement of estimates to the European Parliament and the Council, together with the draft general budget of the Union.~~
- ~~5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the Union the estimates that it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the European Parliament and the Council in accordance with Articles 313 and 314 of the Treaty on the Functioning of the European Union.~~
- ~~6. The European Parliament and the Council shall authorise the appropriations for the contribution from the Union to the EU Centre.~~
- ~~7. The European Parliament and the Council shall adopt the EU Centre's establishment plan.~~
- ~~8. The EU Centre's budget shall be adopted by the Executive Management Board. It shall become final following the final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.~~
- ~~9. The Executive Director shall implement the EU Centre's budget.~~
- ~~10. Each year the Executive Director shall send to the European Parliament and the Council all information relevant to the findings of any evaluation procedures.~~



## Subsection 2

### Presentation, implementation and control of the budget of the EU Centre

#### *Article 68 69*

##### *Structure of the Budget*

1. Estimates of all revenue and expenditure ~~for~~ of the EU Centre shall be prepared each financial year, which shall correspond to the calendar year, and shall be shown in the EU Centre's budget, which shall be balanced in terms of revenue and of expenditure. **and shall be shown in the EU Centre's budget. The financial year shall correspond to the calendar year.**
2. **The EU Centre's budget shall be balanced in terms of revenue and of expenditure.**
3. **Without prejudice to other resources, the EU Centre's revenue shall comprise:**
  - (a) **a contribution from the Union entered in the general budget of the Union;**
  - (b) **any voluntary financial contribution from the Member States;**
  - (c) **any contribution from third countries participating in the work of the EU Centre, as provided for in Article 54a;**
  - (d) **possible Union funding in the form of delegation agreements or ad hoc grants in accordance with the EU Centre's financial rules referred to in Article 70 and with the provisions of the relevant instruments supporting the policies of the Union;**
  - (e) **charges for publications and any service provided by the EU Centre.**
4. **The expenditure of the EU Centre shall include staff remuneration, administrative and infrastructure expenses, and operational expenditure.**
- ~~2. Without prejudice to other resources, the EU Centre's revenue shall comprise a contribution from the Union entered in the general budget of the Union,.~~
- ~~3. The EU Centre may benefit from Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 68 and with the provisions of the relevant instruments supporting the policies of the Union.~~
- ~~4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs.~~
- ~~5. Budgetary commitments for actions relating to large-scale projects extending over more than one financial year may be broken down into several annual instalments.~~

Article 69 70

*Presentation of accounts and discharge*

1. The EU Centre's accounting officer shall send the provisional accounts for the financial year (year N) to the Commission's accounting officer and to the Court of Auditors by 1 March of the following financial year (year N + 1).
- 1a. **The EU Centre's accounting officer shall also provide the required accounting information for consolidation purposes to the Commission's accounting officer, in the manner and format required by the latter by 1 March of year N + 1.**
2. The EU Centre shall send ~~a~~ **the** report on the budgetary and financial management for year N to the European Parliament, the Council, **the Commission** and the Court of Auditors by 31 March of year N + 1.
3. ~~The Commission's accounting officer shall send the EU Centre's provisional accounts for year N, consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1.~~ **On receipt of the Court of Auditor's observations on the EU Centre's provisional accounts for year N, the EU Centre's accounting officer shall draw up the EU Centre's final accounts under his or her own responsibility. The Executive Director shall submit them to the Management Board for an opinion.**
4. The Management Board shall deliver an opinion on the EU Centre's final accounts for year N.
5. The EU Centre's accounting officer shall, by 1 July of year N + 1, send the final accounts for year N to the European Parliament, the Council, the Commission, **and** the Court of Auditors ~~and national parliaments~~, together with the Management Board's opinion.
6. **A link to the pages of the website containing ~~the~~ the final accounts of the EU Centre for year N shall be published in the Official Journal of the European Union by 15 November of year N + 1.**
7. The Executive Director shall send to the Court of Auditors, by 30 September of year N + 1, a reply to the observations made in its annual report. ~~He or she~~ **The Executive Director shall also send ~~the~~ this reply to the Management Board and to the Commission.**
8. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for year N, **in accordance with Article 261(3) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council.**
9. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, ~~grant~~ **give** a discharge to the Executive Director in respect of the implementation of the budget for year N.

