



**2022/0155(COD)**

28.7.2023

# **AMENDMENTS**

## **545 - 953**

**Draft report**  
**Javier Zarzalejos**  
(PE746.811v01-00)

Laying down rules to prevent and combat child sexual abuse

Proposal for a regulation  
(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))



**Amendment 545**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(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;**

*Amendment*

(b) ‘**number independent** interpersonal communications **services** as defined in Article 2, point 7, of Directive (EU) 2018/1972;

Or. en

*Justification*

*Horizontal Amendment*

**Amendment 546**  
**René Repasi, Tiemo Wölken**  
on behalf of the S&D Group  
**Petar Vitanov**  
on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
**Birgit Sippel**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(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;**

*Amendment*

(b) ‘interpersonal communications service’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972;

Or. en

**Amendment 547**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(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;

*Amendment*

(b) ‘**number-independent** interpersonal communications service’ means a publicly available service as defined in Article 2, point 7, 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;

Or. en

**Amendment 548**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) ‘number-independent interpersonal communications service within games’ means any service defined in Article 2, point 7 of Directive (EU) 2018/1972 which is part of a game;**

Or. en

**Amendment 549**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) ‘number-independent interpersonal communications service’ means a publicly available service as defined in Article 2, point 7, of Directive (EU) 2018/1972;**

Or. en

**Amendment 550**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) ‘software application store’ means a service as defined in Article 2, point 12, of Regulation (EU) .../... [on contestable and fair markets in the digital sector (Digital Markets Act)];**

**deleted**

Or. en

**Amendment 551**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) ‘software application store’ means a service as defined in Article 2, point 12, of Regulation (EU) .../... [on contestable and fair markets in the digital sector (Digital Markets Act)];**

**deleted**

**Amendment 552**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

*(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>49</sup>;*

*deleted*

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<sup>49</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).*

**Amendment 553**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

*(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*

*deleted*

*Council*<sup>49</sup>;

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***<sup>49</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).***

Or. en

**Amendment 554**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) ‘artificial intelligence system’ means software as defined in Article 3(1) of Regulation (EU) .../... [laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)];***

Or. en

**Amendment 555**

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) “online search engine” means an intermediary service as defined in Article***

**3, point (j), of Regulation (EU)  
2022/2065;**

Or. en

**Amendment 556**

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš  
Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

**(eb) ‘intermediary service’ means a  
service as defined in Article 3, point (g),  
of Regulation (EU) 2022/2065;**

Or. en

**Amendment 557**

**Hilde Vautmans, Fabienne Keller, Maite Pagazaurtundúa, Olivier Chastel, Lucia Ďuriš  
Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e c (new)**

*Text proposed by the Commission*

*Amendment*

**(ec) ‘artificial intelligence system’ (AI  
system) means software as defined in  
Article 3(1) of Regulation (EU) .../... on  
Artificial Intelligence (Artificial  
Intelligence Act);**

Or. en

**Amendment 558**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point ii**



*Text proposed by the Commission*

(ii) *an* interpersonal communications service;

*Amendment*

(ii) *a publicly available number-independent* interpersonal communications service;

Or. en

**Amendment 559**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point ii**

*Text proposed by the Commission*

(ii) *an* interpersonal communications service;

*Amendment*

(ii) *a number-independent* interpersonal communications service;

Or. en

**Amendment 560**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point ii**

*Text proposed by the Commission*

(ii) *an* interpersonal communications service;

*Amendment*

(ii) *a number-independent* interpersonal communications service;

Or. en

**Amendment 561**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point ii**

*Text proposed by the Commission*

(ii) *an* interpersonal communications *service*;

*Amendment*

(ii) *independent* interpersonal communications *services*;

Or. en

**Amendment 562**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point iii**

*Text proposed by the Commission*

(iii) *a software applications store*;

*Amendment*

*deleted*

Or. en

**Amendment 563**

**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point iii**

*Text proposed by the Commission*

(iii) *a software applications store*;

*Amendment*

*deleted*

Or. en

**Amendment 564**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point iii**

*Text proposed by the Commission*

*Amendment*

**(iii) a software applications store; deleted**

Or. en

**Amendment 565**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point iii**

*Text proposed by the Commission*

*Amendment*

**(iii) a software applications store; deleted**

Or. en

**Amendment 566**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point iii a (new)**

*Text proposed by the Commission*

*Amendment*

**(iiia) online games;**

Or. en

**Amendment 567**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point iv**

*Text proposed by the Commission*

*Amendment*

**(iv) an internet access service. deleted**

Or. en

**Amendment 568**

**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point iv a (new)**

*Text proposed by the Commission*

*Amendment*

**(iva) an artificial intelligence system;**

Or. en

**Amendment 569**

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point iv a (new)**

*Text proposed by the Commission*

*Amendment*

**(iva) an online search engine;**

Or. en

**Amendment 570**

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f – point iv b (new)**

*Text proposed by the Commission*

*Amendment*

**(ivb) an artificial intelligence system.**

Or. en

**Amendment 571**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

**(ha)** **(ha) ‘hotline’ means an organisation providing a mechanism, other than the reporting channels provided by law enforcement agencies, for receiving anonymous report from the public about alleged child sexual abuse material and online child sexual exploitation, which is officially recognised by the Member State of establishment as expressed in Directive 2011/93/EU and its articles of association mention the mission of combatting child sexual abuse;**

Or. en

**Amendment 572**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h b (new)**

*Text proposed by the Commission*

*Amendment*

**(hb)** **‘help-line’ means an organisation providing services for children in need as recognised by the Member State of establishment in line with Directive 2011/93/EU;**

Or. en

**Amendment 573**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point i**

*Text proposed by the Commission*

*Amendment*

(i) 'child' means any natural person below the age of 18 years;

(i) 'child' means any natural person below the age of ***consent as regulated in the respective Member States, but at least below the age of 18 years;***

Or. en

#### **Amendment 574**

**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

(ia) ***"adult" means any natural person above the age of 18 years;***

Or. en

#### **Amendment 575**

**Vincenzo Sofo, Cristian Terheş, Jadwiga Wiśniewska**

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point j**

*Text proposed by the Commission*

*Amendment*

(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;***

***deleted***

Or. en

#### *Justification*

*The ambiguity that arises from the conceptual confusion between 'child' and 'child user' is problematic especially as it relates to and has relevance for the imposition of age limits for messaging apps.*

**Amendment 576**  
**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point j**

*Text proposed by the Commission*

*Amendment*

**(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;* **deleted**

Or. en

**Amendment 577**  
**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point j**

*Text proposed by the Commission*

*Amendment*

**(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;* **deleted**

Or. en

**Amendment 578**  
**René Repasi, Tiemo Wölken**  
on behalf of the S&D Group  
**Petar Vitanov**  
on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
**Birgit Sippel**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point j**

*Text proposed by the Commission*

*Amendment*

**(j)** *‘child user’ means a natural person who uses a relevant information* **deleted**

*society service and who is a natural person below the age of 17 years;*

Or. en

**Amendment 579**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point j**

*Text proposed by the Commission*

(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;

*Amendment*

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of *consent as regulated in the respective Member States, but at least below the age of 17 years;*

Or. en

**Amendment 580**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point j**

*Text proposed by the Commission*

(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;*

*Amendment*

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a *child;*

Or. en

**Amendment 581**

**Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**



## Article 2 – paragraph 1 – point j

*Text proposed by the Commission*

(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;

*Amendment*

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of **18** years;

Or. en

## Amendment 582

**Fabienne Keller, Nathalie Loiseau**

### Proposal for a regulation

#### Article 2 – paragraph 1 – point j

*Text proposed by the Commission*

(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;

*Amendment*

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of **18** years;

Or. en

## Amendment 583

**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer**

### Proposal for a regulation

#### Article 2 – paragraph 1 – point j a (new)

*Text proposed by the Commission*

*Amendment*

***(ja) "adult user" means a natural person who uses a relevant information society service and who is a natural person above the age of 18 years;***

Or. en

**Amendment 584**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point l**

*Text proposed by the Commission*

(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;

*Amendment*

(l) ‘child sexual abuse material’ means **any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of a child for primarily sexual purposes or any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes; or realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes; or a live exhibition aimed at an audience, including by means of information and communication technology, of a child engaged in real or simulated sexually explicit conduct; or the depict of sexual organs of a child for primarily sexual purposes** as defined in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU;

Or. en

**Amendment 585**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point m**

*Text proposed by the Commission*

(m) ‘known child sexual abuse material’ means potential child sexual abuse material detected **using the indicators contained in the database of**

*Amendment*

(m) ‘known child sexual abuse material’ means potential child sexual abuse material detected;

*indicators referred to in Article 44(1),  
point (a);*

Or. en

**Amendment 586**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point n**

*Text proposed by the Commission*

*Amendment*

**(n) ‘new child sexual abuse material’** **deleted**  
*means potential child sexual abuse  
material detected using the indicators  
contained in the database of indicators  
referred to in Article 44(1), point (b);*

Or. en

**Amendment 587**  
**René Repasi, Tiemo Wölken**  
on behalf of the S&D Group  
**Petar Vitanov**  
on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
**Birgit Sippel**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point n**

*Text proposed by the Commission*

*Amendment*

**(n) ‘new child sexual abuse material’** **deleted**  
*means potential child sexual abuse  
material detected using the indicators  
contained in the database of indicators  
referred to in Article 44(1), point (b);*

Or. en

**Amendment 588**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point o**

*Text proposed by the Commission*

*Amendment*

(o) ‘solicitation of children’ means the solicitation of children for sexual purposes as referred to in Article 6 of Directive 2011/93/EU;

*deleted*

Or. en

**Amendment 589**  
**Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point p**

*Text proposed by the Commission*

*Amendment*

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children, ***including the exposure of children to pornographic content online;***

Or. en

**Amendment 590**  
**Annalisa Tardino**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point p**

*Text proposed by the Commission*

*Amendment*

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material ***including self-generated material disseminated without consent*** and the solicitation of children;

Or. en

**Amendment 591**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point p**

*Text proposed by the Commission*

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material **and the solicitation of children**;

*Amendment*

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material;

Or. en

**Amendment 592**  
**Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q**

*Text proposed by the Commission*

(q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU;

*Amendment*

(q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU, **and, for the scope of this regulation, extends the offense referred to in Article 3, paragraph 2 of the same directive, to the witnessing of sexual activities online, even without having to participate**;

Or. en

**Amendment 593**  
**Lucia Ďuriš Nicholsonová, Fabienne Keller**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) (q a) ‘victim’ means a person residing in the European Union who**

*being under 18 suffered child sexual abuse offences. For the purpose of exercising the victim's rights recognised in this Regulation, parents and guardians, as well as any person who was under 18 at the time the material was made, whose material has been hosted or disseminated in the European Union, are to be considered victims;*

Or. en

**Amendment 594**

**Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlan, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

*(qa) “person suspected of being involved in child sexual abuse” means an identified individual person about whom verifiable adequate evidence exists, which gives rise to the suspicion that that person has committed a child sexual abuse offence, attempted to commit a child sexual abuse offence, or prepared by committing a criminal offence to commit a child sexual abuse offence;*

Or. en

**Amendment 595**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

*(qa) ‘child survivor’ means a person as defined in Article 2(1) point (a) of Directive 2011/93/EU who is below 18*

*years of age and suffered child sexual abuse offences;*

Or. en

**Amendment 596**

**Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q b (new)**

*Text proposed by the Commission*

*Amendment*

*(qb) 'person disqualified from exercising activities involving children' means an identified individual person, who, in line with Article 10 of Directive 2011/93/EU, is temporarily or permanently disqualified from exercising activities involving direct and regular contacts with children;*

Or. en

**Amendment 597**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q b (new)**

*Text proposed by the Commission*

*Amendment*

*(qb) 'survivor' means a person as defined in Article 2(1) point (a) of Directive 2011/93/EU who suffered child sexual abuse offences;*

Or. en

**Amendment 598**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point s**

*Text proposed by the Commission*

*Amendment*

(s) ‘content data’ means *data as defined in Article 2, point 10, of Regulation (EU) ... [on European Production and Preservation Orders for electronic evidence in criminal matters (.../... e-evidence Regulation)]*;

*deleted*

Or. en

**Amendment 599**  
**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point s**

*Text proposed by the Commission*

*Amendment*

(s) ‘content data’ means *data as defined in Article 2, point 10, of Regulation (EU) ... [on European Production and Preservation Orders for electronic evidence in criminal matters (.../... e-evidence Regulation)]*;

(s) ‘content data’ means *videos and images in a digital format*;

Or. en

**Amendment 600**  
**René Repasi, Tiemo Wölken**  
on behalf of the S&D Group  
**Petar Vitanov**  
on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
**Birgit Sippel**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point s**

*Text proposed by the Commission*

*Amendment*

(s) ‘content data’ means *data as defined in Article 2, point 10, of*

(s) ‘content data’ means *videos and images in a digital format*;



***Regulation (EU) ... [on European Production and Preservation Orders for electronic evidence in criminal matters (.../... e-evidence Regulation)];***

Or. en

**Amendment 601  
Cornelia Ernst, Clare Daly**

**Proposal for a regulation  
Article 2 – paragraph 1 – point w**

*Text proposed by the Commission*

(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.

*Amendment*

(w) ‘main establishment’ means the office of the provider of relevant information society services within which the principal financial functions and operational control are exercised.

