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NOTE

From:	Presidency
To:	Permanent Representatives Committee
Subject:	Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse - Preparation for the trilogue Proposal for a Regulation of the Council and of the European Parliament amending Regulation (EU) 2021/1232 as regards the extension of its period of application - State of play and guidance for further work

A. PROPOSAL FOR A REGULATION LAYING DOWN RULES TO PREVENT AND COMBAT CHILD SEXUAL ABUSE

I. BACKGROUND/INTRODUCTION

1. On 11 May 2022, the Commission submitted to the Council and the European Parliament a proposal for a Regulation laying down rules to prevent and combat child sexual abuse (‘the

CSA Regulation’)¹, which aims to oblige online service providers, such as providers of hosting services and interpersonal communications services, to prevent the dissemination of, to detect, report and remove child sexual abuse material (‘CSAM’), to prevent, detect and report the solicitation of children (‘grooming’), and to set up a new decentralised EU agency (the ‘EU Centre’) to support the implementation of the proposed Regulation, together with a network of national Coordinating Authorities and other competent authorities.

2. The draft Regulation is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
3. The European Data Protection Board and the European Data Protection Supervisor adopted a joint opinion on 28 July 2022.
4. The European Economic and Social Committee adopted an opinion on 21 September 2022.
5. The Council Legal Service issued a written opinion on 26 April 2023².
6. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) has the lead responsibility for the negotiations on the proposal. It appointed MEP Javier Zarzalejos (EPP, ES) as rapporteur in October 2022. The LIBE Committee adopted its report on 14 November 2023, and the decision to enter interinstitutional negotiations was confirmed on 22 November 2023.
7. The Permanent Representatives Committee reached a partial mandate for negotiations with the European Parliament on 26 November 2025³.
8. Article 42 of this Regulation about the seat of the EU Centre is excluded from the text for the partial mandate for negotiations. The selection of the seat is subject to an inter-institutional agreement on the selection procedure applicable to newly established EU agencies.
9. The interinstitutional negotiations with a view to reaching political agreement at first reading were launched with a trilogue on 9 December 2025 and are still ongoing.

¹ 9068/22.

² 8787/23.

³ 15318/25.

II. STATE OF PLAY

10. The Presidency wants to stress the following parts of the proposed CSA Regulation on which provisional agreement has been reached already at the trilogues on 26 February, 16 April and 11 May 2026 and at technical level in preparation of the trilogue on 29 June 2026:

a) General provisions (Articles 1 and 2):

- The provisions on the subject matter, scope and definitions have been provisionally agreed in principle, with the exception of the application of the Regulation to audio communications.
- Interpersonal communication services would be covered by this Regulation only if they are number-independent, subject to a review clause for the Commission to consider the inclusion of number-dependent interpersonal communications services in the scope of the Regulation in a possible future legislative proposal.
- Instructions providing advice on how to find, groom and abuse children should be covered by the scope of this Regulation in line with the work done on the recast of the CSA Directive (2011/93/EU)⁴.
- Encrypted communications are included in the scope of the Regulation but it is clarified that this Regulation does not prohibit, make impossible, weaken, circumvent or otherwise undermine cybersecurity measures or create any obligations for providers to decrypt data or create access to end-to-end encrypted data

b) Risk assessment and mitigation obligations (Articles 3 to 6):

- It has been provisionally agreed in principle that the relevant provisions of Articles 3 to 6 should be adjusted with a view to making them consistent with Regulation (EU) 2022/2065 (Digital Services Act (DSA)) to avoid a duplication of efforts and to ensure legal certainty.
- The risk assessment should apply only to certain providers of hosting services and interpersonal communications services.

⁴ 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, 17.12.2011, pp. 1–14.

- Providers that have identified a risk of online child sexual abuse on their services would be obliged to take appropriate mitigation measures, whereby the choice of the concrete measures should be left to the providers in principle.
 - Balanced solutions with regard to age verification should be explored, taking into account the ongoing work of the Commission.
 - The Council's proposed approach on the risk reporting was accepted, while the risk categorisation would be considered in the context of the discussion on detection.
- c) Reporting obligations (Articles 12 and 13)
- The provisions on the reporting obligations of providers have been provisionally agreed, including an expedited procedure in emergency cases and a period of non-disclosure to the user of six months.
- d) Removal, blocking and delisting orders (Articles 14 to 18c)
- Removal, blocking and possibly delisting orders should be established under this Regulation, with the issuing authorities still to be agreed.
 - The technical teams have worked on establishing a procedure for cross-border removal and delisting orders, following largely the model of Regulation (EU) 2021/784 on addressing the dissemination of terrorist content online (TCO Regulation).
- e) Additional provisions on providers' obligations (Articles 19 to 24)
- The provisions on liability of providers, right to information, right of assistance and support for removal, preservation of information, points of contact and legal representatives have been provisionally agreed.
- f) Supervision, enforcement and cooperation (Articles 25-39)
- The provisions on investigatory and enforcement powers of the authorities of the Member States in alignment with the DSA have been provisionally agreed.
 - The provisions on jurisdiction, right to lodge a complaint, representation, penalties, cross-border cooperation, joint investigations, mutual assistance, and information sharing have been provisionally agreed.

