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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast) - Four-column table

Delegations will find attached the four column table as it stands just before the start of negotiations at technical level.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast)

2024/0035(COD)
[Version for Technical Meeting on July 1, 2025]
27-06-2025 at 11h42

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1	2024/0035 (COD)	2024/0035 (COD)	2024/0035 (COD)	
2	Proposal for a	Proposal for a	Proposal for a	
3	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	
4	on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast)	on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast)	on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast)	
5	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
6	Having regard to the Treaty on the Functioning of the European	Having regard to the Treaty on the Functioning of the European	Having regard to the Treaty on the Functioning of the European	

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	Union, and in particular Article 82(2) and Article 83(1) thereof,	Union, and in particular Article 82(2) and Article 83(1) thereof,	Union, and in particular Article 82(2) and Article 83(1) thereof,	
7	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
8	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
9	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	
10	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions,	
11	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
12	Whereas:	Whereas:	Whereas:	
13	(1) A number of amendments are to be made to Directive 2011/93/EU of the European Parliament and of the Council[1]. In the interests of clarity, that Directive should be recast. _____ 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, 17.12.2011, p. 1,	(1) A number of amendments are to be made to Directive 2011/93/EU of the European Parliament and of the Council[1]. In the interests of clarity, that Directive should be recast. _____ 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, 17.12.2011, p. 1,	(1) A number of amendments are to be made to Directive 2011/93/EU of the European Parliament and of the Council[1]. In the interests of clarity, that Directive should be recast. _____ 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, 17.12.2011, p. 1,	

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	ELI: http://data.europa.eu/eli/dir/2011/93/oj1, ELI: http://data.europa.eu/eli/dir/2011/93/oj).	ELI: http://data.europa.eu/eli/dir/2011/93/oj1, ELI: http://data.europa.eu/eli/dir/2011/93/oj).	ELI: http://data.europa.eu/eli/dir/2011/93/oj1, ELI: http://data.europa.eu/eli/dir/2011/93/oj).	
14	(2) Sexual abuse and sexual exploitation of children, including child sexual abuse material , constitute serious violations of fundamental rights, in particular of the rights of children to the protection and care necessary for their well-being, as provided for by the 1989 United Nations Convention on the Rights of the Child and by the Charter of Fundamental Rights of the European Union[1]. _____ 1. OJ C 364, 18.12.2000, p. 1.	(2) Sexual abuse and sexual exploitation of children, including child sexual abuse material , constitute serious violations of fundamental rights, in particular of the rights of children to the protection and care necessary for their well-being, as provided for by the 1989 United Nations Convention on the Rights of the Child and by the Charter of Fundamental Rights of the European Union[1]. _____ 1. OJ C 364, 18.12.2000, p. 1.	(2) Sexual abuse and sexual exploitation of children, including child sexual abuse material , constitute serious violations of fundamental rights, in particular of the rights of children to the protection and care necessary for their well-being, as provided for by the 1989 United Nations Convention on the Rights of the Child and by the Charter of Fundamental Rights of the European Union[1]. _____ 1. OJ C 364, 18.12.2000, p. 1.	
15	(3) In accordance with Article 6(1) of the Treaty on European Union, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union, in which Article 24(2) provides that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. Moreover, the EU Strategy for a more effective fight against child sexual	(3) In accordance with Article 6(1) of the Treaty on European Union, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union, in which Article 24(2) provides that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. Moreover, the EU Strategy for a more effective fight against child sexual	(3) In accordance with Article 6(1) of the Treaty on European Union, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union, in which Article 24(2) provides that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. Moreover, the EU Strategy for a more effective fight against child sexual	

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	abuse[1] gives a clear priority to stepping up the fight against the sexual abuse and sexual exploitation of children and child sexual abuse material, including through actions aimed at ensuring the continued effectiveness of existing Union legislation, if needed through its updating. This is also supported by the EU Strategy on the rights of the child in its objective to fight violence against children and ensure child-friendly justice . _____ 1. COM (2020) 607 of 24 July 2020.	abuse[1] gives a clear priority to stepping up the fight against the sexual abuse and sexual exploitation of children and child sexual abuse material, including through actions aimed at ensuring the continued effectiveness of existing Union legislation, if needed through its updating. This is also supported by the EU Strategy on the rights of the child in its objective to fight violence against children and ensure child-friendly justice . _____ 1. COM (2020) 607 of 24 July 2020.	abuse[1] gives a clear priority to stepping up the fight against the sexual abuse and sexual exploitation of children and child sexual abuse material, including through actions aimed at ensuring the continued effectiveness of existing Union legislation, if needed through its updating. This is also supported by the EU Strategy on the rights of the child in its objective to fight violence against children and ensure child-friendly justice–. _____ 1. COM (2020) 607 of 24 July 2020.	
16	(4) Child sexual abuse material and other particularly serious forms of sexual abuse and sexual exploitation of children are increasing and spreading through the use of new technologies and the Internet.	(4) Child sexual abuse material and other particularly serious forms of sexual abuse and sexual exploitation of children are increasing and spreading through the use of new technologies and the Internet.	(4) Child sexual abuse material and other particularly serious forms of sexual abuse and sexual exploitation of children are increasing and spreading through the use of new technologies and the Internet.	
17	(5) Directive 2012/29/EU of the European Parliament and of the Council[1] establishes a set of victims' rights for all victims of all crime, including for child victims of sexual abuse. These rights include the right to information, the rights to support and protection in accordance with victims'	(5) Directive 2012/29/EU of the European Parliament and of the Council[1] establishes a set of victims' rights for all victims of all crime, including for child victims of sexual abuse. These rights include the right to information, the rights to support and protection in accordance with victims'	(5) –Directive 2012/29/EU of the European Parliament and of the Council[1] establishes a set of victims' rights for all victims of all crime, including for child victims of sexual abuse. These rights include the right to information, the rights to support and protection in accordance with victims'	

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	individual needs, a set of procedural rights and a right to a decision on compensation from the offender. The proposal for the revision of the Victims' Rights Directive further strengthens the rights of victims of crime in the EU, including strengthening of the right to support and protection for child victims of crime[2]. This Directive builds on and is applicable in addition to the Victims' Rights Directive. Moreover, the coordination of prosecution of cases of sexual abuse, sexual exploitation of children and child sexual abuse material is facilitated by the implementation of Council Framework Decision 2009/948/JHA [3]. Where prosecution of such cases falls within jurisdiction of more than one Member State, the Member States concerned should cooperate to determine which Member State is best placed to prosecute. Where the competent authorities of the Member States concerned decide, following cooperation or direct consultations under Council Framework Decision 2009/948/JHA[4], to centralise	individual needs, a set of procedural rights and a right to a decision on compensation from the offender. The proposal for the revision of the Victims' Rights Directive further strengthens the rights of victims of crime in the EU, including strengthening of the right to support and protection for child victims of crime[2]. This Directive builds on and is applicable in addition to the Victims' Rights Directive. Moreover, the coordination of prosecution of cases of sexual abuse, sexual exploitation of children and child sexual abuse material is facilitated by the implementation of Council Framework Decision 2009/948/JHA [3]. Where prosecution of such cases falls within jurisdiction of more than one Member State, the Member States concerned should cooperate to determine which Member State is best placed to prosecute. Where the competent authorities of the Member States concerned decide, following cooperation or direct consultations under Council Framework Decision 2009/948/JHA[4], to centralise	individual needs, a set of procedural rights and a right to a decision on compensation from the offender. The proposal for the revision of the Victims' Rights Directive further strengthens the rights of victims of crime in the EU, including strengthening of the right to support and protection for child victims of crime[2]. This Directive builds on and is applicable in addition to the Victims' Rights Directive. Moreover, the coordination of prosecution of cases of sexual abuse, sexual exploitation of children and child~~—~~ sexual abuse material~~—is~~ **is** facilitated by the implementation of Council Framework Decision 2009/948/JHA ~~3~~.~~–~~ Where prosecution of such cases falls within jurisdiction of more than one Member State, the Member States concerned should cooperate to determine which Member State is best placed to prosecute. Where the competent authorities of the Member States concerned decide, following cooperation or direct consultations under Council Framework Decision 2009/948/JHA[4], to centralise	

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	criminal proceedings in a single Member State through the transfer of criminal proceedings, the Regulation (EU) …/… [proposed Regulation on the transfer of proceedings in criminal matters][5] should be used for such a transfer. _____ 1. Directive 2012/29 EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime (OJ L 315, 14.11.2012, p. 57). 2. COM(2023) 424 final of 12 July 2023. 3. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42, ELI: http://data.europa.eu/eli/dec_framw/2009/948/oj. 4. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42, ELI: http://data.europa.eu/eli/dec_framw/2009/948/oj. 5. COM(2023) 185 final.	criminal proceedings in a single Member State through the transfer of criminal proceedings, the Regulation (EU) …/… [proposed Regulation on the transfer of proceedings in criminal matters][5] should be used for such a transfer. _____ 1. Directive 2012/29 EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime (OJ L 315, 14.11.2012, p. 57). 2. COM(2023) 424 final of 12 July 2023. 3. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42, ELI: http://data.europa.eu/eli/dec_framw/2009/948/oj. 4. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42, ELI: http://data.europa.eu/eli/dec_framw/2009/948/oj. 5. COM(2023) 185 final.	criminal proceedings in a single Member State through the transfer of criminal proceedings, ~~the~~ Regulation (EU) ~~…/…~~ [~~proposed Regulation~~**2024/… of the European Parliament and of the Council of 27 November 2024** on the transfer of proceedings in criminal matters**…/… [adopted but not yet published**][5] **]** should be used for such a transfer. _____ 1. Directive 2012/29 EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime (OJ L 315, 14.11.2012, p. 57). 2. COM(2023) 424 final of 12 July 2023. **The proposal is still under negotiation and the references to it in this text will only be retained if the Directive will be adopted in a form close to the proposal.** ~~3. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42, ELI: http://data.europa.eu/eli/dec_framw/2009/948/oj.~~ 4. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ L 328, 15.12.2009, p. 42, ELI: http://data.europa.eu/eli/dec_framw/2009/948/oj.	

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			5. ~~COM(2023) 185 final~~**The text was adopted on 5 November and it was signed on 27 November. Publication – with number of the Regulation – will probably be somewhere in December.**	
18	(6) In accordance with Article 34 of the United Nations Convention on the Rights of the Child, States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. The 2000 United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and, in particular, the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse are crucial steps in the process of enhancing international cooperation in this field.	(6) In accordance with Article 34 of the United Nations Convention on the Rights of the Child, States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. The 2000 United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and, in particular, the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse are crucial steps in the process of enhancing international cooperation in this field.	(6) In accordance with Article 34 of the United Nations Convention on the Rights of the Child, States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. The 2000 United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and, in particular, the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse are crucial steps in the process of enhancing international cooperation in this field.	
19	(7) Serious criminal offences such as the sexual exploitation of children and sexual abuse material require a comprehensive approach covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon , including its recent and foreseeable evolutions and trends, increasingly involving	(7) Serious criminal offences such as the sexual exploitation of children and sexual abuse material require a comprehensive approach covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon , including its recent and foreseeable evolutions and trends, increasingly involving	(7) Serious criminal offences such as the sexual exploitation of children and— sexual abuse material– require a comprehensive approach covering the prosecution of offenders, the protection of child victims, and prevention of the phenomenon–, including its recent and foreseeable evolutions and trends, increasingly involving	

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	the use of online technologies. For that purpose, the current legal framework needs to be updated, in order to ensure it remains effective . The child's best interests must be a primary consideration when carrying out any measures to combat these offences in accordance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child.	the use of online technologies. For that purpose, the current legal framework needs to be updated, in order to ensure it remains effective . The child's best interests must be a primary consideration when carrying out any measures to combat these offences in accordance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child.	the use of ~~online~~**information and communication** technologies. For that purpose, the current legal framework needs to be updated, in order to ensure it remains effective . The child's best interests must be a primary consideration when carrying out any measures to combat these offences in accordance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child.	
20	(8) This Directive should be fully complementary with Directive 2011/36/EU of the European Parliament and of the Council , as some victims of human trafficking have also been child victims of sexual abuse or sexual exploitation.[1] _____ 1. THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	(8) This Directive should be fully complementary with Directive 2011/36/EU of the European Parliament and of the Council , as some victims of human trafficking have also been child victims of sexual abuse or sexual exploitation.[1] _____ 1. THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	(8) This Directive should be fully complementary with Directive ~~2011/36/EU~~**EU 2024/1712** of the European Parliament and of the Council **of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims**, as some victims of human trafficking have also been child victims of sexual abuse or sexual exploitation.[1] _____ ~~1. THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.~~	

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21	(9) In the context of criminalising acts related to child sexual abuse performance, this Directive refers to such acts which consist of an organised live exhibition, aimed at an audience, thereby excluding personal face-to-face communication between consenting peers, as well as children over the age of sexual consent and their partners from the definition.	(9) In the context of criminalising acts related to child sexual abuse performance, this Directive refers to such acts which consist of an organised live exhibition, aimed at an audience, thereby excluding personal face-to-face communication between consenting peers, as well as children over the age of sexual consent and their partners from the definition.	(9) In the context of criminalising acts related to child sexual abuse performance, this Directive refers to such acts which consist of an organised live exhibition, aimed at an audience, thereby excluding personal face-to-face communication between consenting peers, as well as children over the age of sexual consent and their partners from the definition.	
21a		***(9a) Children are increasingly active online from a young age, and the available evidence indicates that boys and girls appear to be vulnerable in different ways. While girls are disproportionately vulnerable to cyber violence, including online harassment, sexual extortion, sexual harm, and exploitation, boys are more likely to experience financial sexual coercion and are less attuned to online risks compared to girls. Studies show that***		

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		one in 10 women has faced gender-based cyber violence since age 15, and 58 % of girls report online harassment. LGBTIQ+ children face even higher risks. Nonconsensual image distribution and the trading of child sexual abuse materials further reinforce harmful gender stereotypes and inequalities. At least two-thirds of child sexual abuse and exploitation victims are girls. Therefore, rather than indiscriminately using the same interventions to target all children, tailored, gender-sensitive interventions should be developed to prevent and combat online child sexual abuse, ensuring digital platforms implement robust protections aligned with fundamental rights and recent legislation on violence against women, including		

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		cyber violence.		
22	(10) Child sexual abuse material frequently includes images recording the sexual abuse of children by adults. It may also include images of children involved in sexually explicit conduct, or of their sexual organs, where such images are produced or used for primarily sexual purposes and exploited with or without the child's knowledge. Furthermore, the concept of child sexual abuse material also covers realistic images of a child, where a child is engaged or depicted as being engaged in sexually explicit conduct for primarily sexual purposes , as well as so-called 'paedophile manuals' .	(10) Child– sexual abuse material–, ***regardless of the method of their creation, including by using artificial intelligence,*** frequently includes images recording the sexual abuse of children by adults. It may also include images of children involved in sexually explicit conduct, or of their ~~*sexual organs*~~ ***intimate parts***, where such images are produced or used for primarily sexual purposes and exploited with or without the child's knowledge. Furthermore, the concept of child– sexual abuse material also covers realistic images of a child, where a child is engaged or depicted as being engaged in sexually explicit conduct for primarily sexual purposes–, as well as so-called ~~*'paedophile*~~	(10) Child– sexual abuse material– frequently includes images recording the sexual abuse of children ~~by adults~~. It may also include images of children involved in sexually explicit conduct, or of their sexual organs, where such images are produced or used for primarily sexual purposes and exploited with or without the child's knowledge. Furthermore, the concept of child sexual abuse material– also covers realistic images of a child, where a child is engaged or depicted as being engaged in sexually explicit conduct for primarily sexual purposes~~–, as well as so-called 'paedophile manuals'~~ –.	

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		'instructions manuals'– ***intended to provide advice, guidance or instructions on how to generate, distribute or acquire child sexual abuse material and how to commit child sexual abuse, child sexual exploitation or child solicitation***.		
23	(11) Research has shown that limiting the dissemination of child sexual abuse material is not only crucial to avoid the re-victimisation linked to the circulation of images and videos of the abuse but is also essential as a form of offender-side prevention, as accessing child sexual abuse material is often the first step towards hands-on abuse, regardless of whether it depicts real or simply realistic abuse and exploitation. The ongoing development of artificial intelligence applications capable of creating realistic images that are indistinguishable from real images, the number of so-called 'deep-fake' images and videos depicting child sexual abuse is expected to grow exponentially in	(11) Research has shown that limiting the dissemination of child sexual abuse material is not only crucial to avoid the re-victimisation linked to the circulation of images and videos of the abuse but is also essential as a form of offender-side prevention, as accessing child sexual abuse material is often the first step towards hands-on abuse, regardless of whether it depicts real or simply realistic abuse and exploitation. The ongoing development of	(11) Research has shown that limiting the dissemination of child sexual abuse material is not only crucial to avoid the re-victimisation linked to the circulation of images and videos of the abuse but is also essential as a form of offender-side prevention, as accessing child sexual abuse material is often the first step towards hands-on abuse, regardless of whether it depicts real or simply realistic abuse and exploitation. The ongoing development of artificial intelligence applications capable of creating realistic images that are indistinguishable from real images, the number of so-called 'deep-fake' images and videos depicting child sexual abuse is expected to grow exponentially in	

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	the coming years. In addition, the development of augmented, extended and virtual reality settings making use of avatars including sensory feedback, e.g. through devices providing a perception of touch are not fully covered by the existing definition. The inclusion of an explicit reference to 'reproductions and representations' should ensure that the definition of child sexual abuse material covers these and future technological developments in a sufficiently technology-neutral and hence future-proof way.	artificial intelligence applications capable of creating realistic images that are indistinguishable from real images, the number of so-called 'deep-fake' images, ***pseudophotographs*** and videos ***as generated by artificial intelligence or created through any other computerised means*** depicting child sexual abuse is expected to grow exponentially in the coming years. In addition, the development of augmented, extended and virtual reality settings making use of avatars including sensory feedback, e.g. through devices providing a perception of touch are not fully covered by the existing definition. The inclusion of an explicit reference to ***representations generated "by whatever means" and the reference to***	the coming years. ~~In addition, the development of augmented, extended and virtual reality settings making use of avatars including sensory feedback, e.g. through devices providing a perception of touch are not fully covered by the existing definition.~~ The inclusion of an explicit reference to 'reproductions and representations' ~~should~~**could** ensure that the definition of child sexual abuse material covers these and future technological developments in a sufficiently technology-neutral and hence future-proof way.	

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		-‘reproductions and representations’ ***"regardless of the method of their creation or manipulation"*** should ensure that the definition of child sexual abuse material covers these and future technological developments in a sufficiently technology-neutral and hence future-proof way.		
23a			**(11a) Member States may also pay particular attention to the production and marketing of child-like sex dolls or sex robots, that give reason for concerns. These objects that represent a child are intended to be used for sexual purposes. Member States are encouraged to criminalise child-like sex dolls or sex robots, giving due regard to the dangers that these objects may pose.**	
24	(12) To prevent offences involving the sexual abuse of children, the definition of child sexual abuse material should include so-called ‘paedophile manuals’. Paedophile manuals provide advice on how to find, groom and abuse children and	(12) To prevent offences involving the sexual abuse of children, the definition of child sexual abuse material should include ~~*so-called ‘paedophile manuals’. Paedophile*~~	(12) ~~To prevent offences involving the sexual abuse of children, the definition of child sexual abuse material should include so-called ‘paedophile~~**Handbooks and** manuals~~’. Paedophile manuals~~**, in any form, like hardcopy, digital**	

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	avoid being identified and prosecuted. By lowering barriers and providing the necessary know-how, they contribute to inciting offenders and support the commission of sexual abuse. Their online dissemination has already led certain Member States to amend their criminal law and explicitly criminalise possession and distribution of such manuals. The lack of harmonisation creates an uneven level of protection across the EU.	***instructions on how to sexually abuse or exploit children, regardless of the form in which such instructions are provided. Those instructions, including in the form of*** manuals***,*** provide advice on how to find, groom and abuse children and avoid being identified and prosecuted ***or give guidance on how to generate, distribute or acquire child sexual abuse material. Digital models or prompts enabling the creation of AI-generated child sexual abuse material should also be regarded as instructions on how to sexually abuse or exploit children and therefore fall under the definition of child sexual abuse material***. By lowering barriers and providing the necessary know-how, they	**or coded**, provide advice on how to find, groom and abuse children and avoid being identified and prosecuted. By lowering barriers and providing the necessary know-how, they contribute to inciting offenders and support the commission of sexual abuse. Their online dissemination has already led certain Member States to amend their criminal law and explicitly criminalise possession and distribution of such manuals. The lack of harmonisation creates an uneven level of protection across the EU. **To prevent offences involving the sexual abuse of children, intentionally producing, offering, disseminating, possessing instructions on how to commit child sexual abuse and sexual exploitation, in writing or in other form, such as (online) sessions in which information on how to commit sexual abuse is shared, should be punishable when committed without right.**	

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		contribute to inciting offenders and support the commission of sexual abuse. Their online dissemination has already led certain Member States to amend their criminal law and explicitly criminalise possession and distribution of such ~~*manuals*~~ ***instructions***. The lack of harmonisation creates an uneven level of protection across the EU.		
24a		***(12a) The absence of consent forms part of the constitutive elements of some of the offences set out in this Directive. Therefore, the introduction of a definition of consent is deemed indispensable for ensuring the proper implementation of this Directive.***		
24b		***(12b) The rights set out in this Directive***		

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		are without prejudice to the rights of the offender. The term 'offender' refers to a person who has been convicted of a crime. However, for the purposes of this Directive, it also refers to a suspected or accused person before any acknowledgement of guilt or conviction, and it is without prejudice to the presumption of innocence.		
25	(13) Disability, by itself, does not automatically constitute an impossibility to consent to sexual relations. However, the abuse of the existence of such a disability in order to engage in sexual activities with a child should be criminalised.	(13) Disability, by itself, does not automatically constitute an impossibility to consent to sexual relations. However, the abuse of the existence of such a disability in order to engage in sexual activities with a child should be criminalised.	(13) Disability, by itself, does not automatically constitute an impossibility to consent to sexual relations. However, the abuse of the existence of such a disability in order to engage in sexual activities with a child should be criminalised.	
26	(14) In adopting legislation on substantive criminal law, the Union should ensure consistency of such legislation in particular with regard to the level of penalties. This Directive, because it contains an exceptionally high number of different offences, requires, in order to reflect the various degrees of seriousness, a	(14) In adopting legislation on substantive criminal law, the Union should ensure consistency of such legislation in particular with regard to the level of penalties. This Directive, because it contains an	(14) In adopting legislation on substantive criminal law, the Union should ensure consistency of such legislation in particular with regard to the level of penalties.– **The Council conclusions of 24 and 25 April 2002 on the approach to apply regarding approximation of penalties, which indicate four**	

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	differentiation in the level of penalties which goes further than what should usually be provided in Union legal instruments.	exceptionally high number of different offences, requires, in order to reflect the various degrees of seriousness, a differentiation in the level of penalties which goes further than what should usually be provided in Union legal instruments. ***This Directive should ensure that technology-facilitated offences are covered by the same penalties as other offences, as the seriousness and trauma resulting from those offences is equivalent.***	**levels of penalties, and the Council conclusions on model provisions, guiding the Council's criminal law deliberations, of 30 November 2009, should be kept in mind in the light of the Lisbon Treaty.** This Directive, because it contains an exceptionally high number of different offences, requires, in order to reflect the various degrees of seriousness, a differentiation in the level of penalties which goes further than what should usually be provided in Union legal instruments.	
27	(15) Serious forms of sexual abuse and sexual exploitation of children should be subject to effective, proportionate and dissuasive penalties. This includes, in particular, various forms of sexual abuse and sexual exploitation of children which are facilitated by the use of information and communication technology, such as the online solicitation of children for sexual purposes via social networking	(15) Serious forms of sexual abuse and sexual exploitation of children should be subject to effective, proportionate and dissuasive penalties. This includes, in particular, various forms of sexual abuse and sexual exploitation of children which	(15) Serious forms of sexual abuse and sexual exploitation of children should be subject to effective, proportionate and dissuasive penalties. This includes, in particular, various forms of sexual abuse and sexual exploitation of children which are facilitated by the use of information and communication technology, such as the online solicitation of children for sexual purposes via social networking	

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	websites and chat rooms. The definition of child sexual abuse material should also be clarified and brought closer to that contained in international instruments. More broadly, the terminology used in this Directive should be brought into line with recognised international standards such as the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse adopted by the Interagency Working Group in Luxembourg on 28 January 2016.	are facilitated by the use of information and communication technology, such as the online solicitation of children for sexual purposes via social networking websites and chat rooms. The definition of child— sexual abuse material should also be clarified and brought closer to that contained in international instruments. More broadly, the terminology used in this Directive should be brought into line with recognised international standards such as the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse adopted by the Interagency Working Group in Luxembourg on 28 January 2016. ***Furthermore, to enhance the efficient implementation of this Directive, Member***	websites and chat rooms. The definition of child— sexual abuse material– should also be clarified and brought closer to that contained in international instruments. ~~More broadly,~~ The terminology used in this Directive should be brought into line with recognised international standards such as the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse adopted by the Interagency Working Group in Luxembourg on 28 January 2016**, as well as the UN Committee on the Rights of the Child's Report "Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography". The said Terminology Guidelines point out that the term child sexual abuse material is increasingly being used to replace the term child pornography. This switch of terminology is based on the argument that sexualised material that depicts or otherwise represents children is**	

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		States should harmonise and modernise the language used in their national law to align it with the language used in this Directive. As a crucial initial measure, that involves replacing the term 'child pornography' with 'child sexual abuse material'.	**indeed a representation and a form, of child sexual abuse, and should not be described as pornography.**	
27a		*(15a) In order to achieve greater protection for children online and to reinforce preventive measures, also the intentional conduct of exposing children to pornographic content, for sexual purposes, should be criminalised.*		
27b			**(15a) The change in terminology from 'child pornography' to 'child sexual abuse material' does not affect or prejudice any existing legal obligations of Member States arising from international legal instruments that use the term**	

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			'child pornography.' Following this change in terminology, Member States are encouraged, but not obliged, to adapt their national legislation accordingly.	
27c			**(15b) All forms of sexual abuse of children are of serious nature and should be criminalised. Moreover, offences involving vaginal and anal penetration, as well as forms of oral penetration of a sexual nature, are particularly serious and must be linked to very high penalties.**	
27d			**(15c) Engaging in sexual activities with children who have reached the age of sexual consent should be punishable if the child does not consent. When the child has reached the age of sexual consent and gives consent to a sexual act, it is necessary that this consent is given voluntarily, as a result of the child's freely formed will, considered in the context of the relevant surrounding circumstances.** **In cases in which the child is unable to form a free will, consent cannot be deemed to exist. Such situations could be**	

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			considered when abuse is made of a recognised position of trust, authority or influence over the child, abuse is made of a particularly vulnerable situation of the child, use is made of coercion, force or threats or the child is unconscious or intoxicated in a manner impacting their ability to form a free will. It is not required that the child indicates by words that it does not consent to the act. That the child does not consent to the act can also be derived from acts by the child or (other) circumstances revealing this, which may include freezing. Consent cannot be inferred solely from the child's physical non-resistance or past sexual conduct. **When determining what constitutes a child's free and voluntary consent, the Member States' judicial authorities should consider all the relevant circumstances of the case.**	
28	(16) The maximum term of imprisonment provided for in this Directive for the offences referred to therein should apply at least to	(16) The maximum term of imprisonment provided for in this Directive for the offences referred to therein should apply at least to	(16) The maximum term of imprisonment provided for in this Directive for the offences referred to therein should apply at least to	

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	the most serious forms of such offences.	the most serious forms of such offences.	the most serious forms of such offences.	
29	(17) In order to reach the maximum term of imprisonment provided for in this Directive for offences concerning sexual abuse and sexual exploitation of children and child sexual abuse material , Member States may combine, taking into account their national law, the imprisonment terms provided for in national legislation in respect of those offences.	(17) In order to reach the maximum term of imprisonment provided for in this Directive for offences concerning sexual abuse and sexual exploitation of children and child sexual abuse material , Member States may combine, taking into account their national law, the imprisonment terms provided for in national legislation in respect of those offences.	(17) In order to reach the maximum term of imprisonment provided for in this Directive for offences concerning sexual abuse and sexual exploitation of children and child— sexual abuse material-, Member States may combine, taking into account their national law, the imprisonment terms provided for in national legislation in respect of those offences.	
29a			**(17a) Member States retain the possibility to provide for more severe penalties for individual offences other than those provided for in this Directive.**	
30	(18) This Directive should oblige Member States to provide for criminal penalties in their national legislation in respect of the provisions of Union law on combating sexual abuse and sexual exploitation of children and child sexual abuse material . This Directive should not create any obligations regarding the application of such penalties, or	(18) This Directive should oblige Member States to provide for criminal penalties in their national legislation in respect of the provisions of Union law on combating sexual abuse and sexual exploitation of children and child sexual abuse material . This Directive should not create any obligations regarding the application of such penalties, or	(18) This Directive– should oblige Member States to provide for criminal penalties in their national legislation in respect of the provisions of Union law on combating sexual abuse ~~– and –~~ **and** sexual exploitation of children and child— sexual abuse material-. This Directive– should not– create ~~any –~~ **any** obligations regarding the application of such penalties, or	

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	any other available system of law enforcement, in individual cases.	any other available system of law enforcement, in individual cases.	any other available system of law enforcement, in individual cases.	
30a			**(18a) The criminal law of all Member States includes provisions on incitement, aiding, abetting and attempt. Member States should be able to have recourse to such general provisions when transposing rules of the current Directive, to the extent these rules to be transposed cover acts that would fall under the national definition of incitement, aiding, abetting or attempt.**	
31	(19) Especially for those cases where the offences referred to in this Directive are committed with the purpose of financial gain, Member States are invited to consider providing for the possibility to impose financial penalties in addition to imprisonment.	(19) Especially for those cases where the offences referred to in this Directive are committed with the purpose of financial gain, Member States are invited to consider providing for the possibility to impose financial penalties in addition to imprisonment.	(19) Especially for those cases where the offences referred to in this Directive are committed with the purpose of financial gain, Member States are invited to consider providing for the possibility to impose financial penalties in addition to imprisonment.	
32	(20) In the context of child sexual abuse material , the term not be considered to be committed without right' allows Member States to provide a defence in respect of conduct relating to material that could constitute	(20) In the context of child sexual abuse material , the term– not be considered to be committed without right' allows Member	(20) In the context of child sexual abuse material-, the term not be considered to be committed without right' allows Member States to provide a defence in respect of conduct relating to material– that could constitute	

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	child sexual abuse material having, for example, a medical, scientific or similar purpose. It also allows activities carried out under domestic legal powers, such as the legitimate possession of child sexual abuse material by the authorities in order to conduct criminal proceedings or to prevent, detect or investigate crime , or activities carried out by organisations acting in the public interest against child sexual abuse, when these organisations have been authorised by the competent authorities of the Member State in which they are established. These activities include, in particular, the reception, analysis and creation of reports of suspected child sexual abuse material, including the determination of the location where the material referred to in the reports is hosted, submitted to them by online users or other organisations acting in the public interest against child sexual abuse, as well as carrying out searches to detect the dissemination of child sexual abuse material . Furthermore, the term 'without right' does not exclude legal defences or similar relevant	States to provide a defence in respect of conduct relating to– material– that could constitute child sexual abuse material having, for example, a medical, scientific or similar purpose. ***Furthermore, the term 'without right' does not exclude legal defences or similar relevant principles that relieve a person of responsibility under specific circumstances.*** It also allows activities carried out under domestic legal powers, such as the legitimate possession of child– sexual abuse material by the authorities in order to conduct criminal proceedings or to prevent, detect or investigate crime–, or activities carried out by organisations***, such as hotlines,***	child sexual abuse material having, for example, a medical, scientific or similar purpose. It also allows activities carried out under domestic legal powers, such as the legitimate possession of child— sexual abuse material– by the authorities in order to conduct criminal proceedings or to prevent, detect or investigate crime–, or activities carried out by organisations acting in the public interest against child sexual abuse**. In the context of handbooks or manuals on how to commit offences covered by this Directive, the term "when committed without right" allows Member States to provide a defence for conduct relating to such handbooks when it serves a legitimate purpose, such as gathering evidence for reporting a crime, or medical, scientific, or similar defensible objectives. This may also cover for example other clearly justifiable actions, such as a concerned parent sharing a handbook with another parent. Member States decide in accordance with their national laws whether non-governmental organisations,**	

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	principles that relieve a person of responsibility under specific circumstances. .	-acting in the public interest against child sexual abuse, when these organisations have been authorised by the competent authorities of the Member State in which they are established. These activities include, in particular, the reception, analysis and creation of reports of suspected child sexual abuse material, including the determination of the location where the material referred to in the reports is hosted, submitted to them by online users or other organisations acting in the public interest against child sexual abuse, as well as carrying out searches to detect the dissemination of child sexual abuse material~~.~~ ~~*Furthermore, the term 'without right' does not exclude legal defences or similar relevant principles that relieve a person of*~~	**semi-public or public institutions will be authorised to carry out such activities. It is also up to the Member States to determine whether the whole organisation as such or selected individuals working on behalf and under the responsibility of such organisations will be authorised to carry out the activities.** **When provided for in national law, the work of organisations acting in the public interest against child sexual abuse, that receive reports from the public on child sexual abuse materials or facilitate removal of such materials and the investigation of the offences, should be encouraged by the Member States and European bodies, agencies and institutions. Where** ~~when~~ these organisations ~~have been authorised by the competent authorities of the Member State in which they are established~~**, acting in the public interest, review and analyse or otherwise process material constituting child sexual abuse for the purposes of removal and investigation, such processing should not be**	

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		~~*responsibility under specific circumstances. .*~~	**criminalised**. These activities **may further** include, in particular, the reception, analysis and creation of reports of suspected child sexual abuse material, including the determination of the location where the material referred to in the reports is hosted, submitted to them by online users or other organisations acting in the public interest against child sexual abuse, as well as carrying out searches **on publicly accessible material on hosting services** to detect the dissemination of child sexual abuse material~~—.~~**, using the reports of suspected child sexual abuse material, submitted to them by victims, online users or other organisations acting in the public interest against child sexual abuse.** Furthermore,~~—~~ the term 'without right' does not exclude legal defences or similar relevant principles that relieve a person of responsibility under specific circumstances~~.~~**, for example where telephone or Internet hotlines carry out activities to report those cases**.	
32a		***(20a) Organisations acting in the public***		