Or. en

**Amendment 602  
Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy**

**Proposal for a regulation  
Article 2 – paragraph 1 – point w a (new)**

*Text proposed by the Commission*

*Amendment*

***(wa) ‘hotline’ means an organisation providing a mechanism, other than the reporting channels provided by law enforcement agencies, for receiving anonymous complaints from the public about alleged child sexual abuse material and online child sexual exploitation, which meets the following criteria: (a) is officially recognised by its home Member State as expressed in the Directive 2011/93/EU of the European Parliament and of the Council; (b) has the mission of combatting child sexual abuse material in***

*its articles of association; and (c) is part of a recognised and well-established international network;*

Or. en

**Amendment 603**

**Lucia Ďuriš Nicholsonová, Fabienne Keller**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point w a (new)**

*Text proposed by the Commission*

*Amendment*

*(wa) ‘hotline’ means an organisation providing a mechanism, other than the reporting channels provided by law enforcement agencies, for receiving anonymous information from the public about potential child sexual abuse material and online child sexual exploitation, which is officially recognised by its home Member State as expressed in the Directive 2011/93/EU of the European Parliament and of the Council and has the mission of combatting child sexual abuse material in its articles of association;*

Or. en

**Amendment 604**

**Annalisa Tardino**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point w a (new)**

*Text proposed by the Commission*

*Amendment*

*(wa) ‘victim’ means a minor who suffered child sexual abuses offences including the non-consensual dissemination of self-generated material. For the purpose of exercising victim's rights listed in this Regulation, legal*

*representatives shall be considered victims.*

Or. en

**Amendment 605**

**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point w a (new)**

*Text proposed by the Commission*

*Amendment*

*(wa) ‘hotline’ means an organisation officially recognised by a Member State, other than the reporting channels provided by law enforcement authorities, for receiving anonymous complaints from victims and the public about alleged child sexual abuse;*

Or. en

**Amendment 606**

**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point w a (new)**

*Text proposed by the Commission*

*Amendment*

*(wa) "online search engine" means an intermediary service as defined in Article 3, point (j), of Regulation (EU) 2022/2065;*

Or. en

**Amendment 607**

**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point w b (new)**

*Text proposed by the Commission*

*Amendment*

*(wb) 'hotline' means an organization recognized by its Member State of establishment, which provides either a reporting channel provided by law enforcement authorities, or service for receiving anonymous complaints from victims and the public about alleged child sexual abuse online.*

Or. en

**Amendment 608**

**Paul Tang, Alex Agius Saliba, Theresa Bielowski, Tiemo Wölken, Marina Kaljurand**

**Proposal for a regulation**

**Article -3 (new)**

*Text proposed by the Commission*

*Amendment*

**Article-3**

***Protection of fundamental human rights and confidentiality in communications***

***1. Nothing in this Regulation shall prohibit, weaken or undermine end-to-end encryption, prohibit providers of information society services from providing their services applying end-to-end encryption or be interpreted in that way.***

***2. Nothing in this Regulation shall undermine the prohibition of general monitoring under Union law or introduce general data retention obligations.***

Or. en

**Amendment 609**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall 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.

*Amendment*

1. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall identify, analyse and assess, for each such service that they offer, ***any significant systemic residual serious risks stemming from the functioning and use of their services in the Union that their services are being used to disseminate or exchange*** child sexual abuse ***material***.

***This is without prejudice to the prohibition on general monitoring nor generalised data retention, and should not be understood as an obligation on providers of relevant information society services to break, weaken or undermine end-to-end encryption or to take other steps that compromise the security, integrity and confidentiality of communications.***

Or. en

**Amendment 610**

**Paul Tang, Alex Agius Saliba, Theresa Bielowski**

**Proposal for a regulation**

**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall 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.

*Amendment*

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess ***any serious systemic risk stemming from the functioning and use of their services*** for the purpose of online child sexual abuse. ***That risk assessment shall be specific to the services they offer and proportionate to the serious systemic risk***

*considering its severity and probability. To this end, providers subject to an obligation to conduct a risk assessment under Regulation (EU) 2022/2065 may draw on that risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse.*

Or. en

## **Amendment 611**

**Patrick Breyer**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall 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.

*Amendment*

1. Providers of hosting services and providers of *publicly available number-independent* interpersonal communications services *that are exposed to a substantial amount of online child sexual abuse* shall identify, analyse and assess, for each such service that they offer, *risks stemming from the design, functioning, including algorithmic recommender systems, or* use of the service for the purpose of online child sexual abuse.

Or. en

*Justification*

*To align with Terrorist Content Online Regulation 2021/784 and to ensure proportionality. For example, the online customer support chat for a consumer product will likely never be exposed to online child sexual abuse, and a risk assessment would not be helpful.*

## **Amendment 612**

**Cornelia Ernst, Clare Daly**

### **Proposal for a regulation**

### Article 3 – paragraph 1

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall **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.

*Amendment*

1. Providers of hosting services and providers of **number independent** interpersonal communications **services shall carry out a risk assessment** of use of the service for the purpose of online child sexual abuse. **The risk assessment shall be made public.**

Or. en

### Amendment 613

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

### Proposal for a regulation

#### Article 3 – paragraph 1

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall 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.

*Amendment*

1. Providers of hosting services and providers of interpersonal communications services shall 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, **which requires a targeted and tailor-made response;**

Or. en

### Amendment 614

**Rob Rooker**

### Proposal for a regulation

#### Article 3 – paragraph 1

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, **the**

*Amendment*

1. Providers of hosting services and providers of **number independent** interpersonal communications services shall identify, analyse and assess, for each

risk of use of the service for the purpose of online child sexual abuse.

such service that they offer, **any recurrent systemic** risk of use of the service for the purpose of online child sexual abuse.

Or. en

*Justification*

*The concept of “risk” is very broad. The assessment of “recurrent systemic risks” increases legal certainty for providers, allowing them to focus on the most problematic risks of misuse of the service.*

**Amendment 615**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***A hosting service provider or publicly available number-independent interpersonal communication service is exposed to online child sexual abuse where:***

Or. en

**Amendment 616**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***(a) the coordinating authority of the Member State of its main establishment or where its legal representative resides or is established has taken a decision, on the basis of objective factors, such as the provider having received two or more final removal orders in the previous 12***



*months, finding that the provider is exposed to online child sexual abuse, and notified the decision to the provider; or*

Or. en

**Amendment 617**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 1 – point b (new)**

*Text proposed by the Commission*

*Amendment*

*(b) the provider submitted two or more reports of potential online child sexual abuse in the previous 12 months in accordance with Article 12.*

Or. en

**Amendment 618**

**Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski**

**Proposal for a regulation**

**Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Without prejudice to Regulation (EU) 2022/2065, when conducting the risk assessment, providers of hosting services and providers of interpersonal communications services shall respect and avoid any actual or foreseeable negative effects for the exercise of fundamental rights, in particular the fundamental rights to human dignity, respect for private and family life, the protection of personal data, freedom of expression and information, including the freedom and pluralism of the media, the prohibition of discrimination, the rights of the child and consumer protection, as*

*enshrined in Articles 1, 7, 8, 11, 21, 24 and 38 of the Charter respectively.*

Or. en

**Amendment 619**

**Rob Rooker**

**Proposal for a regulation**

**Article 3 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Risk assessment obligations shall always be strictly necessary and proportionate, and shall never entail a general monitoring obligation, an obligation to seek knowledge about the content of private communications, nor an obligation for providers to seek knowledge of illegal content.***

Or. en

**Amendment 620**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) ***any previously*** identified instances of use of its services for the purpose of online child sexual abuse;

(a) ***the significant, systemic, serious risks and*** identified instances of use of its services for the purpose of online child sexual abuse;

Or. en

**Amendment 621**  
**Rob Rooker**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) *any previously* identified instances of use of its services for the purpose of online child sexual abuse;

*Amendment*

(a) ***recurrent systemic risks and*** identified instances of use of its services for the purpose of online child sexual abuse;

Or. en

**Amendment 622**  
**Paul Tang, Alex Agius Saliba, Theresa Bielowski**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) *any previously* identified instances of use of its services for the purpose of online child sexual abuse;

*Amendment*

(a) ***serious systemic risks and*** identified instances of use of its services for the purpose of online child sexual abuse;

Or. en

**Amendment 623**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

(aa) ***any actual or foreseeable negative effects for the exercise of fundamental rights;***

Or. en

*Justification*

*from DSA*

**Amendment 624**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – introductory part**

*Text proposed by the Commission*

*Amendment*

(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:**

(b) the existence **of:**

Or. en

**Amendment 625**

**Lucia Ďuriš Nicholsonová, Fabienne Keller**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – introductory part**

*Text proposed by the Commission*

*Amendment*

(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:

(b) the existence and implementation by the provider of a policy and the availability of functionalities to **prevent and address online child sexual abuse and risks** referred to in paragraph 1, including through the following:

Or. en

**Amendment 626**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – introductory part**

*Text proposed by the Commission*

*Amendment*

(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:

(b) the existence and implementation by the provider of a policy and the availability **and effectiveness** of functionalities to address the risk referred to in paragraph 1, including through the following:

Or. en

**Amendment 627**

**Fabienne Keller, Nathalie Loiseau**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – introductory part**

*Text proposed by the Commission*

*Amendment*

(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:

(b) the existence and implementation by the provider of a policy and the availability of functionalities to **prevent and** address the risk referred to in paragraph 1, including through the following:

Or. en

**Amendment 628**

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – introductory part**

*Text proposed by the Commission*

*Amendment*

(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:

(b) the existence and implementation by the provider of a policy and the availability of functionalities to **prevent and** address the risk referred to in paragraph 1, including through the following:

Or. en

**Amendment 629**  
**Rob Rooker**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point b – introductory part**

*Text proposed by the Commission*

(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:

*Amendment*

(b) the existence and implementation by the provider of a policy and the availability of functionalities to address the **systemic risks** referred to in paragraph 1, including through the following:

Or. en

**Amendment 630**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point b – indent 1**

*Text proposed by the Commission*

– **prohibitions and restrictions laid down in the terms and conditions;**

*Amendment*

**deleted**

Or. en

**Amendment 631**  
**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point b – indent 1 a (new)**

*Text proposed by the Commission*

*Amendment*

- **the availability to employ appropriate technical measures - such as parental control tools - to prevent underage access and exposure to inappropriate content or services;**

**Amendment 632**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point b – indent 2**

*Text proposed by the Commission*

*Amendment*

- *measures taken to enforce such prohibitions and restrictions;* **deleted**

**Amendment 633**  
**Annalisa Tardino**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point b – indent 2**

*Text proposed by the Commission*

*Amendment*

- measures taken to enforce such prohibitions and restrictions;
- measures taken to enforce such prohibitions and restrictions ***and the amount of human and financial resources dedicated to identify, analyse and assess the presence of child sexual abuse;***

**Amendment 634**  
**Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point b – indent 2 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***- implementing functionalities and protocols to prevent and reduce the risk of***

*online child sexual abuse;*  
*- information and awareness campaigns*  
*educating and warning users of the risk of*  
*online child sexual abuse;*

Or. en

**Amendment 635**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 3**

*Text proposed by the Commission*

*Amendment*

– *functionalities enabling age* *deleted*  
*verification;*

Or. en

*Justification*

*EDPB and EDPS note that there is currently no technological solution that is capable of assessing with certainty the age of a user in an online context, without relying on an official digital identity, which is not available to every European citizen at this stage.*

**Amendment 636**

**Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 3**

*Text proposed by the Commission*

*Amendment*

– *functionalities enabling age* *deleted*  
*verification;*

Or. en



**Amendment 637**

**Rob Rooken**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 3**

*Text proposed by the Commission*

*Amendment*

- *functionalities enabling age verification;* *deleted*

Or. en

**Amendment 638**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 3**

*Text proposed by the Commission*

*Amendment*

- *functionalities enabling age verification;* *deleted*

Or. en

**Amendment 639**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 3**

*Text proposed by the Commission*

*Amendment*

- *functionalities enabling age verification;*
- *functionalities enabling **the effective protection of children online, in line with children’s increasing need for autonomy and increasing rights to access to information and freedom of expression as they grow;***

Or. en

**Amendment 640**

**Loránt Vincze, François-Xavier Bellamy, Miriam Lexmann**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 3**

*Text proposed by the Commission*

- functionalities enabling age verification;

*Amendment*

- functionalities enabling age verification ***and subsequent blocking of age-restricted websites and content;***

Or. en

**Amendment 641**

**Annalisa Tardino**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 3**

*Text proposed by the Commission*

- functionalities enabling age verification;

*Amendment*

- functionalities enabling age verification ***and parental control;***

Or. en

**Amendment 642**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 4**

*Text proposed by the Commission*

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

*Amendment*

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate; ***and capacity to meaningfully deal with those reports in a timely manner;***

Or. en

### **Amendment 643**

**Vincenzo Sofo, Jadwiga Wiśniewska**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point b – indent 4**

*Text proposed by the Commission*

– functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

*Amendment*

– functionalities enabling users to flag **or notify** online child sexual abuse to the provider through tools that are easily accessible and age-appropriate, **including already available anonymous reporting channels as provided by Directive (EU) 2019/1937**;

Or. en

### **Amendment 644**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point b – indent 4**

*Text proposed by the Commission*

– functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

*Amendment*

– functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily **recognisable**, accessible and age-appropriate, **child- and user-friendly**, **including anonymous user-reporting channels**;

Or. en

### **Amendment 645**

**Paul Tang, Alex Agius Saliba, Birgit Sippel**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point b – indent 4**

*Text proposed by the Commission*

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible **and** age-appropriate;

*Amendment*

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily **recognisable**, accessible, age-appropriate **and child- and user friendly, including anonymous reporting channels**;

Or. en

**Amendment 646**

**Lucia Ďuriš Nicholsonová, Fabienne Keller**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 4**

*Text proposed by the Commission*

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

*Amendment*

- functionalities enabling users to flag **and report** online child sexual abuse to the provider through tools that are easily accessible and age-appropriate **with timely response**;

Or. en

**Amendment 647**

**Rob Rooker**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 4**

*Text proposed by the Commission*

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible **and age-appropriate**;

*Amendment*

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible;

Or. en

**Amendment 648**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 4 a (new)**

*Text proposed by the Commission*

*Amendment*

- *systems and mechanisms that provide child- and user-friendly resources to ensure that children can seek help swiftly, including information on how to contact national child protection organisations or national law enforcement*

Or. en

**Amendment 649**

**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 4 a (new)**

*Text proposed by the Commission*

*Amendment*

- *systems and mechanisms that provide child- and user-friendly resources to ensure that children can seek help swiftly, including information on how to contact national child protection organisations or national law enforcement.*

Or. en

**Amendment 650**

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Āuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 4 a (new)**

*Text proposed by the Commission*

*Amendment*

- *– Functionalities enabling detection for known child sexual abuse material on upload;*
- *– Functionalities preventing uploads from the dark web;*

Or. en

**Amendment 651**

**Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Stelios Kypourouopoulos, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 4 a (new)**

*Text proposed by the Commission*

*Amendment*

- *functionalities enabling age-appropriate parental controls, including with the use of AI;*

Or. en

*Justification*

*As proposed by the rapporteur, with the addition of the use of AI.*

**Amendment 652**

**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 4 a (new)**

*Text proposed by the Commission*

*Amendment*

- *funcionalities enabling self-reporting by children, their parents or legal guardians.*

**Amendment 653**

**Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Stelios Kypourouopoulos, Tomas Tobé, Jessica Polfjård, Jörgen Warborn, Arba Kokalari**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point b – indent 4 b (new)**

*Text proposed by the Commission*

*Amendment*

- *functionalities enabling self-reporting, including with the use of AI;*

Or. en

*Justification*

*As proposed by the rapporteur, with the addition of the use of AI.*

**Amendment 654**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) the manner in which users use the service and the impact thereof on that risk;* *deleted*

Or. en

**Amendment 655**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

### Article 3 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

**(c) *the manner in which users use the service and the impact thereof on that risk;*** ***deleted***

Or. en

### Amendment 656

**Patrick Breyer**

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 3 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

**(c) *the manner in which users use the service and the impact thereof on that risk;*** ***deleted***

Or. en

*Justification*

*This is too vague to be implemented effectively.*

### Amendment 657

**Cornelia Ernst, Clare Daly**

### Proposal for a regulation

#### Article 3 – paragraph 2 – point d

*Text proposed by the Commission*

*Amendment*

**(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;*** ***deleted***

Or. en



## Amendment 658

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

### Proposal for a regulation

#### Article 3 – paragraph 2 – point d

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(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.