- g) EU Centre to protect children from child sexual abuse (Articles 40-82):
- Provisional agreement has been reached on almost all the provisions related to the EU Centre, with the exception of own-initiative searches (which is part of the discussion on detection).
 - In particular:
 - The list of tasks for the EU Centre was streamlined and simplified;
 - The Regulation would not establish an Executive Board but only a Management Board for the EU Centre. An Executive Board may be established by the Management Board in case it considers this necessary;
 - The Management Board would include an independent expert designated by the European Parliament as a non-voting member;
 - The assessment of the Executive Director would be conducted by the Management Board with the support of the Commission. The dismissal of the Executive Director can be requested either by the Management Board, if that request is supported by one third of its voting members, or by the Commission;
 - The function of Fundamental Rights Officer would be established with tasks aligned with those of the Fundamental Rights Officer of Europol;
 - The EU Centre should keep logs for data processing;
 - As regards cooperation with Europol, access to personal data should be granted based on justified requests on a case-by-case basis;
 - The EU Centre would be allowed to cooperate with third countries and international organisations in addition to partner organisations;
 - A Victims Consultative Forum, a Technology Committee and a European Platform for child protection would be established;

- The EU Centre should neither forward nor keep ‘manifestly unfounded’ reports;
 - The budgetary provisions have been aligned with the current Financial Regulation (Regulation (EU, Euratom) 2024/2509) and the Framework Financial Regulation for the bodies set up under the TFEU and the Euratom Treaty.
- h) Data collection and transparency reporting (Articles 83 and 84)
- The provisions on data collection and transparency reporting have been provisionally agreed.
- i) Final provisions (Articles 85-89)
- The provisions on evaluation, delegated powers and committee procedure have been agreed in principle, pending further discussions on a review clause and the entry into force and application.

11. Open political issues include:

- a) Detection obligations / own-initiative searches (Articles 7-11)

The Presidency presented a compromise proposal on detection⁵ based on the distinction of publicly accessible and not publicly accessible content, including the following elements:

- Own-initiative searches by providers in non-public content, similar to the voluntary activities carried out under the expired derogation from e-privacy rules provided by the expired Regulation (EU) 2021/1232 (CSA Interim Regulation) but also including hosting services, with additional safeguards such as a notification obligation for providers to the EU Centre and a suspension mechanism for national authorities;
- Detection orders for publicly accessible content following a light procedure;
- Detection orders for non-public content targeting specific users, with more technical work needed on how to define those users but moving away from the concept of “suspects” to avoid interference with criminal law;

⁵ 9659/26.

- Own-initiative searches by the EU Centre on publicly accessible content as proposed by the European Parliament;
- Own-initiative searches by providers in publicly accessible content as a mitigation measure not requiring a specific legal basis.

The interaction between those elements and the scope of each of them (known, new CSAM, solicitation of children) is still subject to political discussion. In particular, the European Parliament has remained very critical concerning own-initiative searches by providers on non-publicly accessible content, even for known CSAM.

b) Requirements for competent authorities (Articles 26 and 36)

The European Parliament showed openness to the Council position as regards competent authorities and adequate judicial oversight for the identification of CSAM, on the condition that the Coordinating Authorities would submit the material to the EU Centre and that there would be additional safeguards on the ‘requirements for authorities’ under Article 26. However, the European Parliament continues to insist on the functional independence of competent authorities, which is not acceptable to the Council as competent authorities might include law enforcement authorities.

c) Issuing authorities of removal, blocking and delisting orders (Articles 14, 16 and 18a)

The Council mandate provides all competent authorities (in the case of blocking orders the “competent authorities of establishment”) with the power to issue removal, blocking or delisting orders, whereas Member States may decide that orders can only be issued by or with the prior authorisation of a judicial authority. The European Parliament limits this power in general to judicial authorities upon request of the Coordinating Authority of establishment but it has signalled openness to accept competent authorities for removal orders, in line with the established system under the TCO Regulation. The Presidency has taken note of the strong positions of Member States with regard to the choice of the issuing authorities in accordance with their national systems. However, some flexibility, in particular regarding blocking orders, might be needed to reach political agreement with the European Parliament on the matter. That being said, the Presidency sees merit in considering this issue together with that under (b) and also in light of any agreement on the authorities issuing detection orders, that may allow for a broader agreement on the issue.