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		interest on the fight against child sexual abuse, such as the members of the INHOPE network of hotlines, have been active for years in several Member States, cooperating with law enforcement and providers to facilitate the process of removal and reporting of online child sexual abuse material. That work combats re-victimisation by limiting the spread of illegal material online, and can provide evidence to law enforcement of crimes committed. However, the legal framework in which they operate differs considerably from one Member State to another and is, in many cases, lacking in terms of the identification of the tasks that those		

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		organisations can lawfully undertake, as well as of the relevant conditions. Member States should be able to provide a legal framework for those organisations to carry out relevant tasks, and in particular the processing of child sexual abuse material, in which case the processing should not be considered to be "without right". Such legal framework is necessary as it increases legal certainty, maximise synergies between national authorities and other actors involved in the fight against child sexual abuse, and support victims' rights by removing child sexual abuse material from the public digital sphere.		
33	(21) Knowingly obtaining access, by means of information	(21) Knowingly obtaining access, by means of information	(21) Knowingly obtaining access, by means of information	

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	and communication technology, to child sexual abuse material should be criminalised. To be liable, the person should both intend to enter an online location where child sexual abuse material is available and know that such material can be found there. Penalties should not be applied to persons inadvertently accessing online locations containing child sexual abuse material . The intentional nature of the offence may notably be deduced from the fact that it is recurrent or that the offence was committed via a service in return for payment.	and communication technology, to child sexual abuse material should be criminalised. To be liable, the person should both intend to enter an online location where child sexual abuse material is available and know that such material can be found there. Penalties should not be applied to persons inadvertently accessing online locations containing child sexual abuse material . The intentional nature of the offence may notably be deduced from the fact that it is recurrent or that the offence was committed via a service in return for payment.	and communication technology, to child— sexual abuse material should be criminalised. To be liable, the person should both intend to ~~enter~~ **access** an online location– where child— sexual abuse material– is available and know that such— material— can be found there. Penalties should not be applied to persons inadvertently accessing— online locations containing child— sexual abuse material-. The intentional nature of the offence may notably be deduced from the fact that it is recurrent or that the offence was committed via a service in return for payment.	
34	(22) Solicitation of children for sexual purposes is a threat with specific characteristics in the context of the Internet, as the latter provides unprecedented anonymity to users because they are able to conceal their real identity and personal characteristics, such as their age. In the last decade, the use of information and communication technologies has provided offenders with increasingly easy access to children, where the contact often starts with the offender luring the	(22) Solicitation of children for sexual purposes is a threat with specific characteristics in the context of the Internet, as the latter provides unprecedented anonymity to users because they are able to conceal their real identity and personal characteristics, such as their age. In the last decade, the use of information and communication technologies has provided offenders with	(22) Solicitation of children for sexual purposes is a threat with specific characteristics in the context of the Internet, as the latter provides unprecedented anonymity to users because they are able to conceal their real identity and personal characteristics, such as their age.– In the last decade, the use of information and communication technologies has provided offenders with increasingly easy access to children, where the contact often starts with the offender	

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	child, for example by pretending to be a peer or with other deceitful or flattering conduct, into compromising situations. This increased access to children has led to the rapid growth of phenomena such as 'sextortion' (i.e. the conduct of threatening to share intimate material depicting the victim to obtain money, child sexual abuse material or any other benefit), affecting children both below and above the age of sexual consent. There has been a surge in recent years of financially motivated sextortion by organised crime groups that target in particular teenage boys, which have led to multiple cases of those children taking their lives. It is therefore essential that all these phenomena are appropriately covered in Member States's law. At the same time, Member States acknowledge the importance of also combating the solicitation of a child outside the context of the Internet, in particular where such solicitation is not carried out by using information and communication technology. Member States are encouraged to criminalise the conduct where the	increasingly easy access to children, where the contact often starts with the offender luring the child, for example by pretending to be a peer or with other deceitful or flattering conduct, into compromising situations ***taking place in both the real and virtual world***. This increased access to children has led to the rapid growth of phenomena such as ~~*'sextortion' (i.e*~~***sexual extorsion***. ***Sexual extorsion of children refers to the act*** ~~*the conduct*~~ of threatening to ~~*share*~~***distribute*** intimate material ~~*depicting the*~~***featuring a child*** victim ***in order*** to obtain money, child sexual abuse ***material, or other forms of gain, under the threat of sharing this*** material ~~*or any other benefit)*~~***without the depicted person's consent***, affecting	~~luring~~**soliciting** the child, for example by pretending to be a peer or with other deceitful or flattering conduct, into compromising situations. This increased access to children has led to the rapid growth of phenomena such as 'sextortion' (i.e. the conduct of threatening to share intimate material depicting the victim to obtain money, child sexual abuse material or any other benefit), affecting children both below and above the age of sexual consent. There has been a surge in recent years of financially motivated sextortion by organised crime groups that target in particular teenage boys, which have led to multiple cases of those children taking their lives. It is therefore essential that all these phenomena are appropriately covered in Member States's law.– **This includes sextortion with the use of self-generated sexually explicit content and sexually explicit content produced with the consent of the child but without the child's intention of disclosure to third persons or to the public. Online solicitation by an adult to meet a child who has**	

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	solicitation of a child to meet the offender for sexual purposes takes place in the presence or proximity of the child, for instance in the form of a particular preparatory offence, attempt to commit the offences referred to in this Directive or as a particular form of sexual abuse. Whichever legal solution is chosen to criminalise 'off-line grooming', Member States should ensure that they prosecute the perpetrators of such offences.	children both below and above the age of sexual consent. There has been a surge in recent years of financially motivated ***sexual extorsion*** ~~*sextortion*~~ by organised crime groups that target in particular teenage boys, which have led to multiple cases of those children taking their lives. It is therefore essential that all these phenomena are appropriately covered in Member States's law. At the same time, Member States acknowledge the importance of also combating the solicitation of a child outside the context of the Internet, in particular where such solicitation is not carried out by using information and communication technology. Member States are encouraged to criminalise the conduct	**not reached the age of sexual consent for the purpose of committing a sexual offence should be criminalized. In cases in which a peer proposes to meet for the purpose of consensual sexual activities, and this does not involve any abuse, exploitation, coercion or force, it shall be within the discretion of the Member States to decide if this should be punishable.** At the same time, Member States acknowledge the importance of also combating the solicitation of a child outside the context of the Internet, in particular where such solicitation is not carried out by using information and communication technology. Member States are encouraged to criminalise the conduct where the solicitation of a child to meet the offender for sexual purposes takes place in the presence or proximity of the child, for instance in the form of a particular preparatory offence, attempt to commit the offences referred to in this Directive or as a particular form of sexual abuse. Whichever legal solution is chosen to criminalise 'off-line grooming', Member	

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		where the solicitation of a child to meet the offender for sexual purposes takes place in the presence or proximity of the child, for instance in the form of a particular preparatory offence, attempt to commit the offences referred to in this Directive or as a particular form of sexual abuse. Whichever legal solution is chosen to criminalise 'off-line grooming', Member States should ensure that they prosecute the perpetrators of such offences.	States should ensure that they prosecute the perpetrators of such offences.	
35	(23) In light of recent technological developments and, in particular, of the development of augmented, extended and virtual reality settings, the criminalisation of the solicitation of children should not be limited to voice, text or mail conversations, but also include contacts or exchanges in augmented, extended or virtual reality settings, as well as large-scale solicitation of children through the use of chat-bots	(23) In light of recent technological developments and, in particular, of the development ***of artificial intelligence, and*** of augmented, extended and virtual reality settings, ***there is an urgent need to address more effectively the solicitation of children and to carry out periodic evaluations of the legal framework: the***	(23) In light of recent technological developments and, in particular, of the development of augmented, extended and virtual reality settings, the criminalisation of the solicitation of children **who have not reached the age of sexual consent** should not be limited to voice, text or mail conversations, but also include contacts or exchanges in augmented, extended or virtual reality settings, as well as large-scale solicitation of children	

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	trained for that purpose, as this phenomenon is itself expected to increase in light of the foreseeable evolution of artificial intelligence applications. Therefore "by means of information and communication technology" should be understood in a sufficiently broad way to cover all those technological developments.	~~*the*~~ criminalisation of the solicitation of children should not be limited to voice, text or mail conversations, but also include contacts ~~*or*~~, exchanges ***or meetings taking place in real or virtual worlds including in*** ~~*in*~~ augmented, extended or virtual reality settings, as well as large-scale solicitation of children through the use of chat-bots trained for that purpose, as this phenomenon is itself expected to increase in light of the foreseeable evolution of artificial intelligence applications. Therefore "by means of information and communication technology" should be understood in a sufficiently broad way to cover all those technological developments.	through the use of chat-bots trained for that purpose, as this phenomenon is itself expected to increase in light of the foreseeable evolution of artificial intelligence applications. Therefore "by means of information and communication technology" should be understood in a sufficiently broad way to cover all those technological developments.	
35a		***(23a) Artificial Intelligence systems are***		

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		being used to sexually abuse children in a number of ways, including by using images of real children to create child sexual abuse material, or by using voices of real children in such material. This results in the victimisation of real children, which may include survivors of prior child sexual abuse. The use of technology also enables offenders to disguise their identity and more effectively groom and abuse children online, for example through grooming automation techniques. To tackle those phenomena, the acquisition or possession, distribution, dissemination or transmission, the creation or adaptation of such tools designed or adapted primarily for the		

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		purpose of enabling the creation of child sexual abuse material should be criminalised.		
35b			**(23a) Live online child sexual abuse is also often transmitted to viewers through streaming over the Internet, with the help of social media platforms, or messaging applications. As a consequence of the development of world-wide connectivity and streaming devices, livestreaming of sexual abuse of children is also on the rise. Livestreaming can involve the "in-person" abuse of one or more children, transmitted online, or a child being forced to perform sexual acts in front of a webcam. This means the data are transmitted instantaneously to the viewer, who can watch and engage while the abuse is occurring. Such streaming leaves no trace on the device, because no file is downloaded. This increases the perception of impunity of the offender who proposes or gives money or other form of consideration and creates specific challenges for post-event investigation, particularly**	

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			relating to the recovery of evidence and the identification of victims and offenders. Member States should criminalise this behaviour.	
35c			**(23b) The intentional operation or administration of an information society service for the purpose of child sexual abuse or child sexual exploitation is an important driver for the serious criminality falling under this Directive. It should therefore be criminalised when it is intentionally designed or adapted to facilitate the commission of offences falling under this Directive. Operating or administering an information society service includes the activities related to the management and organisation of such service.**	
36	(24) This Directive does not govern Member States' policies with regard to consensual sexual activities in which children may be involved and which can be regarded as the normal discovery of sexuality in the course of human development, taking account of the different cultural	(24) This Directive does not govern Member States' policies with regard to consensual sexual activities in which children may be involved and which can be	(24) This Directive does not govern Member States' policies with regard to consensual sexual activities in which children may be involved and which can be regarded as the normal discovery of sexuality in the course of human development, taking account of the different cultural	

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	and legal traditions and of new forms of establishing and maintaining relations among children and adolescents, including through information and communication technologies. Member States which avail themselves of the possibilities referred to in this Directive do so in the exercise of their competences. More particularly, Member States should be able to exempt from criminalisation consensual sexual activities involving exclusively children above the age of sexual consent, as well as consensual sexual activities involving peers. The amendments to that Article are intended to clarify the scope of the derogation, in light of the fact that some Member States appear to have interpreted its original wording too broadly (e.g. by exempting from criminalisation consensual activities between minors above the age of consent and adults of any age, considered to be 'peers' despite a significant age difference).	regarded as the normal discovery of sexuality in the course of human development, taking account of the different cultural and legal traditions and of new forms of establishing and maintaining relations among children and adolescents, including through information and communication technologies. Member States which avail themselves of the possibilities referred to in this Directive do so in the exercise of their competences. More particularly, Member States should be able to exempt from criminalisation consensual sexual activities involving exclusively children above the age of sexual consent, as well as consensual sexual activities involving peers. ***Member States should ensure that peers are***	and legal traditions and of new forms of establishing and maintaining relations among children and adolescents, including through information and communication technologies. Member States which avail themselves of the possibilities referred to in this Directive do so in the exercise of their competences.– More particularly, Member States should be able to exempt from criminalisation consensual sexual activities involving ~~exclusively~~ children above the age of sexual consent, as well as consensual sexual activities involving **children and their** peers. The amendments ~~to that Article~~**of this provision** are intended to clarify the scope of the derogation~~, in light of the fact that some Member States appear to have interpreted its original wording too broadly (e.g. by exempting from criminalisation consensual activities~~**. Risks associated with creating and sharing self-generated sexual content** between ~~minors above~~**children who have reached** the age of **sexual** consent and adults ~~of any age,~~**or between**	

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		protected from prosecution for consensual and non-exploitative sexual activity, provided that there is no element of coercion, abuse of trust or dependency between the peers. The amendments to that Article are intended to clarify the scope of the derogation, in light of the fact that some Member States appear to have interpreted its original wording too broadly (e.g. by exempting from criminalisation consensual activities between minors above the age of consent and adults of any age, considered to be 'peers' despite a significant age difference). ***The provisions related to the age of consent should not be interpreted in a way which limits in any***	**children and their peers must be** considered ~~to be 'peers' despite a significant age difference)~~**when applying this derogation**.	

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		manner the criminalisation of child sexual abuse and the exploitation of children who have reached the age of consent as no child can consent to sexual abuse.		
37	(25) Member States should provide for aggravating circumstances in their national law in accordance with the applicable rules established by their legal systems on aggravating circumstances. They should ensure that those aggravating circumstances are available for judges to consider when sentencing offenders, although there is no obligation on judges to apply those aggravating circumstances. The aggravating circumstances should not be provided for in Member States' law when irrelevant taking into account the nature of the specific offence. The relevance of the various aggravating circumstances provided for in this Directive should be evaluated at national level for each of the offences referred to in this Directive.	(25) Member States should provide for aggravating circumstances in their national law in accordance with the applicable rules established by their legal systems on aggravating circumstances. ***The age of the victim, treatments aimed at changing a person's sexual orientation or gender identity (so-called "conversion therapy") and the fact that the offence was motivated by one or more of the grounds protected under Article 21 of the Charter of Fundamental Rights of the European Union should be taken into account as an***	(25) Member States should provide for aggravating circumstances in their national law in accordance with the applicable rules established by their legal systems on aggravating circumstances. ~~They should ensure that those aggravating circumstances are available for judges to consider when sentencing offenders, although there is no obligation on judges to apply those aggravating circumstances.~~ The **notion of** aggravating circumstances should ~~not be provided for in~~**be understood either as facts allowing the judge to pronounce a higher sentence for the same offence than the one normally incurred without these facts, or as the possibility of retaining several offences cumulatively in order to increase the level of**	

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		aggravating circumstance. They should ensure that those aggravating circumstances are available for judges to consider when sentencing offenders, although there is no obligation on judges to apply those aggravating circumstances. The aggravating circumstances should not be provided for in Member States' law when irrelevant taking into account the nature of the specific offence. The relevance of the various aggravating circumstances provided for in this Directive should be evaluated at national level for each of the offences referred to in this Directive.	**sanction. Therefore,** Member States~~' law when irrelevant taking into account the nature of the~~ **should not be obliged to provide for** specific ~~offence. The relevance of the various~~ aggravating circumstances ~~provided for in this Directive should be evaluated at~~**where** national ~~level for each of the~~**law provides for separate criminal** offences ~~referred to in this Directive~~**and this may lead to more severe sanctions**.	
37a			**(25a) Member States should ensure that at least one of the aggravating circumstances provided for in this Directive is provided for as a possible aggravating circumstance in accordance with applicable rules**	

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			in their legal system. In any case, it should remain within the discretion of the judge or the court to determine whether to increase or to decrease the sentence, taking into account the specific circumstances in each individual case.	
38	(26) Physical or mental incapacity under this Directive should be understood as also including the state of physical or mental incapacity caused by the influence of drugs and alcohol.	(26) Physical or mental incapacity under this Directive should be understood as also including the state of physical or mental incapacity caused by the influence of drugs***, medicines*** and alcohol***, or any substance that could compromise one's free will. Individuals in a state of incapacity cannot give informed and voluntary consent, making any sexual act under such circumstances inherently non-consensual.***	(26) Physical or mental incapacity under this Directive should be understood as also including the state of physical or mental incapacity caused by the influence of drugs and alcohol.	
39	(27) In combating sexual exploitation of children, full use should be made of existing instruments on the seizure and confiscation of the proceeds of	(27) In combating sexual exploitation of children, full use should be made of existing instruments on the seizure and confiscation of the proceeds of	(27) In combating sexual exploitation of children, full use should be made of existing instruments on the seizure and confiscation of the proceeds of	

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	crime, such as the United Nations Convention against Transnational Organized Crime[1] and the Protocols thereto, the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Council Framework Decision 2001/500/JHA [2], Council Framework Decision 2005/212/JHA [3] , and Directive […/…/…] of the European Parliament and of the Council[4] . The use of seized and confiscated instrumentalities and the proceeds from the offences referred to in this Directive to support victims' assistance and protection should be encouraged. _____ 1. OJ L 261, 6.8.2004, p. 70 2. Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1, ELI: http://data.europa.eu/eli/dec_framw/2001/500/oj 3. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49, ELI: http://data.europa.eu/eli/dec_framw/2005/212/oj). 4. COM(2022) 245 of 25.5.2022.	crime, such as the United Nations Convention against Transnational Organized Crime[1] and the Protocols thereto, the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Council Framework Decision 2001/500/JHA [2], Council Framework Decision 2005/212/JHA [3] , and Directive […/…/…] of the European Parliament and of the Council[4] . The use of seized and confiscated instrumentalities and the proceeds from the offences referred to in this Directive to support victims' assistance and protection should be encouraged. _____ 1. OJ L 261, 6.8.2004, p. 70 2. Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1, ELI: http://data.europa.eu/eli/dec_framw/2001/500/oj 3. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49, ELI: http://data.europa.eu/eli/dec_framw/2005/212/oj). 4. COM(2022) 245 of 25.5.2022.	crime, such as the United Nations Convention against Transnational Organized Crime[1] and the Protocols thereto, the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Council Framework Decision 2001/500/JHA [2], Council Framework Decision 2005/212/JHA [3]–, and Directive ~~[…/…/…]~~**(EU) 2024/1260** of the European Parliament and of the Council[4]-. The use of seized and confiscated instrumentalities and the proceeds from the offences referred to in this Directive to support victims' assistance and protection should be encouraged. _____ 1. OJ L 261, 6.8.2004, p. 70 2. Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1, ELI: http://data.europa.eu/eli/dec_framw/2001/500/oj 3. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49, ELI: http://data.europa.eu/eli/dec_framw/2005/212/oj).	

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			4. ~~COM~~**Directive (**~~2022~~**EU)** ~~245 of 25.5.2022~~**2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation (OJ L 1260, 2.5.2024, p. 1).**	
40	(28) Secondary victimisation should be avoided for victims of offences referred to in this Directive. For example, and without affecting the safeguards provided for in Directive (EU) 2016/800 of the European Parliament and of the Council[1], in Member States where prostitution or the appearance in pornography is punishable under national criminal law, it should be possible not to prosecute or impose penalties under those laws where the child concerned has committed those acts as a result of being victim of sexual exploitation or where the child was compelled to participate in child sexual abuse material. The term "compelled" should be understood in this case as covering also situations where the child has been lured to act, without having been forced or coerced, in addition to situations where the child was forced or coerced to act. _____	(28) Secondary victimisation should be avoided for victims of offences referred to in this Directive. For example, and without affecting the safeguards provided for in Directive (EU) 2016/800 of the European Parliament and of the Council[1], in Member States where prostitution or the appearance in pornography is punishable under national criminal law, it should be possible not to prosecute or impose penalties under those laws where the child concerned has committed those acts as a result of being victim of sexual exploitation or where the child was compelled to participate in child sexual abuse material. The term "compelled" should be understood in this case as covering also situations where the child has been lured to act, without having been forced or coerced, in addition to situations where the child was forced or coerced to act. _____	(28) Secondary victimisation should be avoided for victims of offences referred to in this Directive.– For example, and without affecting the safeguards provided for in Directive (EU) 2016/800 of the European Parliament and of the Council[1], in Member States where prostitution or the appearance in pornography is punishable under national criminal law, it should be possible not to prosecute or impose penalties under those laws where the child concerned has committed those acts as a result of being victim of sexual exploitation or where the child was compelled to participate in child— sexual abuse material. ~~The term "compelled" should be understood in this case as covering also situations where the child has been lured to act, without having been forced or coerced, in addition to situations where the child was forced or coerced to act.~~ _____	

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	1. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/800/oj.	1. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/800/oj.	1. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/800/oj.	
41	(29) As an instrument of approximation of criminal law, this Directive provides for levels of penalties which should apply without prejudice to the specific criminal policies of the Member States concerning child offenders.	(29) As an instrument of approximation of criminal law, this Directive provides for levels of penalties which should apply without prejudice to the specific criminal policies of the Member States concerning child offenders.	(29) As an instrument of approximation of criminal law, this Directive provides for levels of penalties which should apply without prejudice to the specific criminal policies of the Member States concerning child offenders.	
41a			**(29a) Where Member States, in the determination of fines to be imposed on legal persons, opt to implement the criterion of the total worldwide turnover of a legal person, they should decide whether to calculate that turnover based on the business year preceding that in which the criminal offence was committed, or on the business year preceding that of the decision to impose the fine. They should also consider providing for rules for cases where it is not possible to determine the amount of a fine on the basis of the total worldwide turnover of the legal**	

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			person in the business year preceding that in which the criminal offence was committed, or in the business year preceding that of the decision to impose the fine. In such cases, Member States should be able to take into account other criteria, such as total worldwide turnover in a different business year. Where those rules include the setting of fixed amounts of fines, it should not be necessary for the maximum levels of those amounts to reach the levels established in this Directive as the minimum requirement for the maximum level of fines set in fixed amounts.	
41b			**(29b) Where Member States opt for a maximum level of fines set in fixed amounts, such levels should be laid down in national law. The highest levels of such fines should apply to the most serious forms of criminal offences defined in this Directive committed by legal persons of financial strength. Member States should be able to determine the method of calculation of those highest levels of fines, including specific**	

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			conditions therefore. Member States are invited to regularly review the levels of fines set in fixed amounts having regard to rates of inflation and other fluctuations in monetary value, in accordance with procedures laid down in their national law. Member States that do not have the euro as their currency should provide for maximum levels of fines in their currency that correspond to the levels determined in this Directive in euro on the date of its entry into force. Those Member States are invited to regularly review the levels of fines also with regard to the development of the exchange rate.	
41c			**(29c) To the extent that conduct constituting a criminal offence as defined in this Directive is attributable to legal persons, such legal persons should be held liable for such an offence. In order to achieve the objectives of this Directive, Member States whose law provides for the criminal liability of legal persons should ensure that their law provides for effective, dissuasive and**	

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			proportionate types and levels of criminal penalties as laid down in this Directive. In order to achieve the objectives of this Directive, Member States whose law does not provide for the criminal liability of legal persons should ensure that their law provides for effective, dissuasive and proportionate types and levels of non-criminal penalties as laid down in this Directive. The maximum levels of fines provided for in this Directive for the criminal offences defined in it should apply at least to the most serious forms of such offences. The gravity of the conduct, as well as the individual, financial and other circumstances of the legal persons concerned, should be taken into account to ensure that the penalty imposed is effective, dissuasive and proportionate. Member States should be able to set the maximum levels of fines either as a percentage of the total worldwide turnover of the legal person concerned, or in fixed amounts. Member States should decide which of those two	

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			options they will use, when transposing this Directive.	
41d			**(29d) The establishment of the maximum level of fines is without prejudice to the discretion of judges or courts in criminal proceedings to impose appropriate penalties in individual cases. As this Directive does not establish any minimum levels of fines, the judges or courts should, in any case, impose appropriate penalties taking into account the individual, financial and other circumstances of the legal person concerned and the gravity of the conduct.**	
42	(30) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing sexual abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, their initiation should not depend, in principle, on a report or accusation made by the victim or by his or her representative.	(30) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing sexual abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, their initiation should not depend, in principle, on a report or accusation made by the victim or by his or her representative.	(30) Investigating offences and bringing charges in criminal proceedings should be facilitated, to take into account the difficulty for child victims of denouncing sexual abuse and the anonymity of offenders in cyberspace. To ensure successful investigations and prosecutions of the offences referred to in this Directive, their initiation should not depend, in principle, on a report or accusation made by the victim or by his or her representative. **The length of the**	

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			sufficient period of time for prosecution should be determined in accordance with national law. The length of the sufficient period of time for prosecution should be determined in accordance with national law.	
43	(31) Victims of sexual abuse and sexual exploitation of children are often unable to report the crime for several decades after its commission due to the shame, guilt and self-blame, which can be related, among others, to the social and cultural stigma that still surround sexual abuse, the secrecy in which the abuse takes place, threatening or blaming conduct by the perpetrator, and/or trauma. Perpetrators of sexual abuse and sexual exploitation of children, unlike perpetrators of other violent crimes, tend to remain active until old age, continuing to pose a threat to children. In light of this, effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children, as well as appropriate victims' assistance and support, can only be provided if statutes of limitations allow	(31) Victims of sexual abuse and sexual exploitation of children are often unable to report the crime for several decades after its commission due to the shame, guilt and self-blame, which can be related, among others, to the social and cultural stigma that still surround sexual abuse, the secrecy in which the abuse takes place, threatening or blaming conduct by the perpetrator, and/or ***trauma. Due to children's specific vulnerabilities and developmental limitations, they may not fully grasp that what occurred was abusive, especially if the abuser was a trusted adult. It may take***	(31) Victims of sexual abuse and sexual exploitation of children are often unable to report the crime for **years and even** ~~several~~ decades after its commission due to the shame, guilt and self-blame, which can be related, among others, to the social and cultural stigma that still surround sexual abuse, the secrecy in which the abuse takes place, threatening or blaming conduct by the perpetrator, and/or trauma. Perpetrators of sexual abuse and sexual exploitation of children, unlike perpetrators of other violent crimes, tend to remain active until old age, continuing to pose a threat to children. In light of this, effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children, as well as appropriate victims' assistance and support, can only be provided if	

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	victims to report the crime for a significantly extended period of time.	***reaching adulthood for survivors to develop the emotional maturity to recognise the abuse for what it was and to understand its long-term effects.*** Trauma ***can cause victims to repress or block out the memories as a protective measure for years***. Perpetrators of sexual abuse and sexual exploitation of children, unlike perpetrators of other violent crimes, tend to remain active until old age, continuing to pose a threat to children. In light of this, effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children, as well as appropriate victims' assistance and support, can only be provided if statutes of limitations ~~*allow victims to report the crime for a significantly extended period of time*~~***are abolished***.	statutes of limitations allow victims to report the crime for a significantly extended period of time. **Member States should take the necessary measures to ensure that statutes of limitation for initiating proceedings do not expire until the victim reaches the age of majority plus an adequate number of years in accordance with this Directive, without prejudice to national rules that do not set limitation periods for investigation, prosecution and enforcement. As long as this is guaranteed, Member States are free to determine the start and length of their statutes of limitation in accordance with their national legal system. For example, the time for which the limitation period is suspended or does not start following the commission of the crime until the victim reaches a certain age according to national law can be considered. Member States are permitted under this Directive to establish limitation periods shorter than those laid down in this Directive, provided that in their legal systems it is possible**	

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			to interrupt or suspend such shorter limitation periods in the event of acts which can be specified in accordance with national law.	
44	(32) Effective investigatory tools should be made available to those responsible for the investigation and prosecutions of the offences referred to in this Directive. Those tools could include interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations, taking into account, inter alia, the principle of proportionality and the nature and seriousness of the offences under investigation. In accordance with national law, such tools should also include the possibility for law enforcement authorities to use a concealed identity on the Internet and to distribute, under judicial supervision, child sexual abuse material. Requiring Member States to enable the use of these investigative techniques is essential to ensure the effective investigation and prosecution of offences involving sexual abuse	(32) Effective investigatory tools should be made available to those responsible for the investigation and prosecutions of the offences referred to in this Directive. Those tools could include interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations, taking into account, inter alia, the principle of proportionality and the nature and seriousness of the offences under investigation. In accordance with national law, such tools should also include the possibility for law enforcement authorities to use a concealed identity on the Internet and to distribute, under judicial supervision, child sexual abuse material. Requiring Member States to enable the use of these investigative techniques is essential to ensure the effective investigation and prosecution of offences involving sexual abuse	(32) Effective investigatory tools should be made available to those responsible for the investigation and prosecutions of the offences referred to in this Directive. Those tools could include interception of communications, covert surveillance including electronic surveillance, monitoring of bank accounts or other financial investigations **and, in accordance with applicable rules, access to retained subscriber, access and location data**, taking into account, ~~inter alia~~***inter alia***, the principle of proportionality and the nature and seriousness of the offences under investigation.~~ In~~ **In** accordance with national law, such tools should also include the possibility for law enforcement authorities to use a concealed identity on the Internet~~ and to distribute, under judicial supervision, child sexual abuse material. Requiring Member States to enable the use of~~ **on issues encountered in**	

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	and sexual exploitation of children. As those are, in most cases, facilitated or enabled by online tools and are therefore intrinsically cross-border, undercover operations and the use of so-called 'honeypots' have proven to be particularly effective investigative tools in relation to child sexual abuse and child sexual exploitation offences. To ensure effective investigation and prosecution, Member States' competent authorities should also cooperate through and with Europol and Eurojust, within their respective competences and in accordance with the applicable legal framework. These competent authorities should also share information among each other and with the Commission on issues encountered in investigations and prosecutions.	and sexual exploitation of children. As those are, in most cases, facilitated or enabled by online tools and are therefore intrinsically cross-border, undercover operations and the use of so-called 'honeypots' have proven to be particularly effective investigative tools in relation to child sexual abuse and child sexual exploitation offences. To ensure effective investigation and prosecution, Member States' competent authorities should also cooperate through and with Europol and Eurojust, within their respective competences and in accordance with the applicable legal framework. These competent authorities should also share information among each other and with the Commission on issues encountered in investigations and prosecutions.	**investigations and prosecutions. Where appropriate,** these ~~investigative techniques is essential to ensure the effective investigation and prosecution of offences involving sexual abuse and sexual exploitation of children. As those are, in most cases, facilitated or enabled by online~~ tools ~~and are therefore intrinsically cross-border, undercover operations and the use of so-called 'honeypots' have proven to be particularly effective~~**should include special** investigative tools**, such as those which are used in countering organised crime or other serious crime cases, like the possibility to conduct undercover investigations** ~~in relation to child sexual abuse and child sexual exploitation offences~~. To ensure effective investigation and prosecution, Member States~~'~~ ~~competent authorities~~ should ~~also cooperate through and with Europol and Eurojust, within their respective competences and in accordance with the applicable legal framework. These competent authorities should also share information among each~~**consider**	

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			providing frameworks for close cooperation between financial services and other ~~and with the Commission on issues encountered in investigations and prosecutions~~**relevant service providers such as providers of live streaming services. This would reduce impunity and ensure that all of the offences covered by this Directive can be investigated effectively, using targeted and appropriate tools and resources**.	
45	(33) Some forms of online child sexual abuse, such as the live streaming of abuse of children, often committed physically by persons present in third countries at the request of paying perpetrators in the EU, create particular investigative challenges, as the streamed abuse does not usually leave images or recorded traces behind. Cooperation with financial services defined in Article 2, point (b), of Directive 2002/65/EC of the European Parliament and of the Council[1] and other relevant service providers can be crucial to overcome challenges in investigating and prosecuting such offences. Hence,	(33) Some forms of online child sexual abuse, such as the live streaming of abuse of children, often committed physically by persons present in third countries at the request of paying perpetrators in the EU, create particular investigative challenges, as the streamed abuse does not usually leave images or recorded traces behind. Cooperation with financial services defined in Article 2, point (b), of Directive 2002/65/EC of the European Parliament and of the Council[1] and other relevant service providers can be crucial to overcome challenges in investigating and prosecuting such offences. Hence,	(33) ~~Some forms of online child sexual abuse, such as the live streaming of abuse of children, often committed physically by persons present in third countries at the request of paying perpetrators in the EU, create particular investigative challenges, as the streamed abuse does not usually leave images or recorded traces behind. Cooperation with financial services defined in Article 2, point (b), of Directive 2002/65/EC of the European Parliament and of the Council[1] and other relevant service providers can be crucial to overcome challenges in investigating and prosecuting such offences. Hence,~~	

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	to ensure effective investigation and prosecution, Member States should consider providing frameworks for close cooperation between financial services and other relevant service providers such as providers of live streaming services. This would reduce impunity and ensure that all of the offences covered by this Directive can be investigated effectively, using targeted and appropriate tools and resources. _____ 1. Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC (OJ L 271, 9.10.2002, p. 16, ELI: http://data.europa.eu/eli/dir/2002/65/oj).	to ensure effective investigation and prosecution, Member States should consider providing frameworks for close cooperation between financial services and other relevant service providers such as providers of live streaming services. This would reduce impunity and ensure that all of the offences covered by this Directive can be investigated effectively, using targeted and appropriate tools and resources. _____ 1. Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC (OJ L 271, 9.10.2002, p. 16, ELI: http://data.europa.eu/eli/dir/2002/65/oj).	~~to ensure effective investigation and prosecution, Member States should consider providing frameworks for close cooperation between financial services and other relevant service providers such as providers of live streaming services. This would reduce impunity and ensure that all of the offences covered by this Directive can be investigated effectively, using targeted and appropriate tools and resources.~~ _____ ~~1. Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC (OJ L 271, 9.10.2002, p. 16, ELI: http://data.europa.eu/eli/dir/2002/65/oj).~~	
46	(34) Member States should encourage any person who has knowledge or suspicion of the sexual abuse or sexual exploitation of a child to report to the competent services. In particular, Member States should make available information to children about the possibility to report the abuse, including to helplines. It is the responsibility of each Member	(34) Member States should encourage any person who has knowledge or suspicion of the sexual abuse or sexual exploitation of a child to report to the competent services. In particular, Member States should make available information to children about the	(34) Member States should encourage any person who has knowledge or suspicion of the sexual abuse or sexual exploitation of a child to report to the competent services.– In particular, Member States should make available information to children about the possibility to report the abuse, including to helplines.– It is the responsibility of each Member	