***This is without prejudice to the prohibition on general monitoring nor generalised data retention, and should not be understood as an obligation on providers of relevant information society services to break, weaken or undermine end-to-end encryption or to take other steps that compromise the security, integrity and confidentiality of communications;***

Or. en

## Amendment 659

**Patrick Breyer**

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 3 – paragraph 2 – point d

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, ***the design of their recommender systems and any other relevant algorithmic systems***

and the impact thereof on that risk;

Or. en

### **Amendment 660**

**Lucia Ďuriš Nicholsonová, Fabienne Keller**

#### **Proposal for a regulation**

##### **Article 3 – paragraph 2 – point d**

###### *Text proposed by the Commission*

(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;

###### *Amendment*

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, ***whether the service is available directly to end users***, and the impact thereof on that risk;

Or. en

### **Amendment 661**

**Paul Tang, Alex Agius Saliba**

#### **Proposal for a regulation**

##### **Article 3 – paragraph 2 – point d**

###### *Text proposed by the Commission*

(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;

###### *Amendment*

(d) the manner in which the provider designed and operates the service, including the business model, governance, ***type of users targeted***, and relevant systems and processes, and the impact thereof on that risk;

Or. en

### **Amendment 662**

**Cornelia Ernst, Clare Daly**

#### **Proposal for a regulation**

### Article 3 – paragraph 2 – point e

*Text proposed by the Commission*

*Amendment*

**(e) with respect to the risk of solicitation of children:**

**deleted**

**(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.**

Or. en

#### **Amendment 663**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point e – introductory part**

*Text proposed by the Commission*

*Amendment*

**(e) with respect to the risk of solicitation of children:**

**(e) with respect to the risk of *rights* of children:**

Or. en

**Amendment 664**

**Lucia Ďuriš Nicholsonová, Fabienne Keller**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point i**

*Text proposed by the Commission*

(i) the extent to which the service is used or is likely to be used by children;

*Amendment*

(i) the extent to which the service is used or is likely to be used by children, ***such as an assessment of public surfaces, behavioral signals, the frequency of user reports of online child sexual abuse, and the results of random sampling of content;***

Or. en

**Amendment 665**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point i**

*Text proposed by the Commission*

(i) the extent to which the service is ***used or is likely to be used*** by children;

*Amendment*

(i) the extent to which the service is ***directly targeting*** children;

Or. en

**Amendment 666**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point i**

*Text proposed by the Commission*

(i) the extent to which the service is

*Amendment*

(i) the extent to which the service is

*used or is likely to be used by children;*

*directly targeting children*

Or. en

**Amendment 667**

**Rob Rooken**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point i**

*Text proposed by the Commission*

*Amendment*

(i) the extent to which the service is  
*used or is likely to be used by children;*

(i) the extent to which the service is  
*targeting child users;*

Or. en

**Amendment 668**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point ii**

*Text proposed by the Commission*

*Amendment*

(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;*

*deleted*

Or. en

**Amendment 669**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point ii**

*Text proposed by the Commission*

(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;

*Amendment*

(ii) where the service is ***used or likely to be*** used by children, the different age groups ***or likely age groups*** of the child users and the ***relative scale, frequency and nature of previously identified instances of use of its services for the purpose*** of solicitation of children in relation to those age groups;

Or. en

**Amendment 670**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point ii**

*Text proposed by the Commission*

(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***;

*Amendment*

(ii) where the service is ***directly targeting*** children, the different age groups of the children ***the service is targeting***;

Or. en

**Amendment 671**

**Rob Rooker**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point ii**

*Text proposed by the Commission*

(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;

*Amendment*

(ii) where the service is ***targeting child users***, the different age groups of the child users and the risk of solicitation of children in relation to those age groups;

Or. en

**Amendment 672**

**Charlie Weimers, Cristian Terheş, Rob Rooker**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii**

*Text proposed by the Commission*

*Amendment*

**(iii) the availability of functionalities creating or reinforcing the risk of solicitation of children, including the following functionalities:**

**deleted**

— 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.

Or. en

*Justification*

*The Commission's proposed text would result in ALL messaging services being covered.*

**Amendment 673**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii – introductory part**

*Text proposed by the Commission*

*Amendment*

**(iii) the availability of functionalities creating or reinforcing the risk of *solicitation* of children, including the following functionalities:**

**(iii) the availability of functionalities creating or reinforcing the *significant, systemic, serious* risk of *rights* of children, including the following functionalities:**

Or. en

## Amendment 674

Paul Tang, Alex Agius Saliba

### Proposal for a regulation

#### Article 3 – paragraph 2 – point e – point iii – introductory part

*Text proposed by the Commission*

(iii) the availability of functionalities creating or reinforcing the risk of solicitation of children, including the following functionalities:

*Amendment*

(iii) the availability of functionalities creating or reinforcing the ***serious systemic*** risk of solicitation of children, including the following functionalities:

Or. en

## Amendment 675

Patrick Breyer

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 3 – paragraph 2 – point e – point iii – indent 1

*Text proposed by the Commission*

– enabling users to search for other users and, in particular, for adult users to search for child users;

*Amendment*

– enabling users to search for other users, ***including through search engines external to the service***, and, in particular, for adult users to search for child users;

Or. en

## Amendment 676

Paul Tang, Alex Agius Saliba

### Proposal for a regulation

#### Article 3 – paragraph 2 – point e – point iii – indent 1

*Text proposed by the Commission*

– enabling users to search for other users and, in particular, for adult users to search for child users;

*Amendment*

– enabling users to search for other users and, in particular, for adult users to search for child users, ***in particular on services directly targeting children***;



**Amendment 677**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii – indent 1**

*Text proposed by the Commission*

– enabling users to search for other users *and, in particular, for adult users to search for child users*;

*Amendment*

– enabling users to search for other users *on services directly targeting children*;

Or. en

**Amendment 678**

**Rob Rooker**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii – indent 1**

*Text proposed by the Commission*

– enabling users to search for other users *and, in particular, for adult users to search for child users*;

*Amendment*

– enabling users to search for other users *on services directly targeting child users*;

Or. en

**Amendment 679**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii – indent 2**

*Text proposed by the Commission*

– enabling users to establish contact with other users *directly*, in particular

*Amendment*

– enabling users to establish *unsolicited* contact with other users *and*

*through private communications;*

*for users to engage and connect with children, in particular on services directly targeting children;*

Or. en

#### **Amendment 680**

**Rob Rooker**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point e – point iii – indent 2**

*Text proposed by the Commission*

*Amendment*

– enabling users to establish contact with other users directly, in particular through private communications;

– enabling users to establish contact with other users *on services* directly *targeting child users*, in particular through private communications;

Or. en

#### **Amendment 681**

**Patrick Breyer**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point e – point iii – indent 2**

*Text proposed by the Commission*

*Amendment*

– enabling users to *establish* contact with other users directly, in particular through private communications;

– enabling users to *initiate unsolicited* contact with other users directly, in particular through private communications;

Or. en

#### **Amendment 682**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii – indent 2**

*Text proposed by the Commission*

– enabling users to establish contact with other users directly, ***in particular through private communications;***

*Amendment*

– enabling users to establish ***unsolicited*** contact with other users directly ***on services directly targeting children,***

Or. en

**Amendment 683**

**Rob Rooken**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii – indent 3**

*Text proposed by the Commission*

– enabling users to share images or videos ***with other*** users, in particular through private communications.

*Amendment*

– enabling users to share images or videos ***on services directly targeting child*** users, in particular through private communications.

Or. en

**Amendment 684**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii – indent 3**

*Text proposed by the Commission*

– enabling users to share images or videos with other users, in particular through private communications.

*Amendment*

– enabling users to share ***unsolicited*** images or videos with other users, in particular through private communications.

Or. en

### Amendment 685

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

### Proposal for a regulation

**Article 3 – paragraph 2 – point e – point iii – indent 3**

*Text proposed by the Commission*

– enabling users to share images or videos with other users, *in particular through private communications.*

*Amendment*

– enabling users to share images or videos with other users *on services directly targeting children*

Or. en

### Amendment 686

**Paul Tang, Alex Agius Saliba**

### Proposal for a regulation

**Article 3 – paragraph 2 – point e – point iii – indent 3**

*Text proposed by the Commission*

– enabling users to share images or videos *with other users*, in particular *through private communications.*

*Amendment*

– enabling users to share images or videos, in particular *on services directly targeting children;*

Or. en

### Amendment 687

**Annalisa Tardino**

### Proposal for a regulation

**Article 3 – paragraph 2 – point e – point iii – indent 3**

*Text proposed by the Commission*

– enabling users to share *images or videos* with other users, in particular through private communications.

*Amendment*

– enabling users to share *contents* with other users, in particular through private communications.

Or. en

**Amendment 688**

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Nathalie Loiseau**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii – indent 3 a (new)**

*Text proposed by the Commission*

*Amendment*

- *– Enabling users to create usernames that contain a representation about, or imply, the user’s age;*
- *– Enabling child users to create usernames that contain location information on child users;*
- *– Enabling users to know or infer the location of child users.*

Or. en

**Amendment 689**

**Annalisa Tardino**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii – indent 3 a (new)**

*Text proposed by the Commission*

*Amendment*

- *The availability for users to search and contact other users based on age or location criteria;*

Or. en

**Amendment 690**

**Annalisa Tardino**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii a (new)**

*Text proposed by the Commission*

*Amendment*

*(iia) The availability for users to create usernames that imply the user's age or location.*

Or. en

**Amendment 691**

**Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy**

**Proposal for a regulation**

**Article 3 – paragraph 2 – point e – point iii a (new)**

*Text proposed by the Commission*

*Amendment*

*(iia) the extent to which children have access to age-restricted content.*

Or. en

**Amendment 692**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 2 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*Risk assessment obligations shall never entail a general monitoring obligation, an obligation to seek knowledge about the content of private communications, nor an obligation for providers to seek knowledge of illegal content.*

Or. en

**Amendment 693**

**Hilde Vautmans, Abir Al-Sahlani, Maite Pagazaurtundúa, Olivier Chastel, Fabienne Keller, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 3 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. When providers of hosting services and providers of interpersonal communication services put forward age assurance or age verification systems as mitigating measures, they shall meet the following criteria:**

**(a) Protect the privacy of users and do not disclose data gathered for the purposes of age assurance for any other purpose;**

**(b) Do not collect data that is not necessary for the purposes of age assurance;**

**(c) Be proportionate to the risks associated to the product or service that presents a risk of misuse for child sexual abuse;**

**(d) Provide appropriate remedies and redress mechanisms for users whose age is wrongly identified.**

Or. en

*Justification*

*This AM suggests a wording that makes age verification a safety-by-design tool that has to be carried out by the providers themselves, so as to increase prevention.*

#### **Amendment 694**

**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Paul Tang, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. When providers of hosting services and providers of interpersonal communication services put forward age assurance or age verification system as a mitigation measure, they shall meet the**

*following criteria:*

- a) Protect the privacy of users and do not disclose data gathered for the purposes of age assurance for any other purpose;*
- b) Do not collect data that is not necessary for the purpose of age assurance;*
- c) Be proportionate to the risks associated to the product or service that presents a risk of misuse for child sexual abuse;*
- d) Provide appropriate remedies and redress mechanisms for users whose age is wrongly identified.*

Or. en

#### **Amendment 695**

**Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The provider, where applicable, shall assess, in a separate section of its risk assessment, the voluntary use of specific technologies for the processing of personal and other data to the extent strictly necessary to detect, to report and to remove online child sexual abuse material from its services. Such voluntary use of specific technologies shall under no circumstances undermine the integrity and confidentiality of end-to-end encrypted content and communications.**

Or. en

#### *Justification*

*As proposed by the rapporteur, with the addition that the above mentioned voluntary use of specific technologies under no circumstances shall undermine the integrity and confidentiality of end-to-end encrypted content and communications.*



**Amendment 696**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

The provider may request the EU Centre to support the risk assessment.

Or. en

**Amendment 697**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

The provider may request the EU Centre to perform an analysis of ***methodology for risk assessment in order*** to support the risk assessment.

Or. en

*Justification*

*None of the requirements listed in paragraph 2 would require data samples to be examined. Better support the providers with an analysis of their methodology used for the risk assessments, to improve the results and support SME*

**Amendment 698**  
**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Neither this request nor its subsequent analysis that the EU Centre may perform shall exempt the provider from its obligation to conduct the risk assessment in accordance with paragraphs 1 and 2 of this Article and to comply with other obligations set out in this Regulation.***

Or. en

**Amendment 699**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 3 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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 costs incurred by the EU Centre for the ***support of the risk assessment*** 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.

Or. en

**Amendment 700**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

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.

costs where the provider is a micro, small or medium-sized enterprise. *The Centre may reject* the request *where it is not* reasonably necessary to support the risk assessment.

Or. en

**Amendment 701**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*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 and the application of the exemption for micro, small and medium-sized enterprises.*

*deleted*

Or. ro

**Amendment 702**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*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 and the application of the exemption for micro, small and medium-sized enterprises.*

*deleted*

**Amendment 703**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 3 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Risk assessment obligations shall always be strictly necessary and proportionate, and shall never entail a general monitoring obligation, an obligation to seek knowledge about the content of private communications, nor an obligation for providers to seek knowledge of illegal content.***

Or. en

**Amendment 704**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 3 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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.

The provider shall carry out the first risk assessment by [Date of application of this Regulation + **6** months] or, where the provider did not offer the service in the Union by [Date of application of this Regulation], by **six** months from the date at which the provider started offering the service in the Union.

