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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	ANNEXES to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse

Delegations will find attached document COM(2022) 209 final - ANNEXES 1 to 8.

Encl.: COM(2022) 209 final ANNEXES 1 to 8



EUROPEAN
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ANNEXES 1 to 8

ANNEXES

to the

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

laying down rules to prevent and combat child sexual abuse

{SEC(2022) 209 final} - {SWD(2022) 209 final} - {SWD(2022) 210 final}

ANNEX I:

TEMPLATE FOR DETECTION ORDERS

referred to in Article 8(1) of Regulation (EU) .../... [*laying down rules to prevent and combat child sexual abuse*]

DETECTION ORDER ISSUED IN ACCORDANCE WITH REGULATION (EU) .../... LAYING DOWN RULES TO PREVENT AND COMBAT CHILD SEXUAL ABUSE ('THE REGULATION')

SECTION 1: Authorities having requested and issued the detection order:

Name of the Coordinating Authority having requested the issuance of the detection order:

(Text)

Name of the competent judicial authority or the independent administrative authority having issued the detection order:

(Text)

Reference of the detection order:

(Text)

SECTION 2: Addressee of the detection order

Name of the provider and, where applicable, of its legal representative:

(Text)

Contact point of the provider:

(Text)

SECTION 3: Relevant service, targeting and specification

The detection order applies to the following service provided by the provider in the Union:

(Text)

Further information regarding the targeting and specification of the detection order, in accordance with Article 7(7) of the Regulation:

(Text)

SECTION 4: Measures to execute the detection order, including additional safeguards

In accordance with Article 8(1) of the Regulation, the provider is to take the measures

specified in Article 10 of the Regulation to execute the detection order, including the safeguards specified therein.

The provider is to take those measures to detect the following:

- ☐ The dissemination of known child sexual abuse material as defined in Article 2, letter (m), of the Regulation
- ☐ The dissemination of new child sexual abuse material as defined in Article 2, letter (n), of the Regulation
- ☐ The solicitation of children as defined in Article 2, letter (o), of the Regulation

Where the detection order concerns the solicitation of children, in accordance with Article 7(7), last subparagraph, of the Regulation, the detection order applies only to publicly available interpersonal communications where one of the users is a child user, as defined in Article 2, point (i), of the Regulation.

The provider is to execute the detection order using the following indicators made available by the EU Centre on Child Sexual Abuse ('the EU Centre'), in accordance with Article 37 of the Regulation:

- ☐ The indicators contained in the database referred to in Article 44(1), point (a), of the Regulation
- ☐ The indicators contained in the database referred to in Article 44(1), point (b), of the Regulation
- ☐ The indicators contained in the database referred to in Article 44(1), point (c), of the Regulation

In order to obtain access to the relevant indicators, the provider is to contact the EU Centre at the following address:

(Contact information and contact point of EU Centre)

Where applicable, information regarding the additional safeguards that the provider is to put in place, in accordance with Article 7(8) of the Regulation:

(Text)

Where relevant, additional information regarding the measures that the provider is to take to execute the detection order:

(Text)

SECTION 5: Reasons, period of application and reporting

The reasons for issuing the removal order are as follows:

(Sufficiently detailed statement of reasons for issuing the detection order)

The detection order applies from (date) to (date).

The following reporting requirements apply, in accordance with Article 9(3) of the Regulation:

(Text)

SECTION 6: Contact details for follow-up

Contact details of the Coordinating Authority having requested the issuance of the detection order for feedback on the execution of the detection order or further clarification, including the communications referred to in Article 8(3) of the Regulation:

(Text)

SECTION 7: Information about redress

Competent court before which the detection order can be challenged, in accordance with Article 9(1) of the Regulation:

(Text)

Time periods for challenging the detection order (*days/months starting from*):

(Text)

References or links to provisions of national law regarding redress:

(Text)

Where relevant, additional information regarding redress:

(Text)

A lack of compliance with this detection order may result in penalties pursuant to Article 35 of the Regulation.

SECTION 8: Date, stamp and signature

Date of issuance of the detection order:

(Text)

Time stamp:

(Text)

Electronic signature of the competent judicial authority or independent administrative authority having issued the detection order:

ANNEX II:

TEMPLATE FOR INFORMATION ABOUT THE IMPOSSIBILITY TO EXECUTE THE DETECTION ORDER referred to in Article 8(3) of Regulation (EU) .../... [*laying down rules to prevent and combat child sexual abuse*]

SECTION 1: Addressee of the detection order

Name of the provider and, where applicable, of its legal representative:
(Text)

Contact point of the provider:
(Text)

Contact details of the provider and, where applicable, of its legal representative:
(Text)

File reference of the provider:
(Text)

SECTION 2: Information regarding the detection order

Name of the Coordinating Authority having requested the issuance of the detection order:
(Text)

