Council of the European Union

Brussels, 29 July 2026
(OR. en)

12171/26

Interinstitutional File:
2024/0035 (COD)

LIMITE

COPEN 294
DROIPEN 127
FREMP 262
CYBER 351
ENFOPOL 279
JAI 1034
CODEC 1501

PUBLIC

NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a Directive on combating sexual abuse and sexual exploitation of children and child sexual abuse material (recast) – Latest version of the agreed compromise text for the operative part

Delegations will find below the latest version of the compromise text for the operative part, as agreed at the trilogue on 22 June 2026 and as included in the four column-table (WK 10948/26). The text below has been updated with the correct numbering and the new cross-references. The cross-reference in Article 36 on Transposition will be updated at a later stage.

Article 1

Subject matter

This Directive establishes minimum rules concerning the definition of criminal offences and penalties in the area of sexual abuse and sexual exploitation of children, child sexual abuse material and solicitation of children for sexual purposes, including where those offences are 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.

PUBLIC

Article 2

Definitions

For the purposes of this Directive, the following definitions apply:

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

(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;

~~(2a)~~

(3) 'child sexual abuse material ' means:

(a) any material that visually depicts a child engaged in real or simulated sexually explicit conduct;

(b) any depiction of the sexual organs, breasts or anal area of 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, breasts or anal area of any person appearing to be a child, for primarily sexual purposes;

(d) any realistic images, reproductions or representations of a child engaged in sexually explicit conduct or of the sexual organs, breasts or anal area of a child, for primarily sexual purposes;

~~(e)~~

(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;

(5) child sexual abuse performance' means a live exhibition aimed at an audience of one or more persons, including by means of information and communication technology, of:

(a) a child engaged in real or simulated sexually explicit conduct; or

(b) the sexual organs, breasts or anal area of a child for primarily sexual purposes;

(6) 'legal person' means any legal entity having such status under the applicable national law, except for States or public bodies exercising State authority and for public international organisations

(7) 'information society service' means a service as defined in Article 1, point (b), of Directive (EU) 2015/1535[1].

(8) 'peers' means persons who are close in age and degree of psychological and physical development or maturity.

(9) 'artificial intelligence system' means an AI system as defined in Article 3, point (1), of Regulation (EU) 2024/1689.

---

[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.

PUBLIC

(10) 'instructions' on how to commit offences related to child sexual abuse' means any material, regardless of its form, or method of creation, intended to provide advice or instructions on how to commit the offences referred to in Articles 3, 4, 5, **8**~~6~~ or **9**~~6a~~, including any instruction for producing child sexual abuse material with the use of artificial intelligence systems.

Article 3

Offences concerning child sexual abuse

1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to **9**~~7~~ is punishable.

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.

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.

4~~3a~~. Where the child has reached the age of sexual consent, the conduct referred to in the paragraph 3 shall be punishable by a maximum term of imprisonment of at least 2 years, where:

(a) abuse is made of a recognised position of trust, authority or influence over the child; or

(b) abuse is made of a particularly vulnerable situation of the child, in particular because of a disability or a situation of dependence; or

(c) use is made of coercion, force or threats.

PUBLIC

5~~4~~. Engaging in sexual activities, other than those set out in paragraph **8**~~6~~, with a child who has not reached the age of sexual consent or causing a child who has not reached the age of sexual consent to engage in sexual activities with a third person or with themselves shall be punishable by a maximum term of imprisonment of at least 5 years.

6~~4a~~. Engaging in sexual activities, other than those set out in paragraph **9**~~7~~, with a child who has reached the age of sexual consent and does not consent to the act, or causing a child who has reached the age of sexual consent and does not consent to engage in sexual activities with a third person or with themselves, shall be punishable by a maximum term of imprisonment of at least 3 years.

7~~5~~. Engaging in sexual activities with a child, or causing a child to engage in sexual activities with a third person or with themselves, as provided for in paragraph **5**~~4~~ and **6**~~4a~~, where:

(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 5 years of imprisonment, if the child is over that age; or

(b) abuse is made of a particularly vulnerable situation of the child, in particular because of a 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 5 years of imprisonment if the child is over that age; or

(c) use is made of coercion, force or threats 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.