*Article 70 68*

*Financial rules*

The financial rules applicable to the EU Centre shall be adopted by the ~~Executive Management~~ Board after consultation with the Commission. They shall not depart from Delegated Regulation (EU) 2019/715<sup>5</sup> unless such a departure is specifically required for the operation of the EU Centre and the Commission has given its prior consent.

**The EU Centre shall establish and implement its budget in line with its financial rules and the Financial Regulation (EU) 2018/1046.**

**Section 7**

**Staff**

*Article 71*

*General provisions*

1. The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the institutions of the Union for giving effect thereto shall apply to the EU Centre for all matters not covered by this Regulation.
2. The ~~Executive Management~~ Board, in agreement with the Commission, shall adopt the necessary implementing measures, in accordance with the arrangements provided for in Article 110 of the Staff Regulations.
3. The EU Centre staff, in particular those working in areas related to **prevention, detection,** reporting and removal of online child sexual abuse, shall have access to appropriate counselling and support services.

*Article 72*

*Seconded national experts and other staff*

1. The EU Centre may make use of seconded national experts or other staff not employed by it.
2. The ~~Executive Management~~ Board shall adopt rules related to staff from Member States, including the contact officers referred to in Article 52, to be seconded to the EU Centre and update them as necessary. Those rules shall include, in particular, the financial arrangements related to those secondments, including insurance and training. Those rules shall take into account the fact that the staff is seconded and to be deployed as staff of the EU Centre. They shall include provisions on the conditions of deployment. Where relevant, the ~~Executive Management~~ Board shall aim to ensure consistency with the rules applicable to reimbursement of the mission expenses of the statutory staff.

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<sup>5</sup> OJ L 122, 10.5.2019, p. 1.

### *Article 73*

#### *Privileges and immunities*

Protocol No 7 on the Privileges and Immunities of the European Union annexed to the Treaty on the Functioning of the European Union shall apply to the EU Centre and its staff.

Privileges and immunities of contact officers and members of their families shall be subject to an agreement between the Member State where the seat of the EU Centre is located and the other Member States. That agreement shall provide for such privileges and immunities as are necessary for the proper performance of the tasks of contact officers.

### *Article 74*

#### *Obligation of professional secrecy*

1. Members of the Management Board and ~~the Executive Board~~, and all members of the staff of the EU Centre, including officials seconded by Member States on a temporary basis, and all other persons carrying out tasks for the EU Centre on a contractual basis, shall be subject to the requirements of professional secrecy pursuant to Article 339 of the Treaty on the Functioning of the European Union even after their duties have ceased.
2. The ~~Executive~~ **Management** Board shall ensure that individuals who provide any service, directly or indirectly, permanently or occasionally, relating to the tasks of the EU Centre, including officials and other persons authorised by the ~~Executive~~ **Management** Board or appointed by the coordinating authorities for that purpose, are subject to requirements of professional secrecy equivalent to those in paragraph 1.
3. The EU Centre shall establish practical arrangements for implementing the confidentiality rules referred to in paragraphs 1 and 2.
4. The EU Centre shall apply Commission Decision (EU, Euratom) 2015/444<sup>6</sup>.

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<sup>6</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

## Article 75

### *Security rules on the protection of classified and sensitive non-classified information*

1. The EU Centre shall adopt its own security rules equivalent to the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information, as set out in Commission Decisions (EU, Euratom) 2015/443<sup>7</sup> and (EU, Euratom) 2015/444. The security rules of the EU Centre shall cover, inter alia, provisions for the exchange, processing and storage of such information. The **Executive Management Board** shall adopt the EU Centre's security rules following approval by the Commission.
2. Any administrative arrangement on the exchange of classified information with the relevant authorities of a third country or, in the absence of such arrangement, any exceptional ad-hoc release of EUCI to those authorities, shall be subject to the Commission's prior approval.

## Section 8

### General provisions

#### Article 76

#### *Language arrangements*

The provisions laid down in Regulation No 1<sup>8</sup> shall apply to the EU Centre. The translation services required for the functioning of the EU Centre shall be provided by the Translation Centre for the bodies of the European Union.

#### Article 77

#### *Transparency and communication*

1. Regulation (EC) No 1049/2001<sup>9</sup> shall apply to documents held by the EU Centre. The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for applying that Regulation.

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<sup>7</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>8</sup> Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385/58).

<sup>9</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, Official Journal L 145, 31/05/2001 P. 0043 – 0048.