Or. en

**Amendment 705**  
**Sven Simon, Christian Doleschal, Niclas Herbst**

**Proposal for a regulation**  
**Article 3 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*Subsequently, the provider shall update the risk assessment where necessary and at least once every three years from the date at which it last carried out or updated the risk assessment. However:*

*deleted*

*(a) for a 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 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 indicating a possible substantial change in the risk that the service is used for the purpose of online child sexual abuse.*

Or. en

**Amendment 706**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 3 – paragraph 4 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

Subsequently, the provider shall update the risk assessment where necessary and at least once every **three years** from the date at which it last carried out or updated the risk assessment. However:

Subsequently, the provider shall update the risk assessment where necessary and at least once every **year** from the date at which it last carried out or updated the risk assessment. However:

Or. ro

**Amendment 707**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 3 – paragraph 4 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

Subsequently, the provider shall update the risk assessment where necessary and at least once every three years from the date at which it last carried out or updated the risk assessment. **However:**

Subsequently, the provider shall update the risk assessment where necessary and at least once every three years from the date at which it last carried out or updated the risk assessment

Or. en

**Amendment 708**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 3 – paragraph 4 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) for a 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 months before the expiry of the period of application of the detection order;**

**deleted**

Or. en

**Amendment 709**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 3 – paragraph 4 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) for a service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk**

**(a) for a 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 months *before* the expiry of the period of application of the detection order;

assessment at the latest two months *after* the expiry of the period of application of the detection order;

Or. en

*Justification*

*Only after having implemented the detection order will the provider know the actual state of its risk.*

**Amendment 710**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 4 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(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 indicating a possible substantial change in the risk that the service is used for the purpose of online child sexual abuse.* **deleted**

Or. en

**Amendment 711**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 3 – paragraph 4 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(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* **deleted**

*evidence indicating a possible substantial change in the risk that the service is used for the purpose of online child sexual abuse.*

Or. en

**Amendment 712**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 3 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**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.** *deleted*

Or. en

**Amendment 713**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 3 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**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.** *deleted*

Or. en



**Amendment 714**  
**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**  
**Article 3 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**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.** *deleted*

Or. en

**Amendment 715**  
**Rob Rooker**

**Proposal for a regulation**  
**Article 3 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**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.** *deleted*

Or. en

**Amendment 716**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 3 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. The risk assessment shall include** **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.

an assessment of any **reasonably foreseeable** remaining **systemic and serious** risk that, after taking the mitigation measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse.

Or. en

## Amendment 717

Cornelia Ernst, Clare Daly

### Proposal for a regulation Article 3 – paragraph 6

*Text proposed by the Commission*

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 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.**

*Amendment*

6. The **EU Centre** in cooperation with **European Data Protection Board, the** Coordinating Authorities and after having conducted a public consultation, may issue guidelines on **carrying out the risk assessment.**

Or. en

## Amendment 718

Paul Tang, Alex Agius Saliba, Birgit Sippel

### Proposal for a regulation Article 3 – paragraph 6

*Text proposed by the Commission*

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 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by

*Amendment*

6. The Commission, in cooperation with Coordinating Authorities, **the European Data Protection Board, the Fundamental Rights Agency** and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant

those provisions are offered and used.

technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

### **Amendment 719**

**Patrick Breyer**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 3 – paragraph 6**

##### *Text proposed by the Commission*

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 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.

##### *Amendment*

6. The Commission, in cooperation with Coordinating Authorities, and the EU Centre, ***after having consulted the European Data Protection Board*** and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 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..

Or. en

### **Amendment 720**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

### **Proposal for a regulation**

#### **Article 3 – paragraph 6**

##### *Text proposed by the Commission*

6. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the

##### *Amendment*

6. The Commission, in cooperation with Coordinating Authorities, ***European Data Protection Board, Fundamental Rights Agency*** and the EU Centre and after

application of paragraphs 1 to 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.

having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 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.

Or. en

**Amendment 721**  
**Rob Rooken**

**Proposal for a regulation**  
**Article 3 – paragraph 6**

*Text proposed by the Commission*

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 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.

*Amendment*

6. The Commission, in cooperation with Coordinating Authorities, ***the European Data Protection Board*** and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 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.

Or. en

**Amendment 722**  
**René Repasi, Tiemo Wölken**  
on behalf of the S&D Group  
**Petar Vitanov**  
on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
**Birgit Sippel**

**Proposal for a regulation**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 3a***

*End-to-end encryption*

*1. End-to-end encryption is an important tool to guarantee the security, integrity and confidentiality of communications of users, including those of children.*

*Nothing in this Regulation shall be interpreted as prohibiting providers of relevant information society services from applying end-to-end encryption in their services, or restricting or undermining such end-to-end encryption. Member States shall not impose any obligations on providers of relevant information society services that would result in preventing them from providing end-to-end encrypted services nor shall it permit the use of Client Side Scanning or similar techniques or any other software deployed on users' terminal equipment for the purposes of detecting and reporting online child sexual abuse.*

*1a. Member States shall not impose any obligation on encryption providers, on providers of relevant information society services or on any other organisations with regard to any level of the supply chain that would result in the weakening of the security of their networks and services, such as bypassing authentication and accessing encrypted data or creating deliberate weaknesses by providers to allow for access to encrypted data.*

*2. Nothing in this Regulation shall be understood as undermining the prohibition of general monitoring under EU law.*

Or. en

**Amendment 723**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

*Amendment*

Risk mitigation

Risk mitigation *and safety by design*

Or. en

**Amendment 724**  
**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

*Amendment*

4 Risk mitigation

4 *Safety-by-design and risk mitigation*

Or. en

**Amendment 725**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

*Amendment*

*Risk mitigation*

*Specific measures*

Or. en

**Amendment 726**  
**Paul Tang, Alex Agius Saliba, Theresa Bielowski**

**Proposal for a regulation**  
**Article 4 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. Providers of hosting services and providers of interpersonal communications services shall have mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be online child sexual abuse. This obligation shall not be interpreted as an obligation of general monitoring or generalised data retention.***

***Such mechanisms shall be easy to access, child-friendly, and shall allow for the submission of notices by electronic means.***

***[By 6 months after entry into force] the Commission shall adopt a delegated act laying down design requirements for a uniform identifiable notification mechanism as referred to in this Article, including on the design of a uniform, easily recognisable, icon in the user interface.***

***Providers of hosting services and providers of interpersonal communications services targeting children may implement the design requirements specified in the delegated act referred to in this paragraph.***

Or. en

#### *Justification*

*User reporting is of utmost importance in the fight against online child sexual abuse. By having uniform recognisable reporting mechanism in place across all hosting and interpersonal communication services, we empower both vulnerable users as users who would otherwise ignore the content, to take immediate action. This increases the safety for all users. For hosting and interpersonal communication services directly targeting children, implementation of the design requirements should be obligatory.*

#### **Amendment 727**

**Cornelia Ernst, Clare Daly**

#### **Proposal for a regulation**

**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the **risk** identified pursuant to Article 3, to minimise that risk. Such measures **shall** include some or all of the following:

*Amendment*

1. Providers of hosting services and providers of **number independent** interpersonal communications **services shall** take reasonable mitigation measures, tailored to the **systemic risks** identified pursuant to Article 3, to minimise that **risk. Such** measures, **where applicable and technically feasible without being detrimental to the technical integrity or operating model of the platform or service, and without being detrimental to the confidentiality of the communications on that service, may** include some or all of the following:

Or. en

**Amendment 728**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

*Amendment*

1. Providers of hosting services and providers of **number-independent** interpersonal communications services shall take reasonable mitigation measures, tailored to the **significant, systemic, serious** risk identified pursuant to Article 3, to minimise that risk. Such **targeted** measures shall include some or all of the following, **where applicable and technically feasible without being detrimental to the technical integrity or operating model of the provider, nor the security, integrity and confidentiality of communications:**



**Amendment 729**  
**Rob Rooker**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the **risk** identified pursuant to Article 3, to minimise **that risk**. Such measures shall include some or all of the following:

*Amendment*

1. Providers of hosting services and providers of **number independent** interpersonal communications services shall take reasonable mitigation measures, tailored to the **systemic risks** identified pursuant to Article 3, to minimise **such risks**. Such measures, **where applicable and technically feasible without being detrimental to the technical integrity or operating model of the platform or service, and without being detrimental to the confidentiality of the communications on that service**, shall include some or all of the following:

Or. en

*Justification*

*Focus on “systemic” risks. In order for the text to remain future proof, the measures detailed should be recommended rather than imposed on providers.*

**Amendment 730**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall take **reasonable mitigation** measures, tailored to the risk identified pursuant to Article 3, **to minimise that risk**.

*Amendment*

1. Providers of hosting services and providers of **publicly available number-independent** interpersonal communications services **that are exposed to substantial amount of child sexual abuse material**

Such measures shall include some or all of the following:

shall take *proportionate and effective specific* measures, tailored to the *serious systemic* risk identified pursuant to Article 3. *The decision as to the choice of specific measures shall remain with the hosting service provider.* Such measures shall include some or all of the following:

Or. en

*Justification*

*Choice of measures from Terrorist Content Online Regulation, Article 5(2)*

**Amendment 731**

**Paul Tang, Alex Agius Saliba, Theresa Bielowski**

**Proposal for a regulation**

**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall *take* reasonable mitigation measures, tailored to *the* risk identified pursuant to Article 3, *to minimise* that risk. Such measures shall include some or all of the following:

*Amendment*

1. Providers of hosting services and providers of interpersonal communications services shall *put in place* reasonable, *proportionate and targeted* mitigation measures, tailored to *their services and the serious systemic* risk identified pursuant to Article 3, *with the aim of mitigating* that risk. Such measures *shall never entail a general monitoring obligation or generalised data retention obligation and* shall include some or all of the following:

Or. en

**Amendment 732**

**Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

**Proposal for a regulation**

**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of hosting services and

*Amendment*

1. Providers of hosting services and

providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

providers of interpersonal communications services shall take reasonable mitigation measures, ***taking into account the right to private life and personal data protection***, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

Or. en

#### **Amendment 733**

**Lucia Ďuriš Nicholsonová, Fabienne Keller**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

##### *Amendment*

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable ***and proportionate*** mitigation measures, tailored to the risk identified pursuant to Article 3 ***and their service***, to minimise that risk. Such measures shall include some or all of the following:

Or. en

#### **Amendment 734**

**Hilde Vautmans, Abir Al-Sahlani, Maite Pagazaurtundúa, Olivier Chastel, Fabienne Keller, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of

##### *Amendment*

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to ***their specific service and*** the risk identified pursuant to Article 3, to minimise that risk. Such measures

the following:

shall include some or all of the following:

Or. en

### **Amendment 735**

**Lucia Ďuriš Nicholsonová, Fabienne Keller**

#### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(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;

*Amendment*

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, ***including the monitoring tools of phrases and indicators on public surfaces***, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions, ***reporting tools that are effective, easily accessible and age appropriate, or the protocols for investigating the reported content and taking appropriate action***;

Or. en

### **Amendment 736**

**Paul Tang, Alex Agius Saliba, Theresa Bielowski**

#### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(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;

*Amendment*

(a) ***testing and*** adapting, through ***state of the art*** 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, ***including the speed and quality of***

*processing notices and reports related to online child sexual abuse and, where appropriate, the expeditious removal of the content notified;*

Or. en

**Amendment 737**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(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;

*Amendment*

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes or enforcement of its terms and conditions;

Or. en

**Amendment 738**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(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;***

*Amendment*

(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, ***in order to expeditiously remove or disable access to child sexual abuse material;***

Or. en

**Amendment 739**

**Paul Tang, Alex Agius Saliba, Theresa Bielowski**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) adapting the design, features and functions of their services in order to ensure a high level of privacy, data protection, safety, and security by design and by default, including some or all of the following:***

***(a) limiting users, by default, to establish direct contact with other users, in particular through private communications;***

***(b) limiting users, by default, to directly share images or videos on services;***

***(c) limiting users, by default, to directly share personal contact details with other users, such as phone numbers, home addresses and e-mail addresses, via rules-based matching;***

***(d) limiting users, by default, to create screenshots or recordings within the service;***

***(e) limiting users, by default, to directly reforward images and videos to other users where no consent has been given;***

***(f) allowing parents of a child or a legal representative of a child to make use of meaningful parental controls tools, which protect the confidentiality of communications of the child;***

***(g) encouraging children, prior to registering for the service, to talk to their parents about how the service works and what parental controls tools are available.***

***Services taking the measures outlined in this point may allow users to revert such measures on an individual level.***

**Amendment 740**  
**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) adapting the design, features and functions of their service in order to ensure the highest level of privacy, safety and security by design and by default, in particular, to protect children;*

Or. en

**Amendment 741**  
**Hilde Vautmans, Olivier Chastel, Fabienne Keller, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) Designing educational and awareness-raising campaigns aimed at informing and alerting users about the risks of online child sexual abuse, including child-appropriate information;*

Or. en

**Amendment 742**  
**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**(aa) *Designing educational and awareness-raising campaigns aimed at informing and alerting users about the risks of online child sexual abuse, including child-appropriate information;***

Or. en

**Amendment 743**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**(aa) *providing easily accessible and user-friendly mechanisms for users to report or flag to the provider alleged online child sexual abuse;***

Or. en

*Justification*

*From Terrorist Content Online Regulation, Art. 5(2)(b)*

**Amendment 744**

**Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**(aa) *providing security by design, as a way to ensuring services that are safe and secure, especially for children;***

Or. en



**Amendment 745**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

***(ab) providing technical measures and tools that allow users to manage their own privacy, visibility, reachability and safety , and that are set to the most private and secure levels by default;***

Or. en

*Justification*

*EDPS-EDPB opinion para 118*

**Amendment 746**

**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

***(ab) emplying appropriate age measurments - such as parental control tools, to prevent underage access and exposure to inappropriate content or services;***

Or. en

**Amendment 747**

**Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

*(ab) providing several reporting functions within their services, so that users of the services can report and flag content and material;*

Or. en

**Amendment 748**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a c (new)**

*Text proposed by the Commission*

*Amendment*

*(ac) ask for user confirmation before allowing an unknown user to communicate and before displaying their communications;*

Or. en

**Amendment 749**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a d (new)**

*Text proposed by the Commission*

*Amendment*

*(ad) optionally or by default ask for user confirmation and offer guidance before displaying or sharing certain content such as nudity where the provider ensures that no indication of the process and the content leaves the user's device and the user is reassured of this;*

Or. en

**Amendment 750**

**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a e (new)**

*Text proposed by the Commission*

*Amendment*

***(ae) providing tools in a prominent way on their platform that allow users to seek help from their local help-line;***

Or. en

**Amendment 751**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a f (new)**

*Text proposed by the Commission*

*Amendment*

***(af) informing and reminding users and non-users, such as parents, at point of need on what constitutes online child sexual abuse and what is typical offender behaviour; offering advice on safe behaviour and the consequences of illegal behaviour in a visible, easy to find and easy to understand way;***

Or. en

**Amendment 752**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a g (new)**

*Text proposed by the Commission*

*Amendment*

***(ag) informing users and non-users about external resources and services in***

*the user's region on preventing child sexual abuse, counselling by helplines, victim support and educational resources by hotlines and child protection organisation;*