8~~6~~. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least 10 years:

(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;

PUBLIC

(b) causing a child who has not reached the age of sexual consent to engage with a third person or with themselves in sexual activities entailing vaginal, or anal penetration with any bodily part or object, or oral penetration with a genital bodily part.

9~~7~~. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least 8 years:

(a) engaging with a child who has reached the age of sexual consent and does not 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;

(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 or with themselves in sexual activities entailing vaginal or anal penetration with any bodily part or object, or oral penetration with a genital body part.

~~(c)~~

10~~8~~. For the purpose of paragraphs **6**~~4a~~ and **9**~~7~~, Member States shall ensure that:

(a) a non-consensual act with a child who has reached the age of sexual consent 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, such as sleep, surprise and state of unconsciousness;

(b) the consent can be withdrawn at any moment before or during the act;

(c) consent cannot be inferred exclusively by the child's silence, verbal or physical non-resistance or by any past or present relations with the offender.

~~8.~~

PUBLIC

~~9.~~

~~(a)~~

~~(b)~~

~~(c)~~

PUBLIC

Article 4

Offences concerning child sexual exploitation

1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 7 is punishable.

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 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.

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.

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 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.

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.

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.

7. Engaging in sexual activities with a child, where recourse is made to exploitation in prostitution shall be punishable by a maximum term of imprisonment of at least 6 years if the child has not reached the age of sexual consent, and of at least 3 years of imprisonment if the child is over that age.

~~7a.~~

Article 5

Offences concerning child sexual abuse material

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.

2. Acquisition or possession of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 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 2 years.

4. Distribution, dissemination or transmission of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 3 years.

5. Offering, supplying or making available 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 shall be punishable by a maximum term of imprisonment of at least 3 years.

7. For the purposes of paragraph 1, the conducts referred to in 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, such as a hotline, established in a Member State acting in the public interest against child sexual abuse, including organisations that have been authorised by competent authorities of that Member State, and when such actions were carried out in accordance with the conditions set out in such authorisation.

8. Member States shall strive to provide a legal framework for issuing authorisations for organisations acting in the public interest against child sexual abuse referred to in paragraph 7, and shall ensure that, when issued, the authorisations allow at least all of the following activities:

   a. reception and analysis of 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;

   b. prompt notification to the relevant law enforcement authority of the Member State where the material is hosted of reported illegal content;

   c. collaboration 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;

Member States shall strive to ensure that organisations acting in the public interest against child sexual abuse referred to in the paragraph 7 have the necessary expertise and functional independence, that there are appropriate reporting and oversight mechanisms to ensure that the organisations act expeditiously, diligently, and in the public interest, and that they make use of secure channels of communication to carry out the actions covered by the authorisation.

~~d.~~

~~(da)~~

PUBLIC

9~~8a~~. Member States shall strive to allow organisations acting in the public interest against child sexual abuse referred to in paragraph 7 to 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.

10~~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.

~~9a.~~

*Article **6**~~5a~~*

Offences concerning instructions on how to commit offences related to child sexual abuse, sexual exploitation, child sexual abuse material, or solicitation of children for sexual purposes

1. Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right, referred to in paragraphs 2 to 5 is punishable.

2. Knowingly obtaining access, acquiring or possessing instructions on how to commit child sexual abuse as defined in article 2(10) shall be punishable by a maximum term of imprisonment of at least 1 year.

3. Distributing, disseminating or transmitting instructions on how to commit child sexual abuse as defined in article 2(10) shall be punishable by a maximum term of imprisonment of at least 2 years.

4. Offering, supplying or making available instructions on how to commit child sexual abuse as defined in article 2(10) shall be punishable by a maximum term of imprisonment of at least 2 years.

5. Producing instructions on how to commit child sexual abuse as defined in article 2(10) shall be punishable by a maximum term of imprisonment of at least 2 years.