2. The processing of personal data by the EU Centre shall be subject to Regulation (EU) 2018/1725. The Management Board shall, within six months of the date of its first meeting, establish measures for the application of that Regulation by the EU Centre, including those concerning the appointment of a Data Protection Officer of the EU Centre. Those measures shall be established after consultation of the European Data Protection Supervisor.
3. The EU Centre may engage in communication activities on its own initiative within its field of competence. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board.

*Article 78*

*Anti-fraud measures*

1. In order to combat fraud, corruption and other unlawful activities, Regulation (EU, Euratom) No 883/2013<sup>10</sup> shall apply.
2. The EU Centre shall accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by OLAF within six months from [*date of start of operations as set out in Article 82*] and shall adopt the appropriate provisions applicable to its staff using the template set out in the Annex to that Agreement.
3. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the EU Centre.
4. OLAF may, **within the scope of its mandate**, carry out investigations, ~~including which~~ **may also include** on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the EU Centre, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96<sup>11</sup>.

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<sup>10</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999. (OJ L 248, 18.9.2013, p. 1).

<sup>11</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities. (OJ L 292, 15.11.1996, p. 2).

5. Without prejudice to paragraphs 1, 2, 3, and 4, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the EU Centre shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.

#### *Article 79*

##### *Liability*

1. The EU Centre's contractual liability shall be governed by the law applicable to the contract in question.
2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the EU Centre.
3. In the case of non-contractual liability, the EU Centre shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.
4. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.
5. The personal liability of its staff towards the Centre shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.

#### *Article 80*

##### *Administrative inquiries*

The activities of the EU Centre shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty on the Functioning of the European Union.

#### *Article 81*

##### *Headquarters Agreement and operating conditions*

1. The necessary arrangements concerning the accommodation to be provided for the EU Centre in the Member State where the seat of the EU Centre is located and the facilities to be made available by that Member State, together with the specific rules applicable in that Member State to the Executive Director, ~~members of the Executive Board~~, EU Centre staff and members of their families shall be laid down in a Headquarters Agreement between the EU Centre and the Member State where the seat of the EU Centre is located, concluded after obtaining the approval of the ~~Executive~~ **Management** Board and no later than [2 years after the entry into force of this Regulation].

2. The Member State where the seat of the EU Centre is located shall provide the best possible conditions to ensure the smooth and efficient functioning of the EU Centre, including multilingual, European-oriented schooling and appropriate transport connections.

*Article 82*

*Start of the EU Centre's activities*

1. The Commission shall be responsible for the establishment and initial operation of the EU Centre until the Executive Director has taken up his or her duties following his or her appointment by the **Executive Management** Board in accordance with Article 65(2). For that purpose:
  - (a) the Commission may designate a Commission official to act as interim Executive Director and exercise the duties assigned to the Executive Director;
  - (b) by derogation from Article 62(2)(g) and until the adoption of a decision as referred to in Article 62(4), the interim Executive Director shall exercise the appointing authority power;
  - (c) the Commission may offer assistance to the EU Centre, in particular by seconding Commission officials **and national experts seconded to the Commission** to carry out the activities of the EU Centre under the responsibility of the interim Executive Director or the Executive Director;
  - (d) the interim Executive Director may authorise all payments covered by appropriations entered in the EU Centre's budget after approval by the **Executive Management** Board and may conclude contracts, including staff contracts, following the adoption of the EU Centre's establishment plan.



## CHAPTER V

### DATA COLLECTION AND TRANSPARENCY REPORTING

#### *Article 83*

#### *Data collection*

1. **Providers of relevant information society services that were subject to orders issued under Articles ~~7~~, 14, 16 and 18a** Providers of hosting services, providers of interpersonal communications services, providers of internet access services shall collect data on the following topics and make that information available to the EU Centre upon request:
  - ~~(a) where the provider has been subject to a detection order issued in accordance with Article 7:~~
    - ~~— the measures taken to comply with the order, including the technologies used for that purpose and the safeguards provided;~~
    - ~~— the error rates of the technologies deployed to detect online child sexual abuse and measures taken to prevent or remedy any errors;~~
    - ~~— in relation to complaints and cases submitted by users in connection to the measures taken to comply with the order, the number of complaints submitted directly to the provider, the number of cases brought before a judicial authority, the basis for those complaints and cases, the decisions taken in respect of those complaints and in those cases, the average time needed for taking those decisions and the number of instances where those decisions were subsequently reversed;~~
  - (b) the number of removal orders issued to the provider in accordance with Article 14, **indicating the number of those orders that were subject to the procedure for cross-border removal orders referred to in Article 14a.** ~~and the average time needed for removing or disabling access to the item or items of child sexual abuse material in question;~~
  - (c) the total number of items of child sexual abuse material that the provider removed or to which it disabled access, broken down by whether the items were removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre or a third party or at the provider's own initiative;
  - (d) the number of blocking orders issued to the provider in accordance with Article 16;