- d) Open issues related to risk assessment and reporting obligations in alignment with the Digital Services Act (DSA) and obligations for software application stores (Articles 3-6)

The Presidency endeavours to reach provisional agreement at the trilogue on 29 June 2026 on the risk assessment and mitigation measures and the risk reporting in a way that is consistent with the DSA and the obligations for software application stores. The compromise might entail that only providers directly targeting children or being subject to child sexual abuse would be obliged to conduct risk assessments. The European Parliament is expected not to insist on establishing obligations for specific kinds of providers, while the Presidency considers not further pursuing the risk categorisation included in the Council mandate due to its lack of relevance in light of the proposed solution on detection. For very large online platforms, the relevant provisions should not create any duplication in reporting or enforcement (that will remain with the Commission), although the CSA Regulation should be able to operate as a stand-alone regime, independently of the DSA. A remaining difference that will need to be discussed at a political level is whether age verification requirements should be compulsory for interpersonal communication services that present a risk of solicitation (Council position) or optional (European Parliament position) and what requirements should attach to such age verification technologies.

- e) Open issues related to deadlines

In addition to the application deadlines in Article 89, the deadlines for the designation of the competent and Coordinating Authorities in Article 25, where the European Parliament supports the Commission proposal of two months and the Council asks for 18 months, and the time given to the national law enforcement authorities to assess reports received from the EU Centre in Article 36 remain to be agreed. Concerning the assessment of reports, the European Parliament insists on keeping the deadline of one month as proposed by the Commission (two months according to Council mandate), while they could concede three months (instead of two in the Commission proposal and six in the Council position) for particularly complex cases,

f) Entry into force and application (Article 89)

The European Parliament would like to have all the provisions of the Regulation applying from the moment of its entry into force, with the exception of the provisions related to orders (Art. 7- 18), the rights to information and assistance (Art. 20, 21) and the EU Centre (Chapter IV), which should start applying from nine months after the entry into force of the Regulation. However, the Council favours the immediate application for own-initiative searches by providers, followed by the application of the other provisions after 24 months, with the exception of the reporting by providers, the rights to information and assistance, some provisions related to the EU Centre (Art. 43(2), (3), Art. 44-50, Art. 83(3) and 84(4)), which should start to apply after 48 months. Pending an agreement to allow for own-initiative searches by providers and in the light of the expiry of the CSA Interim Regulation, the Presidency has considered whether it would be appropriate to provide for transitional rules to apply to such searches in absence of the EU Centre and the databases of indicators provided by it, that should cease to apply once the relevant structures have been established. However, any transitional rules could only be agreed to, in practice, once the long-term framework has been fully agreed upon.

B. PROPOSAL FOR A REGULATION AMENDING REGULATION (EU) 2021/1232 AS REGARDS THE EXTENSION OF ITS PERIOD OF APPLICATION

I. BACKGROUND/INTRODUCTION

12. Voluntary detection activities by providers of number-independent interpersonal communications services have played a valuable role in enabling the identification and rescue of victims of online child sexual abuse. Until 20 December 2020, the processing of personal data by providers by means of voluntary measures for the purpose of detecting online child sexual abuse on their services and reporting it and removing online child sexual abuse material from their services was governed solely by Regulation (EU) 2016/679⁶. Directive (EU) 2018/1972⁷, which was to be transposed by 20 December 2020, brought providers within the scope of Directive 2002/58/EC⁸ ('ePrivacy Directive'). In the absence of Union or national legislation restricting the scope of the rights and obligations under the ePrivacy Directive, providers could therefore no longer continue carrying out voluntary measures to detect online child sexual abuse on their services and report it and to remove online child sexual abuse material from their services beyond 20 December 2020.

⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, pp. 1–88.

⁷ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, pp. 36–214.

⁸ 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), OJ L 201, 31.7.2002, pp. 37–47.

13. To address this issue pending the adoption of a long-term legal framework addressing the prevention of and combating online child sexual abuse (the proposed ‘CSA Regulation’), the co-legislators adopted Regulation (EU) 2021/1232⁹ (‘the CSA Interim Regulation’), which started to apply on 3 August 2021 and provided for a temporary derogation from certain provisions of the ePrivacy Directive for certain providers as regards the use of technologies for the purpose of combating online child sexual abuse. The CSA Interim Regulation did not provide a legal ground for the processing of personal data for these activities but laid down additional safeguards to be respected by providers if they wish to rely on it.
14. In April 2024, the CSA Interim Regulation was amended by Regulation (EU) 2024/1307¹⁰, that extended the period of application of this Regulation to 3 April 2026, pending the conclusion of the negotiations on the proposed long-term legal framework.
15. On 19 December 2025, the Commission proposed to extend the period of application of Regulation (EU) 2021/1232 by two years (‘the extension proposal’).
16. The draft Regulation is based on Articles 16 and 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
17. The opinion of the European Economic and Social Committee was adopted on 21 January 2026.
18. The Permanent Representatives Committee reached a mandate for negotiations with the European Parliament on 28 January 2026¹¹, essentially accepting the Commission’s proposal to extend the period of application of Regulation (EU) 2021/1232 for a period of two years until 3 April 2028.