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	State to determine the competent authorities to which such suspicions may be reported. Those competent authorities should not be limited to child protection services or relevant social services. The requirement of suspicion 'in good faith' should be aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untrue facts carried out with malicious intent.	possibility to report the abuse, including to helplines ***and through the communication platforms that young people use most frequently***.– It is the responsibility of each Member State to determine the competent authorities to which such suspicions may be reported. Those competent authorities should not be limited to child protection services or relevant social services. The requirement of suspicion 'in good faith' should be aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untrue facts carried out with malicious intent.	State to determine the competent authorities to which such suspicions may be reported. Those competent authorities should not be limited to child protection services or relevant social services**, but can also include for example youth welfare offices**. The requirement of suspicion 'in good faith' should be aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untrue facts carried out with malicious intent.	
46a		***(34a) All professionals, whether staff or contractuals, and volunteers in close contact with children should undergo***		

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		mandatory training to recognise abuses and the steps to be taken to ensure the safety of a child. That training should focus on what constitutes online and offline child sexual abuse, help recognising indicators of abuse such as physical injuries, emotional distress, behavioural changes, and help identifying available reporting procedures.		
46b			**(34a) In the case of child sexual abuse or sexual exploitation, especially where committed by close family members or intimate partners, victims might be under such duress from the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure that their confidentiality rules do not constitute an obstacle for professionals working in close contact with children to report to the competent authorities,**	

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			where they have reasonable grounds to believe that the child is the victim or could become a victim under this Directive. Such reporting is justified because such acts might not be reported by those who experience or directly witness them. Similarly, offences against children are often only intercepted by third parties noticing irregular behavior or physical harm to the child. Children need to be effectively protected from such forms of violence and adequate measures promptly taken. Therefore, professionals who come into contact with child victims, including healthcare, social services or education professionals, should not be constrained by confidentiality rules where they have reasonable grounds to believe that serious harm has been or could be inflicted on a child. Where professionals report such instances of abuse or exploitation, Member States should ensure that they are not held liable for breach of confidentiality. However, legal professional privilege should be	

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			protected, in accordance with Article 7 of the Charter, as justified by the fundamental role assigned to lawyers in a democratic society.	
46c		***(34b) Member States should ensure that existing and new reporting mechanisms, including through information and communication technologies, are easily accessible, safe, child-appropriate, confidential, and free of charge. Thirdparty reporting should be offered as an option to victims to facilitate their access to justice, in particular when they fear repercussions in case they reported the crime in person or when they face other barriers to contacting the competent authorities directly. Adequate resources and staff should be made available to ensure correct support and care, and***		

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		reporting mechanisms should be inserted within specialised interagency structures to combat child sexual abuse.		
47	(35) Rules on jurisdiction should be amended to ensure that sexual abusers or sexual exploiters of children from the Union face prosecution even if they commit their crimes outside the Union, in particular via so-called sex tourism. The sexual exploitation of children in travel and tourism should be understood as the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children. Where the sexual exploitation of children in travel and tourism takes place outside the Union, Member States are encouraged to seek to increase, through the available national and international instruments including bilateral or multilateral treaties on extradition, mutual assistance or a transfer of the proceedings, cooperation with third countries and international organisations with a view to combating sex	(35) Rules on jurisdiction should be amended to ensure that sexual abusers or sexual exploiters of children from the Union face prosecution even if they commit their crimes outside the Union, in particular via so-called sex tourism. The sexual exploitation of children in travel ~~*and*~~ ***or*** tourism – should be understood as the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children ***and partake in offences as described in this Directive***. Where – the sexual exploitation of	(35) Rules on jurisdiction should be amended to ensure that sexual abusers or sexual exploiters of children from the Union face prosecution even if they commit their crimes outside the Union, in particular via so-called sex tourism. The sexual exploitation of children in travel and tourism should be understood as the sexual exploitation of children by a person or persons who travel from their usual environment to a destination abroad where they have sexual contact with children. Where the sexual exploitation of children in travel and tourism takes place outside the Union, Member States are encouraged to seek to increase, through the available national and international instruments including bilateral or multilateral treaties on extradition, mutual assistance or a transfer of the proceedings, cooperation with third countries and international organisations with a view to combating sex	

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	tourism. Member States should foster open dialogue and communication with countries outside the Union in order to be able to prosecute perpetrators, under the relevant national legislation, who travel outside the Union borders for the purposes of the sexual exploitation of children in travel and tourism .	children in travel ~~*and*~~***or*** tourism takes place outside the Union, Member States are encouraged to seek to increase, through the available national and international instruments including bilateral or multilateral treaties on extradition, mutual assistance or a transfer of the proceedings, cooperation with third countries and international organisations with a view to combating ~~*sex tourism*~~***sexual exploitation of children abroad***. Member States should foster open dialogue and communication with countries outside the Union in order to be able to prosecute perpetrators, under the relevant national legislation, who travel outside the Union borders for the purposes of the sexual exploitation of children in travel ~~*and*~~***or*** tourism .	tourism. Member States should foster open dialogue and communication with countries outside the Union in order to be able to prosecute perpetrators, under the relevant national legislation, who travel outside the Union borders for the purposes of the sexual exploitation of children in travel and tourism-.	

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48	(36) Measures to protect child victims in a comprehensive manner should be adopted in their best interest, taking into account an assessment of their needs. Effective child protection requires a whole of society approach. With the child at the centre, all relevant authorities and services should work together to protect and support the child, in their best interests. The "Barnahus" model of providing a child-friendly environment staffed with specialists from all relevant disciplines is currently the most advanced example of a child-friendly approach to justice and to avoiding revictimisation. The relevant provisions of this Directive are built on the principles of that model. That model aims to ensure that all children involved in child abuse or child sexual exploitation investigations benefit from a high-quality assessment in child-friendly settings, appropriate psychosocial support and child protective services. This Directive attempts to ensure that all Member States uphold these principles, although it does not require the	(36) Measures to protect child victims in a comprehensive manner should be adopted in their best interest, taking into account an assessment of their needs. Effective child protection requires a whole of society approach. With the child at the centre, all relevant authorities and services should work together to protect and support the child, in their best interests. The "Barnahus" model of providing a child-friendly environment staffed with specialists from all relevant disciplines is currently the most advanced example of a child-friendly approach to justice and to avoiding revictimisation. The relevant provisions of this Directive are built on the principles of that model. That model aims	(36) Measures to protect child victims in a comprehensive manner should be adopted in their best interest, taking into account an assessment of their needs. Effective child protection requires a whole of society approach. With the child at the centre, all relevant authorities and services should work together to protect and support the child, in their best interests.– The "Barnahus" model of providing a child-friendly environment staffed with specialists from all relevant disciplines is ~~currently the most~~**one of several** advanced ~~example~~**examples** of a child-friendly approach to justice and to avoiding revictimisation. The relevant provisions of this Directive are built on the principles of that model. That model aims to ensure that all children involved in child abuse or child sexual exploitation investigations benefit from a high-quality assessment in child-friendly settings, appropriate psychosocial support and child protective services. This Directive attempts to ensure that all Member States uphold these principles,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States to follow the Barnahus model as such. Where medical examinations of the child are necessary for the purposes of the criminal investigations, for example to gather evidence of abuse, these should be limited to the strictly necessary in order to limit retraumatisation. This obligation should not prevent other medical examinations necessary for the well-being of the child. Child victims should have easy access to child friendly justice, legal remedies and measures to address conflicts of interest where sexual abuse or sexual exploitation of a child occurs within the family. When a special representative should be appointed for a child during a criminal investigation or proceeding, this role may be also carried out by a legal person, an institution or an authority. Moreover, child victims should be protected from penalties, for example under national legislation on prostitution, if they bring their case to the attention of competent authorities. Furthermore, participation in criminal proceedings by child victims should not cause additional trauma	to ensure that all children involved in child abuse or child sexual exploitation investigations benefit from a high-quality assessment in child-friendly settings, appropriate psychosocial support and child protective services. This Directive attempts to ensure that all Member States uphold these ***victim-oriented*** principles ***and put in place age-appropriate and multidisciplinary child-protection systems to provide effective care and legal support to child victims***, although it does not require the Member States to ~~*follow the*~~ ***implement the*** Barnahus model as such. Where medical examinations of the child are necessary for the purposes of the criminal investigations, for example to gather evidence of abuse,	although it does not require the Member States to follow the Barnahus model as such. Where medical examinations of the child are necessary for the purposes of the criminal investigations, for example to gather evidence of abuse, these should be ~~limited to the strictly necessary in order to limit retraumatisation~~**carried out by professionals trained for this purpose in accordance with national standards for the medical profession**. This obligation should not prevent other medical examinations necessary for the well-being of the child. Child victims should have easy access to– child friendly justice, legal remedies and measures to address conflicts of interest where sexual abuse or sexual exploitation of a child occurs within the family. When a special representative should be appointed for a child during a criminal investigation or proceeding, this role may be also carried out by a legal person, an institution or an authority. Moreover, child victims should be protected from penalties, for example under national legislation on prostitution, if they bring their	

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	to the extent possible, as a result of interviews or visual contact with offenders. All authorities involved in the proceedings should be trained in child friendly justice. A good understanding of children and how they behave when faced with traumatic experiences will help to ensure a high quality of evidence-taking and also reduce the stress placed on children when carrying out the necessary measures. Where child victims participate in criminal proceedings, the court should take full account of their age and maturity in conducting the proceedings and should ensure that the proceedings are accessible and understandable to the child.	these should be limited to the strictly necessary in order to limit retraumatisation. This obligation should not prevent other medical examinations necessary for the well-being of the child.– Child victims should have easy access to– child friendly justice, legal remedies and measures to address conflicts of interest where sexual abuse or sexual exploitation of a child occurs within the family. When a special representative should be appointed for a child during a criminal investigation or proceeding, this role may be also carried out by a legal person, an institution or an authority. Moreover, child victims should be protected from penalties, for example under national legislation on prostitution, if	case to the attention of competent authorities. Furthermore, participation in criminal proceedings by child victims should not cause additional trauma to the extent possible, as a result of interviews or visual contact with offenders.– All authorities involved in the proceedings should**, where appropriate and without prejudice to the judicial independence,** be trained in child friendly justice. A good understanding of children and how they behave when faced with traumatic experiences will help to ensure a high quality of evidence-taking and also reduce the stress placed on children when carrying out the necessary measures. Where child victims participate in criminal proceedings, the court should take ~~full~~ account of their age and maturity in conducting the proceedings and should ensure that the proceedings are accessible and understandable to the child.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		they bring their case to the attention of competent authorities. Furthermore, participation in criminal proceedings by child victims should not cause additional trauma to the extent possible, as a result of interviews or visual contact with offenders. All authorities involved in the proceedings should be trained in child friendly justice. A good understanding of children and how they behave when faced with traumatic experiences will help to ensure a high quality of evidence-taking and also reduce the stress placed on children when carrying out the necessary measures. Where child victims ***or child witness*** participate in criminal proceedings, the court should take		

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		full account of their age and maturity in conducting the proceedings and should ensure that the proceedings are accessible and understandable to the child. ***The child's right to be heard and to participate meaningfully should be prioritised, ensuring that the child's views are heard and respected throughout the process.***		
48a		***(36a) It is essential for Member States to establish multidisciplinary structures to integrate expertise from law enforcement, child protection agencies, healthcare professionals, educators and mental health specialists. Those structures should be tailored to addressing the complexities of online exploitation and should encompass swift and coordinated***		

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		responses to identify, investigate and prosecute offenders while safeguarding the well-being of victims. Those structures, which should be based on the Barnahus model, should be supported by the extensive training, education and professional development of staff and should facilitate the establishment of physical support centres. They should enable victims to receive treatment and participate in criminal proceedings available in one place without the risk of repeated re-traumatisation. Those structures are the most efficient approach for supporting child victims of abuse due to their holistic, child-centred, and multidisciplinary nature. Promoting the standards of the Barnahus model is		

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		essential for ensuring the well-being and rights of child victims. To ensure better reporting, Member States should be encouraged to diversify reporting mechanisms, taking into account the diverse and evolving manifestations of the crimes and the child's needs and specific vulnerabilities.		
49	(37) Member States should provide tailored and comprehensive short- and long-term assistance to child victims. Any harm caused by the sexual abuse and sexual exploitation of a child is significant and should be addressed as soon as possible after the first contact of the victim with the authorities. Immediate assistance to victims before and during criminal investigations and proceedings is essential to limit the long-term trauma linked to the abuse suffered. To facilitate the swift provision of assistance, including the identification of the relevant support services, Member States should issue guidelines and	(37) Member States should provide tailored and comprehensive short- and long-term assistance to child victims ***and survivors irrespective of whether they have filed a formal complaint. Survivors should be understood as a person who has experienced sexual violence as a child, irrespective of their legal status and their recognition as a victim of a crime by a***	(37) Member States ~~should~~ **may** provide tailored and comprehensive– short- and long-term assistance to child victims. Any harm caused by the sexual abuse and sexual exploitation of a child is significant and should be addressed– as soon as possible after the first contact of the victim with the authorities. Immediate assistance to victims before and during criminal investigations and proceedings is essential to limit the long-term trauma linked to the abuse suffered. To facilitate the swift provision of assistance, including the identification of the relevant support services, Member States should ~~issue~~**base their**	

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	protocols for healthcare, education and social service professionals, including the staff at helplines . Because of the nature of the harm caused by sexual abuse and sexual exploitation, such assistance should continue for as long as necessary for the child's physical and psychological recovery and may last into adulthood if necessary. Assistance and advice should be considered to be extended to parents , carers or guardians of the child victims where they are not involved as suspects in relation to the offence concerned, in order to help them to assist child victims throughout the proceedings.	***legal system***. Any harm caused by the sexual abuse and sexual exploitation of a child is significant and should be addressed as soon as possible after the first contact of the victim with the authorities. Immediate assistance to victims before and during criminal investigations and proceedings is essential to limit the long-term trauma linked to the abuse suffered. To facilitate the swift provision of assistance, including the identification of the relevant support services, Member States should issue guidelines and protocols for healthcare, education and social service professionals, including the staff at helplines . Because of the nature of the harm caused by sexual abuse and sexual exploitation, such	**assistance on** guidelines and protocols for healthcare, education and social service professionals, including the staff at helplines-. Because of the nature of the harm caused by sexual abuse and sexual exploitation, such assistance should continue for as long as necessary for the child's physical and psychological recovery and may last into adulthood if necessary. Assistance and advice should be considered to be extended to parents–, carers— or guardians of the child victims where they are not involved as suspects in relation to the offence concerned, in order to help them to assist child victims throughout the proceedings**, even when they reached adulthood**.	

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		assistance should continue for as long as necessary for the child's physical and psychological recovery and may last into adulthood if necessary. Assistance and advice should be considered to be extended to parents, carers or guardians of the child victims where they are not involved as suspects in relation to the offence concerned, in order to help them to assist child victims throughout the proceedings.		
50	(38) The trauma arising from sexual abuse and sexual exploitation of children often lasts well into adulthood, entailing long-term effects which often prevent victims from reporting the offence and from seeking assistance and support for years or even decades. Therefore, Member States should provide tailored and comprehensive short- and long-term assistance not only to child victims, but also to adult survivors	(38) The trauma arising from sexual abuse and sexual exploitation of children often lasts well into adulthood, entailing long-term effects which often prevent victims from reporting the offence and from seeking assistance and support for years or even decades. Therefore, Member States should provide tailored and comprehensive short- and long-term assistance not only to child victims, but also to adult survivors	(38) The trauma arising from sexual abuse and sexual exploitation of children often lasts well into adulthood, entailing long-term effects which often prevent victims from reporting the offence and from seeking assistance and support for years or even decades. Therefore, Member States should provide tailored and comprehensive short- and long-term assistance not only to child victims, but also to adult	

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	of child sexual abuse and sexual exploitation.	of child sexual abuse and sexual exploitation.	~~survivors~~**victims** of child sexual abuse and sexual exploitation.	
51	(39) Directive 2012/29/EU establishes a set of victims' rights in criminal proceedings, including the right to protection and the right to receive a decision on compensation from the offender . The proposal for the revision of the Victims' Rights Directive provides for targeted amendments to all victims' rights. In addition to the rights established under that Directive, child victims of sexual abuse, sexual exploitation and child sexual abuse material should be given access to legal counselling and, in accordance with the role of victims in the relevant justice systems, to legal representation, including for the purpose of claiming compensation. Such legal counselling and legal representation could also be provided by the competent authorities for the purpose of claiming compensation from the State. The purpose of legal counselling is to enable victims to be informed and receive advice about the various possibilities open to them. Legal counselling should be provided by a person	(39) Directive 2012/29/EU establishes a set of victims' rights in criminal proceedings, including the right to protection and– the right to receive a decision on– compensation– from the offender ***and any organisation liable for child sexual abuse and exploitation***. The proposal for the revision of the Victims' Rights Directive provides for targeted amendments to all victims' rights. In addition– to the rights established under that Directive,– child victims of sexual abuse, sexual exploitation and child sexual abuse material– should be given access to legal counselling and, in accordance with the role of victims in the relevant justice systems, to legal representation, including	(39) Directive 2012/29/EU establishes a set of victims' rights in criminal proceedings, including the right to protection and– the right to receive a decision on compensation– from the offender-. The proposal for the revision of the Victims' Rights Directive provides for targeted amendments to ~~all~~**several** victims' rights.– In addition– to the rights established under that Directive,– child victims of sexual abuse, sexual exploitation and child– sexual abuse material– should be given access to legal counselling and, in accordance with the role of victims in the relevant justice systems, to legal representation, including for the purpose of claiming compensation~~. Such legal counselling and legal representation could also be provided by the competent authorities for the purpose of claiming compensation~~ from the ~~State~~**offender**. The purpose of legal counselling is to enable victims to be informed and receive advice about the various possibilities open to them. **The**	

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	having received appropriate legal training without necessarily being a lawyer. Legal counselling and, in accordance with the role of victims in the relevant justice systems, legal representation should be provided free of charge, at least when the victim does not have sufficient financial resources, in a manner consistent with the internal procedures of Member States.	for the purpose of claiming compensation. Such legal counselling and legal representation could also be provided by the competent authorities for the purpose of claiming compensation from the State. The purpose of legal counselling is to enable victims to be informed and receive advice about the various possibilities open to them. Legal counselling should be provided by a person having received appropriate legal training without necessarily being a lawyer. Legal counselling and, in accordance with the role of victims in the relevant justice systems, legal representation should be provided free of charge, at least when the victim does not have sufficient financial resources, in a manner consistent with the	**possibility of access to** legal ~~counselling~~**counsel for the victim** should be ~~provided by a person having received appropriate legal training~~ without ~~necessarily being a lawyer. Legal counselling and~~**prejudice to the monopoly reserved in some Member States for certain categories of persons to provide such advice, in particular lawyers. Moreover, it is left to the Member States to determine**, in accordance with ~~the role of victims in the relevant justice systems, legal representation should be provided free of charge, at least when the victim does not have sufficient financial resources, in a manner consistent with the internal procedures of Member States~~**their national law, the framework and place in which such advice is given**.	

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		internal procedures of Member States. ***The victims' right to compensation should not be subject to a limitation period.***		
52	(40) The EU Centre to prevent and combat child sexual abuse ('EU Centre'), established by Regulation […/…/EU laying down rules to prevent and combat child sexual abuse][1], should support Member States' prevention and assistance to victims' efforts and obligations under this Directive. It should facilitate the exchange of best practices in the Union and beyond. The EU Centre should encourage dialogue between all relevant stakeholders to help the development of state-of-the-art prevention programmes. Moreover, by cooperating with Member States and contributing to the standardisation of data collection concerning child sexual abuse and sexual exploitation throughout the Union, the EU Centre should be an asset in supporting evidence-based policy on both prevention and assistance to victims. Member States should establish national authorities or	(40) The EU Centre ~~*to prevent and combat*~~***for*** child ~~*sexual abuse*~~ ***protection*** ('EU Centre'), established by Regulation […/…/EU laying down rules to prevent and combat child sexual abuse][11] ~~1~~, should support Member States' prevention and assistance to victims' efforts and obligations under this Directive. ***Laying down those rules and establishing the EU Centre without undue delay is of paramount importance in order to streamline and enhance the multiple efforts to prevent and combat child sexual abuse across the Union.*** It should facilitate the exchange of best practices in the Union	(40) ~~The EU Centre to prevent and combat child sexual abuse ('EU Centre'), established by Regulation […/…/EU laying down rules to prevent and combat child sexual abuse][1], should support Member States' prevention and assistance to victims' efforts and obligations under this Directive. It should facilitate the exchange of best practices in the Union and beyond. The EU Centre should encourage dialogue between all relevant stakeholders to help the development of state-of-the-art prevention programmes. Moreover, by cooperating with Member States and contributing to the standardisation of data collection concerning child sexual abuse and sexual exploitation throughout the Union, the EU Centre should be an asset in supporting evidence-based policy on both prevention and assistance to victims. Member States should establish national authorities or~~	

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	equivalent entities as they consider most appropriate according to their internal organisation, taking into account the need for a minimal structure with identified tasks, capable of carrying out assessments of trends in child sexual abuse, of gathering statistics, of measuring the results of actions to prevent and combat child sexual abuse, and of regularly reporting on such trends, statistics and results. Such national authorities should serve as a national contact point and should take an integrative multistakeholder approach in their work. In addition, Member States should establish the necessary mechanisms at national level to ensure effective coordination and cooperation in the development and implementation of measures to prevent and combat child sexual abuse and child sexual exploitation, both online and offline, among all relevant public and private actors, as well as facilitate cooperation with the EU Centre and the Commission. 1. COM (2022) 209 of 11.5.2022.	and beyond. The EU Centre should encourage dialogue between all relevant stakeholders to help the development of state-of-the-art prevention programmes. Moreover, by cooperating with Member States and contributing to the standardisation of data collection concerning child sexual abuse and sexual exploitation throughout the Union, the EU Centre should be an asset in supporting evidence-based policy on both prevention and assistance to victims. Member States should establish national authorities or equivalent entities as they consider most appropriate according to their internal organisation, taking into account the need for a minimal structure with identified tasks, capable of carrying out assessments	~~equivalent entities as they consider most appropriate according to their internal organisation, taking into account the need for a minimal structure with identified tasks, capable of carrying out assessments of trends in child sexual abuse, of gathering statistics, of measuring the results of actions to prevent and combat child sexual abuse, and of regularly reporting on such trends, statistics and results. Such national authorities should serve as a national contact point and should take an integrative multistakeholder approach in their work. In addition, Member States should establish the necessary mechanisms at national level to ensure effective coordination and cooperation in the development and implementation of measures to prevent and combat child sexual abuse and child sexual exploitation, both online and offline, among all relevant public and private actors, as well as facilitate cooperation with the EU Centre and the Commission.~~ ~~1. COM (2022) 209 of 11.5.2022.~~	

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		of trends in child sexual abuse, of gathering statistics, of measuring the results of actions to prevent and combat child sexual abuse, and of regularly reporting on such trends, statistics and results. Such national authorities should serve as a national contact point and should take an integrative multistakeholder approach in their work. In addition, Member States should establish the necessary mechanisms at national level to ensure effective coordination and cooperation in the development and implementation of measures to prevent and combat child sexual abuse and child sexual exploitation, both online and offline, among all relevant public and private		

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		actors, as well as facilitate cooperation with the EU Centre and the Commission. ***Since the EU Centre is established by Regulation [../../EU laying down rules to prevent and combat child sexual abuse], all provisions of this Directive that refer to it should apply from the date of entry into force of that Regulation.*** 1. COM (2022) 209 of 11.5.2022.		
53	(41) Member States may choose to appoint existing bodies or entities, such as national Coordinating Authorities already designated in accordance with Regulation […/…/EU Proposed CSA regulation], as national authorities or equivalent mechanisms under this Directive, to the extent that this is compatible with the need to ensure that the tasks attributed to them under this Directive are performed effectively and in full.	(41) Member States may choose to appoint existing bodies or entities, such as national Coordinating Authorities already designated in accordance with Regulation […/…/EU Proposed CSA regulation], as national authorities or equivalent mechanisms under this Directive, to the extent that this is compatible with the need to ensure that the tasks attributed to them under this Directive are performed effectively and in full.	(41) Member States may choose to appoint existing bodies or entities~~, such as national Coordinating Authorities already designated in accordance with Regulation […/…/EU Proposed CSA regulation]~~, as national authorities or equivalent mechanisms under this Directive, to the extent that this is compatible with the need to ensure that the tasks attributed to them under this Directive are performed effectively and in full.	

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54	(42) Member States should undertake action to prevent or prohibit acts related to the promotion of child sexual abuse and the sexual abuse and sexual exploitation of children in travel and tourism . Different preventative measures could be considered, such as the drawing up and reinforcement of a code of conduct and self-regulatory mechanisms in the tourism industry, the setting-up of a code of ethics or 'quality labels' or establishing an explicit policy for tourist organisations combating the sexual abuse and sexual exploitation of children in travel and tourism . Member States should leverage the tools at their disposal under EU law, national law, and international agreements, for the purpose of preventing the sexual abuse and sexual exploitation of children in travel and tourism through or towards their territory, most notably by taking appropriate action upon reception of relevant information from third countries, including conducting further checks or issuing a refusal of entry in the context of the Regulation (EU)	(42) Member States should undertake action to prevent or prohibit acts related to the promotion of child sexual abuse and the sexual abuse and sexual exploitation of children in travel ~~and~~**or** tourism– . Different preventative measures could be considered, such as the drawing up and reinforcement of a code of conduct and self-regulatory mechanisms in the tourism industry, the setting-up of a code of ethics or 'quality labels'– or establishing an explicit policy for tourist organisations combating the sexual abuse and sexual exploitation of children in travel ~~and~~**or** tourism– .– Member States should leverage the tools at their disposal under EU law, national law, and international agreements, for the purpose of preventing	(42) Member States should undertake action to prevent or prohibit acts related to the promotion of child sexual abuse and— the sexual abuse and sexual exploitation of children in travel and tourism–. Different preventative measures could be considered, such as the drawing up and reinforcement of a code of conduct and self-regulatory mechanisms in the tourism industry, the setting-up of a code of ethics or 'quality labels'– or establishing an explicit policy for tourist organisations combating the sexual abuse and sexual exploitation of children in travel and tourism– .– Member States should leverage the tools at their disposal under EU law, national law, and international agreements, for the purpose of preventing the sexual abuse and sexual exploitation of children in travel and tourism through or towards their territory, most notably by taking appropriate action upon reception of relevant information from third countries, including conducting further checks or issuing a refusal of entry in the context of the Regulation (EU)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2018/1861 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks[1]. _____ 1. Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, OJ L 312, 7.12.2018, p. 14–55, ELI: http://data.europa.eu/eli/reg/2018/1861/oj.	the sexual abuse and sexual exploitation of children in travel ~~and~~**or** tourism through or towards their territory, most notably by taking appropriate action upon reception of relevant information from third countries, including conducting further checks or issuing a refusal of entry in the context of the Regulation (EU) 2018/1861 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks[1]. _____ 1. Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, OJ L 312, 7.12.2018, p. 14–55, ELI: http://data.europa.eu/eli/reg/2018/1861/oj.	2018/1861 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks[1]. _____ 1. Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, OJ L 312, 7.12.2018, p. 14–55, ELI: http://data.europa.eu/eli/reg/2018/1861/oj.	
55	(43) Member States should establish or strengthen policies to	(43) Member States should establish or	(43) Member States should establish or strengthen policies to	

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	prevent sexual abuse and sexual exploitation of children, including measures to discourage and reduce the demand that fosters all forms of sexual exploitation of children, and measures to reduce the risk of children becoming victims, by means of, information and awareness-raising campaigns, including for parents and carers and society at large, and research and education programmes. In such initiatives, Member States should adopt a child-rights based approach. Care should be taken to ensure that awareness-raising campaigns aimed at children are appropriate and sufficiently easy to understand , and tailored to the specific needs of children of different age groups, including pre-school children. Prevention measures should take a holistic approach to the phenomenon of child sexual abuse and sexual exploitation, by addressing its online and offline dimensions and mobilizing all relevant stakeholders. In particular for the online dimension, measures should include the development of digital literacy skills, including critical engagement with the digital world,	strengthen policies to prevent sexual abuse and sexual exploitation of children, including measures to discourage and reduce the demand that fosters all forms of sexual exploitation of children, and measures to reduce the risk of children becoming victims, by means of, information and awareness-raising campaigns,– including for parents ~~and~~, ***volunteers,*** carers, ***teachers, educators, child protection professionals, social and foster care professionals, trainers coaches, legal professionals, family court judges, front-line police officers, healthcare professionals, religious community leaders*** and society at large, and research and education programmes ***including sexual education***. In such initiatives, Member States should adopt a	prevent sexual abuse and sexual exploitation of children, including measures to discourage and reduce the demand that fosters all forms of sexual exploitation of children, and measures to reduce the risk of children becoming victims, by means of, information and awareness-raising campaigns, including for parents and carers and society at large,– and research and education programmes. In such initiatives, Member States should adopt a child-rights based approach. Care should be taken to ensure that awareness-raising campaigns aimed at children are appropriate and sufficiently easy to understand–, and tailored to the specific needs of children of different age groups, including pre-school children. Prevention measures should take a holistic approach to the phenomenon of child sexual abuse and sexual exploitation, by addressing its online and offline dimensions and mobilizing all relevant stakeholders. In particular for the online dimension, measures should include the development of digital literacy skills, including critical engagement with the digital world,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to help users identify and address attempts of online child sexual abuse, seek support and prevent its perpetration. Particular attention should be paid to prevention of child sexual abuse and sexual exploitation of children that are cared for in a group facility rather than in the context of family-based care . Where not already in place, the establishment of dedicated help-lines or hotlines should be considered.	child-rights based approach. Care should be taken to ensure that awareness-raising campaigns aimed at children are appropriate and sufficiently easy to understand– , and tailored to the specific needs of children of different age groups, including pre-school children– ***as well as children who are particularly vulnerable, including children with mental, intellectual, sensory or physical disabilities, children in contexts of migration, both unaccompanied or accompanied, or children who do not conform to conventional norms relating to sexual orientation, gender identity and expression or sex characteristics .*** Prevention measures should take a holistic approach to the phenomenon of child	to help users identify and address attempts of online child sexual abuse, seek support and prevent its perpetration. Particular attention should be paid to prevention of child sexual abuse and sexual exploitation of children that are cared for in a group facility rather than in the context of family-based care-. Where not already in place, the— establishment of— dedicated help-lines or hotlines should be considered.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		sexual abuse and sexual exploitation, by addressing its online and offline dimensions and mobilizing all relevant stakeholders. In particular for the online dimension, measures should include the development of digital literacy skills, including critical engagement with the digital world, to help users identify and address attempts of online child sexual abuse, seek support and prevent its perpetration. Particular attention should be paid to prevention of child sexual abuse and sexual exploitation of children that are cared for in a group facility rather than in the context of family-based care . Where not already in place, the establishment of dedicated help-lines or hotlines should be		

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		considered. ***Children should be able to obtain information and advice regarding the offences referred to in Articles 3 to 8b through those channels.***		
55a		***(43a) Member States should ensure that law enforcement authorities investigate without undue delay attempts to solicit children for sexual purposes and that child victims of such solicitation attempts are effectively referred to relevant support services for assistance and protection.***		
56	(44) Regarding the system of reporting sexual abuse and sexual exploitation of children and helping children in need, hotlines under the number 116 000 for missing children, 116 006 for victims of crime and 116 111 for helplines for children, as introduced by Commission Decision 2007/116/EC [1], should be promoted and experience	(44) Regarding the system of reporting sexual abuse and sexual exploitation of children and helping children in need, hotlines under the number 116 000 for missing children, 116 006 for victims of crime and 116 111 for helplines for children, as introduced by Commission Decision 2007/116/EC [1], should be promoted and experience	(44) Regarding the system of reporting sexual abuse and sexual exploitation of children and helping children in need, hotlines under the number 116 000 for missing children, 116 006 for victims of crime and 116 111 for helplines for children, as introduced by Commission Decision 2007/116/EC [1], should be promoted and experience	

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	regarding their functioning should be taken into account. _____ 1. Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 49, 17.2.2007, p. 30, ELI: http://data.europa.eu/eli/dec/2007/116(1)/oj).	regarding their functioning should be taken into account. _____ 1. Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 49, 17.2.2007, p. 30, ELI: http://data.europa.eu/eli/dec/2007/116(1)/oj).	regarding their functioning should be taken into account. _____ 1. Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 49, 17.2.2007, p. 30, ELI: http://data.europa.eu/eli/dec/2007/116(1)/oj).	
57	(45) Organisations acting in the public interest on the fight against child sexual abuse, such as the members of the INHOPE network of hotlines, have been active for years in several Member States, cooperating with law enforcement and providers to facilitate the process of removal and reporting of online child sexual abuse material. This work combats re-victimisation by limiting the spread of illegal material online, and can provide evidence to law enforcement of crimes committed. However, the legal framework in which they operate differs considerably from one Member State to another and is, in many cases, lacking in terms of the identification of the tasks that these organisations can lawfully undertake, as well as of the	*deleted*	(45) Organisations acting in the public interest on the fight against child sexual abuse, such as the members of the INHOPE network of hotlines, have been active for years in several Member States, cooperating with law enforcement and providers to facilitate the process of removal and reporting of online child sexual abuse material. This work combats re-victimisation by limiting the spread of illegal material online, and can provide evidence to law enforcement of crimes committed. However, the legal framework in which they operate differs considerably from one Member State to another and is, in many cases, lacking in terms of the identification of the tasks that these organisations can lawfully undertake, as well as of the	