Name of the competent judicial authority or independent administrative authority having
issued the detection order:
(Text)

Reference of the detection order:
(Text)

Date and time of receipt of the detection order, including time zone:
(Text)

SECTION 3: Non-execution

The provider cannot execute the detection order within the mandatory time period for the
following reasons (tick the relevant box(es)):

☐ The detection order contains one or more manifest errors

☐ The detection order does not contain sufficient information

Specify the manifest error(s) and/or the further information or clarification necessary, as
applicable:
(Text)

SECTION 4: Date, time and signature

Date and time, including time zone:

(Text)

Signature:

(Text)

ANNEX III:
TEMPLATE FOR REPORTS
**referred to in Article 13(2) of Regulation (EU) .../...[laying down rules to prevent and
combat child sexual abuse]**

**REPORT OF POTENTIAL ONLINE CHILD SEXUAL ABUSE ISSUED IN
ACCORDANCE WITH REGULATION (EU) .../... LAYING DOWN RULES TO
PREVENT AND COMBAT CHILD SEXUAL ABUSE ('THE REGULATION')**

SECTION 1: Reporting provider

Name of the provider and, where applicable, of its legal representative:

(Text)

Contact point of the provider:

(Text)

Contact information of the provider and, where applicable, of its legal representative:

(Text)

SECTION 2: Information on the report

- 1) Does the report require urgent action, notably because of an imminent threat to the life or safety of the child or children appearing to be victim of the potential online child sexual abuse:

☐ Yes

☐ No

- 2) Type of potential online child sexual abuse to which the report relates:

☐ Known child sexual abuse material, as defined in Article 2, letter (m), of the Regulation

☐ New child sexual abuse material, as defined in Article 2, letter (n), of the Regulation

☐ Solicitation of children, as defined in Article 2, letter (o), of the Regulation

- 3) Content data related to the reported potential online child sexual abuse, including images, videos and texts, as applicable:

(Text – attach data as necessary)

- 4) Other available data related to the reported potential online child sexual abuse, including metadata related to media files (date, time, time zone):

(Text – attach data as necessary)

- 5) Information concerning the geographic location related to the potential online child sexual abuse:

- IP address of upload, with associated date and time zone, and port number:

(Text)

- Where available, other information concerning the geographical location (postal code, GPS data of media files, etc.):

(Text)

- 6) Information concerning the identity of any user or users involved in the potential online child sexual abuse, including:

- Username:

(Text)

- Email address:

(Text)

- Phone number:

(Text)

- Other information (mailing address, profile information, other email addresses, other phone numbers, billing information, last login date, other user information or unique user identifier):

(Text)

- 7) Type of service provided by the provider:

☐ hosting service, as defined in Article 2, point a, of the Regulation

☐ interpersonal communication service, as defined in Article 2, point (b), of the Regulation

Addition information about the service, including webpage/URL:

(Text)

- 8) Manner in which the provider became aware of the potential child sexual abuse:

- ☐ Measures taken to execute a detection order issued in accordance with Article 7 of the Regulation
- ☐ Notification by a public authority, including notification by the Competent Authority of establishment in accordance with Article 32 of the Regulation
- ☐ Notification by a hotline, including a trusted flagger within the meaning of Article 19 of Regulation (EU) .../... [*on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC*]
- ☐ Flagged by a user
- ☐ Measures taken on the provider's own motion
- ☐ Other

In accordance with Article 12(1) of the Regulation, providers are not to report potential online child sexual abuse detected through a removal order issues in accordance with the Regulation.

Specification of details regarding the manner in which the provider became aware, as indicated above:

(Text)

9) Has the provider reported, or will it report, the potential online child sexual abuse to a public authority or to another entity competent to receive such reports of a third country?

☐ Yes

☐ No

If yes, indicate the following:

- name of the public authority or other entity:

(Text)

- reference number of the case reported to the public authority or other entity:

(Text)

10) If the report concerns the dissemination of potential known or new child sexual abuse material, has the provider removed or disabled access to the material?

☐ Yes

☐ No

11) Has the provider taken any decision in respect of the user or users involved in relation to the potential online child sexual abuse (blocking account, suspending or terminating the provision of the service)?