Or. en

**Amendment 753**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a h (new)**

*Text proposed by the Commission*

*Amendment*

*(ah) human moderation of publicly accessible chats, based on random checks, and human moderation of publicly accessible, specific channels at high risk of online child sexual abuse;*

Or. en

**Amendment 754**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a i (new)**

*Text proposed by the Commission*

*Amendment*

*(ai) providing readily accessible mechanisms for users to block or mute other users;*

Or. en

**Amendment 755**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a j (new)**

*Text proposed by the Commission*

*Amendment*

**(aj) displaying warnings and advice to users at risk of offending or victimisation where the provider ensures that no indication of the process and the content leaves the user's device and the user is reassured of this;**

Or. en

**Amendment 756**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a k (new)**

*Text proposed by the Commission*

*Amendment*

**(ak) informing parents on the nature of the service and the functionalities offered as well as on how to report or flag to the provider alleged online child sexual abuse;**

Or. en

**Amendment 757**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a l (new)**

*Text proposed by the Commission*

*Amendment*

**(al) any other mechanisms to increase the awareness of online child sexual abuse on its services;**

**Amendment 758**  
**Lucia Ďuriš Nicholsonová, Fabienne Keller**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) reinforcing the provider's internal processes or the internal supervision of the functioning of the service;

*Amendment*

(b) reinforcing the provider's internal processes or the internal supervision of the functioning of the service, ***user testing and feedback collection***;

**Amendment 759**  
**Lucia Ďuriš Nicholsonová, Fabienne Keller**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) Implementing and constantly innovating functionalities and protocols to prevent and reduce the risk of online child sexual abuse, and regularly assessing their effectiveness in light of the latest technological developments and trends in the dissemination and monetization of child sexual abuse material;***

**Amendment 760**  
**Lucia Ďuriš Nicholsonová**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

**(bb) the use of specific technologies on a voluntary basis for the sole purpose of preventing and detecting online child sexual abuse in accordance with Article 4a**

Or. en

**Amendment 761**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of **number-independent** interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

Or. en

**Amendment 762**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

*Amendment*

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of **number-independent** interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

Or. en

**Amendment 763**

**Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of **hosting services or providers of interpersonal communication** services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

*Amendment*

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of **relevant information society** services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

Or. en

**Amendment 764**

**Alessandra Mussolini**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c – point 1 (new)**



*Text proposed by the Commission*

*Amendment*

**1) introducing a clear and easily-identifiable icon for the immediate and efficacious reporting of content deemed inappropriate under Article 1 of this Regulation.**

Or. it

**Amendment 765**  
**Annalisa Tardino**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) Setting up specific prevention measures to highlight risks related to the use of their service. Such communication shall be targeted to both minor users through child friendly means and parents.**

Or. en

**Amendment 766**  
**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) enabling users to flag or notify online child sexual abuse to the provider through tools that are easily accessible and age-appropriate, including already anonymous reporting channels;**

Or. en

**Amendment 767**

**Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) reinforcing awareness-raising measures and adapting their online interface for increased user information, including child-appropriate information targeted to the risk identified;**

Or. en

**Amendment 768**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) adapting the design, features and functions of their services in order to ensure a high level of privacy, safety, and security and data protection by design and by default**

Or. en

**Amendment 769**

**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) processing metadata, in accordance with Article 4a*

Or. en

**Amendment 770**  
**Annalisa Tardino**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

*(cb) setting up specific reporting mechanism, child friendly and easily accessible. Such tools should be visible and easily accessible by the user from the direct communication webpage.*

Or. en

**Amendment 771**  
**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

*(cb) enabling safe self-reporting capabilities for children, their parents or legal guardians.*

Or. en

**Amendment 772**  
**Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

*(cb) including clearly visible and identifiable information on the minimum age for using the service;*

Or. en

**Amendment 773**

**Paul Tang, Alex Agius Saliba, Theresa Bielowski**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

*(cc) initiating targeted measures to protect the rights of the child and tools aimed at helping users to indicate child sexual abuse material and helping children to signal abuse or obtain support;*

Or. en

**Amendment 774**

**Annalisa Tardino**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

*(cc) Setting up mechanisms to raise awareness among adult users to warn about potential violations of this Regulation.*

Or. en

**Amendment 775**

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Providers of hosting services and providers of interpersonal communications services shall continue the voluntary use of specific technologies, as mitigation measures, for the processing of personal and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services and to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, including for the purpose of the solicitation of children, pursuant to the risk assessment conducted or updated in accordance with Article 3 and prior authorization from the Coordinating Authority;***

Or. en

**Amendment 776**

**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer**

**Proposal for a regulation**

**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Providers of hosting services and providers of interpersonal communications services shall continue the voluntary use of specific technologies, as mitigation measures, for the processing of personal and other data to the extent strictly necessary to detect, report and remove online sexual abuse on their services and to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, including for the purpose of the solicitation of children, pursuant to the risk assessment conducted or updated in accordance with Article 3***

*and prior authorization from the  
Coordinating Authority;*

Or. en

**Amendment 777**

**Paul Tang, Alex Agius Saliba, Theresa Bielowski**

**Proposal for a regulation**

**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Providers of hosting services and providers of interpersonal communications services directly targeting children shall implement the design requirements as specified in the delegated act referred to in paragraph -1 and shall take all mitigation measures as outlined in paragraph 1, point (aa), of this Article to minimise this risk.***

***Such services shall allow users to revert mitigation measures on an individual level.***

Or. en

**Amendment 778**

**Rob Rooker**

**Proposal for a regulation**

**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Risk mitigation obligations shall always be strictly necessary and proportionate, and shall never entail a general monitoring obligation, an obligation to seek knowledge about the content of private communications, contrary to Article 5 of the ePrivacy Directive, nor an obligation for providers***

*to seek knowledge of illegal content.*

Or. en

**Amendment 779**

**Hilde Vautmans, Olivier Chastel, Lucia Ďuriš Nicholsonová**

**Proposal for a regulation**

**Article 4 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Coordinating Authority shall decide whether to proceed according to paragraph 1a no later than three months from the provider's request.***

Or. en

**Amendment 780**

**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer**

**Proposal for a regulation**

**Article 4 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Coordinating Authority shall decide whether to proceed according to paragraph 1a no later than three months from the provider's request.***

Or. en

**Amendment 781**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The **mitigation** measures shall **be**:

2. The **specific** measures shall **meet all of the following requirements**:

Or. en

**Amendment 782**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) effective in mitigating the identified risk;

(a) **they shall be effective and proportionate** in mitigating the identified **serious** risk;

Or. en

**Amendment 783**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) effective in mitigating the identified risk;

(a) effective in mitigating the identified **significant, systemic, and serious** risk;

Or. en

**Amendment 784**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**



#### Article 4 – paragraph 2 – point a

*Text proposed by the Commission*

(a) effective in mitigating the identified risk;

*Amendment*

(a) effective in mitigating the identified ***serious systemic*** risk;

Or. en

#### Amendment 785

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

#### Proposal for a regulation

##### Article 4 – paragraph 2 – point b

*Text proposed by the Commission*

(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;

*Amendment*

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk, ***ensuring that the interference with the fundamental right to privacy and the other rights laid down in the Charter is limited to what is strictly necessary*** as well as the provider's financial and technological capabilities and the number of users

Or. en

#### Amendment 786

**Cornelia Ernst, Clare Daly**

#### Proposal for a regulation

##### Article 4 – paragraph 2 – point b

*Text proposed by the Commission*

(b) targeted and proportionate in relation to that risk, ***taking into account, in particular, the seriousness of the risk as***

*Amendment*

(b) targeted and proportionate in relation to that risk

*well as the provider's financial and technological capabilities and the number of users;*

Or. en

**Amendment 787**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

(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;

*Amendment*

(b) ***they shall be*** targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk, ***any impact on the functionality of the service*** as well as the provider's financial ***strength, and technical and operational*** capabilities, the number of users, ***and the amount of content they provide;***

Or. en

**Amendment 788**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

(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;

*Amendment*

(b) targeted and proportionate in relation to that ***serious systemic*** risk, taking into account, in particular, the seriousness of the risk as well as the provider's financial and technological ***limitations*** and the number of users;

Or. en

**Amendment 789**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

(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;

*Amendment*

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk as well as financial capabilities and the number of users;

Or. ro

**Amendment 790**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

*Amendment*

(c) applied in a diligent and non-discriminatory manner, **with full assessment**, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected **and in particular of the rights to privacy, data protection and freedom of expression, and for the protection of the integrity and security of platforms and services, including those that are end-to-end encrypted**;

Or. en

**Amendment 791**  
**Rob Rooken**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) applied in a diligent and non-discriminatory manner, ***having due regard***, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

*Amendment*

(c) applied in a diligent and non-discriminatory manner, ***with full assessment***, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected ***and in particular, that they respect rights to privacy, data protection and freedom of expression and protect the integrity and security of platforms and services, including those that are end-to-end encrypted***;

Or. en

**Amendment 792**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

*Amendment*

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected, ***in particular the rights to privacy, protection of data and freedom of expression.***

Or. en

**Amendment 793**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

#### Article 4 – paragraph 2 – point c

*Text proposed by the Commission*

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

*Amendment*

(c) applied in a diligent and non-discriminatory manner, having due regard **with full respect**, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected ;

Or. en

#### Amendment 794

**Patrick Breyer**

on behalf of the Verts/ALE Group

#### Proposal for a regulation

#### Article 4 – paragraph 2 – point c

*Text proposed by the Commission*

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

*Amendment*

(c) **they shall be** applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

Or. en

#### Amendment 795

**Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

#### Proposal for a regulation

#### Article 4 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

(ca) **done in a way that does not compromise end-to-end encryption;**

Or. en

**Amendment 796**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) introduced, reviewed, 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.

*Amendment*

(d) introduced, reviewed, discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), **as soon as possible and in any case** within **six** months from the date referred to therein.

Or. en

**Amendment 797**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) introduced, reviewed, 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.

*Amendment*

(d) **they shall be** introduced, reviewed, 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.

Or. en

**Amendment 798**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

(da) **they shall respect the principles of**

*data protection by design and by default,  
as well as of data minimisation.*

Or. en

**Amendment 799**

**Lucia Ďuriš Nicholsonová**

**Proposal for a regulation**

**Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. If the risk assessment conducted or updated in accordance with Article 3 identifies that there is a risk of use of the service being used to disseminate, store or make available verified child sexual abuse material, reasonable mitigation measures may include voluntary measures to detect and remove such material in accordance with Article 4, (a).**

Or. en

**Amendment 800**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Rob Rooker, Paul Tang, Karen Melchior, Cristian Terheş**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**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**

**deleted**

*measures.*

Or. en

*Justification*

*There is no need for interpersonal communications services to verify the user's age because all specific (mitigation) measures can and should be applied to all users. Age verification and the needed to present an ID or a face means a user cannot trust to be anonymous when setting up e-mail or messenger accounts or chatting anonymously, making them identifiable and risking data leaks. This inhibits e.g. anonymous media communications with sources who risk prosecution (e.g. whistleblowers). Also age verification would collect children's personal data and expose them to likely leaks and abuse, including for child grooming. Only last year, personal data of 500 mio. Facebook users was exposed online.*

**Amendment 801**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**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 measures.** **deleted**

Or. en

**Amendment 802**

**Charlie Weimers, Cristian Terheş, Rob Rooker**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*



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 measures.* *deleted*

Or. en

*Justification*

*The Commission's proposed text would lead to age limits for messaging apps. Age verification would make anonymous communication for law-abiding citizens impossible.*

**Amendment 803**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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 measures.* *deleted*

Or. en

#### Amendment 804

Hilde Vautmans, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Fabienne Keller, Lucia Ďuriš Nicholsonová, Nathalie Loiseau

#### Proposal for a regulation

#### Article 4 – paragraph 3

*Text proposed by the Commission*

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 measures.

*Amendment*

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 **and proportionate** age verification and age assessment measures to reliably **differentiate between** child **users and adult** users on their services, enabling them to take the mitigation measures **and protect child users**.

***Age assurance or age verification systems as mitigation measure shall be implemented only if they meet the criteria set in Article 3, paragraph 2a of this Regulation.***

Or. en

#### Amendment 805

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Paul Tang, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

#### Proposal for a regulation

#### Article 4 – paragraph 3

*Text proposed by the Commission*

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,

*Amendment*

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 measures.

shall take the necessary age verification and age assessment measures to reliably ***differentiate between child and adult*** users on their services, enabling them to take the mitigation measures. ***Age assurances or age verification systems as mitigation measures shall be implemented only if they meet the criteria set in Article 3, paragraph 2a of this Regulation.***

Or. en

### **Amendment 806**

**Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3**

*Text proposed by the Commission*

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 measures.

*Amendment*

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 measures ***and to put in place effective measures to block the access of children to websites that fall under an age-restriction applicable under national law.***

Or. en

### **Amendment 807**

**Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3**

*Text proposed by the Commission*

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 measures.

*Amendment*

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 ***reasonable and proportionate*** mitigation measures.

Or. en

**Amendment 808**

**Fabienne Keller**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

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 measures.

*Amendment*

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 ***and proportionate age assurance*** and age assessment measures to reliably ***differentiate between*** child ***users and adult*** users on their services, enabling them to take the mitigation measures ***and protect child users***.

Or. en

**Amendment 809**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

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 measures.***

*Amendment*

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 ***safety-by-design*** measures, ***including those mentioned in Article 4 paragraph 1 a.***

Or. en

**Amendment 810**

**Rob Rooker**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

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 measures.***

*Amendment*

3. Providers of ***number independent*** interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a ***systemic*** risk of use of their services for the purpose of the solicitation of children, ***may take proportionate*** measures to identify child users on their services ***or to give the child user the opportunity to consensually identify themselves.***

Or. en

**Amendment 811**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *Any requirement to take specific measures shall be without prejudice to Article 8 of Regulation (EU) 2022/2065 [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] and shall entail neither a general obligation for hosting services providers to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity. Any requirement to take specific measures shall not include an obligation to use ex-ante control measures based on automated tools or upload-filtering of information, to interfere with the secrecy of communications or to restrict the possibility to use a service anonymously.*

Or. en

**Amendment 812**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 4 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *Risk mitigation measures shall always be strictly necessary and proportionate, and shall never entail a general monitoring obligation, an obligation to seek knowledge about the content of private communications, contrary to Article 5 of the ePrivacy Directive, nor an obligation for providers to seek knowledge of illegal content.*

Or. en

**Amendment 813**

**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. Nothing in this regulation shall be construed as prohibiting, restricting, circumventing or undermining the provision or the use of encrypted services.**

Or. en

**Amendment 814**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. ***That description shall not include information that may reduce the effectiveness of the mitigation measures.***

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken.

