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NOTE

From: Presidency
To: Delegations

Subject: Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse
- State of play of interinstitutional negotiations and Presidency compromise texts

1. State of play of the negotiations

At the meeting of JHA counsellors on 17 June 2026, the Presidency will inform delegations about the outcome of the ninth and the tenth interinstitutional meetings (ITMs) on the Proposal for a Regulation laying down rules to prevent and combat child sexual abuse (CSA Regulation) and will ask for feedback from delegations to the proposals outlined in this note.

The two ITMs on 3 and 11 June 2026 were dedicated to Chapter I on general provisions covering Articles 1 to 2, the provisions of Chapter II on reporting, removal, blocking and delisting obligations, covering Articles 12 to 18c, and the preservation of information in Article 22, some open issues on Chapter IV regarding the EU Centre, covering Articles 43, 51(4a) and 66, Chapter V on data collection and transparency reporting (Articles 83 and 84), and Chapter VI on final provisions (Articles 85 to 89). In addition, the Presidency presented a compromise proposal on detection¹.

The outcome of the ITMs is reflected in the four-column table issued as WK 8615/26.

2. Provisionally agreed lines and request for feedback from delegations

Following the ITMs on 3 and 11 June 2026, delegations are provided with the identical lines, the provisionally agreed lines and lines requiring their feedback.

A. Identical lines proposed for endorsement at the trilogue

The following lines of Articles 83-89 and related recitals are identical in the mandates of both co-legislators and have been proposed for endorsement at the next trilogue:

87, 90-92, 930, 931, 939, 942, 946, 956, 957, 961-965, 968, 970, 971, 973, 974, 975-977, 980, 984, 985, 988, 989, 991, 993, 996, 997, 999-1004

B. Provisionally agreed lines

The following lines of Articles 1,2, 12-18, 22, 45, 48, 51, 66, 83-89 have been provisionally agreed at technical level:

16, 23, 24, 25, 40a, 46, 50, 74, 86, 111d, 116, 116a-c, 122, 299, 300, 301-304, 306, 317a, 321b-d, 322, 352, 358b, 359-364, 365, 367, 369, 371, 372, 378, 393a-c, 432-435, 438-442, 643, 670, 674, 719a-e, 840d-e, 842-844, 846a, 848a-b, 932, 938, 940, 941, 943, 944, 945, 945a, 947, 950, 951, 952, 953, 953a, 954a, 955, 958, 958a, 959, 960, 965a, 966, 967, 969, 972, 977a-f, 978, 979, 992, 993a-b, 994, 995, 995a, 995b

¹ 9659/26.

C. Lines requiring feedback from delegations

Based on the technical discussions, the Presidency invites delegations to consider the provisional outcome of the interinstitutional negotiations and to examine the Presidency compromise texts and Parliament proposals.

Articles 1 and 2

- Lines 106a and 137: The European Parliament has proposed wording regarding the possible exclusion **of audio communications** from the scope of this Regulation, clarifying that the audio tracking linked to videos should not be excluded but reflecting the European Parliament's view that audio communications and voice messages should be excluded.

Line 106a:

“This Regulation shall not apply to any interpersonal and interactive exchange of information through spoken audio whether the audio is transmitted in real time or stored for subsequent retrieval or listening.”

Line 137:

“‘content data’ means texts, videos including their audio tracking, and images.”

Delegations are invited to provide their views on whether, as a compromise, they would be willing to accept the European Parliament's proposal and if they have any comments on the text.

- Line 129: The Presidency suggests avoiding a **definition of micro, small or medium-sized enterprises** in the operative part but making a reference in a recital instead, following the example of recently adopted or currently negotiated legislative acts. The suggestion takes into account the concerns expressed by the Council Legal Service that a definition should not be based on a Commission recommendation that could be amended by the Commission unilaterally. Thus, reference should be made to the original version of that recommendation.

The following wording for a recital is proposed:

“To avoid disproportionate burdens for micro, small or medium-sized enterprises, as defined in Commission Recommendation 2003/361/EC, certain costs imposed under this Regulation on such providers should, if possible, be supported by the EU Centre. However, considering that very large online platforms have a larger reach and a greater impact in influencing how recipients of the service obtain information and communicate online, such providers should not benefit from that support, irrespective of whether they qualify as micro, small or medium-size enterprises. Reference to Commission Recommendation 2003/361/EC should be understood as referring to the original version of this recommendation.”