Article 7~~5b~~

Offences concerning artificial intelligence systems designed or adapted specifically to enable the production of child sexual abuse material

1. Member States shall take the necessary measures to ensure that the following intentional conduct, when committed without right, is punishable:

(a) Distributing, disseminating or transmitting artificial intelligence systems designed or adapted specifically for the purpose of enabling the production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.

(b) Offering, supplying or making available artificial intelligence systems designed or adapted specifically for the purpose of enabling the production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.

(c) Designing or adapting artificial intelligence systems specifically for the purpose of enabling the production of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.

~~d.~~

PUBLIC

*Article ~~8~~ **8***

Solicitation of children for sexual purposes

1. Member States shall take the necessary measures to ensure that the following intentional conduct committed by an adult is punishable as follows :

   (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(**5**~~4~~), (**7**~~5~~), (**8**~~6~~) 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;

   (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, or threats

2. Member States shall take the necessary measures to ensure that the intentional conduct, committed by an adult, of soliciting a child, who has not reached the age of sexual consent, by means of information and communication technology, to produce or share child sexual abuse material depicting that child or a child having a close personal relationship with that child is punishable by a maximum term of imprisonment of at least 6 months. Such conduct shall be punishable by a maximum term of imprisonment of at least 1 year where use is made of coercion or threats.

   Where the child has reached the age of sexual consent, the conduct referred to in the first subparagraph of paragraph 2 shall be punishable by a maximum term of imprisonment of at least 6 months where use is made of coercion or threats, or where the offender falsely represented themselves as a peer.

~~3.~~

PUBLIC

*Article **9**~~6a~~*

Sexual extortion

Member States shall take the necessary measures to ensure that intentionally threatening a child with the disclosure of child sexual abuse material depicting that child or a child having a close personal relationship with that child to one or more persons in order to obtain money, further child sexual abuse material, or any other form of remuneration or consideration in exchange, shall be punishable by a maximum term of imprisonment of at least 4 years if the threatened child has not reached the age of sexual consent, and of at least 2 years of imprisonment, if the threatened child is over that age.

*Article **10**~~7~~*

Solicitation of livestreaming of child sexual abuse or sexual exploitation

Member States shall take the necessary measures to ensure that intentionally promising or giving any person money, or other form of remuneration or consideration, for the purpose of accessing, or making accessible to a third person, a livestream of the activities described in any of the offences listed in Article 3(**5**~~4~~), (**6**~~4a~~), (**7**~~5~~), (**8**~~6~~), and (**9**~~7~~), Article 4(2) and (3) and Article 5(6) is punishable by a maximum term of imprisonment of at least 2 years.

*Article **11**~~8~~*

Operation of an online service for the purpose of child sexual abuse or sexual exploitation

Member States shall take the necessary measures to ensure that intentionally operating or administering an information society service which is designed or adapted to facilitate or promote the commission of any of the offences referred to in Articles 3 to **10**~~7~~ is punishable by a maximum term of imprisonment of at least 2 years.

*Article **12**~~8a~~*

Organisation of travel arrangements with the purpose of committing child sexual abuse and sexual exploitation

Member States shall take the necessary measures to ensure that intentionally organising travel arrangements for another person for the purpose of enabling that other person to commit any of the offences referred to in Articles 3 and 4, abroad, irrespective whether or not it was in the course of a commercial activity, is punishable by a maximum term of imprisonment of at least 1 year.

*Article **13**~~9~~*

Incitement, aiding and abetting, and attempt

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 **12**~~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(**5**~~4~~), (**6**~~4a~~), (**7**~~5~~), (**8**~~6~~), and (**9**~~7~~), Article 4(2), (3), (5), (6) and (7), Article 5(4), (5) and (6) is punishable.

*Article **14**~~10~~*

Consensual sexual activities

1. It shall be within the discretion of Member States to decide whether Articles 3(2), (**5**~~4~~), and (**8**~~6~~), apply to consensual sexual activities between peers, in so far as the acts did not involve any abuse or exploitation.

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.

PUBLIC

3. It shall be within the discretion of Member States to decide whether Article 5(2), (3), (4), **(5)** and (6) apply to the production, acquisition or possession of, or access to, material involving:

(a) children who have reached the age of sexual consent , or

(b) children and their peers,

where that material is produced, acquired, possessed or accessed by the persons involved with their consent and only for their private use, in so far as the acts did not involve any abuse or exploitation.