Or. en

**Amendment 815**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Providers of hosting services and providers of interpersonal communications

4. ***Where appropriate***, providers of hosting services and providers of ***number-***

services shall clearly describe in their terms **and conditions** the mitigation measures that they have taken. That description shall not include information that **may** reduce the effectiveness of the mitigation measures.

**independent** interpersonal communications services shall clearly describe in their terms **of service** the mitigation measures that they have taken. That description shall not include information that **is likely to** reduce the effectiveness of the mitigation measures.

Or. en

#### **Amendment 816**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

#### **Proposal for a regulation**

##### **Article 4 – paragraph 4**

###### *Text proposed by the Commission*

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

###### *Amendment*

4. Providers of hosting services and providers of **number-independent** interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

Or. en

#### **Amendment 817**

**Rob Rooker**

#### **Proposal for a regulation**

##### **Article 4 – paragraph 4**

###### *Text proposed by the Commission*

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation

###### *Amendment*

4. Providers of hosting services and providers of **number independent** interpersonal communications services shall clearly describe in their terms and



measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

conditions the mitigation measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

Or. en

#### **Amendment 818**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 5**

##### *Text proposed by the Commission*

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.

##### *Amendment*

5. The Commission, in cooperation with Coordinating Authorities, ***European Data Protection Board, Fundamental Rights Agency*** 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.

***The European Data Protection Board shall also issue guidelines regarding the compliance with the General Data Protection Regulation of existing and future technologies that are used for the detection of child sexual abuse material in encrypted and non-encrypted environments. Data Protection authorities shall be in charge of the supervision of the application of those guidelines. With respect to any specific technology used for the purpose set out in Article 7, a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679 and a mandatory prior consultation procedure***

*as referred to in Article 36 of that Regulation must be conducted. The competent authorities shall assess any technologies in use or that shall be used to detect child sexual abuse material in light of Regulation (EU) 2016/679 and Directive 2002/58/EC.*

*The European Commission, along with the European Data Protection Board, Fundamental Rights Agency shall issue guidelines on how providers may implement age verification and age assessment measures with full respect for the Charter of Fundamental Rights and the General Data Protection Regulation.*

Or. en

## **Amendment 819**

**Paul Tang, Alex Agius Saliba, Birgit Sippel**

### **Proposal for a regulation**

#### **Article 4 – paragraph 5**

##### *Text proposed by the Commission*

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.

##### *Amendment*

5. The Commission, in cooperation with Coordinating Authorities, the EU Centre, *the European Data Protection Board and the Fundamental Rights Agency*, 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.

*The European Commission, along with the European Data Protection Board and the Fundamental Rights Agency shall issue guidelines on how providers may implement age verification and age assessment measures, in particular based on selective disclosure of attributes, with full respect for the Charter of Fundamental Rights and Regulation (EU)*

**Amendment 820**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 4 – paragraph 5**

*Text proposed by the Commission*

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.**

*Amendment*

5. The **EU Centre** in cooperation with **the** Coordinating Authorities and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4.

**Amendment 821**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 – paragraph 5**

*Text proposed by the Commission*

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.

*Amendment*

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 **and 2**, 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.

**Amendment 822**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 4 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The European Data Protection Board (EDPB) shall issue guidelines regarding the compliance with the General Data Protection Regulation of existing and future technologies that are used for the detection of child sexual abuse material in encrypted and non-encrypted environments. Data Protection Authorities shall be in charge of the supervision of the application of the EDPB guidelines and they shall assess any technologies currently used or that will be used to scan the content of communications with the aim of detecting CSAM or any other type of content in light of the Regulation (EU) 2016/679 (General Data Protection Regulation) and the Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications).**

Or. en

**Amendment 823**  
**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**  
**Article 4 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Prior to the deployment of any specific technology pursuant to this**

***Article, a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679 and a mandatory prior consultation procedure as referred to in Article 36 of that Regulation must be conducted.***

Or. en

**Amendment 824**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 4 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***5b. Where the mitigating measures by a provider in accordance with Paragraph 1 prove to be ineffective or insufficient, the Coordinating Authority shall have the power to order the provider to comply with this Article, including by ordering the provider to take specific mitigating measures in accordance with this Article.***

Or. en

**Amendment 825**  
**Lucia Ďuriš Nicholsonová**

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article4a***

***Additional requirements for voluntary detection and removal of verified child sexual abuse material***

***1. Providers of hosting services and providers of interpersonal communications services who take measures under Article 4(2) to voluntary***

***detect and remove child sexual abuse material shall:***

***a) do so in compliance with Regulation (EU) 2016/679 (General Data Protection Regulation) and applicable national law concerning the processing of personal data relating to criminal offences or alleged criminal offences;***

***b) ensure that the processing of personal data is limited to what is strictly necessary for the purpose of prevention, detection and reporting of child sexual abuse online and removal of child sexual abuse material and, unless child sexual abuse online has been detected and confirmed as such, is erased immediately;***

***c) implement internal procedures to ensure that new child sexual abuse material, or solicitation of children, is not reported to relevant authorities without prior human confirmation;***

***d) consider any such processing of content or traffic data commenced after the date of this Regulation shall be considered high risk to the rights and freedoms of natural persons for the purposes of Articles 35 and 36 of Regulation (EU) 2016/679 and complete a prior data protection impact assessment and consult with their relevant supervisory authority.***

***2. The provider has identified evidence of a significant risk of the service being used for the purposes of online child sexual abuse in the risk assessment conducted or updated in accordance with Article 3, and that 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 child sexual abuse material.***

***3. The provider has implemented additional and appropriate technological and operational controls, safeguards and measures aimed at detecting online child***

*sexual abuse and usage of technologies in accordance with Article 10 and with regard to the principle of data protection by design and by default laid down in Article 25 of Regulation (EU) 2016/679.*

*4. The provider shall draft and submit to the Coordinating Authority and the EU Centre an implementation plan setting out the measures it envisages taking to voluntarily detect child sexual abuse material, including detailed information regarding the envisaged technologies and safeguards and 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.*

*5. The provider shall annually publish and submit to the competent supervisory authority and to the Commission a report on the processing of personal data under this Regulation, including on the type and volumes of data processed, number of cases identified, measures applied to select and improve key indicators, effectiveness of the different technologies deployed, the retention policy and the data protection safeguards applied.*

Or. en

#### *Justification*

*This proposed amendment should be considered as a preliminary version intended to initiate a thorough and thoughtful discussion how to include, but also improve voluntary detection and allow providers to continue with their voluntary efforts.*

#### **Amendment 826**

**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer**

#### **Proposal for a regulation Article 4 a (new)**

***Article 4a***

***Legal basis for the risk mitigation  
through metadata processing***

***1. On the basis of the risk assessment submitted and, where applicable, further information, the Coordinating Authority of establishment shall have the power to authorise or require a provider of hosting services or a provider of interpersonal communications services to process metadata to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, as a mitigation measure in accordance with Article 4.***

***When assessing whether to request the processing of metadata, the Coordinating Authority shall take into account any interference with the rights to privacy and data protection of the users of the service that such a processing entails and determine whether, in that case, the processing of metadata would be effective in mitigating the risk of use of the service for the purpose of child sexual abuse, and that it is strictly necessary and proportionate.***

***2. If they process metadata as a risk mitigation measure, providers shall inform their users of such processing in their terms and conditions, including information on the possibility to submit complaints to the competent DPA concerning the relevant processing, in accordance with Regulation (EU) 2016/679, and on the avenues for judicial redress.***

Or. en

**Amendment 827  
Patrick Breyer**



on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4a**

***Specific measures for platforms primarily used for the dissemination of pornographic content***

***Where an online platform is primarily used for the dissemination of user generated pornographic content, the platform shall take the necessary technical and organisational measures to ensure***

- a. user-friendly reporting mechanisms to report alleged child sexual abuse material;***
- b. adequate professional human content moderation to rapidly process notices of alleged child sexual abuse material;***
- c. automatic mechanisms and interface design elements to inform users about external resources in the user's region on preventing child sexual abuse, counselling by specialist helplines, victim support and educational resources by hotlines and child protection organisations;***
- d. automatic detection of searches for child sexual abuse material, warning and advice alerts displayed to users doing such searches, and flagging of the search and the user for human moderation;***

Or. en

**Amendment 828**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4b**

***Specific measures for number-independent interpersonal communications service within games***

***Providers of online games that operate number-independent interpersonal communications service within their games, and which are exposed to a substantial amount of online child sexual abuse, shall take all of the following specific measures in addition to the requirements referred to Article 4:***

- 1. prevent users from initiating unsolicited contact with other users;***
- 2. facilitate user-friendly reporting of alleged child sexual abuse material;***
- 3. provide technical measures and tools that allow users to manage their own privacy, visibility, reachability and safety and that are set to the most private and secure levels by default;***
- 4. provide tools in a prominent way on their platform that allow users and potential victims to seek help from their local help-line.***

Or. en

**Amendment 829**

**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**

**Article 5**

*Text proposed by the Commission*

*Amendment*

***Article 5***

***deleted***

***Risk reporting***

- 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 the following:*

*(a) 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 measures taken pursuant to Article 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 carried out or updated and the mitigation measures have been taken in accordance with the requirements of Articles 3 and 4.*

*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 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.**

Or. en

**Amendment 830**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 5 – title**

*Text proposed by the Commission*

Risk reporting

*Amendment*

Risk reporting **and oversight**

Or. en

**Amendment 831**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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 the following:

*Amendment*

1. Providers of hosting services and providers of **number-independent** interpersonal communications services **to which Article 3 applies** shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Or. en

**Amendment 832**  
**Rob Rooken**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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 the following:

*Amendment*

1. Providers of hosting services and providers of **number independent** 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 the following:

Or. en

**Amendment 833**  
**René Repasi, Tiemo Wölken**  
on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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 the following:

*Amendment*

1. Providers of hosting services and providers of **number-independent** 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 the following:

Or. en

**Amendment 834**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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 the following:

*Amendment*

1. Providers of hosting services and providers of interpersonal communications services shall transmit, by **one month** from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Or. ro

**Amendment 835**  
**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) 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)**;

*Amendment*

(a) the process and the results of the risk assessment conducted or updated pursuant to Article 3;

Or. en

**Amendment 836**  
**René Repasi, Tiemo Wölken**  
on behalf of the S&D Group  
**Petar Vitanov**  
on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
**Birgit Sippel**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the process and the results of the risk assessment conducted or updated

*Amendment*

(a) 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)**;

pursuant to Article 3,

Or. en

**Amendment 837**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) **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);

(a) the results of the risk assessment conducted or updated pursuant to Article 3, including the assessment of any **reasonably foreseeable** remaining **systemic serious** risk referred to in Article 3(5);

Or. en

**Amendment 838**

**Hilde Vautmans, Maite Pagazaurtundúa, Olivier Chastel, Fabienne Keller, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) any mitigation measures taken pursuant to Article 4.

(b) any mitigation measures taken **and those that require prior authorization** pursuant to Article 4.

Or. en

*Justification*

*Art. 4 par. 1a*

**Amendment 839**

**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any **mitigation** measures taken pursuant to **Article 4**.

*Amendment*

(b) any **specific** measures taken pursuant to **Articles 4, 4a and 4b**.

Or. en

**Amendment 840**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

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 carried out or updated and the **mitigation** measures have been taken in accordance with the requirements of Articles 3 and 4.

*Amendment*

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 carried out or updated and the **specific** measures **and implementation plans** have been taken in accordance with the requirements of Articles 3 and 4.

Or. en

**Amendment 841**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Within **three months** after receiving the report, the Coordinating

*Amendment*

2. Within **one month** after receiving the report, the Coordinating Authority of



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 carried out or updated and the mitigation measures have been taken in accordance with the requirements of Articles 3 and 4.

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 carried out or updated and the mitigation measures have been taken in accordance with the requirements of Articles 3 and 4.

Or. ro

#### **Amendment 842**

**Patrick Breyer**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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.*

*Amendment*

Where necessary for that assessment, that Coordinating Authority may require further information from the provider, *to be provided without undue delay,*

Or. en

#### **Amendment 843**

**Patrick Breyer**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. en

## Amendment 844

Patrick Breyer

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 5 – paragraph 4

*Text proposed by the Commission*

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.

*Amendment*

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 ***make specific updates to*** the risk assessment or to ***take the necessary*** measures ***so as to ensure that Articles 3 and 4 are complied with***, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month. ***The provider may choose the type of specific measures to take.***

Or. en

*Justification*

*To align with Terrorist Content Online Regulation, the choice of measures shall be with the provider.*

## Amendment 845

Lucia Ďuriš Nicholsonová, Fabienne Keller

### Proposal for a regulation

#### Article 5 – paragraph 4 – point a (new)

*Text proposed by the Commission*

*Amendment*

***(a) Where the Coordinating Authority considers that the mitigation measures taken do not comply with Article 4, it shall address a decision to the provider requiring it to take the necessary measures so as to ensure that Article 4 is complied with.***

Or. en

**Amendment 846**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 5 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The provider may, at any time, request the competent Coordinating authority to review and, where appropriate, amend or revoke a decision as referred to in paragraph 4. The authority shall, within three months of receipt of the request, adopt a reasoned decision on the request based on objective factors and notify the provider of that decision.**

Or. en

**Amendment 847**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 5 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**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.**

**deleted**

Or. en

**Amendment 848**  
**Paul Tang, Alex Agius Saliba, Birgit Sippel**

**Proposal for a regulation**  
**Article 5 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**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.** *deleted*

Or. en

**Amendment 849**  
**Patrick Breyer**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 5 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**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.** *deleted*

Or. en

**Amendment 850**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 5 – paragraph 6 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*Service providers, the EU Centre and all European and national authorities managing the personal data of children or adults are required to comply with the GDPR.*

Or. ro

**Amendment 851**  
**Charlie Weimers, Cristian Terheş, Rob Rooken**

**Proposal for a regulation**  
**Article 6**

*Text proposed by the Commission*

*Amendment*

*Article 6*

*deleted*

*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).*

*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.***

Or. en

*Justification*

*The Commission's proposed text would lead to age limits for messaging apps. Age verification would make anonymous communication for law-abiding citizens impossible.*

**Amendment 852**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Rob Rooken, Paul Tang, Karen Melchior, Cristian Terheş**

**Proposal for a regulation**

**Article 6**

*Text proposed by the Commission*

*Amendment*

***Article 6***

***deleted***

***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).*

*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.*

Or. en

#### *Justification*

*The proposed Article conflicts with the Digital Services Act and would mean that adolescents under 18 would no longer be able to use commonplace apps with communications functions*

*including Messenger, social media, games or video conferencing apps - not even to keep in touch with their parents. Also age verification would collect children's personal data and expose them to likely leaks and abuse, increasing the risk of child grooming. Only last year, personal data of 500 mio. Facebook users was exposed online.*