Delegations are invited to provide their feedback on the proposal to delete the definition of ‘micro, small or medium-sized enterprises’ in the operative part, to add a recital referencing the original version of the Commission Recommendation 2003/361/EC and clarifying that very large online platforms are not eligible for support from the EU Centre concerning certain costs.

- Lines 130, 130a and 134: Co-legislators agreed in principle at the fourth trilogue on 11 May that the **instructions on how to commit offences related to child sexual abuse** should be included in the scope of the Regulation, following the definition provided in the ongoing negotiations on the recast of the CSA Directive. At the ITMs, the Parliament and the Presidency suggested including references to the instructions in the relevant parts of the Regulation (i.e. *not* including it as part of the definition of ‘child sexual abuse material’), while the Commission advocated for including the instructions in the definition of child sexual abuse material for the purpose of this Regulation.

Being aware of the concerns expressed by Member States in the negotiations on the recast of the CSA Directive regarding the inclusion of instructions in the definition of child sexual abuse material, the Presidency invites delegations to express their views about how the instructions should be reflected in the text of the Regulation.

- Line 141b: The Presidency has proposed a **definition of an “emergency case”**, which draws on similar definitions in existing EU legislation such as Regulation (EU) 2023/1543 (‘E-evidence’) and would be relevant in the context of the expedited reporting procedure in Article 13 and the expedited processing of reports by the EU Centre in Article 48:

“‘emergency case’ means a situation in which a child faces an imminent threat to the life, safety or of physical and/or serious psychological integrity, including from the child’s own conduct, arising from child sexual abuse, or when the situation indicates ongoing child sexual abuse.”

Delegations are invited to provide feedback on this definition.

Articles 14-15

- Lines 321 and 321a: The matter of **issuing authorities for removal orders** is considered a political matter subject to agreement as part of a compromise package but the Presidency will insist on ‘competent authorities’ in view of the political agreement in principle to align the provisions with the TCO Regulation.

Lines 341b-1: The Parliament is open in principle to agree with the establishment of a **cross-border procedure for removal orders** in alignment with the TCO Regulation, but asks the Council to consider including in analogy the relevant provisions from Article 4(4) of the TCO Regulation²:

“Hosting service providers and content providers shall have the right to submit, within 48 hours of receiving either a removal order or information pursuant to Article 11(2), a reasoned request to the competent authority of the Member State where the hosting service provider has its main establishment or where its legal representative resides or is established to scrutinise the removal order as referred to in the first subparagraph of paragraph 3 of this Article. The competent authority shall, within 72 hours of receiving the request, adopt a reasoned decision following its scrutiny of the removal order, setting out its findings as to whether there is an infringement.”

² Quotes from the TCO Regulation. Text adaptation would be required.

In addition, the Parliament asks the Council to consider adding the following sentence to line 341k in analogy to Article 4(6) of the TCO Regulation: **“Where the decision finds an infringement pursuant to paragraph 3 or 4 of this Article, the removal order shall cease to have legal effects”**.

The Presidency asks delegations to consider including these provisions of the TCO Regulation in the CSA Regulation with the necessary adaptations, particularly in view of the fact that alignment with TCO has been an argument that the Presidency has used to ensure that Member States retain maximum flexibility as concerns the issuing authority structure.

Article 16-18

- Lines 358 and 358a: The matter of **issuing authorities for blocking orders** is considered a political matter subject to agreement as part of a compromise package.
- Lines 44, 358, 369, 381 and 384: For the issuing of blocking orders, the European Parliament insists on the **mandatory use of the list of uniform resource locators (URLs)** included in the database of indicators, provided by the EU Centre in accordance with Article 44(2), point (b).

Would delegations accept the following wording: “The competent authorities **shall 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.”

The Presidency suggests adding to line 44 the following last sentence: **“It should also be recognised that, in certain cases, a provider may be unable to execute a blocking order due to force majeure or de facto impossibility, including for objectively justified technical or operational reasons such as where implementation of the order would lead to the collateral blocking of lawful content.”**

Delegations are invited to provide their feedback on this point.