- (da) **the number of delisting orders issued to the provider in accordance with Article 18a, indicating the number of those orders that were subject to the procedure for cross-border delisting orders referred to in Article 18aa;**
- (e) the number of instances in which the provider invoked ~~Article 8(3)~~, Article 14(5) or (6), ~~or Article 17(4a) or (5) or Article 18b(4) or (5)~~, together with the reasons grounds therefore;

2. **Relying to the extent possible on information collected in an automated manner by means of the information sharing system or systems referred to in Article 39(2a), as well as on any similar system that might be used for the exchange of information at national level,** the Coordinating Authorities shall collect data on the following topics and make that information available to the EU Centre upon request:

- (a) **the follow-up given to reports of potential online child sexual abuse that the EU Centre forwarded in accordance with Article 48(3), specifying for each report:**
  - whether the report led to the launch of a criminal investigation or **contributed to an ongoing investigation**, ~~led to taking any other action led to no action;~~
  - where the report led to the launch of a criminal investigation or contributed to an ongoing investigation, the ~~state of play or outcome of the investigation;~~ **including whether the case was closed at pre-trial stage, whether the case led to the imposition of penalties;**
  - **whether victims were identified and rescued and if so their numbers differentiating by gender and age, and whether any suspects were arrested and any perpetrators were convicted and if so their numbers;**
  - ~~where the report led to any other action, the type of action, the state of play or outcome of that action and the reasons for taking it;~~
  - **where no action was taken, the reasons for not taking any action;**
- (b) the most important and recurrent risks of online child sexual abuse, as reported by providers of hosting services and providers of interpersonal communications services in accordance with Article ~~5-3~~ or identified through other information available ~~to the Coordinating Authority;~~
- ~~(c) a list of the providers of hosting services and providers of interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;~~
- ~~(d) the number of detection orders issued in accordance with Article 7, broken down by provider and by type of online child sexual abuse, and the number of instances in which the provider invoked Article 8(3);~~

- (e) a list of providers of hosting services to which ~~the Coordinating Authority issued a removal order~~ **was issued** in accordance with Article 14;
- (f) the number of removal orders issued in accordance with Article 14, broken down by provider, ~~the time needed to remove or disable access to the item or items of child sexual abuse material concerned,~~ and the number of instances in which the provider invoked Article 14(5) and (6);
- (g) the number of blocking orders issued in accordance with Article 16, broken down by provider, and the number of instances in which the provider invoked Article 17(4a) or (5);
- (h) **a list of relevant information society services to which the Coordinating Authority addressed a decision taken pursuant to Articles 27, 28 or 29, the type of decision taken, and the reasons for taking it;**
- ~~(i) the instances in which the opinion of the EU Centre pursuant to Article 7(4)(d) substantially deviated from the opinion of the Coordinating Authority, specifying the points at which it deviated and the main reasons for the deviation;~~
- (ha) **the number of complaints received in accordance with Article 34 broken down by what the alleged infringement of this Regulation was concerned with.**
- (hb) the total number of reports of detected online child sexual abuse that have been submitted by providers and organisations acting in the public interest against child sexual abuse to the competent national law enforcement authorities, differentiating, where such information is available, between the absolute number of cases and those cases reported several times and the type of provider on whose service the online child sexual abuse was detected;**
- (hc) the number of children identified through actions pursuant to Article 4a, differentiated by gender;**
- (hd) the number of perpetrators convicted.**