## **Amendment 853**

**Lucia Ďuriš Nicholsonová, Fabienne Keller**

### **Proposal for a regulation**

#### **Article 6**

*Text proposed by the Commission*

*Amendment*

#### **Article 6**

**deleted**

#### **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).***

***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.*

Or. en

*Justification*

*app stores are  
not best placed to comply with  
these obligations due to their  
technical and legal constraints*

**Amendment 854**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 6**

*Text proposed by the Commission*

*Amendment*

*Article 6*

*deleted*

*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).*

*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.*

Or. en

**Amendment 855**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 6**

*Text proposed by the Commission*

*Amendment*

**Article 6**

*deleted*

**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).**

**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.*

Or. en

**Amendment 856**  
**Rob Rooker**

**Proposal for a regulation**  
**Article 6**

*Text proposed by the Commission*

*Amendment*

**Article 6**

**deleted**

**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).**

**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.*

Or. en

*Justification*

*These provisions are in contradiction to the Digital Services Act.*

**Amendment 857**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 6**

*Text proposed by the Commission*

*Amendment*

**Article 6**

**deleted**

**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).*

*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.*

Or. en

**Amendment 858**  
**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of software application stores shall:

*Amendment*

1. Providers of software application stores ***considered as gatekeepers under the Digital Markets Act (EU) 2022/1925*** shall:

Or. en

**Amendment 859**  
**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point a**

*Text proposed by the Commission*

(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;***

*Amendment*

(a) ***indicate, based on the information provided by the applications developers, if applications contain features that could pose a risk to children;***

Or. en

**Amendment 860**  
**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

(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

*Amendment*

(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;*

*exploiting children or where the developer of the software application has informed the software application store that its terms of use do not allow child users, the software application has an appropriate age rating model in place, or the developer of the software application has requested the software application store not to allow child users to download its software applications.*

Or. en

#### **Amendment 861**

**Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

(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;

*Amendment*

(b) *inform the software application provider concerned and the EU Centre about* 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;

Or. en

#### **Amendment 862**

**Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

(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

*Amendment*

(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;

service concerned for the purpose of the solicitation of children *or where:*

Or. en

*Justification*

*As proposed by the rapporteur, providing for more effective and stringent obligations for software application stores.*

**Amendment 863**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

(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;*

*Amendment*

(b) *indicate, based on the information provided by the applications developers, if measures have been taken by the application to mitigate risks for children, and which measures have been taken;*

Or. en

**Amendment 864**

**Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point b – point i (new)**

*Text proposed by the Commission*

*Amendment*

*i) the developer of the software application has decided and informed the software application store that its terms and conditions of use do not permit child users,*

Or. en

*Justification*

*As proposed by the rapporteur, providing for more effective and stringent obligations for software application stores.*

**Amendment 865**

**Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point b – point ii (new)**

*Text proposed by the Commission*

*Amendment*

**ii) the software application has an appropriate age rating model in place, or**

Or. en

*Justification*

*As proposed by the rapporteur, providing for more effective and stringent obligations for software application stores.*

**Amendment 866**

**Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point b – point iii (new)**

*Text proposed by the Commission*

*Amendment*

**iii) the developer of the software application has requested the software application store not to allow child users to download its software applications.**

Or. en

*Justification*

*As proposed by the rapporteur, providing for more effective and stringent obligations for software application stores.*

**Amendment 867**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(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).** **deleted**

Or. en

**Amendment 868**

**Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(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).** **deleted**

Or. en

**Amendment 869**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) indicate, based on the information provided by the applications developers, the minimum age for using an**

*application, as set out in the terms and conditions of the provider of the application;*

Or. en

**Amendment 870**

**Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior**

**Proposal for a regulation**

**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Providers of software applications who have been informed that in relation to their software applications a significant risk of use of the service concerned for the purpose of the solicitation of children has been identified, shall take reasonable and proportionate mitigation measures.*

Or. en

**Amendment 871**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*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.*

*deleted*

Or. en

**Amendment 872**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation  
Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**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.** *deleted*

Or. en

**Amendment 873**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation  
Article 6 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**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.**

**4. The Commission, in cooperation with Coordinating Authorities, the EU Centre, *the European Data Protection Board and the Fundamental Rights Agency*, 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.**

Or. en

**Amendment 874**

**Carles Puigdemont i Casamajó**

**Proposal for a regulation**

**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 6a**

***Encrypted services and metadata processing***

***1. Nothing in this Regulation shall be interpreted as prohibiting or weakening end-to-end encryption.***

***2. On the basis of the risk assessment submitted and, where applicable, further information, 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 authorise a provider of hosting services or a provider of interpersonal communications services to process metadata to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse.***

***When assessing whether to request the processing of metadata, the Coordinating Authority shall take into account any interference with the rights to privacy and data protection of the users of the service that such a processing entails and determine whether, in that case, the processing of metadata would be effective in mitigating the risk of use of the service for the purpose of child sexual abuse, and that it is strictly necessary and proportionate.***

***3. Without prejudice to Regulation (EU) 2016/679, providers shall inform the users of such processing in their terms and conditions, including information on the possibility to submit complaints to the competent data processing authorities concerning the relevant processing and on the avenues for judicial redress.***

**Amendment 875**

**Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari, Karen Melchior, Lukas Mandl, Rob Rooker**

**Proposal for a regulation**

**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 6a**

***End-to-end encrypted services***

***Nothing in this Regulation shall be interpreted as prohibiting or compromising the integrity and confidentiality of end-to-end encrypted content and communications. As compromising the integrity of end-to-end encrypted content and communications shall be understood the processing of any data that would compromise or put at risk the integrity and confidentiality of the content and communications in the end-to-end encryption. Nothing in this regulation shall thus be interpreted as justifying client-side scanning with side-channel leaks or other measures by which the provider of a hosting service or a provider of interpersonal communications services provides third party actors access to the end-to-end encrypted content.***

Or. en

*Justification*

*While the distinction between end-to-end encrypted and non-end-to-end encrypted content and communications, as introduced by the rapporteur in LIBE AM 106, is welcome, stronger wording on the fundamental importance of the integrity and confidentiality of end-to-end encrypted content and communications is needed. This is the case in particular with regards to the instances of client-side scanning with side-channel leaks, that is an example of a practice that, while not necessarily 'weakening' the end-to-end encryption, still puts the integrity and confidentiality of the end-to-end encrypted content and communications at risk.*

**Amendment 876**

**Sven Simon, Christian Doleschal, Niclas Herbst, Sara Skytvedal, Jessica Polfjård, Tomas Tobé, Arba Kokalari**

**Proposal for a regulation**

**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 6a**

***End-to-end encrypted services***

***Nothing in this Regulation shall be interpreted as prohibiting, weakening or compromising the integrity and confidentiality of end-to-end encrypted content and communications. Nothing in this regulation shall thus be interpreted as justifying client-side scanning with side-channel leaks or other measures by which the provider of a hosting service or a provider of interpersonal communication services provides third party actors access to end-to-end encrypted content. No provider of a hosting service or provider of interpersonal communication services shall be compelled to enable or create access to communications by means of bypassing user authentication or encryption under the scope of this regulation.***

Or. en

**Amendment 877**

**Charlie Weimers, Cristian Terheş, Rob Rooker**

**Proposal for a regulation**

**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 6a**

***Encrypted services and metadata processing***



***1. Nothing in this Regulation shall be interpreted as prohibiting or weakening end-to-end encryption.***

Or. en

**Amendment 878**  
**Charlie Weimers, Cristian Terheş**

**Proposal for a regulation**  
**Article 6 b (new)**

*Text proposed by the Commission*

*Amendment*

***Article 6b***

***Software application stores***

***1. Providers of software application stores shall:***

***(a) 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;***

Or. en

**Amendment 879**  
**Rob Rooker**

**Proposal for a regulation**  
**Article 7**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

Or. en

**Amendment 880**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 7**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 881**  
**Cornelia Ernst, Clare Daly**

**Proposal for a regulation**  
**Article 7**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 882**  
**Sven Simon, Christian Doleschal, Niclas Herbst, Jessica Polfjård, Tomas Tobé, Arba Kokalari**

**Proposal for a regulation**  
**Article 7 – title**

*Text proposed by the Commission*

*Amendment*

Issuance of detection orders

Issuance of *targeted* detection orders

Or. en

**Amendment 883**  
**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**  
**Article 7 – title**

*Text proposed by the Commission*

*Amendment*

Issuance of detection *orders*

Issuance of detection *warrants*

**Amendment 884**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – title**

*Text proposed by the Commission*

*Amendment*

7 Issuance of detection **orders**

7 Issuance of detection **warrants**

*Justification*

*The word "order" in connection with Detection orders must always be replaced with "warrants".*

**Amendment 885**

**Cristian Terheş**

**Proposal for a regulation**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**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 under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.** **deleted**

**Amendment 886**

**Paul Tang, Alex Agius Saliba, Theresa Bielowski**

**Proposal for a regulation**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

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 under the jurisdiction of that Member State to take the measures specified in Article 10 to detect ***online*** child sexual abuse ***on*** a specific ***service***.

*Amendment*

1. ***A*** competent judicial ***authority may issue, following a request by the*** ***Coordinating*** Authority of the Member State ***that designated the judicial*** authority, a detection ***warrant*** requiring a provider of hosting services or a provider of ***number-independent*** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect child sexual abuse ***material related to specific terminal equipment or a specific user account, where there is a reasonable suspicion such content is stored on that terminal equipment or in that user account.***

*Justification*

*This amendment should be interpreted as changing the wording "detection orders" throughout this Article and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.*

**Amendment 887**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

## Article 7 – paragraph 1

*Text proposed by the Commission*

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 under the jurisdiction of that Member State to take the measures specified in Article 10 to detect ***online*** child sexual abuse ***on a specific service***.

*Amendment*

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it ***to consider whether*** to issue a detection ***warrant*** order requiring a provider of hosting services or a provider of ***number-independent*** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect child sexual abuse ***material linked to specific terminal equipments or specific user accounts where there is reasonable suspicion that such content is in that user account or on that terminal equipment***.

Or. en

*Justification*

*Any detection warrant must be targeted and should only be initiated when there is reasonable suspicion.*

### Amendment 888

**Sven Simon, Christian Doleschal, Niclas Herbst, Jessica Polfjärd, Tomas Tobé, Arba Kokalari**

### Proposal for a regulation Article 7 – paragraph 1

*Text proposed by the Commission*

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 under the jurisdiction of that Member State

*Amendment*

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a ***targeted*** detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect ***individual cases of*** online child

to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

sexual abuse on a specific service. *The scope of a targeted detection order shall be limited to individual users or groups of users for whom there is evidence suggesting that their conduct might have a link with child sexual abuse offences.*

Or. en

#### *Justification*

*In line with the jurisprudence of the ECJ detection orders that would be general and indiscriminate would likely violate the principle of proportionality. Hence, detection orders shall be limited to individual cases where there is probable cause for offences. (cf. par. 66 of the opinion of the Council's Legal Service (Doc. 8787/23)).*

#### **Amendment 889**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Rob Rooken, Paul Tang, Karen Melchior, Cristian Terheş**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 1**

##### *Text proposed by the Commission*

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 under the jurisdiction of that Member State to take the measures specified in Article 10 to detect *online* child sexual abuse *on a specific service*.

##### *Amendment*

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a detection order requiring a provider of hosting services or a provider of *publicly available number-independent* interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect *child sexual abuse material in images or videos contained in the uploads or communications of one or more specific users of that service, where there is reasonable suspicion of child sexual abuse offences committed by these users*.

Or. en

## *Justification*

*Allowing for automated searches of all private messages sent through a service or part of a service would constitute untargeted mass surveillance of the private communications of millions of persons who are not even remotely connected to child sexual exploitation, would violate fundamental rights and result in the annulment of the entire detection regime in court, failing to better protect children. Indiscriminately searching hosted data would violate the prohibition of general monitoring. Intercepting the communications and uploads of suspects with a court order and using technology to filter images and videos for potential CSAM is justified. There is no sufficiently reliable, transparent and independently verified automated technology to search for child solicitation.*

### **Amendment 890**

**Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior**

### **Proposal for a regulation**

#### **Article 7 – paragraph 1**

##### *Text proposed by the Commission*

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 under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

##### *Amendment*

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service ***in the online activities of persons suspected of being involved in child sexual abuse and persons disqualified from exercising activities involving children.***

Or. en

## *Justification*

*According to opinion 8787/23 of the Council's legal service, if the Council were to decide to maintain interpersonal communications within the scope of the regime of the detection order, the regime should be targeted in such a way that it applies to persons in respect of whom there are reasonable grounds to believe that they are in some way involved in, committing or have committed a child sexual abuse offence, or have a connection, at least indirectly, with the commission of sexual abuse offences.*

## Amendment 891

Charlie Weimers, Cristian Terheş

### Proposal for a regulation

#### Article 7 – paragraph 1

*Text proposed by the Commission*

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 under the jurisdiction of that Member State to take ***the measures specified in Article 10*** to detect online child sexual abuse ***on a specific service***.

*Amendment*

1. The Coordinating Authority of establishment shall have the power to request ***a court of law of a Member State*** issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take measures to detect online child sexual abuse ***where there is probable cause to suspect illegal activity***.

Or. en

*Justification*

*Clarifies that a court of law must issue the detection order.*

## Amendment 892

Maite Pagazaurtundúa, Moritz Körner

### Proposal for a regulation

#### Article 7 – paragraph 1

*Text proposed by the Commission*

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 under the jurisdiction of that Member State

*Amendment*

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a



to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

specific service.

Or. en

### **Amendment 893**

**Sven Simon, Christian Doleschal, Niclas Herbst**

#### **Proposal for a regulation**

##### **Article 7 – paragraph 1**

###### *Text proposed by the Commission*

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 under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

###### *Amendment*

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a ***targeted*** detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

Or. en

### **Amendment 894**

**Lucia Ďuriš Nicholsonová, Fabienne Keller**

#### **Proposal for a regulation**

##### **Article 7 – paragraph 1**

###### *Text proposed by the Commission*

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

###### *Amendment*

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 under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect **and prevent** online child sexual abuse on a specific service.