- Lines 395-406: The European Parliament wants to **strengthen the redress provisions** and requests to reinstate the bracketed part (reporting of blocking orders) in line 395, the bracketed part on the users' right to redress in 396 and the possibility for users to report under lines 404 and 405.

Delegations are invited to provide their feedback on this point, and particularly if they would be willing to accept reinstating these provisions in the context of a broader compromise.

Articles 18a-c

- Lines 406a-406ba: The Parliament is open in principle to agree with the establishment of **delisting orders** and a related cross-border procedure in alignment with the TCO Regulation as part of a wider compromise package but asks the Council to consider delisting orders as a measure of last resort if other equally effective and less intrusive measures such as removal orders cannot be taken. In addition, the Parliament considers excessive the period of application of up to 5 years for delisting orders and asks for safeguards to be added to the text. The Presidency has explained that delisting orders are the least intrusive of the orders and should therefore not be subject to additional conditions and will report back on any specific suggestions made by the European Parliament on these orders.

Article 43

- Lines 599-629c: Both the Presidency and the Parliament are in agreement that the **list of tasks to be performed by the EU Centre** is overly detailed and duplicating the relevant provisions throughout the Regulation. The detailed list also risks errors and inconsistencies that may complicate the interpretation of the CSA Regulation in the future. The Presidency has therefore prepared a proposal for streamlining Article 43, which is outlined in the Annex to this note. The proposed rewording limits the text to the essential elements.

Delegations are invited to give their feedback on this proposal.

Article 66

- Lines 840, 840a-b: The Presidency conveyed the concerns expressed by some delegations about the limitation of the number of experts constituting the **Technology Committee** to the Parliament. Having noted these concerns and the Commission's concerns regarding the limitation of membership to Union nationals but still attempting to avoid an excessively large Technology Committee and to safeguard the strategic autonomy of the Union in technology matters, the Presidency asks delegations whether there is any flexibility on this point in view of a broader compromise.

Article 89

- Lines 998 and 998a: The **entry into application and possible transitional clauses** are considered political matters subject to agreement as part of a compromise package. The Presidency took note of the delegations' preference to have sufficient time for establishing the structures and processes foreseen under this Regulation and to provide for effective transitional provisions as regards own-initiative detection.

3. Questions to Member States

Member States are invited:

1. to endorse the provisional agreement on the lines listed under points A and B.
2. to examine the positions and suggestions outlined under point C.

The Presidency invites delegations to provide their **comments at the meeting of JHA counsellors on 17 June 2026.**

4. Next steps

The ITMs on 19 and 25 June 2026 are planned to reach compromises at technical level on the issues laid down in this note and to consider a possible way forward with regard to risk assessment and mitigation obligations (Art. 3-6) and on detection in preparation of the trilogue on 29 June 2026.

Presidency proposal for the redrafting of Article 43

Article 43

Tasks of the EU Centre

The tasks of the EU Centre include the following:

- (a) assisting providers of relevant information society services with the performance of the **tasks and obligations** provided for in this Regulation, including risk assessment and mitigation, [detection], reporting, removal, blocking, [delisting], and the provision of information and assistance;
- (b) assisting the **relevant authorities of the Member States** and the Commission with the performance of the tasks provided for in this Regulation;
- (c) cooperating with relevant **Union agencies and bodies, third countries, international organisations** and **partner organisations** on the prevention and combating of online child sexual abuse;
- (d) creating, operating and maintaining **databases of indicators and reports** of online child sexual abuse;
- (e) making **technologies available** to providers of relevant information society services for the identification of online child sexual abuse;
- (f) collecting, analysing, and making available to relevant stakeholders **information and expertise**;
- (g) participating in **research, surveys and studies** on matters related to the prevention and combating of online child sexual abuse;
- (h) generating **statistics** on detection, reporting, removal, blocking [and delisting] of online child sexual abuse;
- (i) engaging in dialogue and cooperation with relevant stakeholders to raise public awareness of, as well as and promoting measures to prevent and combat online child sexual abuse and to assist and support victims of online child sexual abuse, including by creating, operating and maintaining the online **European Child Protection Platform** established by this Regulation.