⁹ Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse, OJ L 274, 30.7.2021, pp. 41–51.

¹⁰ Regulation (EU) 2024/1307 of the European Parliament and of the Council of 29 April 2024 amending Regulation (EU) 2021/1232 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse, OJ L, 2024/1307, 14.5.2024.

¹¹ 5584/26.

19. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) has the lead responsibility. Birgit Sippel (S&D, DE) was appointed rapporteur. On 11 March 2026, the plenary of the European Parliament approved a mandate for interinstitutional negotiations, which introduced amendments to the Commission's proposal which significantly limited the scope of the derogation.
20. Following interinstitutional negotiations in two trilogues (on 12 March 2026 and 16 March 2026), the co-legislators were not able to reach an agreement on the extension proposal.
21. On 26 March 2026, the plenary of the European Parliament rejected the extension proposal. The CSA Interim Regulation consequently expired on 3 April 2026.
22. On 18 June 2026, the President of the European Parliament said in her address to the European Council that it was time to move on with the proposal for the CSA Interim Regulation and to look at how to find political agreement in second reading.

II. POSSIBLE NEXT STEPS

23. The Presidency regrets that no agreement with the European Parliament could be found on the extension of the CSA Interim Regulation but it takes note of the political signal from the President of the European Parliament to encourage continuing the work on the proposal.
24. The Presidency is also cognisant of the pressing need to close the legal gap that resulted from the expiry of the CSA Interim Regulation in April 2026, as it jeopardises the protection of children from online child sexual abuse. It therefore invites Member States to carefully consider adopting a first reading position by the Council, even if this would be without precedent in the present circumstances where the European Parliament has rejected the Commission's proposal (that was also the Council mandate).

25. The Presidency would like Member States to consider the following issues:

- Since the European Parliament had adopted a negotiating mandate that significantly limited the scope of the CSA Interim Regulation and it rejected the Commission proposal at first reading after the negotiations with the Council failed, there is no certainty that it would adopt the legislative act in second reading in line with the Council's first reading position. The Parliament may also suggest amendments that are not acceptable to the Council.
- An adoption of the CSA Interim Regulation, which would only apply for a limited time, could impact the ongoing interinstitutional negotiations on the long-term CSA Regulation. In particular, there is a risk that it will not be possible to find a compromise between the co-legislators on the most difficult outstanding political issue, namely own-initiative detection in non-publicly accessible content, given that the European Parliament remains critical of such detection (and would at best agree to the CSA Interim Regulation as an 'interim' solution) whereas the Council's mandate on the long-term legal framework foresees to make the CSA Interim Regulation permanent.

26. If Member States wish to act on the invitation of the President of the European Parliament and proceed with the Council's first reading position, the entire text of the expired Regulation (EU) 2021/1232 would need to be adopted as a new self-standing Regulation, with adaptations of dates and deletions of not relevant provisions, since the Commission proposal provided for an extension of the Regulation (EU) 2021/1232 that already expired and therefore cannot be extended. The Presidency is ready to act swiftly and present a text for discussion to JHA Counsellors in the coming days.

III. CONCLUSION

27. The Permanent Representatives Committee is invited to take note of the progress and state of play of the interinstitutional negotiations on the CSA Regulation and of the invitation of the President of the European Parliament for the Council to proceed with the adoption of its position on the CSA Interim Regulation at first reading and to reply to the following questions:

In relation to the CSA Interim Regulation:

- a) Should the Presidency proceed with preparing the adoption of a first reading position by the Council on the CSA Interim Regulation in absence of an agreement with the European Parliament?
- b) Should the Presidency prepare a text for this first reading position reflecting as closely as possible the text of the expired Regulation (EU) 2021/1232 with the period of application until 3 April 2028?

In relation to the CSA Regulation and the preparation of the trilogue on 29 June 2026 and in light of the developments on the CSA Interim Regulation:

- a) Should the Presidency continue working on the basis of the Presidency compromise proposal on detection based on the distinction of publicly accessible and not publicly accessible content and of detection orders and own-initiative searches, including by the EU Centre?

OR

- b) Should the Presidency try to resolve as many political issues as possible *apart from* detection during the trilogue on 29 June 2026 to allow the Member States to reassess their positions on the topic once they have more clarity on the situation regarding the CSA Interim Regulation?
- c) Do you have other preferences regarding the way forward concerning the inter-institutional negotiations on the CSA Regulation?