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

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

- (c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);
- (d) ~~the online child sexual abuse to which the reports relate, including the~~ number of items of potential known and new child sexual abuse material and instances of potential solicitation of children **included in the reports the Member State the competent authority of which the EU Centre forwarded the reports to** in accordance with Article 48(3), and type of relevant information society service that the reporting provider offers;
- (e) the number of reports that the EU Centre considered manifestly unfounded, as referred to in Article 48(2);
- (f) the number of reports relating to potential new child sexual abuse material and solicitation of children that were assessed as not constituting child sexual abuse material of which the EU Centre was informed pursuant to Article 36(43), broken down by Member State;
- (g) the results of the searches in accordance with Article 49(1), including the number of images, videos and URLs by Member State where the material is hosted;
- (h) where the same item of potential child sexual abuse material was reported more than once to the EU Centre in accordance with Article 12 or detected more than once through the searches in accordance with Article 49(1), the number of times that that item was reported or detected in that manner.
- (i) the number of notices and number of providers of hosting services notified by the EU Centre pursuant to Article 49(2);
- (j) number of victims of online child sexual abuse assisted by the EU Centre pursuant to Article 21(2), and the number of these victims that requested to receive such assistance in a manner accessible to them due to disabilities;
- (k) **a report describing and analysing the relevant technologies, including the published opinions of the European Data Protection Board pursuant to Article 50(1) on the technologies made available by the EU Centre.**
- (l) a list of the names of organisations acting in the public interest against child sexual abuse communicated to it under Article 4a(3) which the Centre shall make public and keep up to date.**
- (m) the statistics referred to in Article 83(2)(hb)(hc)(hd).**

4. **Providers of relevant information society services ~~that were subject to orders issued under Articles 7, 14, 16 and 18a~~** The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities **or other competent authorities** and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for for the transparency reporting referred to in Article 84. The data ~~stored referred to in paragraphs 1 to 3~~ shall not contain any personal data.
5. They shall ensure that the data is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the information is deleted when no longer necessary for that purpose. They shall regularly review those safeguards and adjust them where necessary.
56. **The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules concerning the process of data collection and categorisation of the data to be collected pursuant to paragraphs 1 to 4 for the purposes of follow up of the reports and the application of the Regulation.**

*Article 84*

*Transparency reporting*

1. Each provider of relevant information society services **that was subject to orders issued under Articles ~~7~~, 14, 16 and 18a during the relevant calendar year** shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1).

The providers shall, by 31 January of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.

**The providers of certain number-independent interpersonal communications services that choose to take the measures pursuant to Article 4a shall include in the report referred to in subparagraph 1 the information referred to in Article 4a(3)(d)(x).**

**Providers subject to Article 5(2b) shall prepare by 31 January of every year subsequent to the year to which the report relates a report on their contribution to the development of the technologies as specified in that provision, make the report available to the public and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.**

2. Each Coordinating Authority shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(2). It shall, by 31 March of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Commission and the EU Centre.
3. Where a Member State has designated several competent authorities pursuant to Article 25, it shall ensure that the Coordinating Authority draws up a single report covering the activities of all competent authorities under this Regulation and that the Coordinating Authority receives all relevant information and support needed to that effect from the other competent authorities concerned.
4. The EU Centre, ~~working in close cooperation with the Coordinating Authorities,~~ shall draw up an annual report on its activities under this Regulation. That report shall also compile and analyse the information contained in the reports referred to in paragraphs 2 and **Article 83(3)**. The EU Centre shall, by 30 June of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Commission.
5. The annual transparency reports referred to in paragraphs 1, 2 and 3 shall not include any information that may prejudice ongoing activities for the assistance to victims or the prevention, detection, investigation or prosecution of child sexual abuse offences. They shall ~~also~~ not contain any personal data.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary templates and detailed rules concerning the form, precise content and other details of the reports and the reporting process pursuant to paragraphs 1, 2 and 3.

## CHAPTER VI

### FINAL PROVISIONS

#### *Article 85*

#### *Evaluation*

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

**In this report, the Commission shall consider, in particular:**

- (a) the effectiveness of this Regulation in achieving its objective to prevent and combat in a targeted, carefully balanced and proportionate manner the use of relevant information society services for online child sexual abuse in the internal market;**
  - (b) the impact of the application of this Regulation on fundamental rights, notably:**
    - i. children's rights to physical and mental integrity, the prohibition of torture and inhuman and degrading treatment, their right to respect for private and family life and their right to protection of personal data, and their right to such protection and care as is necessary for their well-being, laid down in Articles 3, 4, 7, 8 and 24 of the Charter respectively;**
    - ii. users' rights to respect for private and family life, to protection of personal data, and the freedom of expression and information, laid down in Articles 7, 8 and 11 of the Charter respectively; and**
    - iii. providers of relevant information society services' freedom to conduct a business, laid down in Article 16 of the Charter.**
- 1a. **By [three years after the entry into force of this Regulation], and if necessary, every three years thereafter, the Commission shall submit a report to the European Parliament and the Council assessing the necessity and feasibility of including the detection of ~~new~~-child sexual abuse material and the solicitation of children including on a mandatory basis. in the scope of Section 2 of Chapter II of this Regulation. The assessment shall include an analysis of the state of development and readiness of the technologies to detect ~~new~~-child sexual abuse material and the solicitation of children, including error rates.**
2. By [*five years after the entry into force of this Regulation*], and every five years thereafter, the Commission shall ensure that an evaluation in accordance with Commission guidelines of the EU Centre's performance in relation to its objectives, mandate, tasks and governance and location is carried out. The evaluation shall, in particular, address the possible need to modify the tasks of the EU Centre, and the financial implications of any such modification.