☐ Yes

☐ No

If yes, specify decision:

(Text)

12) Where available, information about the child or children appearing to be victim of the potential online child sexual abuse:

- Username:

(Text)

- Email address:

(Text)

- Phone number:

(Text)

- Other (mailing address, profile information, other email addresses, other phone numbers, billing information, last login date, other user information or unique user identifier):

(Text)

13) Where relevant, other information related to the potential online child sexual abuse:

(Text – attach data as necessary)

SECTION 3: Date, time and signature

Date and time of issuance of the report, including time zone:

(Text)

Time stamp:

(Text)

Signature:

(Text)

ANNEX IV:

TEMPLATE FOR REMOVAL ORDERS

referred to in Article 14(3) of Regulation (EU) .../... [*laying down rules to prevent and combat child sexual abuse*]

REMOVAL ORDER ISSUED IN ACCORDANCE WITH REGULATION (EU) .../... LAYING DOWN RULES TO PREVENT AND COMBAT CHILD SEXUAL ABUSE (‘THE REGULATION’)

SECTION 1: Authorities having requested and issued the removal order

Name of the Coordinating Authority having requested the issuance of the removal order:
(Text)

Name of the competent judicial authority or the independent administrative authority having issued the removal order:
(Text)

Reference of the removal order:
(Text)

SECTION 2: Addressee of the removal order and service concerned

Name of the provider and, where applicable, of its legal representative:
(Text)

Contact point:
(Text)

Specific service for which the removal order is issued:
(Text)

SECTION 3: Child sexual abuse material concerned and temporary non-disclosure

The provider is to remove or disable access in all Member States, as soon as possible and in any event within 24 hours of receipt of this removal order, the following the child sexual abuse material:
(Exact URL and, where necessary, additional information)

The material constitutes child sexual abuse material, as defined in Article 2, point (1), of the Regulation, as it constitutes material that meets one or more of the following elements of the definition of child pornography and/or of the definition of pornographic performance, set out

in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU of the European Parliament and of the Council¹ (tick the relevant box(es)):

- ☐ Any material that visually depicts a child engaged in real or simulated sexually explicit conduct
- ☐ Any depiction the sexual organs of a child for primarily sexual purposes
- ☐ 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
- ☐ Realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes
- ☐ Material that visually depicts a live exhibition aimed at an audience of a child engaged in real or simulated sexually explicit conduct
- ☐ Material that visually depicts a live exhibition aimed at an audience of the sexual organs of a child for primarily sexual purposes

Tick, where applicable:

- ☐ To avoid interference with activities for the prevention, detection, investigation, and prosecution of child sexual abuse offences, the provider is not to disclose any information regarding the removal of or disabling of access to the child sexual abuse material in accordance with Article 15(4) of the Regulation, during the following period:
(Text)

SECTION 4: Contact details for follow-up

Contact details of the Coordinating Authority having requested the issuance of the removal order for feedback on the execution of the removal order or further clarification, including the communications referred to in Article 14(5), (6) and (7) of the Regulation:

(Text)

SECTION 5: Reasons

The reasons for issuing the removal order are as follows:

(Sufficiently detailed statement of reasons for issuing the removal order)

SECTION 6: Information about redress

Competent court before which the removal order can be challenged, in accordance with Article 15(1) of the Regulation:

(Text)

¹ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335 of 17.12.2011, p.1).

Time periods for challenging the detection order (days/months starting from):
(Text)

References or links to provisions of national law regarding redress:
(Text)

Where relevant, additional information regarding redress:
(Text)

A lack of compliance with this removal order may result in penalties pursuant to Article 35 of the Regulation.

SECTION 7: Date, stamp and electronic signature

Date of issuance of the removal order:
(Text)

Time stamp:
(Text)

Electronic signature of the competent judicial authority or independent administrative authority having issued the removal order:
(Text)

ANNEX V:

TEMPLATE FOR INFORMATION ABOUT THE IMPOSSIBILITY TO EXECUTE THE REMOVAL ORDER referred to in Article 14(5) and (6) of Regulation (EU) .../... [*laying down rules to prevent and combat child sexual abuse*]

SECTION 1: Addressee of the removal order

Name of the provider and, where applicable, of its legal representative:
(Text)

Contact point:
(Text)

Contact details of the provider and, where applicable, of its legal representative:
(Text)

File reference of the provider:
(Text)

SECTION 2: Information regarding the removal order

Name of the Coordinating Authority having requested the issuance of the removal order:
(Text)

Name of the competent judicial authority or independent administrative authority having
issued the removal order
(Text)

Reference of the removal order
(Text)

Date and time of receipt of the removal order, including time zone:
(Text)

SECTION 3: Non-execution

The provider cannot execute the removal order within the mandatory time period for the
following reasons (tick the relevant box(es)):

☐ Force majeure or de facto impossibility not attributable to the provider of hosting
services, including for objectively justifiable technical or operational reasons

☐ The removal order contains one or more manifest errors

☐ The removal order does not contain sufficient information

Provide further information regarding the reasons for non-execution, specifying the reasons of force majeure or de facto impossibility, the manifest error(s) and/or the further information or clarification necessary, as applicable:

(Text)

SECTION 4: Date, time and signature

Date and time, including time zone:

(Text)

Signature:

(Text)

ANNEX VI:

