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NOTE

From: Presidency
To: Permanent Representatives Committee
Subject: Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse
- Policy debate

I. BACKGROUND/INTRODUCTION

1. On 11 May 2022, the Commission submitted to the Council and the European Parliament a proposal for a Regulation laying down rules to prevent and combat child sexual abuse¹, which aims to oblige online service providers, such as providers of hosting services and interpersonal communications services, to prevent the dissemination of, to detect, report and remove child sexual abuse material ('CSAM'), to prevent, detect and report the solicitation of children ('grooming'), and to set up a new decentralised EU agency (the 'EU Centre') to support the implementation of the proposed Regulation, together with a network of national Coordinating Authorities and other competent authorities.

¹ 9068/22.

2. In the Council, the proposal has been examined so far in 37 meetings of the Law Enforcement Working Party - Police (LEWP-P) to prepare a mandate for negotiations with the European Parliament.
3. The Permanent Representatives Committee had policy debates on the above proposal on 31 May 2023, 13 October 2023 and 4 September 2024 to consider aspects related to proportionality, cyber security and the scope of detection orders.
4. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) has the lead responsibility for the negotiations on the proposal. It appointed MEP Javier Zarzalejos (EPP, ES) as rapporteur in October 2022. The LIBE Committee adopted its report on 14 November 2023, and the position of the European Parliament was deemed adopted on 22 November 2023.
5. The period of application of Regulation (EU) 2021/1232 providing a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers for the purpose of combating online child sexual abuse was extended through Regulation (EU) 2024/1307 until 3 April 2026.
6. The selection of the seat of the EU Centre (Article 42) is planned to be subject to an inter-institutional agreement on the selection procedure applicable to new EU agencies following the example of the selection of the seat of the Anti-Money Laundering Authority.

II. PRESIDENCY COMPROMISE PROPOSAL

7. The Danish Presidency issued compromise texts based on the work done by the previous Presidencies that were examined at the meetings of the LEWP-P on 11 July² and 12 September 2025³.
8. The Presidency's objective with these compromise texts was to protect children online in an ambitious and effective manner including through obligations for high-risk providers to detect known and new CSAM on their services while safeguarding cyber security and ensuring proportionality and respect to fundamental rights. Another objective of the Presidency was to keep the text as simple as possible.

² 10131/25.

³ 11596/25.

9. On 8 October 2025, the Presidency invited the Permanent Representatives Committee to prepare a partial general approach on the proposed Regulation at the meeting of the Council on 14 October 2025. However, the Presidency noted that the suggested text did not get sufficient support to reach an agreement for a mandate for negotiations with the European Parliament.
10. It is the understanding of the Presidency that the lack of support for the compromise relates only to the provisions regarding the establishment of detection obligations as proposed, in particular due to concerns related to the protection of the fundamental rights of the users and to cyber security. Doubts have also been expressed with regard to the availability of reliable and accurate technologies to detect CSAM. Despite thorough and intense negotiations based on different compromise proposals it has not been possible so far to find a compromise gathering sufficient support from the Member States on these provisions. The possibilities to reach agreement on a balanced compromise including detection obligations within reasonable time seem to be exhausted.
11. Accordingly, the Presidency assesses that a different approach is needed to bring the file forward and avoid the negative consequences of a potential legal gap. Such approach should ensure that the long-term framework is effective in terms of preventing and fighting child sexual abuse compared to the temporary legal framework under Regulation (EU) 2021/1232.
12. Furthermore, the new approach should be seen as a stepping stone for further work in protecting children online. Hence, while being less ambitious than previous compromise texts by excluding detection obligations, the approach should maintain all the other key features and structures as proposed by the Commission or included by the Council.
13. Hence, the Presidency suggests pursuing the proposal for a partial mandate for negotiations with the European Parliament as outlined in document 13095/25 with the following amendments:
 - a. The provisions on detection obligations (Articles 7 to 11) would be removed from the text.
 - b. The derogation from certain provisions of Directive 2002/58/EC for the purpose of combating online child sexual abuse (voluntary activities) would be made permanent through an amendment of Regulation (EU) 2021/1232 (Article 88).

- c. The voluntary activities of providers under Regulation (EU) 2021/1232 would be included as a possible mitigation measure (in Article 4) and thus serve as an element for the risk categorisation of services. Providers of high-risk services, in cooperation with the EU Centre, may still be required to take measures to develop relevant technologies to mitigate the risk of child sexual abuse identified on their services (Article 5).
- d. Under a review clause (Article 85), the Commission would be invited to assess the necessity and feasibility of including detection obligations in the future, taking into account technological developments. This might lead to a new legislative proposal by the Commission, and it would then be up to the co-legislators to decide whether to introduce detection obligations.
- e. The EU Centre to prevent and combat child sexual abuse would keep its core functions by assessing, processing and forwarding reports from the providers, advising and otherwise supporting national authorities, facilitating the cooperation with stakeholders and establishing the databases of indicators to support the voluntary activities of providers under Regulation (EU) 2021/1232 and the issuance of blocking and delisting orders.

III. WAY FORWARD

- 14. The Presidency aims at reaching as soon as possible a partial negotiation mandate with the European Parliament, excluding Article 42 about the selection of the seat of the EU Centre, which should be the subject of an inter-institutional procedure following the example of the selection of the seat of the Anti-Money Laundering Authority (AMLA).
- 15. The Permanent Representatives Committee is invited to indicate whether it can support the Presidency's suggestion to pursue the proposal for a partial negotiation mandate with the European Parliament as outlined in document 13095/25 with the amendments described above, e.g. with removing detection obligations from the text while providing for a permanent application of Regulation (EU) 2021/1232 as well as on the understanding that the future inclusion of the relevant provisions related to detection obligations would be subject to a review clause further to a possible new legislative proposal.