When applying discretion referred to in the first subparagraph, Member States shall ensure that the consensual sharing of one's intimate images or videos cannot be interpreted as consent to any further sharing or dissemination of that same material, including in a manipulated or altered version.

4. It shall be within the discretion of Member States to decide whether Article **8**~~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.

~~5.~~

~~6.~~

*Article **15**~~11~~*

Aggravating circumstances

1. To the extent that the following circumstances do not already form part of the constituent elements of the offences referred to in Articles **6**~~5a~~, **7**~~5b~~, **9**~~6a~~, **10**~~7~~, **11**~~8~~, **12**~~8a~~ and **13**~~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 can, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances:

PUBLIC

(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;

(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 or authority

(c) the offence was committed by several persons acting together;

(d) the offence was committed within the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA

(e) the offender has previously been convicted of offences of the same nature;

(f) the offender has deliberately or recklessly endangered the life of the child;

(g) the offence involved serious violence or caused serious harm to the child;

(h) the offence was committed repeatedly;

(ha) the offender posed as a minor or a peer;

(i) the offence was committed with the use or threat of using a weapon;

(j) the offence was committed by intentionally taking advantage of the victim's intoxicated state; or

(ja) the offence was motivated by one or more of the discriminatory grounds as set out in Article 21 of the Charter of Fundamental Rights of the European Union.

PUBLIC

2. To the extent that the circumstances in subparagraphs (a) to (ja) of paragraph 1 do not already form part of the constituent elements of the offences referred to in Articles 3, 4, 5, **8**~~6~~ and **13**~~9~~ Member States shall take the necessary measures to ensure that:

(a) in relation to the relevant criminal offences referred to in those Articles, the circumstances referred to in subparagraphs (a) to (g) of paragraph 1 can, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances and

(b) in relation to the relevant criminal offences referred to in those Articles, one or more of the circumstances referred to in subparagraphs (h) to (ja) of paragraph 1 can, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances

*Article **16**~~12~~*

Disqualification arising from convictions

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 **13**~~9~~ may be temporarily or permanently prevented from exercising at least professional and organised voluntary activities involving direct and regular contacts with children.

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 for any of the offences referred to in Articles 3 to **13**~~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.

PUBLIC

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 **13**~~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, when such a mechanism exists.

*Article **17**~~13~~*

Liability of legal persons

1. Member States shall ensure that legal persons can be held liable for criminal offences referred to in Articles 3 to **13**~~9~~ where such offences have been committed for 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 based on:

   (a) a power of representation of the legal person;

   (b) an authority to take decisions on behalf of the legal person; or

   (c) an authority to exercise control within the legal person.

2. Member States shall take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of the criminal offences referred to in Articles 3 to **13**~~9~~ for the benefit of the legal person, by a person under its authority.

3. Liability of legal persons under paragraphs 1 and 2 shall not preclude criminal proceedings against natural persons who commit, incite or are accessories to the criminal offences referred to in Articles 3 to **13**~~9~~.

*Article **18**~~14~~*

Penalties for legal persons

1. Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article **17**~~13~~(1) or (2) is punishable by effective, proportionate and dissuasive criminal or non-criminal penalties or measures.

2~~1a~~. Member States shall take the necessary measures to ensure that penalties or measures for legal persons held liable pursuant to Article **17**~~13~~(1) or (2) for the criminal offences referred to in Articles 3 to **13**~~9~~ shall include criminal or non-criminal fines and may include other criminal or non-criminal penalties or measures, such as:

(a) exclusion from entitlement to public benefits or aid;

(b) exclusion from access to public funding, including tender procedures, grants, concessions and licences;

(c) temporary or permanent disqualification from the practice of business activities;

(d) placing under judicial supervision;

(e) judicial winding-up;

(f) closure of establishments used for committing the offence; or

(**g**~~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.