TEMPLATE FOR INFORMATION ON THE EXECUTION OF THE REMOVAL ORDER

referred to in Article 14(7) of Regulation (EU) .../...[laying down rules to prevent and combat child sexual abuse]

SECTION 1: Addressee of the removal order

Name of the provider and, where applicable, of its legal representative:

(Text)

Point of contact:

(Text)

Contact details of the provider and, where applicable, of its legal representative:

(Text)

File reference of the provider:

(Text)

SECTION 2: Information regarding the removal order

Name of the Coordinating Authority having requested the issuance of the removal order:

(Text)

Competent judicial authority or independent administrative authority having issued the removal order:

(Text)

Reference of the removal order:

(Text)

Date and time of receipt of the removal order, including time zone:

(Text)

SECTION 3: Measures taken to execute the removal order

To execute the removal order, the provider has taken the following measure (tick the relevant box):

- ☐ Removed the child sexual abuse material
- ☐ Disabled access to the child sexual abuse material in all Member States

Date and time of taking of the measure, including time zone:

(Text)

SECTION 4: Date, time and signature

Date and time, including time zone:

(Text)

Signature:

(Text)

ANNEX VII:

TEMPLATE FOR BLOCKING ORDERS

referred to in Article 17(1) of Regulation (EU) .../... [laying down rules to prevent and combat child sexual abuse]

BLOCKING ORDER ISSUED IN ACCORDANCE WITH REGULATION (EU) .../... LAYING DOWN RULES TO PREVENT AND COMBAT CHILD SEXUAL ABUSE (‘THE REGULATION’)

SECTION 1: Authorities having requested and issued the blocking order

Name of the Coordinating Authority having requested the issuance of the blocking order:

(Text)

Name of the competent judicial authority or the independent administrative authority having issued the blocking order:

(Text)

Reference of the blocking order:

(Text)

SECTION 2: Addressee of the blocking order

Name of the provider and, where applicable, of its legal representative:

(Text)

Contact point:

(Text)

SECTION 3: Measures to execute the blocking order, including additional safeguards:

The provider is to take the necessary measures to prevent users in the Union from having access to the known child sexual abuse material indicated by the following URLs:

(Text)

The blocking order applies to the following service provided by the provider in the Union:

(Text)

When executing the blocking order, the provider is to respect the following limits and/or to provide for the following safeguards, as referred to in Article 16(5) of the Regulation:

(Text)

SECTION 4: Reasons, period of application and reporting

The reasons for issuing the blocking order are as follows:

(Sufficiently detailed statement of reasons for issuing the blocking order)

The blocking order applies from ... (date) to (date)

The following reporting requirements apply, in accordance with Article 18(6) of the Regulation:

(Text)

SECTION 5: Contact details for follow-up

Contact details of the Coordinating Authority having requested the issuance of the order for feedback on the execution of the blocking order or further clarification, including the communications referred to in Article 17(5) of the Regulation:

(Text)

SECTION 6: Information about redress

Competent court before which the blocking order can be challenged, in accordance with Article 18(1) of the Regulation:

(Text)

Time periods for challenging the blocking order (days/months starting from):

(Text)

References or links to provisions of national law regarding redress:

(Text)

Where relevant, additional information regarding redress:

(Text)

A lack of compliance with this blocking order may result in penalties pursuant to Article 35 of the Regulation.

SECTION 7: Date, time and electronic signature:

Date of issuance of the blocking order:

(Text)

Time stamp:

(Text)

Electronic signature of the competent judicial authority or independent administrative authority having issued the blocking order:

(Text)

ANNEX VIII:

TEMPLATE FOR INFORMATION ABOUT THE IMPOSSIBILITY TO EXECUTE THE BLOCKING ORDER

**referred to in Article 17(5) of Regulation (EU) .../... [*laying down rules to prevent and
combat child sexual abuse*]**

SECTION 1: Addressee of the blocking order

Name of the provider and, where applicable, of its legal representative:
(Text)

Point of contact:
(Text)

Contact details of the provider and, where applicable, of its legal representative:
(Text)

File reference of the addressee
(Text)

SECTION 2: Information regarding the blocking order

Name of the Coordinating Authority having requested the issuance of the blocking order:
(Text)

Competent judicial authority or independent administrative authority having issued the
blocking order
(Text)

Reference of the blocking order
(Text)

Date and time of receipt of the blocking order, including time zone:
(Text)

SECTION 3: Non-execution

The provider cannot execute the blocking order within the mandatory time period for the
following reasons (tick the relevant box(es)):

- ☐ The blocking order contains one or more manifest errors
- ☐ The blocking order does not contain sufficient information

Specify the manifest error(s) and/or the further information or clarification necessary, as applicable:

(Text)

SECTION 4: Date, time and signature

Date and time, including time zone:

(Text)

Signature:

(Text)