Or. en

#### **Amendment 895**

**Hilde Vautmans, Olivier Chastel, Lucia Ďuriš Nicholsonová**

#### **Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Coordinating Authority of establishment shall have the power to authorise the provider the voluntary use of specific technologies for the processing of personal data and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services and to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, following a risk assessment performed by the provider pursuant to Article 3 of this Regulation. It shall have the power to define the terms of authorisation for the provider to take measures specified in Article 10 to detect online child sexual abuse on a specific service.***

Or. en

#### **Amendment 896**

**Rob Rooken**

#### **Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Detection orders shall only target providers of hosting services or providers of number independent interpersonal communications services that fail to comply with the requirements outlined in articles 3, 4 and 5 of this Regulation. They shall only be issued once all the measures in the abovementioned articles have been exhausted and target providers that can reasonably be expected to have the technical and operational ability to act.**

Or. en

*Justification*

*Detection orders can be extremely invasive for users' privacy and fundamental rights, such as the protection of their personal sphere. This amendment aims to balance it by ensuring that said order comes as a last resort measure and is not imposed by default on a provider. Only providers that fail to comply with the requirements in articles 3, 4 and 5 can be targeted, and only those that have the ability to act shall be expected to do so.*

**Amendment 897**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Rob Rooker, Paul Tang, Karen Melchior, Cristian Terheş**

**Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Interpersonal communications to which end to end encryption is, has been or will be applied, shall not be subject to the measures specified in Article 10.**

Or. en

*Justification*

*To explicitly exclude client-side scanning and disclosing of private communications on personal devices before the intended end to end encryption is applied, or after receiving end to end encrypted message. This serves to protect the confidentiality and integrity of personal devices which should work for their owner, not against them.*

**Amendment 898**

**Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari**

**Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Such a detection order shall as far as possible be restricted and specified, not calling for mass detection through the whole services.***

Or. en

**Amendment 899**

**Cristian Terheş**

**Proposal for a regulation**

**Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The Coordinating Authority of establishment shall, before requesting the issuance of a detection order, carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.***

***deleted***

***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), 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.***

Or. en

**Amendment 900**

**Sven Simon, Christian Doleschal, Niclas Herbst**

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Coordinating Authority of establishment *shall, before requesting the issuance of a* detection order, *carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.*

*Amendment*

*The request of* the Coordinating Authority of establishment *for a targeted* detection order *shall include any evidence suggesting individual or collective conduct that establishes a link with child sexual abuse offences, in particular previous offences.*

Or. en

**Amendment 901**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Coordinating Authority of establishment shall, before requesting the issuance of a detection *order*, carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.

*Amendment*

The Coordinating Authority of establishment shall, before requesting the issuance of a detection *warrant*, carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.

Or. en

**Amendment 902**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Coordinating Authority of establishment shall, before requesting the issuance of a detection order, carry out the **investigations and** assessments necessary to determine whether the conditions of paragraph 4 have been met.

*Amendment*

The Coordinating Authority of establishment shall, before requesting the issuance of a detection order, carry out the assessments necessary to determine whether the conditions of paragraph 4 have been met.

Or. en

**Amendment 903**

**Sven Simon, Christian Doleschal, Niclas Herbst**

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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), 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.

*Amendment*

To that end, it may, where appropriate, require the provider to submit **evidence** 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.

Or. en

**Amendment 904**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

To that end, it may, where appropriate, require the provider to submit the necessary information, additional to the

*Amendment*

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), 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.

report and the further information referred to in Article 5(1) and (3), respectively, within a reasonable time period set by that Coordinating Authority, or request another public authority or relevant experts or entities to provide the necessary additional information.

Or. en

**Amendment 905**  
**Vincenzo Sofo, Jadwiga Wiśniewska**

**Proposal for a regulation**  
**Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The grounds for issuing the order shall outweigh the negative consequences for the rights and legitimate interests of all the parties concerned, having regard in particular to the need to endure a fair balance between the fundamental rights of those parties. The order shall be a measure of last resort and shall be issued on the basis of a case-by-case analysis.***

Or. en

**Amendment 906**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 7 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

Or. en

**Amendment 907**

**Sven Simon, Christian Doleschal, Niclas Herbst**

**Proposal for a regulation  
Article 7 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 908**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Where the Coordinating Authority of establishment takes the *preliminary* view that the conditions of paragraph 4 have been met, it shall:

Where the Coordinating Authority of establishment takes the view that the conditions of paragraph 4 have been met, it shall:

Or. en

**Amendment 909**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(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 for requesting it;

(a) establish a draft request *to the competent judicial authority of the Member State that designated it* for the issuance of a detection *warrant*, specifying the main elements of the content of the detection *warrant* it intends to request and



the reasons for requesting it;

Or. en

### **Amendment 910**

**Paul Tang, Alex Agius Saliba**

#### **Proposal for a regulation**

##### **Article 7 – paragraph 3 – subparagraph 1 – point a**

###### *Text proposed by the Commission*

(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 for requesting it;

###### *Amendment*

(a) establish a draft request **to the competent judicial authority of the Member State that designated it** for the issuance of a detection **warrant**, specifying the main elements of the content of the detection **warrant** it intends to request and the reasons for requesting it;

Or. en

### **Amendment 911**

**Patrick Breyer**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

##### **Article 7 – paragraph 3 – subparagraph 1 – point a**

###### *Text proposed by the Commission*

(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 for requesting it;

###### *Amendment*

(a) establish a draft request for the issuance of a detection order, specifying **the factual and legal grounds upon which the request is based**, the main elements of the content of the detection order it intends to request and the reasons for requesting it;

Or. en

### **Amendment 912**

**Charlie Weimers, Cristian Terheş**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

(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 for requesting it;

*Amendment*

(a) establish a draft request for the issuance of a detection order, specifying ***targeted suspects and or activities***, the main elements of the content of the detection order it intends to request and the reasons for requesting it;

Or. en

**Amendment 913**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) ***submit the draft request to the provider and the EU Centre;***

*Amendment*

***deleted***

Or. en

**Amendment 914**

**Tiemo Wölken, René Repasi**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) submit the draft request to the ***provider and the EU Centre;***

*Amendment*

(b) submit the draft request to the ***supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/678 and request it to perform its tasks within the competence pursuant to Chapter VI, Section 2 of***

*Regulation (EU) 2016/678 and provide its opinion on the draft request, within a reasonable time period set by that Coordinating Authority;*

Or. en

**Amendment 915**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) afford the provider an opportunity to comment on the draft request, within a reasonable time period set by that Coordinating Authority;* *deleted*

Or. en

**Amendment 916**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) afford the provider an opportunity to comment on the draft request, within a reasonable time period set by that Coordinating Authority;* *deleted*

Or. en

**Amendment 917**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) afford the provider an opportunity to comment on the draft request, within a reasonable time period set by that Coordinating Authority;** *deleted*

Or. en

**Amendment 918**

**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(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.** *deleted*

Or. en

**Amendment 919**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(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.** *deleted*

**Amendment 920**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 1 – point d**

*Text proposed by the Commission*

(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.

*Amendment*

(d) invite the EU Centre to provide its opinion on the draft request, within a time period of **two** weeks from the date of receiving the draft request.

Or. ro

**Amendment 921**  
**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) Request the supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/678 to perform their tasks within the competence pursuant to Chapter VI, Section 2 of Regulation (EU) 2016/678 and provide their opinion on the draft request, within a reasonable time period set by that Coordinating Authority;***

Or. en

**Amendment 922**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 2**

*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.*

**Amendment 923**  
**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*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:*

*deleted*

*(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.*

Or. en

#### **Amendment 924**

**Patrick Breyer**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

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***:

*Amendment*

Where, having regard to the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have ***been*** met, it shall request ***the judicial validation of the detection order from the competent judicial authority responsible for the issuing of such orders pursuant to paragraph 4. Upon receipt of judicial validation of the order, the Coordinating Authority shall submit the order***, adjusted where appropriate, to the provider. ***Prior to requesting the judicial validation of the detection order, the Coordinating Authority shall request*** the provider ***to*** do all of the following within a reasonable time period:

Or. en

#### **Amendment 925**

**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon,**



**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

Where, having regard to the comments of the provider and the opinion of the EU Centre, **and in particular taking into account the assessment of the EU Centre's Technical Committee as referred to in Article 66(6)(a NEW)**, 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:

Or. en

**Amendment 926**

**Tiemo Wölken, René Repasi**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

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:**

*Amendment*

Where, having regard to the comments of the **competent supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/678 to**, 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 **and shall:**

**Amendment 927**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(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;** **deleted**

Or. en

**Amendment 928**

**Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzton, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(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;**

**(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; *the implementation plan shall explicitly set out the specific measures that the provider intends to take to counter act potential security risk that might be linked to the execution of the detection order on its services. The provider may consult the EU Centre, and in particular its Technology Committee, to obtain support in identifying appropriate measures in this respect;***

**Amendment 929**

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 2 – point a**

*Text proposed by the Commission*

(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;

*Amendment*

(a) draft an implementation plan setting out ***the specific person or persons the authority intends to investigate***, the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;

Or. en

**Amendment 930**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 2 – point a**

*Text proposed by the Commission*

(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;

*Amendment*

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection ***warrant***, including detailed information regarding the envisaged technologies and safeguards;

Or. en

**Amendment 931**

**Cristian Terheş**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(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;** **deleted**

Or. en

**Amendment 932**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(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;**

**(b) request** 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;

Or. en

## Amendment 933

Patrick Breyer

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 2 – point b

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(b) where the draft implementation plan concerns an intended detection order concerning the **reasonable suspicion that the dissemination of child sexual abuse material is conducted by one or more specific users , and where** 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;

Or. en

## Amendment 934

Karolin Braunsberger-Reinhold

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 2 – point b

##### *Text proposed by the Commission*

(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

##### *Amendment*

(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, **a child rights impact assessment of child sexual abuse risks** and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679,

plan;

respectively, in relation to the measures set out in the implementation plan;

Or. en

#### **Amendment 935**

**Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová, Nathalie Loiseau**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 2 – point b**

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(b) where the draft implementation plan concerns an intended detection order concerning ***new child sexual abuse material and*** 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;

Or. en

#### **Amendment 936**

**Cristian Terheş**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 2 – point c**

##### *Text proposed by the Commission*

***(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***

##### *Amendment*

***deleted***

*the data protection authority provided in response to the prior consultation;*

Or. en

**Amendment 937**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 2 – point c**

*Text proposed by the Commission*

(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;

*Amendment*

(c) 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;

Or. en

**Amendment 938**

**Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 2 – point c**

*Text proposed by the Commission*

(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

*Amendment*

(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, ***child rights impact assessment of child sexual abuse risks*** and in order to take into

response to the prior consultation;

account the opinion of the data protection authority provided in response to the prior consultation;

Or. en

### **Amendment 939**

**Patrick Breyer**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 2 – point c**

*Text proposed by the Commission*

(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;

*Amendment*

(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 *utmost* account *of* the opinion of the data protection authority provided in response to the prior consultation;

Or. en

### **Amendment 940**

**Cristian Terheş**

### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 2 – point d**

*Text proposed by the Commission*

*(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.*

*Amendment*

*deleted*

Or. en



#### **Amendment 941**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 2 – point d**

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(d) submit to that **competent judicial authority of the Member State that designated it** the implementation plan, 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

Or. en

#### **Amendment 942**

**Patrick Breyer**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 2 – point d**

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(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 **to take full account** of the outcome of the data protection impact assessment and of that opinion.

Or. en

**Amendment 943**  
**Cristian Terhes**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, 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 of the detection, 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.*

*deleted*

Or. en

**Amendment 944**  
**Paul Tang, Alex Agius Saliba**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

Where, having regard to *the implementation plan of the provider and* the opinion of the data protection authority, 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 of the detection, 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.

Where, having regard to the opinion of the data protection authority, 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 of the detection, adjusted where appropriate, to the competent judicial authority. It shall attach the *opinion of* the data protection authority to that request.

**Amendment 945**

**Tiemo Wölken, René Repasi**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

Where, having regard to *the implementation plan of the provider and* the opinion of the data protection authority, 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 of the detection, 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.

*Amendment*

Where, having regard to the opinion of the data protection authority, 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 of the detection, adjusted where appropriate, to the competent judicial authority. It shall attach the implementation plan and the *opinion of* the data protection authority to that request.

**Amendment 946**

**Charlie Weimers, Cristian Terheş**

**Proposal for a regulation**

**Article 7 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, 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 of the detection, adjusted

*Amendment*

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, 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 of the detection, 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.

where appropriate, to ***a court of law***. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Or. en

#### *Justification*

*Clarifies that a court of law of a Member State issues the detection order.*

#### **Amendment 947**

**Patrick Breyer**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – subparagraph 3**

##### *Text proposed by the Commission*

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, 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 of the detection, 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.

##### *Amendment*

Where, having regard to the implementation plan of the provider and ***having utmost regard to*** the opinion of the data protection authority, that Coordinating Authority ***is*** the view that the conditions of paragraph 4 have met, it shall submit the request for the ***validation and*** issuance of the detection, adjusted where appropriate, to the competent judicial authority ***e***. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Or. en

#### **Amendment 948**

**Cristian Terheş**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 4**

**4. *The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority or independent administrative authority shall issue the detection order where it considers that the following conditions are met:*** *deleted*

***(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 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 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;***

*(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 opinion 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.*

Or. en

**Amendment 949**  
**Cristian Terheş**

**Proposal for a regulation**  
**Article 7 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority or independent administrative authority shall issue the detection order where it considers that the following conditions are met:*

*deleted*

*(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 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.*

Or. en

**Amendment 950**

**Sven Simon, Christian Doleschal, Niclas Herbst**

**Proposal for a regulation**

**Article 7 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority *or independent administrative authority* shall issue the detection order where it considers that the following conditions are met:

*Amendment*

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority shall issue the detection order where it considers that the following conditions are met:

Or. en

**Amendment 951**

**Maite Pagazaurtundúa, Moritz Körner**

**Proposal for a regulation**

**Article 7 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority *or independent administrative authority* shall issue the detection order where it considers that the following conditions are met:

*Amendment*

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority shall issue the detection order where it considers that the following conditions are met:

Or. en

**Amendment 952**

**René Repasi, Tiemo Wölken**

on behalf of the S&D Group

**Petar Vitanov**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**Birgit Sippel**

**Proposal for a regulation**

**Article 7 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The Coordinating Authority of establishment shall request the issuance of the detection **order**, and the competent judicial authority **or independent administrative authority** shall issue the detection **order** where it considers that the following conditions are met:

*Amendment*

The Coordinating Authority of establishment shall request the issuance of the detection **warrant**, and the competent judicial authority shall issue the detection **warrant** where it considers that the following conditions are met:

Or. en

**Amendment 953**

**Sven Simon, Christian Doleschal, Niclas Herbst**

**Proposal for a regulation**

**Article 7 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority **or independent administrative authority** shall issue the detection order **where it considers that the following conditions are met:**

*Amendment*

The Coordinating Authority of establishment shall request the issuance of the **targeted** detection order, and the competent judicial authority shall issue the **targeted** detection order **in accordance with the applicable legal standard for evidence in criminal law.**

Or. en