3. On the occasion of every second evaluation referred to in paragraph 2, the results achieved by the EU Centre shall be assessed **by the Commission**, having regard to **the EU Centre's** objectives and tasks, including an assessment of whether the continuation of the EU Centre is still justified with regard to those objectives and tasks.
4. The Commission shall report to the European Parliament and the Council the findings of the evaluation referred to in paragraph 3. The findings of the evaluation shall be made public.
5. For the purpose of carrying out the evaluations referred to in paragraphs 1, **1a**, 2 and 3, the Coordinating Authorities and Member States and the EU Centre shall provide information to the Commission at its request.
6. In carrying out the evaluations referred to in paragraphs 1, **1a**, 2 and 3, the Commission shall take into account the relevant evidence at its disposal.
7. Where appropriate, the reports referred to in paragraphs 1, **1a** and 4 shall be accompanied by legislative proposals.

#### *Article 86*

##### *Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 3, **4, 5, 5b, ~~8~~13**, 14, 17, **18b**, 47, **~~47a~~ 83** and 84 shall be conferred on the Commission for an indeterminate period of time from [*date of adoption of the Regulation*].
3. The delegation of power referred to in Articles 3, **4, 5, 5b, ~~8~~13**, 14, 17, **18b**, 47, **~~47a~~ 83** and 84 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day after the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.



6. A delegated act adopted pursuant to Articles 3, 4, 5, 5b, ~~8~~, 13, 14, 17, 18b, 47, ~~47a~~, 83 and 84 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 87*

*Committee procedure*

1. For the purposes of the adoption of the implementing acts referred to in Articles ~~10(2)~~ ~~4a(3)~~ and 39(4), the Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
- ~~1a. With regard to the implementing acts referred to in Article 10(2), Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), the third subparagraph, of Regulation (EU) No 182/2011 shall apply.~~
2. Where reference is made to this paragraph ~~With regard to the implementing acts referred to in Article 39(4)~~, Article 4 of Regulation (EU) No 182/2011 shall apply.

*Article 88*

*Amendment ~~Repeal~~ of Regulation (EU) 2021/1232*

Regulation (EU) 2021/1232 is repealed from [date of application of this Regulation].

**Regulation (EU) 2021/1232 shall be amended as follows:**

**(a) in Article 2, point 4 is replaced by the following:**

**“(4) ‘online child sexual abuse’ means:**

- (a) the online dissemination of potential child sexual abuse material not previously identified by the competent authorities as online child sexual abuse material; and**
- (b) the solicitation of children;”;**

~~(b) in Article 3, point (g)(iii) of paragraph 1 is replaced by the following:~~

~~“(iii) ensure that online child sexual abuse is not reported to law enforcement authorities or organisations acting in the public interest against child sexual abuse without prior human confirmation.”;~~

~~(c) in Article 3, point (h)(iii) of paragraph 1 is deleted;~~

in Article 10, the second paragraph is replaced by the following:

“It shall apply until [date – ~~120~~ 36 months after entry into force of this Regulation].”.

#### Article 89

##### *Entry into force and application*

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from ~~6~~ 24 months after ~~its~~ entry into force of this Regulation. However:

- Article 88~~(d)~~ shall apply from [date of entry into force of this Regulation];
- Articles ~~7~~ 12 to 13, Articles 20 to 22a, ~~Article 25(7)(d)~~, Articles 43(2), (3) and 6(ba), Articles 44 to 50, and Articles 83(3) and 84(4) shall apply from [date 48 months after entry into force of this Regulation];
- ~~Article 88, points (a), (b), and (c), shall apply from [date 60 months after entry into force of this Regulation].~~

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*

*For the Council*

*The President*

*The President*