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	relevant conditions. Member States should be able to provide an authorisation for these organisations to carry out relevant tasks, and in particular the processing of child sexual abuse material, in which case the processing should not be considered to be "without right". Such authorisations are encouraged as they increase legal certainty, maximise synergies between national authorities and other actors involved in the fight against child sexual abuse, and support victims' rights by removing child sexual abuse material from the public digital sphere.		relevant conditions. Member States ~~should be able~~**are encouraged** to provide an authorisation for these organisations to carry out relevant tasks, and in particular the processing of child sexual abuse material, in which case the processing should not be considered to be "without right". Such authorisations are encouraged as they increase legal certainty, maximise synergies between national authorities and other actors involved in the fight against child sexual abuse, and support victims' rights by removing child sexual abuse material from the public digital sphere.	
58	(46) Professionals likely to come into contact with child victims of sexual abuse and sexual exploitation should be adequately trained to identify and deal with such victims. To ensure child-friendly justice throughout the investigation and prosecution of child sexual abuse and sexual exploitation cases, that training should be promoted for members of the following categories when they are likely to come into	(46) Professionals likely to come into contact with child victims of sexual abuse and sexual exploitation should be adequately trained to identify and deal with such victims. To ensure child-friendly justice throughout the investigation and prosecution of child sexual abuse and sexual exploitation cases, that training should be promoted for members of the following categories when they are likely to come into	(46) Professionals likely to come into contact with child victims of sexual abuse and sexual exploitation should be adequately trained to identify and deal with such victims.– To ensure child-friendly justice throughout the investigation and prosecution of child sexual abuse and sexual exploitation cases, that– training should be promoted for members of the following categories when they are likely to come into	

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	contact with child victims: police officers, public prosecutors, lawyers, members of the judiciary and court officials, child and health care personnel, professionals in the education sector, including in early childhood education and care, social services, providers of victim support and restorative justice services, but could also involve other groups of persons who are likely to encounter child victims of sexual abuse and sexual exploitation in their work.	contact with child victims: police officers, public prosecutors, lawyers, members of the judiciary and court officials, child and health care personnel, professionals in the education sector, including in early childhood education and care, social services, providers of victim support and restorative justice services, but could also involve other groups of persons who are likely to encounter child victims of sexual abuse and sexual exploitation in their work.	contact with child victims: police officers, public prosecutors, lawyers, members of the judiciary and court officials, child and health care personnel, professionals in the education sector, including in early childhood education and care, social services, providers of victim support and restorative justice services, but could also involve other groups of persons who are likely to encounter child victims of sexual abuse and sexual exploitation in their work.	
59	(47) In order to prevent the sexual abuse and sexual exploitation of children, intervention programmes or measures targeting sex offenders should be proposed to them. Those intervention programmes or measures should meet a broad, flexible approach focusing on the medical and psycho-social aspects and have a non-obligatory character. Those intervention programmes or measures are without prejudice to intervention programmes or measures imposed by the competent judicial authorities.	(47) In order to prevent the sexual abuse and sexual exploitation of children, intervention programmes or measures targeting sex offenders should be proposed to them. Those intervention programmes or measures should meet a broad, flexible approach focusing on the medical and psycho-social aspects and have a non-obligatory character. Those intervention programmes or measures are without prejudice to intervention programmes or measures imposed by the competent judicial authorities.	(47) In order to prevent the sexual abuse and sexual exploitation of children, intervention programmes or measures targeting sex offenders should be proposed to them. Those intervention programmes or measures should meet a broad, flexible approach focusing on the medical and psycho-social aspects and have a non-obligatory character. Those intervention programmes or measures are without prejudice to intervention programmes or measures imposed by the competent judicial authorities. **Member States are encouraged to ensure that the**	

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			programmes and measures are accessible without undue restrictions in line with national standards.	
60	(48) It is for the Member State to decide which intervention programmes or measures are appropriate. In the case of persons who fear that they might offend, these programmes or measures should be accessible in line with national standards concerning healthcare.	(48) It is for the Member State to decide which intervention programmes or measures are appropriate. In the case of persons who fear that they might offend, these programmes or measures should be accessible in line with national standards concerning healthcare.	(48) It is for the Member State to decide which intervention programmes or measures are appropriate~~. In the case of persons who fear that they might offend,~~ **and they should ensure that** these **referred** programmes or measures ~~should be~~**are** accessible in line with national standards ~~concerning healthcare~~**. In addition, individuals who fear that they may offend should have access to these programmes or measures without undue restrictions**.	
61	(49) To prevent and minimise recidivism, offenders should be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against children. Arrangements for such assessment, such as the type of authority competent to order and carry out the assessment or the moment in or after the criminal proceedings when that assessment should take place as well as	(49) To prevent and minimise recidivism, offenders should be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against children. Arrangements for such assessment, such as the type of authority competent to order and carry out the assessment or the moment in or after the criminal proceedings when that assessment should take place as well as	(49) To prevent and minimise recidivism, offenders should be subject to an assessment of the danger posed by the offenders and the possible risks of repetition of sexual offences against children. Arrangements for such assessment, such as the type of authority competent to order and carry out the assessment or the moment in or after the criminal proceedings when that assessment should take place as well as	

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	arrangements for effective intervention programmes or measures offered following that assessment should be consistent with the internal procedures of Member States. For the same objective of preventing and minimising recidivism, offenders should also have access to effective intervention programmes or measures on a voluntary basis. Those intervention programmes or measures should not interfere with national schemes set up to deal with the treatment of persons suffering from mental health issues and should be accessible and affordable in line with national standards concerning healthcare, for example with regard to their eligibility for reimbursement under the health schemes of the Member States .	arrangements for effective intervention programmes or measures offered following that assessment should be consistent with the internal procedures of Member States. For the same objective of preventing and minimising recidivism, offenders should also have access to effective intervention programmes or measures on a voluntary basis. Those intervention programmes or measures should not interfere with national schemes set up to deal with the treatment of persons suffering from mental health issues and should be accessible and affordable in line with national standards concerning healthcare, for example with regard to their eligibility for reimbursement under the health schemes of the Member States .	arrangements for effective intervention programmes or measures offered following that assessment should be consistent with the internal procedures of Member States. For the same objective of preventing and minimising recidivism, offenders should also have access to effective intervention programmes or measures on a voluntary basis. Those intervention programmes or measures should not interfere with national schemes set up to deal with the treatment of persons suffering from mental— health issues and should be accessible and affordable in line with national standards concerning healthcare, for example with regard to their eligibility for reimbursement under the health schemes of the Member States-.	
62	(50) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising at least professional activities involving direct and regular contacts with children or within organisations that work for	(50) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising at least professional ***and***	(50) Where the danger posed by the offenders and the possible risks of repetition of the offences make it appropriate, convicted offenders should be temporarily or permanently prevented from exercising at least professional activities involving direct and regular contacts with children– or within organisations that work for	

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	children or organisations acting in the public interest on the fight against child sexual abuse . Employers when recruiting for a post involving direct and regular contact with children should request information on existing convictions for sexual offences against children entered in the criminal record, or of existing disqualifications. For the purposes of this Directive, the term 'employers' should also cover persons running an organisation that is active in volunteer work related to the supervision or care of children involving direct and regular contact with children , including community settings such as schools, hospitals, social care services, sports clubs or religious communities . The way such information is delivered, such as for example access via the person concerned, and the precise content of the information, the meaning of organised voluntary activities and direct and regular contact with children should be laid down in accordance with national law. However, the information transmitted from one competent authority to another should at least	***voluntary*** activities involving direct and regular contacts with children– or within organisations that work for children or organisations acting in the public interest on the fight against child sexual abuse– . Employers when recruiting for a post involving direct and regular contact with children— should request information on existing convictions for sexual offences against children entered in the criminal record, or of existing disqualifications. For the purposes of this Directive, the term 'employers' should also cover persons running an organisation that is active in volunteer work related to the supervision or care of children involving direct and	children or organisations acting in the public interest on the fight against child sexual abuse– . Employers when recruiting for a post involving direct and regular contact with children— should request information on– existing convictions for sexual offences against children entered in the criminal record, or of existing disqualifications. For the purposes of this Directive, the term 'employers' should ~~also~~**in any case,** cover **employers working in the child protection, education, childcare and health care sectors and** persons running an organisation that is active in volunteer work related to the supervision or care of children involving direct and regular contact with children~~–, including community settings such as schools, hospitals, social care services, sports clubs or religious communities~~ **. Member States may take appropriate measures, in accordance with national law, to actively promote screening persons working in direct and occasional contact with children. For the purpose of this Directive, the term ´regular**	

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	contain all relevant records stored by any Member State in their national criminal records registers, and all relevant records that can be easily obtained from third countries, such as information that can be obtained from the United Kingdom through the channel established in accordance with Title IX of Part Three of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part[1]. _____ 1. OJ L 149, 30.4.2021, p. 10, ELI: http://data.europa.eu/eli/agree_internation/2021/689(1)/ojhttp://data.europa.eu/eli/agree_internation/2021/689(1)/oj.	regular contact with children–, including community settings such as schools, hospitals, social care services, sports clubs or religious communities . The way such information is delivered, such as for example access via the person concerned, and the precise content of the information, the meaning of organised voluntary activities and direct and regular contact with children should be laid down in accordance with national law. However, the information transmitted from one competent authority to another should at least contain all relevant records stored by any Member State in their national criminal records registers, and all relevant records that can be easily obtained from	**contacts with children´ indicates that it only covers activities with children on a structural basis**. The way such information is delivered, such as for example access via the person concerned, and the precise content of the information, the meaning of organised voluntary activities and direct and regular contact with children should be laid down in accordance with national law. However, the information transmitted from one competent authority to another should at least contain all relevant records stored by any Member State in their national criminal records registers, and all relevant records that can be easily obtained from third countries, such as information that can be obtained from the United Kingdom through the channel established in accordance with Title IX of Part Three of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part[1]. _____	

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		third countries, such as information that can be obtained from the United Kingdom through the channel established in accordance with Title IX of Part Three of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part[1]. 1. OJ L 149, 30.4.2021, p. 10, ELI: http://data.europa.eu/eli/agree_~~internation/2021/689(1)/ojhttp~~internation/2021/689(1)/ojhttp://data.europa.~~eu/eli/agreeeu/eli/agree~~_internation/2021/689(1)/oj.	1. OJ L 149, 30.4.2021, p. 10, ELI: http://data.europa.eu/eli/agree_internation/2021/689(1)/ojhttp://data.europa.eu/eli/agree_internation/2021/689(1)/oj.	
63	(51) In the area of child sexual abuse, the phenomenon of offenders that regain access to children after a conviction or disqualification by moving to another jurisdiction is particularly widespread and worrisome. It is therefore crucial to take all necessary measures to prevent it.	(51) In the area of child sexual abuse, the phenomenon of offenders that regain access to children after a conviction or disqualification by moving to another jurisdiction is particularly widespread and worrisome. It is therefore crucial to take all necessary measures to prevent it.	(51) In the area of child sexual abuse, the phenomenon of offenders that regain access to children after a conviction or disqualification by moving to another jurisdiction is particularly widespread and worrisome. It is therefore crucial to take all necessary measures to prevent	

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	With due regard to the different legal traditions of the Member States, this Directive takes into account the fact that access to criminal records is allowed only either by the competent authorities or by the person concerned. This Directive does not establish an obligation to modify the national systems governing criminal records or the means of access to those records.	With due regard to the different legal traditions of the Member States, this Directive takes into account the fact that access to criminal records is allowed only either by the competent authorities or by the person concerned. This Directive does not establish an obligation to modify the national systems governing criminal records or the means of access to those records.	~~it~~**this phenomenon**. With due regard to the different legal traditions of the Member States, this Directive takes into account the fact that access to criminal records is allowed only either by the competent authorities or by the person concerned. This Directive does not establish an obligation to modify the national systems governing criminal records or the means of access to those records.	
64	(52) For information not or not yet available in ECRIS, for example information concerning offending third country nationals until the time Regulation 2019/816 of the European Parliament and of the Council[1] is fully implemented, Member States should make use of other channels to provide all relevant information to employers that recruit for a post involving direct and regular contact with children. The aim of this Directive is not to harmonise rules concerning consent of the person concerned when exchanging information from the criminal registers, i.e. whether or not to require such consent. Whether the consent is required or not under national law, this Directive does	(52) For information not or not yet available in ***i[1]n the European Criminal Records Information System (ECRIS)*** ECRIS, for example information concerning offending third country nationals until the time Regulation 2019/816 of the European Parliament and of the Council[1] is fully implemented, Member States should make use of other channels to provide all relevant information to employers that recruit for a post involving direct and regular contact	(52) ~~For information not or not yet available in ECRIS, for example information concerning offending third country nationals until the time Regulation 2019/816 of the European Parliament and of the Council[1] is fully implemented, Member States should make use of other channels to provide all relevant information to employers that recruit for a post involving direct and regular contact with children.~~ The aim of this Directive is not to harmonise rules concerning consent of the person concerned when exchanging information from the criminal registers, i.e. whether or not to require such consent. Whether the consent is required or not under national law, this Directive does	

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	not establish any new obligation to change the national law and national procedures in this respect. _____ 1. Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/816/oj.	with children. The aim of this Directive is not to harmonise rules concerning consent of the person concerned when exchanging information from the criminal registers, i.e. whether or not to require such consent. Whether the consent is required or not under national law, this Directive does not establish any new obligation to change the national law and national procedures in this respect. _____ 1. Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/816/oj.	not establish any new obligation to change the national law and national procedures in this respect. _____ ~~1. Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/816/oj.~~	
65	(53) Member States may consider adopting additional administrative measures in relation to perpetrators, such as the	(53) Member States may consider adopting additional administrative measures in relation to perpetrators, such as the	(53) Member States may consider adopting additional administrative measures in relation to perpetrators, such as the	

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	registration in sex offender registers of persons convicted of offences referred to in this Directive. Access to those registers should be subject to limitation in accordance with national constitutional principles and applicable data protection standards, for instance by limiting access to the judiciary or law enforcement authorities.	registration in sex offender registers of persons convicted of offences referred to in this Directive. Access to those registers should be subject to limitation in accordance with national constitutional principles and applicable data protection standards, for instance by limiting access to the judiciary or law enforcement authorities.	registration in sex offender registers of persons convicted of offences referred to in this Directive. Access to those registers should be subject to limitation in accordance with national constitutional principles and applicable data protection standards, for instance by limiting access to the judiciary or law enforcement authorities.	
66	(54) Member States should take the necessary measures to create mechanisms for data collection at the national, local or regional levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual abuse and sexual exploitation of children , building also on the broader data collection obligations set in the Directive […/…] [Victims rights Directive, Recast], and Regulation (EU) [Regulation to prevent and combat child sexual abuse] . In order to be able to properly evaluate the results of actions to combat sexual abuse and sexual exploitation of children and child sexual abuse material , the Union should continue to develop its work on	(54) Member States should take the necessary measures to create mechanisms for data collection at the national, local or regional levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual abuse and sexual exploitation of children , building also on the broader data collection obligations set in the Directive […/…] [Victims rights Directive, Recast], and Regulation (EU) [Regulation to prevent and combat child sexual abuse] . In order to be able to properly evaluate the results of actions to combat sexual abuse and sexual exploitation of children and child sexual abuse material , the Union should continue to develop its work on	(54) Member States— should take the necessary measures— to create mechanisms for data collection– at the national, local or regional levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual abuse and sexual exploitation of children–, building also on the broader data collection obligations set in the Directive […/…] [Victims rights Directive, Recast], and Regulation (EU) [Regulation to prevent and combat child sexual abuse]-. In order to be able to properly evaluate the results of actions to combat sexual abuse and sexual exploitation of children and child— sexual abuse material-, the Union should continue to develop its work on	

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	methodologies and data collection methods to produce comparable statistics. The EU Centre, as a central knowledge hub on child sexual abuse in the Union, should play a key role in this respect.	methodologies and data collection methods to produce comparable statistics. The EU Centre, as a central knowledge hub on child sexual abuse in the Union, should play a key role in this respect.	methodologies and data collection methods to produce comparable statistics. ~~The EU Centre, as a central knowledge hub on child sexual abuse in the Union, should play a key role in this respect.~~	
67	(55) Member States should take appropriate action for setting up information services to provide information on how to recognise the signs of sexual abuse and sexual exploitation.	(55) Member States should take appropriate action for setting up information services to provide information on how to recognise the signs of sexual abuse and sexual exploitation.	(55) Member States should take appropriate action for setting up information services to provide information on how to recognise the signs of sexual abuse and sexual exploitation.	
68	(56) Child sexual abuse material is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child sexual abuse material by making it more difficult for offenders to upload such content onto the publicly accessible web. Action is therefore necessary to remove the content and apprehend those guilty of making, distributing or downloading child sexual abuse material . With a view to supporting the Union's efforts to combat child sexual abuse material , Member States should use their best endeavours to cooperate with third countries in	(56) Child sexual abuse material is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child sexual abuse material by making it more difficult for offenders to upload such content onto the publicly accessible web. Action is therefore necessary to remove the content and apprehend those guilty of making, distributing or downloading child sexual abuse material . With a view to supporting the Union's efforts to combat child sexual abuse material , Member States should use their best endeavours to cooperate with third countries in	(56) Child sexual abuse material is a specific type of content which cannot be construed as the expression of an opinion. To combat it, it is necessary to reduce the circulation of child sexual abuse material by making it more difficult for offenders to upload such content onto the publicly accessible web. Action is therefore necessary to remove the content and apprehend those guilty of making, distributing or downloading child sexual abuse material . With a view to supporting the Union's efforts to combat child sexual abuse material , Member States should use their best endeavours to cooperate with third countries in	

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	seeking to secure the removal of such content from servers within their territory.	seeking to secure the removal of such content from servers within their territory.	seeking to secure the removal of such content from servers within their territory.	
69	(57) Member States' efforts to reduce the circulation of child sexual abuse material, including by cooperating with third countries under this Directive, should not affect Regulation (EU) 2022/2065, Regulation (EU) 2021/1232 and […/…/ Regulation laying down rules to prevent and combat child sexual abuse]. Online content constituting or facilitating criminal offences referred to in this Directive will be subject to measures pursuant to Regulation (EU) 2022/2065 of the European Parliament and of the Council[1] as regards illegal content. 1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1	(57) Member States' efforts to reduce the circulation of child sexual abuse material, including by cooperating with third countries under this Directive, should not affect Regulation (EU) 2022/2065, Regulation (EU) 2021/1232 and […/…/ Regulation laying down rules to prevent and combat child sexual abuse]. Online content constituting or facilitating criminal offences referred to in this Directive will be subject to measures pursuant to Regulation (EU) 2022/2065 of the European Parliament and of the Council[1] as regards illegal content. 1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1	(57) Member States' efforts to reduce the circulation of child sexual abuse material, including by cooperating with third countries under this Directive, should not affect Regulation (EU) 2022/2065, Regulation (EU) 2021/1232 and […/…/ Regulation laying down rules to prevent and combat child sexual abuse]. Online content constituting or facilitating criminal offences referred to in this Directive will be subject to measures pursuant to Regulation (EU) 2022/2065 of the European Parliament and of the Council[1] as regards illegal content. 1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1	
70	(58) Despite such efforts by Member States , the removal of child sexual abuse material at its source is often not possible when the original materials are not located within the Union, either	(58) Despite such efforts by Member States , the removal of child sexual abuse material at its source is often not possible when the original materials are not located within the Union, either	(58) Despite such efforts by Member States , the removal of child sexual abuse material at its source is often not possible when the original materials are not located within the Union, either	

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	because the State where the servers are hosted is not willing to cooperate or because obtaining removal of the material from the State concerned proves to be particularly long. Mechanisms may also be put in place to block access from the Union's territory to Internet pages identified as containing or disseminating child sexual abuse material . The measures undertaken by Member States in accordance with this Directive in order to remove or, where appropriate, block websites containing child sexual abuse material could be based on various types of public action, such as legislative, non-legislative, judicial or other. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States. Whichever basis for action or method is chosen, Member States should ensure that it provides an adequate level of legal certainty and predictability to users and service providers. Both with a view to the removal and the blocking of child abuse content,	because the State where the servers are hosted is not willing to cooperate or because obtaining removal of the material from the State concerned proves to be particularly long. Mechanisms may also be put in place to block access from the Union's territory to Internet pages identified as containing or disseminating child sexual abuse material . The measures undertaken by Member States in accordance with this Directive in order to remove or, where appropriate, block websites containing child sexual abuse material could be based on various types of public action, such as legislative, non-legislative, judicial or other. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States. Whichever basis for action or method is chosen, Member States should ensure that it provides an adequate level of legal certainty and predictability to users and service providers. Both with a view to the removal and the blocking of child abuse content,	because the State where the servers are hosted is not willing to cooperate or because obtaining removal of the material from the State concerned proves to be particularly long. Mechanisms may also be put in place to block access from the Union's territory to Internet pages identified as containing or disseminating child sexual abuse material . The measures undertaken by Member States in accordance with this Directive in order to remove or, where appropriate, block websites containing child sexual abuse material could be based on various types of public action, such as legislative, non-legislative, judicial or other. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States. Whichever basis for action or method is chosen, Member States should ensure that it provides an adequate level of legal certainty and predictability to users and service providers. Both with a view to the removal and the blocking of child abuse content,	

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	cooperation between public authorities should be established and strengthened, particularly in the interests of ensuring that national lists of websites containing child sexual abuse material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users and comply with existing legal and judicial procedures and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. The EU co-funded network of hotlines[1] handles reports of alleged child sexual abuse material reported anonymously by the public and cooperates with law enforcement and industry at national, European and global level to ensure swift removal of this type of content. _____ 1. Currently under the Digital Europe Programme.	cooperation between public authorities should be established and strengthened, particularly in the interests of ensuring that national lists of websites containing child sexual abuse material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users and comply with existing legal and judicial procedures and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. The EU co-funded network of hotlines[1] handles reports of alleged child sexual abuse material reported anonymously by the public and cooperates with law enforcement and industry at national, European and global level to ensure swift removal of this type of content. _____ 1. Currently under the Digital Europe Programme.	cooperation between public authorities should be established and strengthened, particularly in the interests of ensuring that national lists of websites containing child sexual abuse material are as complete as possible and of avoiding duplication of work. Any such developments must take account of the rights of the end users and comply with existing legal and judicial procedures and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. The EU co-funded network of hotlines[1] handles reports of alleged child sexual abuse material reported anonymously by the public and cooperates with law enforcement and industry at national, European and global level to ensure swift removal of this type of content. _____ 1. Currently under the Digital Europe Programme.	
71	(59) Since the objective of this Directive, namely to combat child sexual abuse, sexual exploitation of children and child sexual	(59) Since the objective of this Directive, namely to combat child sexual abuse, sexual exploitation of children and child sexual	(59) Since the objective of this Directive, namely to combat child sexual abuse, sexual exploitation of children and child sexual	

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	abuse material , cannot be sufficiently achieved by the Member States but can rather , by reason of the scale and effects of the action , be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.	abuse material , cannot be sufficiently achieved by the Member States but can rather , by reason of the scale and effects of the action , be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.	abuse material , cannot be sufficiently achieved by the Member States but can rather , by reason of the scale and effects of the action , be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.	
72	(60) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and in particular the right to the protection of human dignity, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, the right to freedom of expression and information, the right to the protection of personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal	(60) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and in particular the right to the protection of human dignity, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, the right to freedom of expression and information, the right to the protection of personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal	(60) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and in particular the right to the protection of human dignity, the prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, the right to freedom of expression and information, the right to the protection of personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal	

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	offences and penalties. This Directive seeks to ensure full respect for those rights and principles and must be implemented accordingly.	offences and penalties. This Directive seeks to ensure full respect for those rights and principles and must be implemented accordingly.	offences and penalties. This Directive seeks to ensure full respect for those rights and principles and must be implemented accordingly.	
73	(61) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of …,] its wish to take part in the adoption and application of this Directive.]	(61) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of …,] its wish to take part in the adoption and application of this Directive.]	(61) [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ~~…~~**12 June 2024**,] its wish to take part in the adoption and application of this Directive.]	
74	OR	OR	~~OR~~	
75	[In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive	[In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive	~~[In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive~~	

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	and is not bound by it or subject to its application.]	and is not bound by it or subject to its application.]	~~and is not bound by it or subject to its application.~~]	
76	(62) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(62) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(62) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	
77	(63) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	(63) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	(63) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	
78	(64) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for the transposition into national law of the Directive set out in Annex I.	(64) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for the transposition into national law of the Directive set out in Annex I.	(64) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for the transposition into national law of the Directive set out in Annex I.	
79	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	

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80	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	
81	This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child sexual abuse material and solicitation of children for sexual purposes. It also introduces provisions to strengthen the prevention of those criminal offences and the protection of the victims thereof.	This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child sexual abuse material and solicitation of children for sexual purposes, ***including if committed by means of information and communication technology***. It also introduces provisions to strengthen the prevention of those criminal offences and the protection of the victims thereof.	This Directive establishes minimum rules concerning the definition of criminal offences and ~~sanctions~~**penalties** in the area of sexual abuse and sexual exploitation of children, child sexual abuse material and solicitation of children for sexual purposes. It also introduces provisions to strengthen the prevention of those criminal offences and the protection of the victims thereof.	
82	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
83	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	
84	(1) ‘child’ means any person below the age of 18 years;	(1) ‘child’ means any person below the age of 18 years;	(1) ‘child’ means any person below the age of 18 years;	

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85	(2) 'age of sexual consent' means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child;	(2) 'age of sexual consent' means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child;	(2) 'age of sexual consent' means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child;	
85a		***(2a) "consent" means any indication of agreement to a sexual activity given voluntarily and clearly, and in an informed and unambiguous manner, by a child above the age of sexual consent, as a result of that child's free will, assessed in the context of the surrounding circumstances;***		
86	(3) 'child sexual abuse material ' means:	(3) 'child sexual abuse material ' means:	(3) 'child sexual abuse material ' means:	
87	(a) any material that visually depicts a child engaged in real or simulated sexually explicit conduct;	(a) any material that ~~*visually*~~ depicts a child engaged in real or simulated sexually~~———~~ explicit conduct;	(a) any material that visually depicts a child engaged in real or simulated sexually explicit conduct;	
88	(b) depiction of the sexual organs of a child for primarily sexual purposes;	(b) ~~*depiction*~~***any representation, by whatever means,*** of the ~~*sexual organs*~~***intimate parts*** of a child for primarily sexual purposes;	(b) **any** depiction of the sexual organs of a child for primarily sexual purposes;	

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89	(c) 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;	(c) 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~~ ***intimate parts*** of any person appearing to be a child, for primarily sexual purposes;	(c) 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;	
90	(d) realistic images , reproductions or representations of a child engaged in sexually explicit conduct or of the sexual organs of a child, for primarily sexual purposes;	(d) ***any*** realistic images, ***pseudophotographs***, reproductions or representations of a child engaged in sexually explicit conduct or of the ~~sexual organs~~ ***intimate parts*** of a child, for primarily sexual purposes***, regardless of the method of creation or manipulation, including by using artificial intelligence, deepfake technologies, or augmented, extended, or virtual reality settings***;	(d) realistic images , reproductions or representations of a child engaged in sexually explicit conduct or of the sexual organs of a child, for primarily sexual purposes;	
91	(e) any material, regardless of its form, intended to provide advice, guidance or instructions on	(e) any material, regardless of its form,	(e) ~~any material, regardless of its form, intended to provide advice, guidance or instructions on~~	

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	how to commit child sexual abuse or sexual exploitation or child solicitation;	intended to provide advice, guidance or instructions on how to commit ~~*child sexual abuse or sexual exploitation or child solicitation*~~***any of the offences referred to in Articles 3 to 8b, including any instruction for artificial intelligence systems***;	~~how to commit child sexual abuse or sexual exploitation or child solicitation;~~	
92	(4) 'child exploitation in prostitution' means the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party;	(4) 'child exploitation in prostitution' means the use of a child for sexual activities where money or any other form of remuneration***, gain, advantage, benefit*** or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise***, gain, advantage, benefit*** or consideration is made to the child or to a third party;	(4) 'child exploitation in prostitution' means the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party;	
93	(5) ' child sexual abuse performance' means a live exhibition aimed at an audience, including by means of information	(5) 'child sexual abuse performance' means a live exhibition aimed at an	(5) ' child sexual abuse performance' means a live exhibition aimed at an audience, including by means of information	

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	and communication technology, of:	audience ***of one or more***, including by means of information and communication technology, of:	and communication technology, of:	
94	(a) a child engaged in real or simulated sexually explicit conduct; or	(a) a child engaged in real or simulated sexually explicit ***acts or*** conduct; or	(a) a child engaged in real or simulated sexually explicit conduct; or	
95	(b) the sexual organs of a child for primarily sexual purposes;	(b) the ~~*sexual organs*~~***intimate parts*** of a child for primarily sexual purposes;	(b) the sexual organs of a child for primarily sexual purposes;	
96	(6) 'legal person' means an entity having legal personality under the applicable law, except for States or public bodies in the exercise of State authority and for public international organisations;	(6) 'legal person' means an entity having legal personality under the applicable law, except for States or public bodies in the exercise of State authority and for public international organisations;	(6) 'legal person' means an entity having legal personality under the applicable law, except for States or public bodies in the exercise of State authority and for public international organisations;	
97	(7) 'information society service' means a service as defined in Article 1, point (b), of Directive (EU) 2015/1535[1]. _____ 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification), OJ L 241, 17.9.2015, p. 1–15.	(7) 'information society service' means a service as defined in Article 1, point (b), of Directive (EU) 2015/1535[1]. _____ 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification), OJ L 241, 17.9.2015, p. 1–15.	(7) 'information society service' means a service as defined in Article 1, point (b), of Directive (EU) 2015/1535[1]. _____ 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification), OJ L 241, 17.9.2015, p. 1–15.	

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98	(8) 'peers' means persons who are close in age and degree of psychological and physical development or maturity.	(8) 'peers' means persons who are close in age and degree of psychological and physical development ~~or~~ ***and*** maturity.	(8) 'peers' means persons who are close in age and degree of psychological and physical development or maturity.	
99	Article 3 Offences concerning sexual abuse	Article 3 Offences concerning ***child*** sexual abuse	Article 3 Offences concerning sexual abuse	
100	1. Member States shall take the necessary measures to ensure that the conduct referred to in paragraphs 2 to 8 is punishable.	1. Member States shall take the necessary measures to ensure that the ***intentional*** conduct referred to in paragraphs 2 to ~~8~~ ***8*** is punishable.	1. Member States shall take the necessary measures to ensure that the **intentional** conduct referred to in paragraphs 2 to ~~8~~ **6a** is punishable.	
101	2. Causing, for sexual purposes, a child who has not reached the age of sexual consent to witness sexual activities, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 1 year.	2. Causing, for sexual purposes, a child who has not reached the age of sexual ***consent, or a child who is above the age of sexual consent and does not*** consent to witness sexual activities, ***including by exposing that child to pornographic content***, even without having to participate,	2. Causing, for sexual purposes, a child who has not reached the age of sexual consent to witness sexual activities, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 1 year.	

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		shall be punishable by a maximum term of imprisonment of at least 1 year.		
101a		***2a. Disseminating pornographic content online without putting in place robust and effective age verification tools to effectively prevent children from accessing pornographic content online shall be punishable by a maximum term of imprisonment of at least 1 year.***		
102	3. Causing, for sexual purposes, a child who has not reached the age of sexual consent to witness sexual abuse, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 2 years.	3. Causing, for sexual purposes, a child who has not reached the age of sexual ***consent, or a child who is above the age of sexual*** consent ***and does not consent, to*** ~~*to*~~ witness sexual abuse, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 2 years.	3. Causing, for sexual purposes, a child who has not reached the age of sexual consent to witness sexual abuse, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 2 years.	