PUBLIC

3~~2~~. Member States shall take the necessary measures to ensure that, at least for legal persons held liable pursuant to Article **17**~~13~~(1), criminal offences punishable under this directive by a maximum term of imprisonment of at least 1 year for natural persons are punishable by criminal or non-criminal fines, the amount of which shall be proportionate to the gravity of the conduct and to the individual, financial and other circumstances of the legal person concerned. Member States shall take the necessary measures to ensure that the maximum level of such fines is not less than:

(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

(ii) an amount corresponding to EUR 8 000 000.

4~~3~~. Member States shall take the necessary measures to ensure that, at least for legal persons held liable pursuant to Article **17**~~13~~(1), criminal offences punishable under this directive by a maximum term of imprisonment of at least 3 years for natural persons are punishable by criminal or non-criminal fines, the amount of which shall be proportionate to the gravity of the conduct and to the individual, financial and other circumstances of the legal person concerned. Member States shall take the necessary measures to ensure that the maximum level of such fines is not less than:

(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

(ii) an amount corresponding to EUR 24 000 000.

PUBLIC

5~~3a~~. 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.

~~3b.~~

*Article **19**~~15~~*

Non-prosecution or non-application of penalties to the victim

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 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 in~~ Article 5 (4), (5) and (6), **and in Article 9**.

*Article **20**~~16~~*

Investigation and prosecution

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 **13** ~~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.

~~2.~~

~~(a)~~

~~(b)~~

~~(c)~~

PUBLIC

2. Member States shall take the necessary measures to ensure that effective and proportionate investigative tools are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to **13** ~~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.

3. Member States shall ensure that persons, units or services investigating and prosecuting the offences referred to in Articles 3 to **13** ~~9~~ have sufficient staff, and expertise 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.

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 **13** ~~9~~, in particular by analysing child sexual abuse material, such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

*Article **21**~~16a~~*

Limitation periods

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.

2. The period referred to in paragraph 1 shall be:

(a) at least 15 years from the date the victim has reached the age of majority for the offences under the following articles:

(i) Article 4(7) for children above the age sexual consent

(ii) Article 5(6).

(b) at least 20 years from the date the victim has reached the age of majority for the offences under the following articles:

(i) Articles 3(**5**~~4~~), 3(**6**~~4a~~), 3(**7**~~5~~), 4(3), 4(5)

(ii) Articles 4(2) and 4(7) for children below the age of sexual consent

(iii) Article 4(6) for children above the age of sexual consent.

(c) at least 32 years from the date the victim has reached the age of majority for the offences under the following articles:

(i) Articles 3(**8**~~6~~) and 3(**9**~~7~~)

(ii) Article 4(6) for children below the age of sexual consent.

*Article **22**~~17~~*

Reporting suspicion of child sexual abuse or sexual exploitation

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 working in close contact with children do not constitute an obstacle to the possibility, for those professionals, to report to the competent authorities any situation where they have reasonable grounds for believing that a child is a victim or could become a victim of offences referred to in Articles 3 to **9**~~6a~~ and **13**~~9~~.

PUBLIC

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 **13**~~9~~ have been committed, to report this to the competent authorities in accordance with national procedural rules, without prejudice to Article 18 of Regulation (EU) 2022/2065 of the European Parliament and of the Council.

3. Member States shall ensure that professionals working in close contact with children in the child protection, education, childcare and health care sectors have the obligation to report to the competent authorities at least when they have substantial grounds to believe that the wellbeing of the child is in serious and imminent danger because an offence punishable under this Directive has been committed or is likely to be committed.

~~4.~~

~~4a.~~

4~~5~~. Member States, shall ensure that guidelines, binding or non-binding in nature depending on national law, are issued for the persons referred to in paragraph 3 on identifying whether substantial grounds exist that show that the wellbeing of the child is in serious and imminent danger and on reporting to competent authorities, including guidance in relation to cases, other than the ones covered by in paragraph 3, and in particular where there are substantial grounds to believe that the child has been subject to child sexual abuse and sexual exploitation in the past. This obligation shall not apply to Member States whose national legislation provides for wider professional's reporting obligations.