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103	4. Engaging in sexual activities with a child who has not reached the age of sexual consent or causing the child to engage in sexual activities with another person shall be punishable by a maximum term of imprisonment of at least 8 years.	4. Engaging in sexual activities with a child who has not reached the age of sexual consent– or causing the child to engage in sexual activities with another person ***or with themselves*** shall be punishable by a maximum term of imprisonment of at least ~~8~~ ***10*** years. ***The types of conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 10 years where the child is above the age of sexual consent and does not consent.***	4. Engaging in sexual activities, **other than those set out in paragraph 6,** with a child who has not reached the age of sexual consent– or causing ~~the~~**that** child to engage in sexual activities with ~~another~~**a third** person shall be punishable by a maximum term of imprisonment of at least ~~8~~ **5** years.	
103a			**4a. Engaging in sexual activities, other than those set out in paragraphs 6a, with a child who has reached the age of sexual consent and does not consent to sexual activities, or causing that child to engage in non-consensual sexual activities with a third person, shall be**	

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			punishable by a maximum term of imprisonment of at least 2 years.	
104	5. Engaging in sexual activities with a child, where:	5. Engaging in sexual activities with a child, where:	5. Engaging in sexual activities with a child **or causing that child to engage in sexual activities with a third person, as provided for in paragraph 4 and 4a**, where:	
105	(a) abuse is made of a recognised position of trust, authority or influence over the child, shall be punishable by a maximum term of imprisonment of at least 10 years if the child has not reached the age of sexual consent, and of at least 6 years of imprisonment, if the child is over that age; or	(a) abuse is made of a recognised position of trust, authority or influence over the child, shall be punishable by a maximum term of imprisonment of at least ~~10~~ ***12*** years ~~*if the child has not reached the age of sexual consent, and of at least 6 years of imprisonment, if the child is over that age*~~; or	(a) abuse is made of a recognised position of trust, authority or influence over the child, shall be punishable by a maximum term of imprisonment of at least ~~10~~ **10** years if the child has not reached the age of sexual consent, and of at least ~~6~~ **5** years of imprisonment, if the child is over that age; or	
106	(b) abuse is made of a particularly vulnerable situation of the child, in particular because of a mental or physical disability or a situation of dependence, shall be punishable by a maximum term of imprisonment of at least 10 years if the child has not reached the age of sexual consent, and of at least	(b) abuse is made of a particularly vulnerable situation of the child, in particular because of a mental***, intellectual, sensory*** or physical disability or a situation of dependence, shall be punishable by a	(b) abuse is made of a particularly vulnerable situation of the child, in particular because of a ~~mental or physical~~ disability or a situation of dependence, shall be punishable by a maximum term of imprisonment of at least ~~10~~ **10** years if the child has not reached the age of sexual consent, and of at	

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	6 years of imprisonment if the child is over that age; or	maximum term of imprisonment of at least ~~10~~ ***12*** years ~~if the child has not reached the age of sexual consent, and of at least 6 years of imprisonment if the child is over that age~~; or	least ~~6~~ **5** years of imprisonment if the child is over that age; or	
107	(c) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least 12 years if the child has not reached the age of sexual consent, and of at least 7 years of imprisonment if the child is over that age.	(c) use is made of coercion, force, ***physical or psychological violence, blackmail or other*** ~~or~~ threats shall be punishable by a maximum term of imprisonment of at least ~~12~~ ***14*** years ~~if the child has not reached the age of sexual consent, and of at least 7 years of imprisonment if the child is over that age.~~**;**	(c) use is made of coercion, force or threats shall be punishable by a maximum term of imprisonment of at least ~~12~~ **10** years if the child has not reached the age of sexual consent, and of at least ~~7~~ **5** years of imprisonment if the child is over that age.	
108	6. Coercing, forcing or threatening a child into sexual activities with a third party shall be punishable by a maximum term of imprisonment of at least 12 years if the child has not reached the age of sexual consent, and of at least 7 years of imprisonment if the child is over that age.	6. Coercing, forcing or threatening a child into sexual activities with a third party ***or with themselves*** shall be punishable by a maximum term of imprisonment of at least ~~12~~ ***14*** years ~~if the child has not reached the age of sexual consent, and of at least 7 years of imprisonment if the child is over that age~~.	6. ~~Coercing, forcing or threatening a child into sexual activities with a third party~~**The following intentional conduct** shall be punishable by a maximum term of imprisonment of at least ~~12~~ **10** years ~~if the child has not reached the age of sexual consent, and of at least 7 years of imprisonment if the child is over that age.~~**:**	

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108a			**(a) engaging with a child who has not reached the age of sexual consent in sexual activities entailing vaginal, or anal penetration, with any bodily part or object, or oral penetration with a genital bodily part[1],** _____ **1. Added to address the request to differentiate the penalty on conducts of oral penetration with an object or non-genital part. Wording 'of sexual nature' removed, since we are now referring to 'sexual activities' (instead of 'any act' in the previous formulation'), which make the specification superfluous.**	
108b			**(b) causing a child who has not reached the age of sexual consent to engage with a third person in sexual activities entailing vaginal, or anal penetration with any bodily part or object, or oral penetration with a genital bodily part.**	
108c			**6a. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least 5 years:**	
108d			**(a) engaging with a child who has reached the age of sexual consent and does not**	

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			consent to sexual activities in sexual activities entailing vaginal, or anal penetration, with any bodily part or object; or oral penetration with a genital bodily part;	
108e			**(b) causing a child who has reached the age of sexual consent and does not consent to sexual activities, to engage with a third person in sexual activities entailing vaginal or anal penetration with any bodily part or object, or oral penetration with a genital body part.**	
108f			**6b. Member States may take the necessary measures to ensure that conducts described in paragraph 5 also apply to the offences referred to in paragraphs 6 and 6a, providing for more severe penalties.**	
109	7. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least 12 years:	7. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least ~~12~~***16*** years:	7. **For the purpose of paragraphs 4a and 6a, Member States**~~The following intentional conduct~~ shall ~~be punishable by a maximum term of imprisonment of at least 12 years~~**ensure that**:	

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110	(a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;	(a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;	(a) ~~engaging with a child below the age of sexual~~ consent ~~in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object~~**shall be deemed to exist only where it is given voluntarily as the result of the child's free will assessed in the context of the surrounding circumstances**;	
111	(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.	(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object~~.~~***:***	(b) ~~causing a child below the age of sexual~~**the** consent ~~to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object~~**can be withdrawn at any moment before or during the act**.	
111a		***(ba) causing a child below the age of sexual consent to engage themselves, in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.***		
112	8. Where the child is above the age of sexual consent and does not consent to the act, the conduct referred to in paragraph 7 shall be	8. ~~*Where the child is above the age of sexual consent and does not consent to the act, the*~~***The types of*** conduct referred to in	8. ~~Where the child is above the age of sexual consent and does not consent to the act, the conduct referred to in paragraph 7 shall be~~	

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	punishable by a maximum term of imprisonment of at least 10 years.	paragraph 7 shall be punishable by a maximum term of imprisonment of at least ~~*10*~~ ***16*** years ***where the child is above the age of sexual consent and does not consent***.	~~punishable by a maximum term of imprisonment of at least 10 years.~~	
113	9. For the purpose of paragraph 8, Member States shall ensure that:	9. For the purpose of ~~*paragraph*~~***paragraphs 2, 3, 4 and*** 8, Member States shall ensure that:	9. ~~For the purpose of paragraph 8, Member States shall ensure that:~~	
114	(a) a non-consensual act is understood as an act which is performed without the child's consent given voluntarily, as a result of the child's free will assessed in the context of the surrounding circumstances, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, or due to other circumstances, including the child's physical or mental condition such as a state of unconsciousness, intoxication, freezing, illness or bodily injury;	(a) a non-consensual act is understood as an act which is performed without the child's consent ~~*given voluntarily, as a result of the child's free will assessed in the context of the surrounding circumstances*~~, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, or due to other circumstances, including the child's physical or mental condition such as a state of unconsciousness, ***sleep,*** intoxication,	(a) ~~a non-consensual act is understood as an act which is performed without the child's consent given voluntarily, as a result of the child's free will assessed in the context of the surrounding circumstances, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, or due to other circumstances, including the child's physical or mental condition such as a state of unconsciousness, intoxication, freezing, illness or bodily injury;~~	

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		surprise, freezing, illness or bodily injury;		
115	(b) the consent can be withdrawn at any moment before and during the act;	(b) the consent can be withdrawn at any moment before and during the act;	(b) ~~the consent can be withdrawn at any moment before and during the act;~~	
116	(c) the absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past sexual conduct.	(c) the absence of consent cannot be refuted ~~*exclusively*~~ by the child's silence, verbal or physical non-resistance or past ***or present*** sexual conduct ***or by any past or present relationship with an offender***.	(c) ~~the absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past sexual conduct.~~	
117	Article 4 Offences concerning sexual exploitation	Article 4 Offences concerning ***child*** sexual exploitation	Article 4 Offences concerning sexual exploitation	
118	1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable.	1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to ~~7~~***7a*** is punishable.	1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable.	
119	2. Causing or recruiting a child to participate in child sexual abuse performances, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a	2. Causing or recruiting a child to participate in ~~—~~ child sexual abuse performances, or profiting from or otherwise exploiting a child for such	2. Causing or recruiting a child to participate in child sexual abuse performances, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a	

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	maximum term of imprisonment of at least 5 years if the child has not reached the age of sexual consent and of at least 2 years of imprisonment if the child is over that age.	purposes shall be punishable by a maximum term of imprisonment of at least ~~5~~ ***6*** years ~~if the child has not reached the age of sexual consent and of at least 2 years of imprisonment if the child is over that age~~.	maximum term of imprisonment of at least 5 years if the child has not reached the age of sexual consent and of at least 2 years of imprisonment if the child is over that age.	
120	3. Coercing or forcing a child to participate in child sexual abuse performances, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least 8 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.	3. Coercing or forcing a child to participate in child sexual abuse performances, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least ~~8~~ ***9*** years ~~if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age~~.	3. Coercing or forcing a child to participate in child sexual abuse performances, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least 8 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.	
121	4. Knowingly attending child sexual abuse performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least 2 years if the child has not reached the age of sexual consent, and of at least 1 year of imprisonment if the child is over that age.	4. Knowingly attending child sexual abuse performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least ~~2~~***3*** years ~~if the child has not reached the age of sexual consent, and of at least 1 year of imprisonment if the child is over that age~~.	4. Knowingly attending child sexual abuse performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least 2 years if the child has not reached the age of sexual consent, and of at least 1 year of imprisonment if the child is over that age.	

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122	5. Causing or recruiting a child to participate in exploitation in prostitution, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least 8 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.	5. Causing or recruiting a child to participate in– exploitation in prostitution, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least ~~8~~12 years ~~if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age~~.	5. Causing or recruiting a child to participate in exploitation in prostitution, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least 8 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.	
123	6. Coercing or forcing a child into exploitation in prostitution, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least 10 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.	6. Coercing or forcing a child into exploitation in– prostitution, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least ~~10~~14 years ~~if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age~~.	6. Coercing or forcing a child into exploitation in prostitution, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least 10 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.	
124	7. Engaging in sexual activities with a child, where recourse is made to exploitation in prostitution shall be punishable by	7. Engaging in sexual activities with a child, where recourse is made to	7. Engaging in sexual activities with a child, where recourse is made to– exploitation in– prostitution shall be punishable	

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	a maximum term of imprisonment of at least 8 years if the child has not reached the age of sexual consent, and of at least 4 years of imprisonment if the child is over that age.	exploitation in prostitution shall be punishable by a maximum term of imprisonment of at least ~~8~~ ***12*** years ~~*if the child has not reached the age of sexual consent, and of at least 4 years of imprisonment if the child is over that age*~~.	by a maximum term of imprisonment of at least ~~8~~ **5** years if the child has not reached the age of sexual consent, and of at least ~~4~~ **2** years of imprisonment if the child is over that age.	
124a		***7a. Coercing or forcing a child to share material representing that child's intimate parts without that child's consent in order to obtain money, child sexual abuse material or any other benefit shall be punishable by a maximum term of imprisonment of at least 8 years.***		
125	Article 5 Offences concerning child sexual abuse material	Article 5 Offences concerning child sexual abuse material	Article 5 Offences concerning child sexual abuse material	
126	1. Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right, referred to in paragraphs 2 to 6 is punishable.	1. Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right, referred to in paragraphs 2 to 6 is punishable.	1. Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right, referred to in paragraphs 2 to 6 is punishable.	

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127	2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 1 year.	2. Acquisition or possession of child sexual abuse material–, ***including the possession of the material referred to in Article 2, point (3)(d), for private use,*** shall be punishable by a maximum ***term of imprisonment of at least 2 years. Acquisition or possession of artificial intelligence systems designed or adapted primarily for the purpose of enabling the creation of child sexual abuse material shall be punishable by a maximum*** term of imprisonment of at least 1 year.	2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 1 year.	
128	3. Knowingly obtaining access, by means of information and communication technology, to child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 1 year.	3. Knowingly obtaining access, by means of information and communication technology, to child– sexual abuse material shall be punishable by a maximum term of imprisonment of at least ~~*1 year*~~***2 years***.	3. Knowingly obtaining access, by means of information and communication technology, to child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 1 year.	

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129	4. Distribution, dissemination or transmission of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.	4. Distribution, dissemination or transmission of child– sexual abuse material shall be punishable by a maximum term of imprisonment of at least ***4 years.*** ***Distribution, dissemination or transmission of artificial intelligence systems designed or adapted primarily for the purpose of enabling the creation of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least*** 2 years.	4. Distribution, dissemination or transmission of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.	
130	5. Offering, supplying or making available child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.	5. Offering, supplying or making available child– sexual abuse material– shall be punishable by a maximum term of imprisonment of at least ~~2~~***4*** years.	5. Offering, supplying or making available child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.	
131	6. Production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 3 years.	6. Production of child sexual abuse material–***, including the production of the material referred to in Article 2, point***	6. Production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 3 years.	

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		(3)(d), for private use, shall be punishable by a maximum term of imprisonment of at ***least 8 years.*** ***Creation or adaptation of artificial intelligence systems designed or adapted primarily for the purpose of enabling the creation shall be punishable by a maximum term of imprisonment of at*** ~~-~~least 3 years.		
132	7. For the purposes of paragraph 1, the conducts referred to in paragraph 2, 3 and 4 shall not be considered to be committed without right in particular where carried out by, or on behalf and under the responsibility of, an organisation established in a Member State acting in the public interest against child sexual abuse that has been authorised by competent authorities of that Member State when such actions were carried out in accordance with the conditions set out in such authorisation.	7. For the purposes of paragraph 1, the conducts referred to in paragraph 2, 3 and ***transmission as referred to in paragraph 4*** ~~4~~ shall not be considered to be committed without right in particular where carried out by, or on behalf and under the responsibility of~~,~~ an organisation ***such as a hotline*** established in a Member State acting in the public interest against child	7. ~~For the purposes of paragraph 1,~~ The conducts referred to in ~~paragraph~~**paragraphs** 2, 3 and 4 shall not be considered to be committed without right in particular where carried out by, or on behalf and under the responsibility of, an organisation established in a Member State acting in the public interest against child sexual abuse**, for example when it** ~~that~~ has been authorised by competent authorities of that Member State when such actions were carried out in accordance with the conditions set out in such authorisation.	

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		sexual abuse that has been authorised by competent authorities of that Member State when such actions were carried out in accordance with the conditions set out in such authorisation.		
133	These conditions may include the requirement that the organisations that receive such authorisations have the necessary expertise and independence, that there are appropriate reporting and oversight mechanisms to ensure that the organisations act expeditiously, diligently, and in the public interest, and that the organisations make use of secure channels of communication to carry out the actions covered by the authorisation.	These conditions ~~*may*~~***shall*** include the requirement that the organisations that receive such authorisations have the necessary expertise and independence, that there are appropriate reporting and oversight mechanisms to ensure that the organisations act expeditiously, diligently, and in the public interest, and that the organisations make use of secure channels of communication to carry out the actions covered by the authorisation.	~~These conditions may include the requirement~~**Member States are encouraged to ensure** that the organisations ~~that receive such authorisations~~**acting in the public interest against a child sexual abuse referred to in the first subparagrah** have the necessary expertise ~~and independence~~, that there are appropriate reporting and oversight mechanisms to ensure that ~~the~~**such** organisations act expeditiously, diligently, and in the public interest, and that ~~the organisations~~**they** make use of secure channels of communication to carry out the actions covered by ~~the~~**an** authorisation.	
134	8. Member States shall ensure that authorisations for an organisation acting in the public	8. Member States shall ~~*ensure that authorisations for an organisation*~~ ***provide a legal***	8. ~~Member States shall ensure that authorisations for an organisation acting in the public~~	

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	interest against child sexual abuse referred to in paragraph 7 allow some or all of the following activities to:	***framework for the organisations acting*** acting in the public interest against child sexual abuse referred to in paragraph 7 ***and ensure that the authorisations received by such organisations from the competent authorities of a Member State,*** allow ~~*some or*~~ all of the following activities ~~*to*~~:	~~interest against child sexual abuse referred to in paragraph 7 allow some or all of the following activities to:~~	
135	a. receive and analyse reports of suspected child sexual abuse material, submitted to them by victims, online users or other organisations acting in the public interest against child sexual abuse;	a. ~~*receive and analyse*~~***receiving and analysing*** reports of suspected child sexual abuse material, submitted to them by victims, online users or other organisations acting in the public interest against child sexual abuse;	a. ~~receive and analyse reports of suspected child sexual abuse material, submitted to them by victims, online users or other organisations acting in the public interest against child sexual abuse;~~	
136	b. promptly notify the relevant law enforcement authority of the Member State where the material is hosted of reported illegal content;	b. promptly ~~*notify*~~***notifying*** the relevant law enforcement authority of the Member State where the material is hosted of reported illegal content;	b. ~~promptly notify the relevant law enforcement authority of the Member State where the material is hosted of reported illegal content;~~	

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137	c. collaborate with organisations acting in the public interest against child sexual abuse and authorized to receive reports of suspected child sexual abuse material in accordance with point (a) in the Member State or third country where the material is hosted	c. ~~collaborate~~***collaborating*** with organisations acting in the public interest against child sexual abuse and authorized to receive reports of suspected child sexual abuse material in accordance with point (a) in the Member State or third country where the material is hosted	c. ~~collaborate with organisations acting in the public interest against child sexual abuse and authorized to receive reports of suspected child sexual abuse material in accordance with point (a) in the Member State or third country where the material is hosted~~	
138	d. carry out searches on publicly accessible material on hosting services to detect the dissemination of child sexual abuse material, using the reports of suspected child sexual abuse material referred to in letter (a) or on a request of a victim.	d. ~~carry~~***carrying*** out searches on publicly accessible material on hosting services to detect the dissemination of child sexual abuse material, using the reports of suspected child sexual abuse material referred to in letter (a) or on a request of a victim.	d. ~~carry out searches on publicly accessible material on hosting services to detect the dissemination of child sexual abuse material, using the reports of suspected child sexual abuse material referred to in letter (a) or on a request of a victim.~~	
138a		***(da) cooperating directly with providers of information society services established in the Member State in which the organisations acting in the public interest***		

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		against child sexual abuse are established, in notice and action mechanisms, including removal or disabling of access to content and in notifications of suspicions of criminal offences under Regulation (EU) 2022/2065 of the European Parliament and of the Council, with authorisation from the competent national law enforcement authority.		
139	9. It shall be within the discretion of Member States to decide whether this Article applies to cases involving child sexual abuse material as referred to in Article 2 , point (3)(c) , where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.	9. It shall be within the discretion of Member States to decide whether this Article applies to cases involving child sexual abuse material as referred to in Article 2 , point (3)(c) , where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.	9. It shall be within the discretion of Member States to decide whether this Article applies to cases involving child sexual abuse material as referred to in Article 2 , point (3)(c) , where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.	
139a			**9a. It shall be within the discretion of Member States to decide whether paragraphs 2 and 6 of this Article apply to cases where it is established that child sexual abuse material as referred to in Article 2 (3)(d), is produced and possessed by the producer solely for his or her**	

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			private use in so far as no child sexual abuse material as referred to in Article 2 (3)(a), (b), (c) has been used for the purpose of its production.	
139b			**Article 5a** ***Offences concerning instructions to commit child sexual abuse, sexual exploitation or solicitation of children for sexual purposes***	
139c			**Member States shall take the necessary measures to ensure that the following intentional conduct, when committed without right, is punishable by a maximum term of imprisonment of at least 1 years:**	
139d			**(a) distribution, dissemination or transmission of;**	
139e			**(b) offering, supplying or making available of;**	
139f			**(c) producing,**	
139g			**(d) possessing**	
139h			**any material, regardless of its form, intended to provide advice or instructions on how to**	

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			commit one of the offences referred to in Articles 3, 4, 5 or 6 in this directive.	
140	Article 6 Solicitation of children for sexual purposes	Article 6 Solicitation of children for sexual purposes	Article 6 Solicitation of children for sexual purposes	
141	1. Member States shall take the necessary measures to ensure that the following intentional conduct committed by an adult is punishable as follows :	1. Member States shall take the necessary measures to ensure that the following intentional conduct committed by an adult is punishable as follows :	1. Member States shall take the necessary measures to ensure that the following intentional conduct committed by an adult is punishable as follows :	
142	(a) proposing , by means of information and communication technology, to meet a child either online or in person , for the purpose of committing any of the offences referred to in Article 3(4) , (5), (6) and (7) and Article 5(6), where that proposal was followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least 1 year;	(a) proposing~~-~~, ***including*** by means of information and communication technology,~~–~~ to meet a child either online or in person~~-~~, for the purpose of committing any of the offences referred to in Article 3(4) , (5), (6) and (7)~~–~~, ***Article 4*** and Article 5(6), where that proposal was followed by material acts ~~*leading*~~***that could lead*** to such a meeting, shall be punishable by a maximum term of imprisonment of at least 1 year;	(a) proposing , by means of information and communication technology, to meet a child**— who has not reached the age of sexual consent** either online or in person , for the purpose of committing any of the offences referred to in Article 3(4)~~-~~, (5), (6) ~~and (7)~~ and Article 5(6), where that proposal was followed by material acts leading to such a meeting, shall be punishable by a maximum term of imprisonment of at least 1 year;	

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143	(b) The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 2 years where use is made of coercion, force or threats.	(b) The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 2 years where use is made of coercion, force or threats.	(b) The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 2 years where use is made of coercion, ~~force~~ or threats.	
144	2. Member States shall take the necessary measures to ensure that an attempt, by means of information and communication technology, to commit the offences provided for in Article 5(2) and (3) by an adult soliciting a child to provide child sexual abuse material is punishable by a maximum term of imprisonment of at least 6 months .	2. Member States shall take the necessary measures to ensure that an attempt, ***including*** by means of information and communication technology, to commit the offences provided for in Article 5(2) and (3) by an adult soliciting a child to provide child— sexual abuse material— is punishable by a maximum term of imprisonment of at least ~~*6 months*~~ ***1 year***.	2. Member States shall take the necessary measures to ensure that **the conduct, committed by an adult, of soliciting a child, who has not reached the age of sexual consent,** ~~an attempt,~~ by means of information and communication technology, to ~~commit the offences provided for in Article 5(2) and (3) by an adult soliciting a~~**produce or share** child ~~to provide child~~ sexual abuse material— **depicting that child** is punishable~~ by a maximum term of imprisonment of at least 6 months~~.	
144a			**Where the child has reached the age of sexual consent, the conduct referred to in the first subparagraph shall be punishable where use is made of coercion or threats.**	
145	The conduct referred to in the first subparagraph shall be punishable by a maximum term of	The conduct referred to in the first subparagraph shall be punishable by a	The conduct referred to in the first subparagraph shall be punishable by a maximum term of	

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	imprisonment of at least 1 year where use is made of coercion, force or threats.	maximum term of imprisonment of at least ~~*1 year*~~ ***2 years*** where use is made of coercion, force or threats.	imprisonment of at least 1 year where use is made of coercion~~,~~ ~~force~~ or threats.	
146	3. Member States shall take the necessary measures to ensure that an attempt, by means of information and communication technology, to commit the offences provided for in Article 4(2) and (5) by an adult causing a child to participate in child sexual abuse performances and exploitation in prostitution is punishable by a maximum term of imprisonment of at least 6 months.	3. Member States shall take the necessary measures to ensure that an attempt, ***including*** by means of information and communication technology, to commit the offences provided for in Article 4(2) and (5) by an adult causing a child to participate in child sexual abuse performances and ***sexual*** exploitation ~~*in prostitution is*~~ ***is*** punishable by a maximum term of imprisonment of at least ~~*6 months*~~***3 years***.	3. ~~Member States shall take the necessary measures to ensure that an attempt, by means of information and communication technology, to commit the offences provided for in Article 4(2) and (5) by an adult causing a child to participate in child sexual abuse performances and exploitation in prostitution is punishable by a maximum term of imprisonment of at least 6 months.~~	
147	The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 1 year where use is made of coercion, force or threats.	The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least ~~*1 year*~~ ***6 years*** where use is made of coercion, force or threats.	~~The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 1 year where use is made of coercion, force or threats.~~	
148	Article 7 Solicitation of sexual abuse	Article 7	Article 7	

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		Solicitation ~~of~~***to commit*** sexual abuse ***or exploitation, including live streaming***	~~Solicitation of sexual abuse~~***Solicitation of livestreaming of child sexual abuse or sexual exploitation***	
149	Member States shall take the necessary measures to ensure that intentionally promising or giving any person money, or other form of remuneration or consideration, to cause them to commit any of the offences listed in Article 3(4), (5),(6), (7), and (8), Article 4(2) and (3) and Article 5(6) is punishable by a maximum term of imprisonment of at least 3 years.	Member States shall take the necessary measures to ensure that intentionally promising or giving any person money, or other form of remuneration or consideration, to cause them to commit any of the offences listed in Article 3(4), (5),(6), (7), and (8), Article 4(2) and (3) and Article 5(6)***, including live streaming,*** ~~-~~is punishable by a maximum term of imprisonment of at least ~~3~~***5*** years.	Member States shall take the necessary measures to ensure that intentionally promising or giving ~~any person~~ money, or other form of remuneration or consideration, ~~to cause them to commit~~**in order to gain access to a livestream of activities described in** any of the offences listed in Article 3(4), **(4a), (5), (6), (6a)**~~(5),(6), (7), and (8)~~, Article 4(2) and (3) and Article 5(6) is punishable by a maximum term of imprisonment of at least ~~3 years~~**1 year**.	
150	Article 8 Operation of an online service for the purpose of child sexual abuse or sexual exploitation	Article 8 Operation of an online service for the purpose of child sexual abuse or sexual exploitation	Article 8 Operation of an online service for the purpose of child sexual abuse or sexual exploitation	
150a	Member States shall take the necessary measures to ensure that intentionally operating or administering an information society service which is conceived		*deleted* *Council mandate for Article 8(1) moved lo line 151 to ensure it is in the*	

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	to facilitate or encourage the commission of any of the offences referred to in Articles 3 to 7 is punishable by a maximum term of imprisonment of at least 1 year. Moved reference text		*same line as the EP's for that same provision.* *Line 150a can be deleted (but it was not possible).*	
151	Member States shall take the necessary measures to ensure that intentionally operating or administering an information society service which is conceived to facilitate or encourage the commission of any of the offences referred to in Articles 3 to 7 is punishable by a maximum term of imprisonment of at least 1 year.	Member States shall take the necessary measures to ensure that intentionally operating or administering an information society service which is conceived to facilitate or encourage the commission of any of the offences referred to in Articles 3 to 7 is punishable by a maximum term of imprisonment of at least ~~*1 year*~~***10 years***.	Member States shall take the necessary measures to ensure that intentionally operating or administering an information society service**,** which is ~~conceived~~**designed or adapted** to facilitate~~ or encourage~~ the commission of any of the offences referred to in Articles 3 to 7 is punishable by a maximum term of imprisonment of at least 1 year.	
151a		***Article 8a*** ***Travelling for the purpose of sexual abuse and sexual exploitation of children***		
151b		***Member States shall take the necessary***		

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		measures to ensure that travelling to a country other than that Member States for the purpose of committing, or contributing to the commission of, any of the offences referred to in Article 3 to 8b is punishable as a criminal act when committed intentionally.		
151c		***Article 8b Other offences related to sexual abuse and sexual exploitation of children***		
151d		***Member States shall take the necessary measures to ensure that offences related to sexual abuse and sexual exploitation of children include the following intentional acts: (a) the dissemination of material advertising the opportunity to commit any of the offences referred to in Articles 3 to 8a; (b) extortion with a view to***		

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		committing one of the offences listed in Articles 3 to 8; and (c) drawing up or using false administrative documents with a view to committing one of the offences referred to in Articles 3 to 8a.		
152	Article 9 Incitement, aiding and abetting, and attempt	Article 9 Incitement, aiding and abetting, and attempt	Article 9 Incitement, aiding and abetting, and attempt	
153	1. Member States shall take the necessary measures to ensure that inciting or aiding and abetting to commit any of the offences referred to in Articles 3 to 8 is punishable.	1. Member States shall take the necessary measures to ensure that inciting or aiding and abetting to commit any of the offences referred to in Articles 3 to ~~8~~ ***8b*** is punishable.	1. Member States shall take the necessary measures to ensure that inciting or aiding and abetting to commit any of the offences referred to in Articles 3 to ~~8~~ **6** is punishable.	
154	2. Member States shall take the necessary measures to ensure that an attempt to commit any of the offences referred to in Article 3(4), (5) , (6), (7) and (8), Article 4(2), (3), (5), (6) and (7), Article 5(4), (5) and (6) , Article 7 and Article 8 is punishable.	2. Member States shall take the necessary measures to ensure that an attempt to commit any of the offences referred to in Article 3(4), (5)~~—~~ , (6), (7) and (8), Article 4(2), (3), (5), (6) and (7), Article 5(4), (5) and (6)~~–~~ , Article 7 and Article ~~8~~ ***8b*** is punishable.	2. Member States shall take the necessary measures to ensure that an attempt to commit any of the offences referred to in Article 3(4), (5) , (6),~~ (7) and (8)~~ **(6a)**, Article 4(2), (3), (5), (6) and (7), Article 5(4), (5) and (6)~~, Article 7 and Article 8~~ is punishable.	

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155	Article 10 Consensual sexual activities	Article 10 Consensual sexual activities	Article 10 Consensual sexual activities	
156	1. It shall be within the discretion of Member States to decide whether Article 3(2) and (4) apply to consensual sexual activities between peers, in so far as the acts did not involve any abuse.	1. ~~*It shall be within the discretion of*~~ Member States ~~*to decide whether*~~ ***shall ensure that, in the context of*** Article 3(2) ~~*and (4) apply to*~~***, (4) and (7), an exemption from criminalisation is provided for*** consensual sexual activities between peers, ~~*in so far as the acts did not involve any*~~ ***provided that there is no*** abuse ***of trust or dependency between the peers***.	1. It shall be within the discretion of Member States to decide whether Article 3(2), **(4) and (6)** ~~and (4)~~ apply to consensual sexual activities between peers, in so far as the acts did not involve any abuse **or exploitation**.	
157	2. It shall be within the discretion of Member States to decide whether Article 4(4) applies to a performance that takes place in the context of a consensual relationship where the child has reached the age of sexual consent or between peers , in so far as the acts did not involve any abuse or exploitation and no money or other form of remuneration or consideration is given as payment in exchange for the performance.	2. ~~*It shall be within the discretion of*~~ Member States ~~*to decide whether*~~ ***shall ensure that, in the context of*** Article 4(4) ~~*applies to a*~~ ***an exemption from criminalisation is provided for*** performance that takes place in the context of a consensual relationship where the child has reached the age of sexual consent	2. It shall be within the discretion of Member States to decide whether Article 4(4) applies to a performance that takes place in the context of a consensual relationship where the child has reached the age of sexual consent or between peers-, in so far as the acts did not involve any abuse or exploitation and no money or other form of remuneration or consideration is given as payment in exchange for the performance.	

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		or between peers-, in so far as the acts did not involve any abuse or exploitation and no money or other form of remuneration or consideration is given as payment in exchange for the– performance.		
158	3. It shall be within the discretion of Member States to decide whether Article 5(2), (3), (4) and (6) apply to the production, acquisition or possession of , or access to, material which exclusively involves:	3. ~~*It shall be within the discretion of*~~ Member States ~~*to decide whether*~~***shall ensure that, in the context of*** Article 5(2),– (3), (4) and (6)~~*apply to*~~***, an exemption from criminalisation is provided for*** the production, acquisition or possession of-, or access to, material— which exclusively involves:	3. It shall be within the discretion of Member States to decide whether Article 5(2),– (3), (4)-and (6) apply to the production, acquisition or possession of-, or access to, material~~– which exclusively involves:~~ **involving**	
159	(a) children who have reached the age of sexual consent , or	(a) children who have reached the age of sexual consent , or	(a) children who have reached the age of sexual consent , or	
160	(b) children above the age of sexual consent and their peers,	(b) children above the age of sexual consent and their peers,	(b) children~~ above the age of sexual consent~~ and their peers,	
161	where that material is produced and possessed with the consent of the children involved and only for the private use of the persons	where that material is produced and possessed with the consent of~~– *the*~~ ***the*** children	where that material is produced**, acquired,**~~ and~~ possessed **or accessed by the persons involved with their**~~with the~~ consent ~~of the children involved~~ and only for	

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	involved, in so far as the acts did not involve any abuse.	involved~~—~~ and only for the private use of the persons involved, ~~*in so far as the acts did not involve any*~~ ***provided that there is no*** abuse ***of trust or dependency between the peers***.	the private use ~~of the persons involved~~, in so far as the acts did not involve any abuse **or exploitation**.	
161a			**When applying discretion referred to in the first subparagraph, Member States shall ensure that the consensual sharing of one's intimate images or videos are not to be considered as consent to any further sharing or dissemination of that same material.**	
162	4. It shall be within the discretion of Member States to decide whether Article 6 applies to proposals, conversations, contacts or exchanges between peers.	4. ~~*It shall be within the discretion of*~~ Member States ~~*to decide whether*~~***shall ensure that, in the context of*** Article 6 ~~*applies to*~~ ***an exemption from criminalisation is provided for to*** proposals, conversations, contacts or exchanges between peers**,** ***provided that there is no abuse of trust or dependency between the peers***.	4. It shall be within the discretion of Member States to decide whether Article 6 applies to proposals, conversations, contacts or exchanges between peers**, in so far as the acts did not involve any abuse or exploitation, coercion or threat**.	

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163	5. For the purpose of paragraphs 1 to 4, a child above the age of sexual consent can be considered as having consented to an activity only where the consent was given voluntarily, as result of the child's free will assessed in the context of the surrounding circumstances.	5. For the purpose of paragraphs 1 to 4 ***of this Article***, a child above the age of sexual consent can be considered as having consented to an activity only where the consent was given voluntarily ***and clearly and in an informed and unambiguous manner, as the*** ~~, as~~ result of the ~~child's~~ free will ***of the child*** assessed in the context of the surrounding circumstances***, as defined in Article 2, point (2a). A child above the age of sexual consent shall not be considered to have consented where the child was unable to form free will due to the presence of the circumstances referred to Article 3(5) or due to other circumstances, including the child's physical or mental condition, such as a state of unconsciousness, sleep, intoxication,***	5. ~~For the purpose of paragraphs 1 to 4, a child above the age of sexual consent can be considered as having consented to an activity only where the consent was given voluntarily, as result of the child's free will assessed in the context of the surrounding circumstances.~~	

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		surprise, freezing, illness or bodily injury.		
164	Consent can be withdrawn at any moment.	Consent can be withdrawn at any moment.	~~Consent can be withdrawn at any moment.~~	
165	The absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past conduct.	The absence of consent cannot be refuted ~~*exclusively*~~ by the child's silence, verbal or physical non-resistance or past ***sexual*** conduct ***or by any past or present relationship with an offender***.	~~The absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past conduct.~~	
166	6. Consensual sharing of one's intimate images or videos cannot be interpreted as consent to any further sharing or dissemination of that same image or video.	6. Consensual sharing of one's intimate images ~~*or*~~***,*** videos ***or similar material*** cannot be interpreted as consent to any further sharing or dissemination of that same image ~~*or*~~***,*** video ***or similar material, including in a manipulated or altered version***. ***Any subsequent sharing or dissemination, whether by the original recipient or any other party, shall require***	~~6. Consensual sharing of one's intimate images or videos cannot be interpreted as consent to any further sharing or dissemination of that same image or video.~~	

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		explicit, informed consent from the individual depicted. Consent can be withdrawn at any moment.		
167	Article 11 Aggravating circumstances	Article 11 Aggravating circumstances	Article 11 Aggravating circumstances	
168	In so far as the following circumstances do not already form part of the constituent elements of the offences referred to in Articles 3 to 9 , Member States shall take the necessary measures to ensure that the following circumstances may, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances, in relation to the relevant offences referred to in Articles 3 to 9 :	In so far as the following circumstances do not already form part of the constituent elements of the offences referred to in Articles 3 to 9 , Member States shall take the necessary measures to ensure that the following circumstances may, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances, in relation to the relevant offences referred to in Articles 3 to 9 :	~~In so far as~~**To the extent that** the following circumstances do not ~~already~~ form part of the constituent elements of the offences referred to in Articles 3 to ~~9~~ **9** , Member States shall take the necessary measures to ensure that**, in relation to the relevant criminal offences referred to in those Articles, one or more of** the following circumstances ~~may~~**can**, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances, ~~in relation to the relevant offences referred to in Articles 3 to 9 :~~	
169	(a) the offence was committed against a child in a particularly vulnerable situation, such as a child with a mental or physical disability, in a situation of dependence or in a state of physical or mental incapacity;	(a) the offence was committed against a child in ~~a~~***any*** particularly vulnerable~~—~~ situation, such as ***against a child of a young age,*** a child with a mental,	(a) the offence was committed against a child in a particularly vulnerable— situation, such as a child with a ~~mental or physical~~ disability, in a situation of ~~—~~ dependence or in a state of physical or mental incapacity;	

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		intellectual, sensory or physical disability, ***deprived of liberty or whose liberty is restricted,*** in a situation of dependence or in a state of physical or mental incapacity;		
170	(b) the offence was committed by a member of the child's family, a person cohabiting with the child or a person who has abused a recognised position of trust , authority or influence on the child;	(b) the offence was committed by a member of the child's family, a person cohabiting with the child or a person who has abused a recognised position of trust , authority or influence on the child;	(b) the offence was committed by a member of the child's family, a person cohabiting with the child or a person who has abused a recognised position of trust , authority or influence on the child;	
171	(c) the offence was committed by several persons acting together;	(c) the offence was committed by several persons acting together;	(c) the offence was committed by several persons acting together;	
172	(d) the offence was committed within the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA	(d) the offence was committed within the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA	(d) the offence was committed within the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA	
173	(e) the offender has previously been convicted of offences of the same nature;	(e) the offender has previously been convicted of offences of the same nature;	(e) the offender has previously been convicted of offences of the same nature;	
174	(f) the offender has deliberately or recklessly endangered the life of the child;	(f) the offender has deliberately or recklessly endangered the life of the child;	(f) the offender has deliberately or recklessly endangered the life of the child;	

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175	(g) the offence involved serious violence or caused serious harm to the child ;	(g) the offence involved serious violence or caused serious harm to the child ;	(g) the offence involved serious violence or caused serious harm to the child~~–~~;	
176	(h) the offence was committed repeatedly;	(h) the offence was committed repeatedly;	(h) ~~the offence was committed repeatedly;~~	
176a		***(ha) the offender posed as a minor or a peer;***		
177	(i) the offence was committed with the use or threat of using a weapon; or	(i) the offence was committed with the use or threat of using a weapon; or	(i) ~~the offence was committed with the use or threat of using a weapon; or~~	
178	(j) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances.	(j) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances.	(j) the offence was committed by ~~causing~~**intentionally taking advantage of** the victim ~~to take, use or be affected by drugs, alcohol or other intoxicating substances~~**'s intoxicated state**.	
178a		***(ja) the offence was motivated by one or more of the grounds protected under Article 21 of the Charter of Fundamental Rights of the European Union.***		
179	Article 12 Disqualification arising from convictions	Article 12 Disqualification arising from convictions	Article 12 Disqualification arising from convictions	

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180	1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 9 may be temporarily or permanently prevented from exercising at least professional activities involving direct and regular contacts with children.	1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 9 may be temporarily or permanently prevented from exercising at least professional ***and organised voluntary*** activities involving ***or facilitating*** direct and regular contacts with children.	1. In order to avoid the risk of repetition of offences, Member States shall take the necessary measures to ensure that a natural person who has been convicted of any of the offences referred to in Articles 3 to 9 may be temporarily or permanently prevented from exercising at least professional activities involving direct and regular contacts with children.	
181	2. Member States shall take the necessary measures to ensure that employers, when recruiting a person for professional or organised voluntary activities involving direct and regular contacts with children, and organisations acting in the public interest against child sexual abuse, when recruiting staff, are required to request information in accordance with national law by way of any appropriate means, such as access upon request or via the person concerned, of the existence of criminal convictions	2. Member States shall take the necessary measures to ensure that employers, when recruiting a person for professional or organised voluntary activities involving direct and regular contacts with children, and organisations acting in the public interest against child sexual abuse, when recruiting ***or contracting*** staff, ~~are~~ ***consultants and***	2. Member States shall take the necessary measures to ensure that employers, **in at least the child protection, education, childcare, health care sectors** when recruiting a person for professional or organised voluntary activities involving direct and regular contacts with children, and organisations acting in the public interest against child sexual abuse, when recruiting staff, ~~are~~ **are** required to request information in accordance with national law by way of any appropriate means, such as access	

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	for any of the offences referred to in Articles 3 to 9 , entered in the criminal record or of the existence of any disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions.	***volunteers, are*** required to request information in accordance with national law by way of any appropriate means, such as access upon request or via the person concerned, of the existence of criminal convictions for any of the offences referred to in Articles 3 to 9 , entered in the criminal record or of the existence of any disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions.	upon request or via the person concerned, of the existence of criminal convictions for any of the offences referred to in Articles 3 to ~~9~~ **9**, entered in the criminal record or of the existence of any disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions.	
182	3. For the application of paragraphs 1 and 2 of this Article, when requested by competent authorities, Member States shall take the necessary measures to ensure, the transmission of information concerning the existence of criminal convictions for any of the offences referred to in Articles 3 to 9 , or of any	3. For the application of paragraphs 1 and 2 of this Article, when requested by competent authorities, Member States shall take the necessary measures to ensure, the transmission of information ***from the authorities to the requesting party***	3. For the application of paragraphs 1 and 2 of this Article, when requested by competent authorities, Member States shall take the necessary measures to ensure, the transmission of information concerning the existence of criminal convictions for any of the offences referred to in Articles 3 to 9 , or of any	

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	disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions , and that the transmitted information is as complete as possible, comprising at least information on criminal convictions or disqualifications arising from criminal convictions kept by any Member State. For that purpose, such information shall be transmitted through ECRIS or the mechanism for the exchange of criminal record information established with third countries.	concerning the existence of criminal convictions for any of the offences referred to in Articles 3 to 9 , or of any disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions, and that the transmitted information is as complete as possible, comprising at least information on criminal convictions or disqualifications arising from criminal convictions kept by any Member State. For that purpose, such information shall be transmitted through ECRIS or the mechanism for the exchange of criminal record information established with third countries.	disqualification from exercising activities involving direct and regular contacts with children arising from those criminal convictions , and that the transmitted information is as complete as possible, comprising at least information on criminal convictions or disqualifications arising from criminal convictions kept by any Member State. For that purpose, such information shall be transmitted through ECRIS or the mechanism for the exchange of criminal record information established with third countries**, when such a mechanism exists**.	
183	Article 13 Liability of legal persons	Article 13 Liability of legal persons	Article 13 Liability of legal persons	

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184	1. Member States shall take the necessary measures to ensure that legal persons may be held liable for any of the offences referred to in Articles 3 to 9 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on:	1. Member States shall take the necessary measures to ensure that legal persons may be held liable for any of the offences referred to in Articles 3 to 9 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on:	1. Member States shall ~~take the necessary measures to~~ ensure that legal persons ~~may~~**can** be held liable for ~~any of the~~**criminal** offences referred to in Articles 3 to ~~9~~ **9 where such offences have been** committed for ~~their~~**the** benefit **of those legal persons** by any person **who has a leading position within the legal person concerned**, acting either individually or as part of an organ of the legal person~~, and having a leading position within the legal person,~~ based on:	
185	(a) a power of representation of the legal person;	(a) a power of representation of the legal person;	(a) a power of representation of the legal person;	
186	(b) an authority to take decisions on behalf of the legal person; or	(b) an authority to take decisions on behalf of the legal person; or	(b) an authority to take decisions on behalf of the legal person; or	
187	(c) an authority to exercise control within the legal person.	(c) an authority to exercise control within the legal person.	(c) an authority to exercise control within the legal person.	
188	2. Member States shall also take the necessary measures to ensure that legal persons may be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission, by a person under its authority, of any	2. Member States shall also take the necessary measures to ensure that legal persons may be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission, by a person under its authority, of any	2. Member States shall ~~also~~ take the necessary measures to ensure that legal persons ~~may~~**can** be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission, ~~by a person under its authority, of any~~	

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	of the offences referred to in Articles 3 to 9 for the benefit of that legal person.	of the offences referred to in Articles 3 to 9 for the benefit of that legal person.	~~of the~~**criminal** offences referred to in Articles 3 to 9 for the benefit of ~~that~~**the** legal person**, by a person under its authority**.	
189	3. Liability of legal persons under paragraphs 1 and 2 shall be without prejudice to criminal proceedings against natural persons who are perpetrators, inciters or accessories to the offences referred to in Articles 3 to 9 .	3. Liability of legal persons under paragraphs 1 and 2 shall be without prejudice to criminal proceedings against natural persons who are perpetrators, inciters or accessories to the offences referred to in Articles 3 to 9 .	3. Liability of legal persons under paragraphs 1 and 2 shall ~~be without prejudice to~~**not preclude** criminal proceedings against natural persons who ~~are perpetrators, inciters or~~**commit, incite or are** accessories to the **criminal** offences referred to in Articles 3 to 9 .	
190	Article 14 Sanctions on legal persons	Article 14 ~~*Sanctions on*~~***Penalties for*** legal persons	Article 14 ~~Sanctions on legal persons~~***Penalties for legal persons***	
191	1. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 13 is punishable by effective, proportionate and dissuasive sanctions, which shall include criminal or non-criminal fines and may include other sanctions, such as:	1. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 13 is punishable by effective, proportionate and dissuasive ~~*sanctions*~~***penalties***, which shall include criminal or non-criminal fines and may include other ~~*sanctions*~~***penalties***, such as:	1. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 13**– (1) or (2)** is punishable by effective, proportionate and dissuasive ~~sanctions, which shall include~~ criminal or non-criminal ~~fines and may include other sanctions, such as:~~**penalties or measures**	

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191a			**1a. Member States shall take the necessary measures to ensure that penalties or measures for legal persons held liable pursuant to Article 13(1) or (2) for the criminal offences referred to in Articles 3 to 9 shall include criminal or non-criminal fines and may include other criminal or non-criminal penalties or measures, such as:**	
192	(a) exclusion from entitlement to public benefits or aid;	(a) exclusion from entitlement to public benefits or aid;	(a) exclusion from entitlement to public benefits or aid;	
193	(b) exclusion from access to public funding, including tender procedures, grants and concessions;	(b) exclusion from access to public funding, including tender procedures, grants and concessions;	(b) exclusion from access to public funding, including tender procedures, grants ~~and~~**,** concessions **and licences**;	
194	(c) temporary or permanent disqualification from the practice of commercial activities;	(c) temporary or permanent disqualification from the practice of commercial activities;	(c) temporary or permanent disqualification from the practice of ~~commercial~~**business** activities;	
195	(d) placing under judicial supervision;	(d) placing under judicial supervision;	(d) placing under judicial supervision;	
196	(e) judicial winding-up; or	(e) judicial winding-up; or	(e) judicial winding-up; or	
197	(f) temporary or permanent closure of establishments which have been used for committing the offence.	(f) temporary or permanent closure of establishments which have been used for committing the offence.	(f) ~~temporary or permanent~~ closure of establishments ~~which have been~~ used for committing the offence.	

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197a		***(fa) where there is a public interest, the publication of all or part of the judicial decision relating to the criminal offence committed and the penalties or measures imposed, without prejudice to rules on privacy and the protection of personal data***		
198	2. Member States shall take the necessary measures to ensure that, for legal persons held liable pursuant to Article 13, offences punishable by a maximum term of imprisonment of at least 2 years for natural persons are punishable by fines whose maximum level should be not less than 1 percent of the total worldwide turnover of the legal person in the business year preceding the fining decision.	2. Member States shall take the necessary measures to ensure that, for legal persons held liable pursuant to Article 13, offences punishable by a maximum term of imprisonment of at least 2 years for natural persons are punishable by fines whose maximum level should be not less than 1 percent of the total worldwide turnover of the legal person ***either*** in the business year ***preceding that in which the offence was committed or in the business year***	2. Member States shall take the necessary measures to ensure that, **at least** for legal persons held liable pursuant to Article 13 **(1)**, **criminal** offences punishable **under this directive** by a maximum term of imprisonment of at least ~~2 years~~**1 year** for natural persons are punishable by **criminal or non-criminal** fines ~~whose maximum level should be not less than 1 percent~~**, the amount of which shall be proportionate to the gravity** of the ~~total worldwide turnover~~**conduct and to the individual, financial and other circumstances** of the legal person ~~in the business year preceding the fining decision.~~**concerned. Member States shall take the**	

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		-preceding the ~~*fining*~~ decision ***to impose the fine, or an amount corresponding to EUR 8 000 000, whichever is higher***.	**necessary measures to ensure that the maximum level of such fines is not less than:**	
198a			**(i) 1 percent of the total worldwide turnover of the legal person, either in the business year preceding that in which the offence was committed, or in the business year preceding that of the decision to impose the fine, or**	
198b			**(ii) an amount corresponding to EUR 8 000 000.**	
199	3. Member States shall take the necessary measures to ensure that, for legal persons held liable pursuant to Article 13, offences punishable by a maximum term of imprisonment of at least 3 years for natural persons are punishable by fines, whose maximum level should be not less than 5 percent of the total worldwide turnover of the legal person in the business year preceding the fining decision.	3. Member States shall take the necessary measures to ensure that, for legal persons held liable pursuant to Article 13, offences punishable by a maximum term of imprisonment of at least 3 years for natural persons are punishable by fines, whose maximum level should be not less than 5	3. Member States shall take the necessary measures to ensure that, **at least** for legal persons held liable pursuant to Article 13 **(1)**, **criminal** offences punishable **under this directive** by a maximum term of imprisonment of at least ~~3~~**5** years for natural persons are punishable by **criminal or non-criminal** fines, ~~whose maximum level should be not less than 5 percent~~**the amount of which shall be proportionate to the gravity** of the ~~total worldwide turnover~~**conduct and**	

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		percent of the total worldwide turnover of the legal person ***either*** in the business year ***preceding that in which the offence was committed or in the business year*** -preceding the ~~*fining*~~ decision ***to impose the fine, or an amount corresponding to EUR 40 000 000, whichever is higher***.	**to the individual, financial and other circumstances** of the legal person ~~in the business year preceding the fining decision.~~**concerned. Member States shall take the necessary measures to ensure that the maximum level of such fines is not less than:**	
199a			**(i) 3 percent of the total worldwide turnover of the legal person, either in the business year preceding that in which the offence was committed, or in the business year preceding that of the decision to impose the fine, or**	
199b			**(ii) an amount corresponding to EUR 24 000 000.**	
199c		***3a. Member States may establish rules for cases in which it is not possible to determine the amount of the fine on the basis of the total worldwide turnover of***		

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		the legal person in the business year preceding the year in which the offence was committed or in the business year preceding the decision to impose the fine.		
199d			**3b. Member States may establish rules for cases where it is not possible to determine the amount of the fine on the basis of the total worldwide turnover of the legal person in the business year preceding that in which the offence was committed, or in the business year preceding the decision to impose the fine.**	
200	Article 15 Non-prosecution or non-application of penalties to the victim	Article 15 Non-prosecution or non-application of penalties to the victim	Article 15 Non-prosecution or non-application of penalties to the victim	
201	Member States shall, in accordance with the basic principles of their legal systems take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on child victims of sexual abuse and	Member States shall, in accordance with the basic principles of their legal systems take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on child victims of sexual abuse and	Member States shall, in accordance with the basic principles of their legal systems take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on child victims of sexual abuse and	

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	sexual exploitation for their involvement in criminal activities, which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 4(2), (3), (5) and (6), and in Article 5 (4), (5) and (6).	sexual exploitation for their involvement in criminal activities, which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 4(2), (3), (5) and (6), and in Article 5 (4), (5) and (6).	sexual exploitation for their involvement in criminal activities, which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 4(2), (3), (5)**, (6), and (7)** ~~and (6)~~, and in Article 5– (4), (5) and– (6).	
202	Article 16 Investigation and prosecution and limitation periods	Article 16 Investigation and prosecution ~~*and limitation periods*~~	Article 16 Investigation and prosecution ~~and limitation periods~~	
203	1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to 9 are not dependent on a report or accusation being made by the victim or by his or her representative, and that criminal proceedings may continue even if that person has withdrawn his or her statements.	1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to 9 are not dependent on a report or accusation being made by the victim or by his or her representative, and that criminal proceedings may continue even if that person has withdrawn his or her statements.	1. Member States shall take the necessary measures to ensure that investigations into or the prosecution of the offences referred to in Articles 3 to ~~9~~ **6 and 9** are not dependent on a report or accusation being made by the victim or by his or her representative, and that criminal proceedings may continue even if that person has withdrawn his or her statements.	
204	2. Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Article 3, Article 4(2), (3), (5), (6) and (7) , of any serious offences referred to in Article 5(6) when child sexual abuse material as referred to in	*deleted*	~~2. Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Article 3, Article 4(2), (3), (5), (6) and (7) , of any serious offences referred to in Article 5(6) when child sexual abuse material as referred to in~~	

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	Article 2 , points (3)(a) and (b) has been used, and of any of the offences referred to in Articles 7 and 8 , for a sufficient period of time after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.		~~Article 2 , points (3)(a) and (b) has been used, and of any of the offences referred to in Articles 7 and 8 , for a sufficient period of time after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.~~	
205	This period of time referred to in the first subparagraph shall be:	*deleted*	~~This period of time referred to in the first subparagraph shall be:~~	
206	(a) at least 20 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 3 years of imprisonment;	*deleted*	(a) ~~at least 20 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 3 years of imprisonment;~~	
207	(b) at least 25 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 5 years of imprisonment;	*deleted*	(b) ~~at least 25 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 5 years of imprisonment;~~	
208	(c) at least 30 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 8 years of imprisonment.	*deleted*	(c) ~~at least 30 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 8 years of imprisonment.~~	

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209	3. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 9 .	3. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to 9 . ***Where appropriate, those tools shall include special investigative tools, such as those which are used in countering organised crime or other serious crime cases, like the possibility to conduct undercover investigations, the use of so called 'honeypots', the interception of communications, covert surveillance including electronic surveillance and the monitoring of bank accounts or other financial investigations in accordance with national law.***	~~3~~**2**. Member States shall take the necessary measures to ensure that effective **and proportionate** investigative tools~~, such as those which are used in organised crime or other serious crime cases~~ are available ~~to persons, units or services responsible~~ for investigating or prosecuting offences referred to in Articles 3 to ~~9~~ **6 and 9**. **Where appropriate, those tools shall include special investigative tools, such as those which are used in combatting organised crime or other serious crime cases.**	

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210	4. Member States shall ensure that persons, units or services investigating and prosecuting the offences referred to in Articles 3 to 9have sufficient staff, expertise and effective investigative tools to effectively investigate and prosecute such crimes, including those committed through the use of information and communication technology, in accordance with the applicable rules of Union and national law. Where appropriate, these tools shall include special investigative tools, such as those which are used in countering organised crime or other serious crime cases, like the possibility to conduct undercover investigations.	4. Member States shall ensure that persons, units or services investigating and prosecuting the offences referred to in Articles 3 to ~~9have~~***9 have*** sufficient staff~~,~~ ***and*** expertise ~~*and effective investigative tools*~~ to effectively investigate and prosecute such crimes, including those committed through the use of information and communication technology, in accordance with the applicable rules of Union and national law. ~~*Where appropriate, these tools shall include special investigative tools, such as those which are used in countering organised crime or other serious crime cases, like the possibility to conduct undercover investigations.*~~	~~4~~**3**. Member States shall ensure that persons, units or services investigating and prosecuting the offences referred to in Articles 3 to ~~9have~~**9 have** sufficient staff, **and** expertise ~~and effective investigative tools~~ to effectively investigate and prosecute such crimes, including those committed through the use of information and communication technology, in accordance with the applicable rules of Union and national law. ~~Where appropriate, these tools shall include special investigative tools, such as those which are used in countering organised crime or other serious crime cases, like the possibility to conduct undercover investigations.~~	
211	5. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 9 , in particular by analysing child sexual abuse material ,	5. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to 9 , in particular by analysing child sexual abuse material ,	~~5~~**4**. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to ~~9~~ **6 and 9**, in particular by analysing child sexual abuse	

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	such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.	such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.	material–, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.	
211a		***Article 16a*** ***Limitation periods***	**Article 16a** **Limitation periods**	
211b		***1. Member States shall take the necessary measures to ensure that no limitation period applies to the offences referred to in Article 3 to 9.***	**1. Member States shall take the necessary measures to enable the investigation, prosecution, trial and adjudication of the offences referred to in Article 3, Article 4(2), (3), (5), (6) and (7) , of any serious offences referred to in Article 5(6) when child sexual abuse material as referred to in Article 2, points (3)(a) and (b) has been used, , for a sufficient period of time after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.**	
211c			**2. The period referred to in paragraph 1 shall be:**	
211d			**(a) at least 10 years from the date the victim has reached the age of majority for the offences punishable under this Directive**	

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			by a maximum penalty of at least 5 years of imprisonment;	
211e			**(b) at least 20 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 10 years of imprisonment.**	
211f			**3. By way of derogation from paragraph 2, Member States may establish a period that is shorter than 10 years, with regard to point (a), or 20 years, with regard to point (b), but not shorter than, respectively five years and 10 years provided that such period may be interrupted or suspended in the event of specified acts.**	
212	Article 17 Reporting suspicion of child sexual abuse or sexual exploitation	Article 17 Reporting suspicion of child sexual abuse or sexual exploitation	Article 17 Reporting suspicion of child sexual abuse or sexual exploitation	
213	1. Member States shall take the necessary measures to ensure that the confidentiality rules imposed by national law on certain professionals whose main duty is to work with children do not constitute an obstacle to the	1. Member States shall take the necessary measures to ensure that the confidentiality rules imposed by national law on certain professionals whose main duty is to work with children do not constitute an obstacle to the	1. Member States shall take the necessary measures to ensure that the confidentiality rules**, as well as the rules on professional secrecy,** imposed by national law on certain professionals ~~whose main duty is to work~~**working in**	

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	possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of offences referred to in Articles 3 to 9 .	possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of offences referred to in Articles 3 to 9 .	**close contact** with children do not constitute an obstacle to the possibility, for those professionals, ~~of their reporting~~**to report** to the ~~services responsible for child protection~~**competent authorities** any situation where they have reasonable grounds for believing that a child is the victim **or could become a victim** of offences referred to in Articles 3 to ~~9 .~~ **6 and 9,**	
214	2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that any of the offences referred to in Articles 3 to 9 have been committed, to report this to the competent services , without affecting Article 18 of Regulation (EU) 2022/2065 of the European Parliament and of the Council[1] and Article 12 of Regulation (EU) …/…[2] [laying down rules to prevent and combat child sexual abuse]. _____ 1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI:	2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that any of the offences referred to in Articles 3 to 9 have been committed, to report this to the competent services–, without ~~affecting~~***prejudice to*** Article 18 of Regulation (EU) 2022/2065 of the European Parliament and of the Council[1] and Article 12 of Regulation (EU) …/…[2] [laying down rules to prevent and combat child sexual abuse].	2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that any of the offences referred to in Articles 3 to 9 have been committed, to report this to the competent services , without affecting Article 18 of Regulation (EU) 2022/2065 of the European Parliament and of the Council[1] and Article 12 of Regulation (EU) …/…[2] [laying down rules to prevent and combat child sexual abuse]. _____ 1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI:	

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	http://data.europa.eu/eli/reg/2022/2065/oj). 2. Regulation (EU)	_____ 1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2065/oj). 2. Regulation (EU)	http://data.europa.eu/eli/reg/2022/2065/oj). 2. Regulation (EU)	
215	3. Member States shall ensure that at least professionals working in close contact with children in the child protection, education, childcare and health care sectors are obliged to report to the competent authorities if they have reasonable grounds for believing that an offence punishable under this Directive has been committed or is likely to be committed.	3. Member States shall ensure that at least ***all*** professionals ***and volunteers*** working in close contact with children, ***including*** in the child protection, education, ***sport***, childcare and health care sectors, ***as well as legal professionals, teachers and educators, family court judges and front-line police officers are informed and trained to recognise child sexual abuse. The professionals and volunteers referred to in the first subparagraph*** are obliged to report to the competent authorities if they	*deleted*	

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		have reasonable grounds for believing that an offence punishable under this Directive has been committed or is likely to be committed.		
216	*4.* Member States shall exempt professionals working in the health care sectors in the context of programmes dedicated to persons who have been convicted of a criminal offence punishable under this Directive or persons who fear that they might commit any of the offences punishable under this Directive from the reporting obligation provided for in paragraph 3.	4. Member States shall exempt professionals ~~*working in the health care sectors*~~***active*** in the context of programmes dedicated to persons who have been convicted of a criminal offence punishable under this Directive or persons who fear that they might commit any of the offences punishable under this Directive from the reporting obligation provided for in paragraph 3.	*deleted*	
216a		***4a. Member States shall ensure the existence of accessible, visible, clear, user-friendly and gender-sensitive reporting mechanisms. Member States***		

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		shall ensure that those reporting mechanisms are adequately resourced, including in terms of funding and staffing.		
217	5. Member States, supported by the EU Centre once established, shall issue guidelines for the persons referred to in paragraph 3 on identifying whether an offence punishable under this Directive has been committed or is likely to be committed and on reporting to competent authorities. Such guidelines shall also indicate how to address the specific needs of victims.	5. Member States, supported by the EU Centre once established, shall issue guidelines for the persons referred to in paragraph 3 on identifying whether an offence punishable under this Directive has been committed or is likely to be committed and on reporting to competent authorities. Such guidelines shall also indicate how to address the specific needs of victims.	*deleted*	
218	Article 18 Reporting of child sexual abuse or sexual exploitation	Article 18 Reporting of child sexual abuse or sexual exploitation	Article 18 Reporting of child sexual abuse or sexual exploitation	
219	1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, and Article 5a under Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes], Member States shall ensure that victims can report the	1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, and Article 5a under Directive (EU) …/… [proposed Directive amending Directive 2012/29	1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, and Article 5a under Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes], Member States shall ensure that victims can report the	

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	offences referred to in Articles 3 to 9 of this Directive to the competent authorities in an easy and accessible manner. This shall include the possibility of reporting those criminal offences, and submitting evidence where feasible, by means of easily accessible and user-friendly information and communication technologies.	establishing minimum standards on the rights, support and protection of victims of crimes], Member States shall ensure that victims can report the offences referred to in Articles 3 to 9 of this Directive to the competent authorities ***free of charge, safely and*** in an easy***, confidential, and*** and accessible manner. This shall include the possibility of reporting those criminal offences, and submitting evidence where feasible, by means of easily accessible and user-friendly information and communication technologies.	offences referred to in Articles 3 to **6 and** 9 of this Directive to the competent authorities ~~in an easy and~~**through** accessible**, easy to use, safe and readily available channels. That** ~~manner. This~~ shall**, where appropriate,** include the possibility of reporting ~~those criminal offences, and submitting evidence where feasible, by means of easily~~**online or through other** accessible and ~~user-friendly~~**secure** information and communication technologies**, without prejudice to national procedural rules regarding formalising online reporting**.	
219a		***1a. Member States shall take the necessary measures to ensure the possibility of third-party reporting, including by making use of the reporting mechanism referred to in paragraph 1.***		

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219b			**Member States shall ensure that the possibility to report online or through other accessible and secure information and communication technologies includes the possibility to submit evidence by the means set out in subparagraph 1, without prejudice to national procedural rules regarding formalising the submission of evidence.**	
220	2. Member States shall ensure that the reporting procedures referred to in paragraph 1 are safe, confidential and designed in a child-friendly manner and language, in accordance with their age and maturity. Member States shall ensure reporting is not conditional upon parental consent.	2. Member States shall ensure that the reporting procedures referred to in paragraph 1 are safe, confidential and designed in a child-friendly manner and language, in accordance with their age and maturity. Member States shall ensure ***that*** reporting is not conditional upon parental consent ***and that appropriate information about reporting procedures and support services is provided***. ***Member States shall ensure the existence***	2. Member States shall ensure that the ~~reporting~~ procedures **for reporting** referred to in paragraph 1 are safe~~,~~ **and are carried out in a** confidential ~~and~~**manner in accordance with national law, are** designed in a child-friendly manner and **use** language, in accordance with ~~their~~**the** age and maturity~~. Member States shall ensure reporting is not conditional upon parental consent~~ **of the child**.	

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		of accessible, visible, clear, user-friendly and gender-sensitive reporting mechanisms in accordance with the Barnahus quality standards. Member States shall ensure that those reporting mechanisms are adequately resourced, including in terms of funding and staffing.		
220a		***2a. Member States shall ensure that age-appropriate multidisciplinary interagency structures are established to address child sexual abuse, including where such abuse is facilitated by means of information and communication technology. Member States shall encourage and support, including financially, other reporting mechanisms, in particular: (a) the development of dedicated helplines and hotlines, including but not limited to the '116 000' number;***		

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		(b) the appointment of well-being officers who are specifically trained to receive, assess and report suspicions of child sexual abuse and exploitation. Member States shall ensure that reporting systems as referred to in the second subparagraph are fully integrated into national child protection systems and that they are adequately resourced, including in terms of funding and staffing. Such structures shall be without prejudice to any existing systems in Member States.		
220b			**Member States shall ensure that professionals in contact with children during the reporting procedure are properly trained on the issue of sexual abuse or sexual exploitation of children.**	
221	3. Member States shall ensure that the competent authorities coming in contact with	3. Member States shall ensure that the	~~3.~~ Member States shall ensure that the **ability of a child to report the act is not**	

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	victims reporting child sexual abuse offences or sexual exploitation offences are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment of the victims' protection needs conducted in accordance with Article 22 of Directive 2012/29/EU.	competent authorities coming in contact with victims reporting child sexual abuse offences or sexual exploitation offences are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, ~~*at least until completion of the first individual assessment of the victims' protection needs conducted in accordance with Article 22 of Directive 2012/29/EU*~~ ***as well as from using them for the purpose of carrying out return procedures***.	**conditional upon the consent of the holder of parental responsibility and that the measures necessary to protect the safety of the child are taken by the** competent authorities ~~coming in contact with victims~~**before that person is informed about the** reporting ~~child sexual abuse offences or sexual exploitation offences are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment of the victims' protection needs conducted in accordance with Article 22 of Directive 2012/29/EU~~.	
222	Article 19 Jurisdiction and coordination of prosecution	Article 19 Jurisdiction and coordination of prosecution	Article 19 ~~Jurisdiction and coordination of prosecution~~***Jurisdiction***	
223	1. Member States shall take the necessary measures to establish their jurisdiction over the offences referred to in Articles 3 to 9 where:	1. Member States shall take the necessary measures to establish their jurisdiction over the offences referred to in Articles 3 to 9 where:	1. Member States shall take the necessary measures to establish their jurisdiction over the offences referred to in Articles 3 to ~~9~~ **9** where:	

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224	(a) the offence is committed in whole or in part within their territory; or	(a) the offence is committed in whole or in part within their territory; or	(a) the offence is committed in whole or in part within their territory; or	
225	(b) the offender is one of their nationals.	(b) the offender is one of their nationals.	(b) the offender is one of their nationals.	
226	2. A Member State shall inform the Commission where it decides to establish further jurisdiction over an offence referred to in Articles 3 to 9 committed outside its territory, inter alia, where:	2. A Member State shall inform the Commission where it decides to establish further jurisdiction over an offence referred to in Articles 3 to 9 committed outside its territory, inter alia, where:	2. A Member State shall inform the Commission where it decides to establish further jurisdiction over an offence referred to in Articles 3 to 9 committed outside its territory, inter alia, where:	
227	(a) the offence is committed against one of its nationals or a person who is an habitual resident in its territory;	(a) the offence is committed against one of its nationals or a person who is an habitual resident in its territory;	(a) the offence is committed against one of its nationals or a person who is an habitual resident in its territory;	
228	(b) the offence is committed for the benefit of a legal person established in its territory; or	(b) the offence is committed for the benefit of a legal person established in its territory; or	(b) the offence is committed for the benefit of a legal person established in its territory; or	
229	(c) the offender is an habitual resident in its territory.	(c) the offender is an habitual resident in its territory.	(c) the offender is an habitual resident in its territory.	
230	3. Member States shall ensure that their jurisdiction includes situations where an offence referred to in Articles 5 , 6 and 8 , and in so far as is relevant, in Articles 3 , 4, 7 and 9 , is committed by means of	3. Member States shall ensure that their jurisdiction includes situations where an offence referred to in Articles 5 , 6 and 8 , and in so far as is relevant, in Articles 3 , 4, 7 and 9 , is committed by means of	3. Member States shall ensure that their jurisdiction includes situations where an offence referred to in Articles 5 , 6 and 8 , and in so far as is relevant, in Articles 3 , 4, 7 and 9 , is committed by means of	

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	information and communication technology accessed from their territory, whether or not it is based on their territory.	information and communication technology accessed from their territory, whether or not it is based on their territory.	information and communication technology accessed from their territory, whether or not it is based on their territory.	
231	4. For the prosecution of any of the offences referred to in Article 3(4), (5) , (6), (7), and (8), Article 4(2), (3), (5), (6) and (7) , Article 5(6) , Article 7 and Article 8 committed outside the territory of the Member State concerned, as regards paragraph 1 , point (b) of this Article, each Member State shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the acts are a criminal offence at the place where they were performed.	4. For the prosecution of any of the offences referred to in Article 3(4), (5) , (6), (7), and (8), Article 4(2), (3), (5), (6) and (7) , Article 5(6) , Article 7 and Article 8 committed outside the territory of the Member State concerned, as regards paragraph 1 , point (b) of this Article, each Member State shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the acts are a criminal offence at the place where they were performed.	4. For the prosecution of any of the offences referred to in Article 3(4), (5)–, ~~(6), (7), and (8)~~ **(6), (4a), (6a)**,– Article 4(2), (3), (5), (6) and (7)–,– Article 5(6)-, Article 7 ~~and Article 8~~ committed outside the territory of the Member State concerned, as regards paragraph 1–, point– (b) of this Article, each Member State shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the acts are a criminal offence at the place where they were performed.	
232	5. For the prosecution of any of the offences referred to in Articles 3 to 9 committed outside the territory of the Member State concerned, as regards paragraph 1 , point (b) of this Article, each Member State shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the prosecution can only be initiated following a report made	5. For the prosecution of any of the offences referred to in Articles 3 to 9 committed outside the territory of the Member State concerned, as regards paragraph 1 , point (b) of this Article, each Member State shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the prosecution can only be initiated following a report made	5. For the prosecution of any of the offences referred to in Articles 3 to~~—9–~~ **6 and 9** committed outside the territory of the Member State concerned, as regards paragraph 1–, point– (b) of this Article, each Member State shall take the necessary measures to ensure that its jurisdiction is not subordinated to the condition that the prosecution can only be initiated following a report made	

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	by the victim in the place where the offence was committed, or a denunciation from the State of the place where the offence was committed.	by the victim in the place where the offence was committed, or a denunciation from the State of the place where the offence was committed.	by the victim in the place where the offence was committed, or a denunciation from the State of the place where the offence was committed.	
233	6. Where a criminal offence referred to in Articles 3 to 9 falls within the jurisdiction of more than one Member State, these Member States shall cooperate to determine which Member State is to conduct criminal proceedings. The matter shall, where appropriate and in accordance with Article 12 of Framework Decision 2009/948/JHA, be referred to Eurojust.	6. Where a criminal offence referred to in Articles 3 to 9 falls within the jurisdiction of more than one Member State, these Member States shall cooperate to determine which Member State is to conduct criminal proceedings. The matter shall, where appropriate and in accordance with Article 12 of Framework Decision 2009/948/JHA, be referred to Eurojust ***and all competent national authorities shall be informed accordingly in order to facilitate cross-border cooperation***.	*deleted*	
233a		***6a. Member States shall, where appropriate, ensure efficient cooperation with Eurojust and Europol concerning***		

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		criminal proceedings and investigations related to child sexual abuse offences and concerning the transfer of such proceedings, particularly in cases involving multiple Member States. Such cooperation shall facilitate cross-border information exchange, joint investigations, and assistance in prosecution endeavours.		
234	Article 20 General provisions on assistance, support and protection measures for child victims	Article 20 General provisions on assistance, support and protection measures for child victims	Article 20 General provisions on assistance, support and protection measures for child victims	
235	1. Child victims of the offences referred to in Articles 3 to 9 shall be provided assistance, support and protection in accordance with Articles 21 and 22 , taking into account the best interests of the child.	1. ***Member States shall ensure that*** child victims of the offences referred to in Articles 3 to ~~9 shall be~~ ***9 are*** provided assistance, support and protection in accordance with Articles ~~—~~ 21 and 22 ~~–~~, taking into account the best interests of the child, ***irrespective of whether they have filed a formal complaint***.	1. Child victims of the offences referred to in Articles 3 to ~~9~~ **7 and 9** shall be provided assistance, support and protection in accordance with Articles ~~—~~ 21 and 22 ~~–~~, taking into account the best interests of the child.	