*Article **23**~~18~~*

Reporting of child sexual abuse or sexual exploitation

~~1.~~

~~1a.~~

~~1.~~

1. Member States shall ensure that the ability of a child to report the act is not 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 before the holder of parental responsibility is informed about the reporting.

~~2a.~~

2. Member States shall ensure that professionals in contact with children during the reporting procedure are properly trained on the issue of sexual abuse and exploitation of children.

~~3.~~

*Article **24**~~19~~*

Jurisdiction

1. Member States shall take the necessary measures to establish their jurisdiction over the offences referred to in Articles 3 to **13** ~~9~~ where:

   (a) the offence is committed in whole or in part within their territory; or

   (b) the offender is one of their nationals.

2. A Member State shall inform the Commission where it decides to establish further jurisdiction over an offence referred to in Articles 3 to **13** ~~9~~ committed outside its territory, inter alia, where:

   (a) the offence is committed against one of its nationals or a person who is an habitual resident in its territory;

   (b) the offence is committed for the benefit of a legal person established in its territory; or

   (c) the offender is an habitual resident in its territory.

PUBLIC

3. Member States shall ensure that their jurisdiction includes situations where an offence referred to in Articles 5, **6, 7, 8**~~6~~, **9** and **11**~~8~~, and in so far as is relevant, in Articles 3, 4, **10** ~~7~~, **12** and **13**~~9~~, is committed by means of information and communication technology accessed from their territory, whether or not it is based on their territory.

4. For the prosecution of any of the offences referred to in Article 3(**5**~~4~~), (**6**~~4a~~), (**7**~~5~~), (**8**~~6~~), (**9**~~7~~), Article 4(2), (3), (5), (6) and (7), Article 5(6), and Article **10**~~7~~ 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.

5. For the prosecution of any of the offences referred to in Articles 3 to **13**~~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 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.

~~6.~~

~~6a.~~

*Article **25**~~20~~*

General provisions on assistance, support and protection measures for child victims

1. Child victims of the offences referred to in Articles 3 to **9**~~6a~~ and **13**~~9~~ shall be provided assistance, support and protection in accordance with **Article 26** ~~Articles 21 and 22~~, taking into account the best interests of the child

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**~~6a~~ and **13**~~9~~.

3~~2a~~. Member States shall provide for child victims of sexual abuse or exploitation, to have timely access to healthcare services, including sexual and reproductive healthcare services, in accordance with national law. These services shall be available free of charge, without prejudice to those services that are provided for under the national healthcare system, and accessible every day of the week.

4~~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**~~6a~~ and **13**~~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 accordance with **Article 26** ~~Articles 21 and 22~~.

*Article **26**~~21~~*

Assistance, support, and protection measures for victims

1. In addition to the measures laid down in Directive 2012/29/EU, Member States shall take the necessary measures to ensure that assistance and specialised and appropriate support are provided to victims of the offences referred to in Articles 3 to **9**~~6a~~ and **13**~~9~~. Member States shall, in particular, take the necessary steps to ensure protection for children who report cases of abuse within their family.

~~2.~~

2~~a~~. Member States shall ensure that helplines are available, free of charge, during adequate operating hours, to provide information on the type of support victims can obtain and from whom according to **this Article and** Article~~s~~ **25**~~20 and 21~~ of this Directive, and offer emotional support to victims of the offences referred to in Articles 3 to **9**~~6a~~ and **13**~~9~~.

3. Where it is necessary to provide for interim accommodation, Member States shall ensure that children, where appropriate and in accordance with national law, are placed with 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 interests of the child is a primary consideration when assessing matters related to interim accommodation of children.

4. Member States shall ensure that victims of offences referred to in Articles 3 to **9**~~6a~~ and **13**~~9~~ have access to the referral centres established under Article 26 of Directive (EU) 2024/1385, to ensure effective support to child victims of sexual abuse or sexual exploitation and to ensure the clinical management of rape, including assisting in the safekeeping and documentation of evidence.

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.

6. Member States shall ensure that child victims have, without delay, access to legal aid including 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 aid, including legal counselling and legal representation, shall be free of charge where the victim does not have sufficient means.