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236	2. Member States shall take the necessary measures to ensure that a child is provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that a child might have been subject to any of the offences referred to in Articles 3 to 9 .	2. Member States shall take the necessary measures to ensure that a child is provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that a child might have been subject to any of the offences referred to in Articles 3 to 9 .	2. Member States shall take the necessary measures to ensure that a child is provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that a child might have been subject to any of the offences referred to in Articles 3 to ~~9~~ **7 and 9**.	
236a		***2a. Member States shall ensure the provision of easily accessible, free of charge and comprehensive healthcare services for child victims of sexual abuse or exploitation, including sexual and reproductive healthcare.***		
237	3. Member States shall ensure that, where the age of a person subject to any of the offences referred to in Articles 3 to 9 is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection in	3. Member States shall ensure that, where the age of a person subject to any of the offences referred to in Articles 3 to 9 is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection in	3. Member States shall ensure that, where the age of a person subject to any of the offences referred to in Articles 3 to ~~9~~ **7 and 9** is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection	

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	accordance with Articles 21 and 22 ..	accordance with Articles 21 and 22 ..	in accordance with Articles— 21 and 22-.~~.~~	
238	Article 21 Assistance and support to victims	Article 21 Assistance and support to victims	Article 21 Assistance and support to victims	
239	1. Member States shall take the necessary measures to ensure that assistance and specialised and appropriate support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Directive 2012/29/EU , Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes] and in this Directive. Member States shall notably ensure that victims of offences referred to in Articles 3 to 9 have access to targeted and integrated support services for children in accordance with Article 9a of Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes]. Member States shall, in	1. Member States shall take the necessary measures to ensure that assistance and– specialised and appropriate support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Directive 2012/29/EU–,– Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes]– and in this Directive. Member States shall notably ~~*ensure that*~~ ***provide***	1. Member States shall take the necessary measures to ensure that assistance and– specialised and appropriate– support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in— Directive 2012/29/EU ,– Directive (EU) …/… -[~~proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes~~***proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes***] and in this Directive.– Member States shall notably ensure that victims of offences referred to in Articles 3 to **7 and** 9 have access to targeted and integrated support services for children in accordance with Article 9a of Directive (EU) …/… -[~~proposed Directive~~	

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	particular, take the necessary steps to ensure protection for children who report cases of abuse within their family.	victims of offences referred to in Articles 3 ~~*to 9 have access to targeted and integrated*~~ ***to 9 with easily accessible referral centres, that may form part of the national healthcare system, to ensure effective*** support ~~*services for children*~~***to child victims of sexual abuse or exploitation and to ensure the clinical management of sexual violence, including assisting in the safekeeping and documentation of evidence,*** in accordance with Article 9a of Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes]. ***Those centres shall provide trauma-sensitive support and, where necessary, referral to specialised***	~~amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes~~***proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes***]. Member States shall, in particular, take the necessary steps to ensure protection for children who report cases of abuse within their family.	

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		trauma support and counselling for child victims. Member ***States shall ensure that child victims of sexual abuse or exploitation have access to medical and forensic examinations that may be provided in these centres or by referral to specialised centres or units. Member States shall ensure coordination between the referral centres and competent medical and forensic centres. All services referred to in this Article shall be provided in a child-friendly manner. Member States may provide that those centres are to be attached to the centres established under Article 28 of Directive (EU) 2024/1385 on combating violence against women and domestic violence. Member***		

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		States shall, in particular, take the necessary steps to ensure protection for children who report cases of abuse within their family***, in line with the best interest of the child***.		
240	2. Victims shall be provided with coordinated, age-appropriate medical care, emotional, psychosocial, psychological and educational support, as well as any other appropriate support tailored in particular to situations of sexual abuse.	2. ~~*Victims*~~***Member States*** shall ~~*be provided with*~~***ensure that accessible, child-friendly, comprehensive, specialised,*** coordinated, ***need-and*** age-appropriate~~,~~ medical care***, including access to sexual and reproductive healthcare services***, emotional, psychosocial, psychological***, legal*** and educational ***and administrative*** support ***is provided to victims and their families***, as well as any other appropriate support tailored in particular to situations of sexual abuse***, with special attention to the long-term recovery of the victims***. ***Such support shall***	2. Victims shall be provided with coordinated, age-appropriate medical care, emotional, psychosocial, psychological ~~and~~**,** educational support **and legal counsel in accordance with national law**, as well as any other appropriate support tailored in particular to situations of sexual abuse.	

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		be available in one place, based on the "Barnahus" model.		
240a		***2a. The services referred to in paragraphs 1 and 2 shall be available free of charge, and shall be accessible every day of the week, without prejudice to those services that are provided for under the national healthcare system. Member States shall ensure a sufficient geographical distribution and capacity of the services referred to in paragraphs 1 and 2, across the Member State.***		
241	3. Where it is necessary to provide for interim accommodation, children shall, as a priority, be placed with other family members, where necessary in temporary or permanent housing, equipped with support services.	3. Where ~~*it is*~~ necessary ~~*to provide for*~~***, Member States shall ensure that children are provided with*** interim accommodation***.*** Children shall, as a priority, be placed with other family members***, taking into account their best interest***, where necessary in temporary	3. Where it is necessary to provide for interim accommodation, children shall, as ~~a priority~~**appropriate and in accordance with national law**, be placed with other family members, where necessary in temporary or permanent housing, equipped with support services. **Member States shall take the necessary measures to ensure that the best interest of the child is a primary**	

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		or permanent housing, equipped with support services.	**consideration when assessing matters related to interim accomodation of children.**	
242	4. Victims of offences punishable under this Directive shall have access to the referral centres established under Article 28 of Directive […/…/EU Proposed violence against women Directive][1]. 1. COM(2022) 105 of 08.03.2022.	4. ***Member States shall ensure that*** victims of offences punishable under this Directive ~~*shall*~~ have access to the referral centres established under Article ~~*28*~~***26*** of Directive […/…/EU Proposed violence against women Directive][1]. 1. COM(2022) 105 of 08.03.2022.	4. Victims of offences punishable under this Directive shall have access to the referral centres established under Article ~~28~~**26** of Directive ~~[…/…/EU Proposed~~**(EU) 2024/1385 on combating** violence against women ~~Directive]~~[1]**and domestic violence**. ~~1. COM(2022) 105 of 08.03.2022.~~	
243	5. Member States shall take the necessary measures to ensure that assistance and support for a child victim are not made conditional on the child victim's willingness to cooperate in the criminal investigation, prosecution or trial.	5. Member States shall take the necessary measures to ensure that assistance and support for a child victim are not made conditional on the child victim's willingness to cooperate in the criminal investigation, prosecution or trial.	5. Member States shall take the necessary measures to ensure that assistance and support for a child victim are not made conditional on the child victim's willingness to cooperate in the criminal investigation, prosecution or trial.	
244	6. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims in enjoying their rights under this Directive, are undertaken following an individual	6. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims in enjoying their rights under this Directive, are undertaken following an individual	6. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims in enjoying their rights under this Directive, are undertaken following an individual	

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	assessment of the special circumstances of each particular child victim, conducted in accordance with Article 22 of Directive (EU) …/… [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes] and taking due account of the child's views, needs and concerns.	assessment of the special circumstances of each particular child victim, conducted in accordance with Article 22 of Directive (EU) …/… [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes] and taking due account of the child's views, needs and concerns.	assessment of the special circumstances of each particular child victim, conducted in accordance with Article 22 of Directive (EU) …/… [proposed Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crimes] and taking due account of the child's views, needs and concerns.	
245	7. Child victims of any of the offences referred to in Articles 3 to 9 shall be considered as particularly vulnerable victims pursuant to Article 22(2) of Directive 2012/29/EU and Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes] .	7. Child victims of any of the offences referred to in Articles 3 to 9 shall be considered as particularly vulnerable victims ~~*pursuant to*~~ ***within the meaning of*** Article 22(2) of Directive 2012/29/EU and Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes] .	7. Child victims of any of the offences referred to in Articles 3 to **7 and** 9 shall be considered as particularly vulnerable victims pursuant to— Article 22(2) of Directive 2012/29/EU and Directive (EU) …/… -[~~proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes~~***proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes***]-.	
246	8. Member States shall take measures, where appropriate and possible, to provide assistance and support to the family of the child	8. Member States shall take measures, where appropriate and possible, to provide assistance and support to the family of the child	8. Member States shall take measures, where appropriate and possible, to provide assistance and support to the family of the child	

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	victim in enjoying the rights under this Directive when the family is in the territory of the Member States. In particular, Member States shall, where appropriate and possible, apply Article 4 of Directive 2012/29/EU and Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes] to the family of the child victim.	victim in enjoying the rights under this Directive when the family is in the territory of the Member States. In particular, Member States shall, where appropriate and possible, apply Article 4 of Directive 2012/29/EU and Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes] to the family of the child victim.	victim in enjoying the rights under this Directive when the family is in the territory of the Member States. In particular, Member States shall, where appropriate and possible, apply Article 4 of Directive 2012/29/EU— and Directive (EU) …/… ~~[proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes~~***proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes***] to the family of the child victim.	
247	9. The EU Centre, once established, shall proactively support Member States' efforts on assistance to victims by:	9. ***Member States' efforts on assistance to victims shall be proactively supported by*** the EU Centre, once established~~, shall proactively support Member States' efforts on assistance to victims~~ by:	*deleted*	
248	*(a)* inviting other Union institutions, bodies, offices and agencies, as well as relevant authorities, bodies or agencies of the Member States, to share with the EU Centre information about	(a) inviting other Union institutions, bodies, offices and agencies, as well as relevant authorities, bodies or agencies of the Member States, to share with the EU Centre information about	*deleted*	

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	assistance to victims of child sexual abuse and sexual exploitation whenever appropriate and at least once a year;	assistance to victims of child sexual abuse and sexual exploitation whenever appropriate and at least once a year;		
249	*(b)* collecting on its own initiative information on measures and programmes in the field of assistance to victims of child sexual abuse and sexual exploitation, including measures and programmes implemented in third countries;	(b) collecting on its own initiative information on measures and programmes in the field of assistance to victims of child sexual abuse and sexual exploitation, including measures and programmes implemented in third countries;	*deleted*	
250	*(c)* facilitating the exchange of best practices among Member States and between Member States and third countries, by keeping a public database of assistance to victims measures and programmes implemented in each Member States as well as in third countries; the database shall not contain any personal data.	(c) facilitating the exchange of best practices among Member States and between Member States and third countries, by keeping a public database of assistance to victims measures and programmes implemented in each Member States as well as in third countries; the database shall not contain any personal data.	*deleted*	
251	*(d)* facilitating the preparation of the guidelines and protocols referred to in paragraph 10.	(d) facilitating the preparation of the guidelines and protocols referred to in paragraph 10.	*deleted*	
252	*10.* Member States, supported by the EU Centre once established, shall issue guidelines for healthcare, education and social service professionals on providing	10. Member States, supported by the EU Centre once established, shall issue guidelines for healthcare, education and social service professionals on providing	10. Member States~~, supported by the EU Centre once established, shall~~ **may** issue guidelines for healthcare, education and social service professionals on providing	

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	appropriate support to victims of child sexual abuse or exploitation, including on referring victims to the relevant support services and clarifying roles and responsibilities. Such guidelines shall also indicate how to address the specific needs of victims.	appropriate support to victims of child sexual abuse or exploitation, including on referring victims to the relevant support services and clarifying roles and responsibilities. Such guidelines shall also indicate how to address the specific needs of victims.	appropriate support to victims of child sexual abuse or exploitation, including on referring victims to the relevant support services and clarifying roles and responsibilities. Such guidelines shall also indicate how to address the specific needs of victims.	
253	Article 22 Protection of child victims in criminal investigations and proceedings	Article 22 Protection of ~~*child victims*~~***children*** in criminal investigations and proceedings	Article 22 Protection of child victims in criminal investigations and proceedings	
254	1. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a special representative for the child victim where, under national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.	1. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a special representative for the child victim where, under national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between	1. Member States shall take the necessary measures to ensure that in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a special representative for the child victim where, under national law, the holders of parental responsibility are precluded from representing the child as a result of a conflict of interest between them and the child victim, or where the child is unaccompanied or separated from the family.	

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		them and the child victim, or where the child is unaccompanied or separated from the family. ***All authorities involved in the proceedings shall be trained in child-friendly justice.***		
255	2. Member States shall ensure that child victims have, without delay, access to legal counselling and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources.	2. Member States shall ensure that child victims have, without delay, access to legal counselling and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources.	2. Member States shall ensure that child victims have, without delay, access to legal counselling and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation **from the offender**. Legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources.	
256	3. Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal investigations relating to any of the offences referred to in Articles 3 to 9 :	3. Without prejudice to the rights of the defence, Member States shall take the necessary measures to ensure that in criminal investigations relating to any of the offences referred to in Articles 3 to 9 :	3. Without prejudice to the rights of the defence **and in accordance with rules of judicial discretion**, Member States shall take the necessary measures to ensure**, unless operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could**	

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			harm the victim or another person or could prejudice the course of proceedings, that in criminal investigations relating to any of the offences referred to in Articles 3 to ~~9~~ **6 and 9**:	
257	(a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;	(a) interviews with the child victim ***or, where applicable, with a child witness,*** take place without unjustified delay after the facts have been reported to the competent authorities;	(a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;	
258	(b) interviews with the child victim take place in premises designed or adapted for this purpose;	(b) interviews with the child victim ***or, where applicable, with a child witness,*** take place in premises designed or adapted for this purpose;	(b) interviews with the child victim take place**, where necessary,** in premises designed or adapted for this purpose;	
259	(c) interviews with the child victim are carried out by or through professionals trained for this purpose;	(c) interviews with the child victim ***or, where applicable, with a child witness, are*** ~~*are*~~ carried out by or through professionals trained for this purpose;	(c) interviews with the child victim are carried out by or through professionals trained for this purpose;	
260	(d) the same persons, if possible and where appropriate,	(d) the same persons, if possible and	(d) the same persons, if possible and where appropriate,	

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	conduct all interviews with the child victim;	where appropriate, conduct all interviews with the child victim ***or, where applicable, with a child witness***;	conduct all interviews with the child victim;	
261	(e) the number of interviews is as limited as possible and interviews are carried out only where strictly necessary for the purpose of criminal investigations and proceedings;	(e) the number of interviews is as limited as possible and interviews are carried out only where strictly necessary for the purpose of criminal investigations and proceedings;	(e) the number of interviews is as limited as possible and interviews are carried out only where strictly necessary for the purpose of criminal investigations and proceedings;	
262	(f) the child victim may be accompanied by his or her legal representative or, where appropriate, by an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.	(f) the child victim ***or, where applicable, with a child witness,*** may be accompanied by his or her legal representative or, where appropriate, by an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.	(f) the child victim may be accompanied by his or her legal representative or, where appropriate, by an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.	
263	(g) medical examinations of the child victim for the purposes of the criminal proceedings are as limited as possible and are carried out by professionals trained for this purpose.	(g) medical examinations of the child victim for the purposes of the criminal proceedings are as limited as possible and are carried out by professionals trained for this purpose.	(g) medical examinations of the child victim for the purposes of the criminal proceedings are ~~as limited as possible and are~~ carried out**, only where strictly necessary for the purpose of criminal proceedings,** by professionals trained for this purpose **in accordance with**	

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			national standards for the medical profession.	
264	4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 9 all interviews with the child victim or, where appropriate, with a child witness, may be audio-visually recorded and that such audio-visually recorded interviews may be used as evidence in criminal court proceedings, in accordance with the rules under their national law.	4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to 9 all interviews with the child victim or, where ~~*appropriate*~~ ***applicable***, with a child witness, may be audio-visually recorded and that such audio-visually recorded interviews may be used as evidence in criminal court proceedings, in accordance with the rules under their national law.	4. Member States shall take the necessary measures to ensure that in criminal investigations of any of the offences referred to in Articles 3 to ~~9~~ **6 and 9** all interviews with the child victim or, where appropriate, with a child witness, may be audio-visually recorded and that such audio-visually recorded interviews may be used as evidence in criminal court proceedings, in accordance with the rules under their national law.	
265	5. Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 3 to 9 , that it may be ordered that:	5. Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 3 to 9 , that it may be ordered that:	5. Member States shall take the necessary measures to ensure that in criminal court proceedings relating to any of the offences referred to in Articles 3 to ~~9~~ **6 and 9**, that it may be ordered that:	
266	(a) the hearing take place without the presence of the public;	(a) the hearing take place without the presence of the public;	(a) the hearing take place without the presence of the public;	

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267	(b) the child victim be heard in the courtroom without being present, in particular through the use of appropriate communication technologies.	(b) the child victim ***or, where applicable, a child witness,*** be heard in the courtroom without being present, in particular through the use of appropriate communication technologies.	(b) the child victim be heard in the courtroom without being present, in particular through the use of appropriate **information and** communication technologies.	
268	6. Member States shall take the necessary measures, where in the interest of child victims and taking into account other overriding interests, to protect the privacy, identity and image of child victims, and to prevent the public dissemination of any information that could lead to their identification.	6. Member States shall take the necessary measures, where in the interest of child victims ***or, where applicable, a child witness,*** and taking into account other overriding interests, to protect the privacy, identity and image of child victims, and ***of a child witnesses and*** to prevent the public dissemination of any information that could lead to their identification.	6. Member States shall take the necessary measures, where in the interest of child victims and taking into account other overriding interests, to protect the privacy, identity and image of child victims, and to prevent the public dissemination of any information that could lead to their identification.	
269	7. Member States shall take the necessary measures to ensure that, where the participation of a child is necessary in criminal court proceedings relating to any of the offences referred to in Articles 3 to 9, the court takes into account the	7. Member States shall take the necessary measures to ensure that, where the participation of a child is necessary in	*deleted*	

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	child's age and maturity in the relevant court proceedings.	criminal court proceedings relating to any of the offences referred to in Articles 3 to 9, the court takes into account the child's ~~*age and maturity*~~ ***vulnerabilities*** in the relevant court proceedings***, including those related to the child's age, maturity and mental and physical wellbeing. Member States shall ensure this applies to all children, including those suspected, accused of, or convicted of a crime.***		
270	Article 23 Victim's right to compensation	Article 23 Victim's right to compensation	Article 23 Victim's right to compensation	
271	1. Member States shall ensure that victims of offences referred to in Articles 3 to 9 of this Directive have a right to compensation for any damage suffered. Member States shall ensure that compensation can be requested from perpetrators of any of the offences referred to in Articles 3 to 9 from legal persons liable for such offences under Articles 13 and 14 and, where	1. Member States shall ensure that victims of offences referred to in Articles 3 to 9 of this Directive have a right to compensation for any damage suffered. Member States shall ensure that compensation can be requested from perpetrators of any of the offences referred to in Articles 3 to 9 from legal persons liable for such offences under Articles 13 and 14 and, where	1. Member States shall ensure that victims ~~of offences referred to in Articles 3 to 9 of this Directive have a~~**have the** right to **claim, in accordance with national law,** compensation **from offenders for damages resulting from**~~for any damage suffered. Member States shall ensure that compensation can be requested from perpetrators of any of the offences referred to in Articles 3 to~~	

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	appropriate, from national compensation schemes established for the benefits of victims of crime.	appropriate, from national compensation schemes established for the benefits of victims of crime.	~~9 from legal persons liable for such~~ offences under ~~Articles 13 and 14 and, where appropriate, from national compensation schemes established for the benefits of victims of crime~~**this Directive**.	
272	2. In addition to their rights under Article 16a of Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes], victims shall be allowed to request compensation in the context of criminal and civil proceedings for any damage caused to them by any of the offences punishable under this Directive, for a sufficient period of time, commensurate with the gravity of the offence, after reaching the age of majority.	2. In addition to their rights under Article 16a of Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes], victims shall be allowed to request compensation in the context of criminal and civil proceedings for any damage caused to them by any of the offences punishable under this Directive~~, for a sufficient~~**.** ***Member States shall ensure that no limitation*** period ~~of time, commensurate with the gravity of the offence, after reaching the age of majority~~***applies to the victim's***	*deleted*	

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		right to compensation.		
273	*3.* The period referred to in the first subparagraph shall be:	*deleted*	*deleted*	
274	*(a)* at least 20 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 3 years;	*deleted*	*deleted*	
275	*(b)* at least 25 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 5 years;	*deleted*	*deleted*	
276	*(c)* at least 30 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 8 years.	*deleted*	*deleted*	
277	*4.* Member States shall ensure that, in order to ensure sufficient compensation to victims of offences punishable under this Directive, all relevant elements are taken into account, including:	4. Member States shall ensure that, in order to ensure sufficient compensation to victims of offences punishable under this Directive, all relevant elements are taken into account, including:	*deleted*	

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278	*(a)* any physical or mental pain and suffering caused by the offence, including the pain and suffering linked to the online circulation of child sexual abuse material concerning the victim in question;	(a) any physical or mental pain and suffering caused by the offence, including the pain and suffering linked to the online circulation of child sexual abuse material concerning the victim in question;	*deleted*	
279	*(b)* any cost of care in relation to the recovery from such pain and suffering, including expenses related to mental and physical health and treatment and travelling costs that might have been incurred to access such care; and	(b) any cost of care in relation to the recovery from such pain and suffering, including expenses related to mental and physical health and treatment and travelling costs that might have been incurred to access such care; and	*deleted*	
280	*(c)* any loss of income caused by the offence.	(c) any loss of income caused by the offence.	*deleted*	
281	Article 24 National authorities or equivalent entities	Article 24 National authorities or equivalent entities	Article 24 ~~National authorities or equivalent entities~~***Competent authorities or equivalent entities***	
282	Member States shall establish national authorities or equivalent entities to carry out the following activities:	Member States shall establish ***or appoint*** national authorities or equivalent entities to carry out the following activities:	Member States shall ~~establish national~~**ensure that competent** authorities or equivalent entities **exist and are enabled** to carry out the following activities:	
283	(1) facilitate and, where needed, coordinate efforts at	(1) facilitate and, where needed, coordinate efforts at	~~(1)~~**(a)** ~~facilitate~~**facilitating** and, where needed, ~~coordinate~~**coordinating** efforts at	

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	national level on prevention and assistance to victims;	national level on prevention and assistance to victims;	national **or regional** level on prevention and assistance to victims;	
284	(2) carry out assessments of trends in child sexual abuse, online and offline;	(2) carry out assessments of trends in child sexual abuse, online and offline;	~~(2)~~**(b)** ~~carry out~~**carrying out of** assessments of trends in child sexual abuse, online and offline;	
285	(3) evaluate the results of preventive programmes and measures, as well as of programmes and measures intended to assist and support victims, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field;	(3) evaluate the results of preventive programmes and measures, as well as of programmes and measures intended to assist and support victims, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field;	~~(3)~~**(c)** ~~evaluate~~**evaluating** the results of preventive programmes and measures, as well as of programmes and measures intended to assist and support victims, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field;	
286	(4) report on such trends, results and statistics.	(4) report on such trends, results and statistics.	~~(4)~~**(d)** ~~report~~**reporting** on such trends, results and statistics.	
287	In particular, national authorities shall be responsible for the data collection, research and reporting obligations referred to in Article 31.	In particular, national authorities shall be responsible for the data collection, research and reporting obligations referred to in Article 31. ***In carrying out the activities listed in paragraph 1, Member States shall be supported by the EU Centre, once established.***	In particular, ~~national~~**the competent** authorities shall be responsible for the data collection, research and reporting obligations referred to in Article 31.	

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288	Article 25 Multi-agency and multi-stakeholder coordination and cooperation	Article 25 Multi-agency and multi-stakeholder coordination and cooperation	Article 25 Multi-agency and multi-stakeholder coordination and cooperation	
289	Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation to develop and implement measures to tackle child sexual abuse and exploitation, both online and offline, at the national level, of relevant authorities, agencies and bodies, including local and regional authorities, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as providers of information society services, non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities. These mechanisms shall also ensure effective coordination and cooperation with the EU Centre and the Commission.	Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation to develop and implement measures to ~~*tackle*~~***combat*** child sexual abuse and exploitation, both online and offline, at the national level, of relevant authorities, agencies and bodies, including local and regional authorities, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as providers of information society services, non-governmental organisations, ***including those operating hotlines and helplines,*** social services, including child protection or welfare authorities, education and healthcare providers, social partners,	Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation to develop and implement measures to tackle child sexual abuse and exploitation, both online and offline, at the national level, of relevant authorities, agencies and bodies, including local and regional authorities, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as providers of information society services, non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities. These mechanisms shall also ensure effective coordination and cooperation with the ~~EU Centre and the~~ Commission.	

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		without prejudice to their autonomy, and other relevant organisations and entities. These mechanisms shall also ensure effective coordination and cooperation ***among Member States,*** with the EU Centre and the Commission ***and other Union agencies and bodies***.		
289a		***Article 25a International Cooperation*** ***Without prejudice to the rules on crossborder cooperation and mutual legal assistance in criminal matters, Member States' competent authorities, Europol, Eurojust and the EU Centre shall, within their respective competences and in the limits of their respective remit, cooperate with competent authorities of third countries in the fight against the criminal***		

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		offences referred to in Articles 3 to 8b.		
290	Article 26 Measures against advertising abuse opportunities and the sexual abuse and sexual exploitation of children in travel and tourism	*deleted*	Article 26 ~~Measures against advertising abuse opportunities and the sexual abuse and sexual exploitation of children in travel and tourism~~ ***Measures against advertising abuse opportunities and the sexual abuse and sexual exploitation of children in travel and tourism***	
291	Member States shall take appropriate measures to prevent or prohibit:	*deleted*	Member States shall take appropriate measures to prevent or prohibit:	
292	(a) the dissemination of material advertising the opportunity to commit any of the offences referred to in Articles 3 to 8 ; and	*deleted*	*(a)* the dissemination of material advertising the opportunity to commit any of the offences referred to in Articles 3 to 8 ; and	
293	(b) the organisation for others, whether or not for commercial purposes, of travel arrangements with the purpose of committing any of the offences referred to in Articles 3 , 4 and 5.	*deleted*	*(b)* the organisation for others, whether or not for commercial purposes, of travel arrangements with the purpose of committing any of the offences referred to in Articles 3 , 4 and 5.	
294	Article 27 Preventive intervention programmes or measures	Article 27 Preventive intervention programmes or measures	Article 27 Preventive intervention programmes or measures	

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295	1. Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to 9 have access to dedicated and effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed.	1. Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to ~~9 have~~ ***9 have easy and anonymous*** access to dedicated and effective intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed ***as well as to accessible, easy-to-use, safe and readily available channels such as helplines and online chats, operated by appropriately trained personnel***. ***Member States shall take the necessary measures to ensure that resources and support groups are available for persons who fear that their family member might commit any of the offences referred to in Articles 3 to 9.***	1. Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to ~~9~~ **9** have access**,** to ~~dedicated and~~ effective**, where appropriate, dedicated** intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed.	
296	2. Member States shall ensure that the programmes or measures referred to in paragraph 1 are accessible without undue	2. Member States shall ensure that the programmes or measures referred to in	*deleted*	

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	restrictions in line with national standards concerning healthcare.	paragraph 1 are accessible without undue restrictions in line with national standards concerning healthcare***, and that programmes are properly and continuously resourced***.		
297	Article 28 Prevention	Article 28 Prevention	Article 28 Prevention	
298	1. To discourage and reduce the demand that fosters all forms of sexual exploitation of children, Member States shall take appropriate measures, such as education and training, information and awareness raising campaigns on the lifelong consequences of child sexual abuse and exploitation, its illegal nature, and the possibility for persons who fear that they might commit related offences to have access to dedicated and effective intervention programmes or measures .	1. To discourage and reduce the demand that fosters all forms of sexual exploitation of children,– Member States shall take appropriate measures, such as education and training, information and awareness raising campaigns on the lifelong consequences of child sexual abuse and exploitation, its illegal nature, and the possibility for persons who fear that they might commit related offences to have access to dedicated and effective	1. To discourage and reduce the demand that fosters all forms of sexual exploitation of children, Member States shall take appropriate measures, such as education and training, information and awareness raising campaigns on the lifelong consequences of child sexual abuse and exploitation, its illegal nature, and the possibility for persons who fear that they might commit related offences to have access to dedicated and effective intervention programmes or measures–.	

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		intervention programmes or measures–. ***Member States shall develop a communication strategy, national action plans, and promote dialogue and cooperation with civil society organisations, hotlines, helplines, public authorities and relevant informations society services.***		
298a		***1a. The measures referred to in paragraph 1 shall also aim to increase knowledge of the fact that non-consensual sex is a criminal offence and to promote the understanding that consent must be given voluntarily as a result of a person's free will, mutual respect, and the right to sexual integrity and bodily autonomy. Such measures shall be adapted to the evolving capacity of the persons to whom they are addressed.***		

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299	2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research, education and training programmes or material , where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual abuse or sexual exploitation.	2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research, education and training programmes or material***, including on digital literacy, on age-appropriate sexual education focusing on the notion of consent, on safe online and offline practices, as well as on the proper use of the internet and new technologies*** , where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual abuse or sexual exploitation.	2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research, education and training programmes or material , where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual abuse or sexual exploitation.	
300	3. Member States shall promote regular training , including in child friendly justice for professionals, judges and	3. Member States shall ~~*promote*~~***ensure*** regular ***and specialised*** training , including in child	3. Member States shall **take appropiate measures, in accordance with national law, to** promote regular training-,	

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	officials likely to come into contact with child victims of sexual abuse or sexual exploitation, including , but not limited to, child protection professionals, legal professionals, teachers and educators, family court judges and front-line police officers, aimed at enabling them to identify and deal with child victims and potential child victims of sexual abuse or sexual exploitation.	friendly justice ~~*for*~~ ***is promoted or offered to*** professionals, judges and officials likely to come into contact with child victims of sexual abuse or sexual exploitation, including~~-~~, but not limited to, child protection professionals, legal professionals, teachers ~~*and*~~***staff in child care, healthcare professionals,*** educators***, volunteers and coaches***, family court judges~~*and*~~ ***and*** front-line police officers, aimed at enabling them to ***detect early signs of abuse or potential abuse or sexual exploitation,*** identify and deal with child victims and potential child victims of sexual abuse or sexual exploitation.	including in child friendly justice for professionals, judges**, without prejudice to the judicial independence, and** ~~and~~ officials likely to come into contact with child victims of sexual abuse or sexual exploitation, including ~~, but not limited to, child protection professionals, legal professionals, teachers and educators, family court judges and~~ front-line police officers, aimed at enabling them to identify and deal with child victims and potential child victims of sexual abuse or sexual exploitation.	
301	4. Member States shall take appropriate measures to enhance the prevention of child sexual abuse in community settings, including schools, hospitals, social	4. Member States shall take appropriate measures to ~~*enhance*~~***ensure*** the prevention of child	4. Member States shall ~~take~~**promote** appropriate measures to enhance the prevention of child sexual abuse in community settings, including schools,	

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	care services, sports clubs or religious communities.	sexual abuse in community settings, including schools, hospitals, social care services***, foster care, day care***, sports clubs or religious communities ***by equipping children and adults, including parents and educators, with adequate skills for detecting potential malicious behaviour***.	hospitals, social care services, sports clubs or religious communities.	
302	Those measures shall include:	Those measures shall include:	Those measures ~~shall~~**may** include:	
303	(a) dedicated training and awareness raising activities for staff working in such settings;	(a) dedicated training and awareness raising activities for staff***,*** ***consultants and volunteers*** working in ~~*such settings*~~***close contact with children, including on how to prevent, identify and provide an age-appropriate, gender-sensitive and trauma-informed response to child sexual abuse and exploitation***;	(a) dedicated training and awareness raising activities for staff working in such settings;	

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304	(b) dedicated guidelines, internal protocols and standards identifying good practices, such as the establishment of mechanisms of supervision and accountability for staff working in close contact with children in such settings;	(b) ***mandatory child safeguarding policies,*** dedicated guidelines, internal protocols and standards identifying good practices, such as the establishment of mechanisms of supervision and accountability for staff working in close contact with children in such settings;	(b) dedicated guidelines, internal protocols and standards identifying good practices, such as the establishment of mechanisms of supervision and accountability for staff working in close contact with children in such settings;	
305	(c) the creation of safe spaces, run by dedicated and appropriately trained personnel, where children, parents, carers and members of the community can report inappropriate behaviour.	(c) the creation of safe ***and accessible*** spaces, run by dedicated and appropriately trained personnel, where children, parents, carers and members of the community can report inappropriate behaviour.	(c) the creation of safe spaces, run by dedicated and appropriately trained personnel, where children, parents, carers and members of the community can report inappropriate behaviour.	
305a		***(ca) the creation of helplines, online chats or other readily available channels run by appropriately trained personnel, where children can obtain information and advice regarding the offences referred to in Articles 3 to 8b.***		

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306	Prevention measures shall devote particular attention to the need to protect children who are particularly vulnerable, including children with mental or physical disabilities.	Prevention measures shall devote particular attention to the need to protect children who are particularly vulnerable, including children with mental***, intellectual, sensory*** -or physical disabilities.	Prevention measures shall devote particular attention to the need to protect children who are particularly vulnerable, including children with ~~mental or physical~~ disabilities.	
307	5. The EU Centre, once established, shall proactively support Member States' prevention efforts by:	5. ***For the purpose of this Directive, Member States shall be proactively supported by*** the EU Centre, once established~~, shall proactively support Member States' prevention efforts~~ by:	*deleted*	
307a	*(a)* inviting other Union institutions, bodies, offices and agencies, as well as relevant authorities, bodies or agencies of the Member States, to share information about prevention measures and programmes in the field of child sexual abuse and sexual exploitation whenever appropriate and at least once a year; Moved reference text		*deleted*	

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307b	*(b)* collecting information on prevention measures and programmes in the field of child sexual abuse and exploitation, including measures and programmes implemented in third countries; Moved reference text		*deleted*	
307c	*(c)* facilitating the exchange of best practices among Member States and third countries by keeping a public database of prevention measures and programmes implemented in each Member State as well as in third countries. Moved reference text		*deleted*	
308	*(a)* inviting other Union institutions, bodies, offices and agencies, as well as relevant authorities, bodies or agencies of the Member States, to share information about prevention measures and programmes in the field of child sexual abuse and sexual exploitation whenever appropriate and at least once a year;	(a) inviting other Union institutions, bodies, offices and agencies, as well as relevant authorities, bodies or agencies of the Member States, to share information about prevention measures and programmes in the field of child sexual abuse and sexual exploitation whenever appropriate and at least once a year;	*deleted*	

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309	*(b)* collecting information on prevention measures and programmes in the field of child sexual abuse and exploitation, including measures and programmes implemented in third countries;	(b) collecting information on prevention measures and programmes in the field of child sexual abuse and exploitation, including measures and programmes implemented in third countries;	*deleted*	
310	*(c)* facilitating the exchange of best practices among Member States and third countries by keeping a public database of prevention measures and programmes implemented in each Member State as well as in third countries.	(c) facilitating the ***generation and*** exchange of ***knowledge, guidelines for front-line professionals,*** best practices ***and expertise*** among Member States***, Union institutions, bodies, offices and agencies*** -and third countries by keeping a public database of prevention measures and programmes implemented in each Member State as well as in third countries.	*deleted*	
310a		***(ca) supporting the development of national awareness-raising and prevention campaigns, educational and intervention programmes, tools and materials.***		

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310b		***5a. Member States shall ensure that the actions listed in paragraph 5 are evidence-based and that those actions take into account the evolving manifestations of the offences listed in the Directive, including online.***		
311	Article 29 Intervention programmes or measures on a voluntary basis in the course of or after criminal proceedings	Article 29 Intervention programmes or measures on a voluntary basis in the course of or after criminal proceedings	Article 29 Intervention programmes or measures on a voluntary basis in the course of or after criminal proceedings	
312	1. Without prejudice to intervention programmes or measures imposed by the competent judicial authorities under national law, Member States shall take the necessary measures to ensure that dedicated and effective intervention programmes or measures are made available to prevent and minimise the risks of repeated offences of a sexual nature against children. Such programmes or measures shall be accessible at any time during the criminal proceedings, and shall be available both inside and outside	1. Without prejudice to intervention programmes or measures imposed by the competent judicial authorities under national law, Member States shall take the necessary measures to ensure that dedicated and effective intervention programmes or measures are made available to prevent and minimise the risks of repeated offences of a sexual nature against children. Such programmes or measures shall be accessible at any time during the criminal proceedings, and shall be available both inside and outside	1. Without prejudice to intervention programmes or measures imposed by the competent judicial authorities under national law, Member States shall take the necessary measures to ensure that ~~dedicated and~~ effective intervention programmes or measures are made available to prevent and minimise the risks of repeated offences of a sexual nature against children. Such programmes or measures shall be accessible at any time during the criminal proceedings, and shall be available both inside and	

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	prison, in accordance with national law.	prison, in accordance with national law.	outside prison, in accordance with national law.	
313	2. The intervention programmes or measures, referred to in paragraph 1 shall meet the specific developmental needs of children who sexually offend.	2. The intervention programmes or measures, referred to in paragraph 1 shall meet the specific developmental needs of children who sexually offend.	2. The intervention programmes or measures, referred to in paragraph 1 shall meet the specific developmental needs of children who sexually offend.	
314	3. Member States shall take the necessary measures to ensure that the following persons may have access to the intervention programmes or measures referred to in paragraph 1:	3. Member States shall take the necessary measures to ensure that the following persons may have access to the intervention programmes or measures referred to in paragraph 1:	3. Member States shall take the necessary measures to ensure that the following persons may have access to the intervention programmes or measures referred to in paragraph 1:	
315	(a) persons subject to criminal proceedings for any of the offences referred to in Articles 3 to 9 , under conditions which are neither detrimental nor contrary to the rights of the defence or to the requirements of a fair and impartial trial, and, in particular, in compliance with the principle of the presumption of innocence; and	(a) persons subject to criminal proceedings for any of the offences referred to in Articles 3 to 9 , under conditions which are neither detrimental nor contrary to the rights of the defence or to the requirements of a fair and impartial trial, and, in particular, in compliance with the principle of the presumption of innocence; and	(a) persons subject to criminal proceedings for any of the offences referred to in Articles 3 to 9 , under conditions which are neither detrimental nor contrary to the rights of the defence or to the requirements of a fair and impartial trial, and, in particular, in compliance with the principle of the presumption of innocence; and	
316	(b) persons convicted of any of the offences referred to in Articles 3 to 9 .	(b) persons convicted of any of the offences referred to in Articles 3 to 9 .	(b) persons convicted of any of the offences referred to in Articles 3 to 9 .	
317	4. Member States shall take the necessary measures to ensure that the persons referred to in	4. Member States shall take the necessary measures to ensure that the persons referred to in	4. Member States shall take the necessary measures to ensure that the persons referred to in	

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	paragraph 3 are subject to an assessment of the danger that they present and the possible risks of repetition of any of the offences referred to in Articles 3 to 9 , with the aim of identifying appropriate intervention programmes or measures.	paragraph 3 are subject to an assessment of the danger that they present and the possible risks of repetition of any of the offences referred to in Articles 3 to 9 , with the aim of identifying appropriate intervention programmes or measures.	paragraph 3 are subject to an assessment of the danger that they present and the possible risks of repetition of any of the offences referred to in Articles 3 to 9 , with the aim of identifying appropriate intervention programmes or measures.	
318	5. Member States shall take the necessary measures to ensure that the persons referred to in paragraph 3 to whom intervention programmes or measures in accordance with paragraph 4 have been proposed:	5. Member States shall take the necessary measures to ensure that the persons referred to in paragraph 3 to whom intervention programmes or measures in accordance with paragraph 4 have been proposed:	5. Member States shall take the necessary measures to ensure that the persons referred to in paragraph 3 to whom intervention programmes or measures in accordance with paragraph 4 have been proposed:	
319	(a) are fully informed of the reasons for the proposal;	(a) are fully informed of the reasons for the proposal;	(a) are fully informed of the reasons for the proposal;	
320	(b) consent to their participation in the programmes or measures with full knowledge of the facts;	(b) ~~*consent*~~***agree*** to their participation in the programmes or measures with full knowledge of the facts;	(b) consent to their participation in the programmes or measures with full knowledge of the facts;	
321	(c) may refuse and, in the case of convicted persons, are made aware of the possible consequences of such a refusal.	(c) may refuse and, in the case of convicted persons, are made aware of the possible consequences of such a refusal.	(c) may refuse and, in the case of convicted persons, are made aware of the possible consequences of such a refusal.	
322	Article 30 Measures against websites containing or disseminating child sexual abuse material	Article 30 Measures against websites containing or disseminating child sexual abuse material	Article 30 ~~Measures against websites containing or disseminating child sexual abuse material~~ ***Measures***	

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			against online interfaces containing or disseminating child sexual abuse material	
323	1. Member States shall take the necessary measures to ensure the prompt removal of web pages containing or disseminating child sexual abuse material hosted in their territory and to endeavour to obtain the removal of such pages hosted outside of their territory.	1. Member States shall take the necessary measures to ensure the prompt removal of web pages containing or disseminating child sexual abuse material hosted in their territory and to endeavour to obtain the removal of such pages hosted outside of their territory.	1. Member States shall take the necessary measures to ensure the prompt removal of ~~web pages containing or disseminating~~**specific items of** child~~—~~ sexual abuse material hosted in their territory and to endeavour to obtain the removal of such ~~pages~~**items** hosted outside of their territory.	
324	2. Member States may take measures to block access to web pages containing or disseminating child sexual abuse material towards the Internet users within their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial redress.	2. Member States may take measures to ***promptly*** block access to web pages containing or disseminating child sexual abuse material towards the Internet users within their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and	2. Member States may take measures to block access to ~~web pages containing or disseminating~~**specific items of** child~~—~~ sexual abuse material towards the Internet users within their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial redress.	

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		that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial redress.		
325	Article 31 Data collection	Article 31 Data collection	Article 31 ~~Data collection~~ ***Data collection and research***	
326	1. Member States shall have a system in place for the collection, development, production and dissemination of public statistics on offences referred to in Articles 3 to 9.	1. Member States shall have a system in place for ~~*the collection, development*~~***recording***, production and ~~*dissemination of public statistics on*~~ ***provision of anonymised statistical data on the reporting, investigative and judicial stages in relation to the criminal*** offences referred to in Articles 3 to 9 ***in order to monitor the effectiveness of their measures to combat the sexual abuse and sexual exploitation of children***.	1. Member States shall have a system in place for the collection, development, production and dissemination of public statistics on offences referred to in Articles 3 to 9.	
327	2. The statistics shall include the following data disaggregated by sex, age of the victim and of the offender, relationship between	2. The statistics shall include the following data disaggregated by sex,	2. The statistics shall**, as a minimum,** include the following **existing data, available at central level, where possible**~~data~~	

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	the victim and the offender and type of offence:	***gender,*** age of the victim and of the offender, relationship between the victim and the offender and type of offence~~:~~	disaggregated by sex, age **or age group** of the victim and of the offender, **the type of the offence and, where possible and relevant** relationship between the victim and the offender ~~and type of offence:~~	
328	(a) the number of victims who experienced one of the offences referred to in Articles 3 to 9 during the last 12 months, last five years and lifetime;	(a) the number of victims who experienced one of the offences referred to in Articles 3 to 9 during the last 12 months, last five years and lifetime;	(a) the **annual** number of ~~victims who experienced one of the~~**reported offences and of convictions of** offences referred to in Articles 3 to 9~~ during the last 12 months, last five years and lifetime~~ **obtained from national administrative sources, or**;	
329	(b) the annual number of persons prosecuted for and convicted of the offences referred to in Articles 3 to 9, obtained from national administrative sources;	(b) the annual number ***of offences reported,*** of persons prosecuted for and convicted of the offences referred to in Articles 3 to 9, obtained from national administrative sources;	(b) the annual number of persons prosecuted for and convicted of the offences referred to in Articles 3 to 9, obtained from national administrative sources;	
330	(c) the results of their prevention initiatives under Articles 27, 28 and 29 in terms of the number of offenders and potential offenders having accessed prevention programmes and the percentage of these	(c) the results of their prevention initiatives under Articles 27, 28 and 29 in terms of the number of offenders and potential offenders having accessed prevention programmes and the percentage of these	*deleted*	

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	offenders and potential offenders who has been convicted for one of the offences in Articles 3 to 9 after having participated in such programmes.	offenders and potential offenders who has been convicted for one of the offences in Articles 3 to 9 after having participated in such programmes.		
331	*3.* Member States shall conduct a population-based survey every 3 years using the harmonised methodology of the Commission (Eurostat) to contribute to gather the data referred to in paragraph 2, point (a), and on that basis assess the prevalence of and trends for all offences referred to in Articles 3 to 9 of this Directive. For the first time, Member States shall transmit those data to the Commission (Eurostat) by [3 years after the entry into force of the directive] at the latest.	3. Member States shall conduct a population-based survey every 3 years using the harmonised methodology of the Commission (Eurostat) to contribute to gather the data referred to in paragraph 2, point (a), and on that basis assess the prevalence of and trends for all offences referred to in Articles 3 to 9 of this Directive. For the first time, Member States shall transmit those data to the Commission (Eurostat) by [3 years after the entry into force of the directive] at the latest.	3. Member States shall **endeavour to** conduct ~~a population-based survey every 3 years using the harmonised methodology of the Commission (Eurostat) to contribute to gather the data referred to in paragraph 2, point (a), and on that basis~~**surveys at regular intervals to** assess the prevalence of**,** and trends ~~for~~**in,** all offences referred to in Articles 3 to 9 of this Directive. ~~For the first time,~~ Member States shall transmit **statistical data resulting from** those ~~data~~**surveys** to the Commission (Eurostat) ~~by [3 years after the entry into force of the directive] at the latest~~**as soon as they become available**.	
332	4. Member States shall collect administrative data pursuant to paragraph 2 on the basis of common disaggregations developed in cooperation with the EU Centre. They shall transmit that data to the EU Centre on a	4. Member States shall collect administrative data pursuant to paragraph 2 on the basis of common disaggregations developed in cooperation with the EU Centre. They shall transmit that data to the EU Centre on a	*deleted*	

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	yearly basis. The transmitted data shall not contain personal data.	yearly basis. The transmitted data shall not contain personal data.		
333	*5.* The EU Centre shall support Member States in the data gathering referred to in paragraph 2, including by promoting the development of common voluntary standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences.	5. The EU Centre shall support Member States in the data gathering referred to in paragraph 2, including by promoting the development of common voluntary standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences.	*deleted*	
334	*6.* Member States shall transmit the statistics to the EU Centre and the Commission and make the collected statistics available to the public on an annual basis. The EU Centre shall compile the statistics and make them publicly available. The statistics shall not contain personal data.	6. Member States shall transmit the statistics to the EU Centre and the Commission and make the collected statistics available to the public on an annual basis. The EU Centre shall compile the statistics and make them publicly available. The statistics shall not contain personal data.	6. Member States shall transmit the ~~statistics to the EU Centre and~~**available statistical data to** the Commission and make the collected ~~statistics~~**statistical data** available to the public on an annual basis. The ~~EU Centre shall compile the statistics and make them publicly available. The statistics~~**statistical data** shall not contain personal data.	
335	7. Member States shall support research on root causes, effects, incidences, effective prevention measures, effective assistance to victims measures and conviction rates of the offences referred to in Articles 3 to 9 of this Directive.	7. Member States shall support research on root causes, effects, incidences, effective prevention measures, effective assistance to victims measures and conviction rates of the offences referred to in Articles 3 to 9 of this Directive.	7. Member States shall ~~support~~**foster** research on root causes, effects, incidences, effective prevention measures, effective assistance to victims measures and conviction rates of the offences referred to in Articles 3 to 9 of this Directive.	

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336	Article 32 Reporting	Article 32 Reporting	Article 32 Reporting	
337	The Commission shall, by [5 years after date of entry into application] and then every 5 years thereafter, submit a report to the European Parliament and the Council on the application of this Directive [in the Member States] and, if appropriate, propose amendments.	The Commission shall, by [5 years after date of entry into application] and then every 5 years thereafter, submit a report to the European Parliament and the Council on the application of this Directive [in the Member States] and, if appropriate, propose amendments.	The Commission shall, by [~~5 years after date of entry into application~~***5 years after date of entry into application***] and then every 5 years thereafter, submit a report to the European Parliament and the Council on the application of this Directive [in the Member States] and, if appropriate, propose amendments.	
337a			**Article 32a** ***Freedom of the press and freedom of expression in other media***	
337b			**This Directive shall not affect special liability regimes relating to fundamental principles on the freedom of the press and the freedom of expression in the media which exist in Member States as of [the date of entry into force of this Directive], provided that such regimes can be applied in full compliance with the Charter.**	
338	Article 33 Transposition	Article 33 Transposition	Article 33 Transposition	

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339	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2, paragraphs (3)(d), (4), (5), (6), (8), (9); Article 3 paragraphs (1), (4), to (9); Article 4 paragraphs (4) to (7); Article 5 paragraphs (2) to (10); Articles 6 to 10; Article 11, introductory wording and letters (b), (h), (i), (j); Article 12; Article 13; Article 14 paragraph (1), introductory wording and letter (b), and paragraphs (2) and (3); Article 15 to 20; Article 21 paragraphs (1) to (4), and (6) to (10); Article 22 paragraph (3), introductory wording and letter (g), and paragraphs (4), (5) and (7); Articles 23 to 28; Article 29 paragraphs (1), (3) and (4); Articles 30 to 32 of this Directive by [two years after entry into force] They shall immediately communicate the text of those measures to the Commission.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2, paragraphs (3)(d), (4), (5), (6), (8), (9); Article 3 paragraphs (1), (4), to (9); Article 4 paragraphs (4) to (7); Article 5 paragraphs (2) to (10); Articles 6 to 10; Article 11, introductory wording and letters (b), (h), (i), (j); Article 12; Article 13; Article 14 paragraph (1), introductory wording and letter (b), and paragraphs (2) and (3); Article 15 to 20; Article 21 paragraphs (1) to (4), and (6) to (10); Article 22 paragraph (3), introductory wording and letter (g), and paragraphs (4), (5) and (7); Articles 23 to 28; Article 29 paragraphs (1), (3) and (4); Articles 30 to 32 of this Directive by [two years after entry into force] They shall immediately communicate the text of those measures to the Commission.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with **[**Article 2, paragraphs ~~(3)(d)~~**(3)(a),(c) and (d)**, (4), (5), ~~(6)~~**(7)**, (8), ~~(9);~~ Article 3 paragraphs (1), (4), to ~~(9)~~**(6a)**; Article 4 paragraphs (4) to– (7); Article 5 paragraphs (2) to (10); Articles ~~6~~**5a** to 10; Article 11, introductory wording and letters (b), (h), (i), ~~(j)~~; Article 12; Article 13; Article 14 paragraph (1),– introductory wording and letter (b), and paragraphs (2) and (3); Article 15 to 20; Article 21 paragraphs (1) to (4), and (6) to (10); Article 22 paragraph (3), introductory wording and letter (g), and paragraphs (4), (5) ~~and (7)~~; Articles 23 to 28; Article 29 paragraphs (1), (3) and (4); Articles 30 to 32 of this Directive ~~by~~ **by** [~~two~~ **three** years after entry into force]— They shall immediately communicate the text of those measures to the Commission. **]**	
340	2. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by	2. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by	2. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by	

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	such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.	such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.	such a reference on the occasion of their official publication. ~~They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.~~	
341	3. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive, including a correlation table between such national measures and the corresponding obligations in this Directive.	3. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive, including a correlation table between such national measures and the corresponding obligations in this Directive.	3. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive~~, including a correlation table between such national measures and the corresponding obligations in this Directive.~~**.**	
342	Article 34 Repeal	Article 34 Repeal	Article 34 Repeal	
343	Directive 2011/93/EU is repealed with effect from [the day after the second date referred to in Article 32, first subparagraph], without prejudice to the obligations of the Member States relating to the time limit for the transposition into	Directive 2011/93/EU is repealed with effect from [the day after the second date referred to in Article 32, first subparagraph], without prejudice to the obligations of the Member States relating to the time limit for the transposition into	Directive 2011/93/EU is repealed with effect from [the day after the second date referred to in Article ~~32, first subparagraph]~~**33**, without prejudice to the obligations of the Member States relating to the time limit for the transposition into	

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	national law of the Directive set out in Annex I.	national law of the Directive set out in Annex I.	national law of the Directive set out in Annex I.	
344	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.	
345	Article 35 Entry into force and application	Article 35 Entry into force and application	Article 35 Entry into force and application	
346	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the– twentieth~~– day –~~ **day** following that– of its publication in the ~~Official Journal of the European Union~~***Official Journal of the European Union***.	
347	The obligations referred to in paragraph 1 of Article 33 shall apply from […. day after transposition deadline referred to in Article 33(1)], except Article 21 paragraph (9), Article 28 paragraph (5); Article 31 paragraphs (4), (5) and (6) which shall apply from [date to be aligned with the CSA Regulation].	The obligations referred to in paragraph 1 of Article 33 shall apply from […. day after transposition deadline referred to in Article 33(1)], except Article 21 paragraph (9), Article 28 paragraph (5); Article 31 paragraphs (4), (5) and (6) which shall apply from [date to be aligned with the CSA Regulation].	The obligations referred to in paragraph 1 of Article 33 shall apply from ~~[…. day after transposition deadline referred to in Article 33(1)], except Article 21 paragraph (9), Article 28 paragraph (5); Article 31 paragraphs (4), (5) and (6) which shall apply from [date to be aligned with the CSA Regulation~~***[… day after transposition deadline referred to in Article 33(1)***].	
348	Article 36	Article 36	Article 36	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Addressees	Addressees	Addressees	
349	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	
350	Done at Strasbourg,	Done at Strasbourg,	Done at Strasbourg,	
351	For the European Parliament	For the European Parliament	For the European Parliament	
352	The President	The President	The President	
353	For the Council	For the Council	For the Council	
354	The President	The President	The President	
355	Annex I			
356	Time-limit for transposition into national law (referred to in Article 35)			
357	Table 1			
358	_____		_____	
359	Annex II			
360	Correlation table between articles in Directive 2011/93 and this Directive			
361	Table 2			
362	_____			

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
363	Annex III			
364	Correlation Table between recitals and articles in this Directive			
365	Table 3			
366	_____			

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Commission Proposal Table 1

Directive	Time-limit for transposition
2011/93/EU	18 December 2013

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Commission Proposal Table 2

Directive 2011/93/EU	This Directive
Article 1	Article 1
Article 2, introductory wording	Article 2, introductory wording
Article 2, point (a)	Article 2, point (1)
Article 2, point (b)	Article 2, point (2)
Article 2, point (c), introductory wording	Article 2, point (3), introductory wording
Article 2, point (c)(i)	Article 2, point (3)(a)
Article 2, point (c)(ii)	Article 2, point (3)(b)
Article 2, point (c)(iii)	Article 2, point (3)(c)
Article 2, point (c)(iv)	Article 2, point (3)(d)
-	Article 2, point (4)
Article 2, point (d)	Article 2, point (5)
Article 2, point (e)(i)	Article 2, point (6)(a)
Article 2, point (e)(ii)	Article 2, point (6)(b)
Article 2, point (f)	Article 2, point (7)
-	Article 2, point (8)
-	Article 2, point (9)
Article 3(1)	Article 3(1)
Article 3(2)	Article 3(2)
Article 3(3)	Article 3(3)
Article 3(4)	Article 3(4)
Article 3(5)(i)	Article 3(5)(a)
Article 3(5)(ii)	Article 3(5)(b)

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Article 3(5)(iii)	Article 3(5)(c)
Article 3(6)	Article 3(6)
-	Article 3(7)
-	Article 3(8)
-	Article 3(9)(a)
-	Article 3(9)(b)
-	Article 3(9)(c)
Article 4(1)	Article 4(1)
Article 4(2)	Article 4(2)
Article 4(3)	Article 4(3)
Article 4(4)	Article 4(4)
Article 4(5)	Article 4(5)
Article 4(6)	Article 4(6)
Article 4(7)	Article 4(7)
Article 5(1)	Article 5(1)
Article 5(2)	Article 5(2)
Article 5(3)	Article 5(3)
Article 5(4)	Article 5(4)
Article 5(5)	Article 5(5)
Article 5(6)	Article 5(6)
-	Article 5(7)
-	Article 5(8)(a)
-	Article 5(8)(b)
-	Article 5(8)(c)
-	Article 5(8)(d)
Article 5(7)	Article 5(9)

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Article 5(8)	Article 5(10)
Article 6(1)	Article 6(1)
Article 6(2)	Article 6(2)
-	Article 6(3)
-	Article 7
-	Article 8
Article 7(1)	Article 9(1)
Article 7(2)	Article 9(2)
Article 8(1)	Article 10(1)
Article 8(2)	Article 10(2)
Article 8(3)	Article 10(3)
-	Article 10(4)
-	Article 10(5)
-	Article 10(6)
Article 9, introductory wording	Article 11, introductory wording
Article 9, point (a)	Article 11, point (a)
Article 9, point (b)	Article 11, point (b)
Article 9, point (c)	Article 11, point (c)
Article 9, point (d)	Article 11, point (d)
Article 9, point (e)	Article 11, point (e)
Article 9, point (f)	Article 11, point (f)
Article 9, point (g)	Article 11, point (g)
-	Article 11, point (h)
-	Article 11, point (i)
-	Article 11, point (j)
Article 10(1)	Article 12(1)

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Article 10(2)	Article 12(2)
Article 10(3)	Article 12(3)
Article 11	-
Article 12(1)(a)	Article 13(1), point (a)
Article 12(1)(b)	Article 13(1), point (b)
Article 12(1)(c)	Article 13(1), point (c)
Article 12(2)	Article 13(2)
Article 12(3)	Article 13(3)
Article 13(1), introductory wording	Article 14(1), introductory wording
Article 13(1), point (a)	Article 14(1), point (a)
-	Article 14(1), point (b)
Article 13(1), point (b)	Article 14(1), point (c)
Article 13(1), point (c)	Article 14(1), point (d)
Article 13(1), point (d)	Article 14(1), point (e)
Article 13(1), point (e)	Article 14(1), point (f)
Article 13(2)	-
-	Article 14(2)
-	Article 14(3)
Article 14	Article 15
Article 15(1)	Article 16(1)
Article 15(2)	Article 16(2)
-	Article 16(2), point (a)
-	Article 16(2), point (b)
-	Article 16(2), point (c)
Article 15(3)	Article 16(3)
-	Article 16(4)

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Article 15(4)	Article 16(5)
Article 16(1)	Article 17(1)
Article 16(2)	Article 17(2)
-	Article 17(3)
-	Article 17(4)
-	Article 18(1)
-	Article 18(2)
-	Article 18(3)
Article 17(1), introductory wording	Article 19(1), introductory wording
Article 17(1), point (a)	Article 19(1), point (a)
Article 17(1), point (b)	Article 19(1), point (b)
Article 17(2), introductory wording	Article 19(2), introductory wording
Article 17(2), point (a)	Article 19(2), point (a)
Article 17(2), point (b)	Article 19(2), point (b)
Article 17(2), point (c)	Article 19(2), point (c)
Article 17(3)	Article 19(3)
Article 17(4)	Article 19(4)
Article 17(5)	Article 19(5)
-	Article 19(6)
Article 18(1)	Article 20(1)
Article 18(2)	Article 20(2)
Article 18(3)	Article 20(3)
Article 19(1)	Article 21(1)
-	Article 21(2)
-	Article 21(3)
-	Article 21(4)

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Article 19(2)	Article 21(5)
Article 19(3)	Article 21(6)
Article 19(4)	Article 21(7)
Article 19(5)	Article 21(8)
-	Article 21(9), point (a)
-	Article 21(9), point (b)
-	Article 21(9), point (c)
-	Article 21(9), point (d)
-	Article 21(10)
Article 20(1)	Article 22(1)
Article 20(2)	Article 22(2)
Article 20(3), introductory wording	Article 22(3), introductory wording
Article 20(3), point (a)	Article 22(3), point (a)
Article 20(3), point (b)	Article 22(3), point (b)
Article 20(3), point (c)	Article 22(3), point (c)
Article 20(3), point (d)	Article 22(3), point (d)
Article 20(3), point (e)	Article 22(3), point (e)
Article 20(3), point (f)	Article 22(3), point (f)
-	Article 22(3), point (g)
Article 20(4)	Article 22(4)
Article 20(5), introductory wording	Article 22(5), introductory wording
Article 20(5), point (a)	Article 22(5), point (a)
Article 20(5), point (b)	Article 22(5), point (b)
Article 20(6)	Article 22(6)
-	Article 22(7)
-	Article 23(1)

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-	Article 23(2)
-	Article 23(3), introductory wording
-	Article 23(3), point (a)
-	Article 23(3), point (b)
-	Article 23(3), point (c)
-	Article 23(4), introductory wording
-	Article 23(4), point (a)
-	Article 23(4), point (b)
-	Article 23(4), point (c)
-	Article 24
-	Article 25
Article 21, introductory wording	Article 26, introductory wording
Article 21, point (a)	Article 26, point (a)
Article 21, point (b)	Article 26, point (b)
Article 22	Article 27
-	Article 27(2)
Article 23(1)	Article 28(1)
Article 23(2)	Article 28(2)
Article 23(3)	Article 28(3)
-	Article 28(4), introductory wording
-	Article 28(4), point (a)
-	Article 28(4), point (b)
-	Article 28(4), point (c)
-	Article 28(5), introductory wording
-	Article 28(5), point (a)
-	Article 28(5), point (b)

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-	Article 28(5), point (c)
Article 24(1)	Article 29(1)
Article 24(2)	Article 29(2)
Article 24(3), introductory wording	Article 29(3), introductory wording
Article 24(3), point (a)	Article 29(3), point (a)
Article 24(3), point (b)	Article 29(3), point (b)
Article 24(4)	Article 29(4)
Article 24(5), introductory wording	Article 29(5), introductory wording
Article 24(5), point (a)	Article 29(5), point (a)
Article 24(5), point (b)	Article 29(5), point (b)
Article 24(4)	Article 29(4)
Article 24(5), introductory wording	Article 29(5), introductory wording
Article 24(5), point (a)	Article 29(5), point (a)
Article 24(5), point (b)	Article 29(5), point (b)
Article 24(5), point (c)	Article 29(5), point (c)
Article 25(1)	Article 30(1)
Article 25(2)	Article 30(2)
-	Article 31(1)
-	Article 31(2), introductory wording
-	Article 31(2), point (a)
-	Article 31(2), point (b)
-	Article 31(2), point (c)
-	Article 31(3)
-	Article 31(4)
-	Article 31(5)
-	Article 31(6)

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-	Article 31(7)
Article 26	-
Article 27(1)	Article 33(1)
Article 27(2)	-
Article 27(3)	Article 33(2)
-	Article 33(3)
Article 28	Article 32
-	Article 34
Article 29	Article 35
Article 30	Article 36

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Commission Proposal Table 3

Recitals	Articles
(1), (7)	General (need for the recast)
(2), (3), (4)	Article 1
(5), (6), (8)	General (other legal instruments)
(9)	Article 4, 10
(10), (11), (12)	Article 2, letter (c)
(13)	Article 3(5), letter (b); Article 11, letter (a)
(14), (16), (17), (18), (19), (29)	Articles 3 to 9
(15)	Article 2, point (c), Articles 3 to 9
(20)	Article 5(1) and (7)
(21)	Article 5(3)
(22), (23)	Article 6
(24)	Article 10
(25), (26)	Article 11
(27)	Articles 21, 23
(28)	Article 15
(30), (31), (32), (33)	Article 16
(34)	Articles 17, 18
(35)	Article 19
(36), (37), (38)	Articles 20, 21, 22
(39)	Article 23
(40)	Articles 21, 24, 25, 28
(41)	Article 24

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(42)	Article 26
(43)	Articles 27, 28, 29
(44)	Articles 17, 18
(45)	Article 5(1), (7) and (8)
(46)	Article 28(3) and (4)
(47), (48)	Articles 27, 28, 29
(49)	Article 29
(50), (51), (52), (53)	Article 12
(54)	Article 31
(55)	Article 17
(56), (57), (58)	Article 30
(59), (60), (61), (62)	General (legal basis, respect of the Charter, participating Member States)
(63), (64)	Article 33

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