7. 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**~~6a~~ and **13**~~9~~, medical examinations of the child victim for the purposes of the criminal proceedings are carried out by professionals trained for this purpose.

8. Member States shall ensure that child victims of the offences referred to in Articles 3 to **9**~~6a~~ and **13**~~9~~, including, where applicable, children who have suffered harm as a result of witnessing these crime benefit from the support and protection measures laid down in Articles 20, 21, 23, and 24 of Directive 2012/29/EU.

~~9.~~

~~(a)~~

~~(b)~~

~~(c)~~

~~(d)~~

PUBLIC

9~~10~~. Member States shall ensure that guidelines for healthcare, education and social service professionals on providing appropriate support to victims of child sexual abuse or exploitation are issued, including on referring victims to the relevant support services and clarifying roles and responsibilities. Such guidelines, binding or non-binding in nature depending on national law, shall also indicate how to address the specific needs of victims.

~~*Article 22*~~

~~1.~~

~~2.~~

~~3.~~

~~(a)~~

~~(b)~~

~~(c)~~

~~(d)~~

~~(e)~~

~~(f)~~

~~(g)~~

~~4.~~

~~5.~~

~~(a)~~

~~(b)~~

PUBLIC

~~6.~~

~~7.~~

*Article **27**~~23~~*

Victim's right to compensation

1. Member States shall ensure that victims have the right to claim, in accordance with national law, full compensation from offenders for damages resulting from any of the offences referred to in 3 to **13**~~9~~ of this Directive.

~~2.~~

~~3.~~

~~(a)~~

~~(b)~~

~~(c)~~

~~4.~~

~~(a)~~

~~(b)~~

~~(c)~~

PUBLIC

*Article **28**~~23a~~*

Resources

Without prejudice to the budgetary autonomy of the Member States, Member States shall ensure sufficient human and financial resources for the effective application of the measures set out in this Directive.

*Article **29**~~24~~*

Competent authorities or equivalent entities

Member States shall ensure that competent authorities or equivalent entities exist and are enabled to carry out the following activities:

(a) facilitating and, where needed, coordinating efforts at national or regional level on prevention and assistance to victims;

(b) carrying out of assessments of trends in child sexual abuse, online and offline;

(c) 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;

(d) reporting on such trends, results and statistics.

In particular, the competent authorities shall be responsible for the data collection, research and reporting obligations referred to in Article **36**~~31~~.

PUBLIC

*Article **30**~~25~~*

Multi-agency and multi-stakeholder coordination and cooperation

Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation to develop and implement measures to 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, without prejudice to their autonomy, and other relevant organisations and entities. These mechanisms shall also ensure effective coordination and cooperation with the Commission and where appropriate and where applicable, with Union agencies and bodies with competences specifically to address issues related to child sexual abuse, within their respective competences.

~~*Article 25a*~~

*Article **31**~~26~~*

Measures against advertising abuse opportunities to commit child sexual abuse and sexual exploitation

Member States shall take appropriate measures to prevent or prohibit the dissemination of material advertising the opportunity to commit any of the offences referred to in Articles 3 **to 12**~~, 4, 5, 6, 6a, 7, 8 and 8a~~.

~~(a)~~

~~(b)~~

*Article **32**~~27~~*

Preventive intervention programmes or measures

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 **13**~~9~~ have access to effective and targeted intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed. Without prejudice to procedural rules of national health and social systems, Member States shall allow that these programmes or measures are implemented anonymously, when anonymity is necessary to ensure their effectiveness.

2. Member States shall ensure that family members of persons who fear that they might commit any of the offences referred to in Articles 3 to **13**~~9~~ can participate, where appropriate, in such programmes or measures as referred to in paragraph 1, for the purpose of seeking advice and guidance on how to support those persons in preventing them committing any of those offences.

*Article **33**~~28~~*

Prevention

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 regarding the lifelong consequences of child sexual abuse and exploitation, its illegal nature, and the possibility that persons who fear that they might commit related offences to have access to dedicated and effective intervention programmes or measures as provided in Article **32**~~27~~.

2~~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.

3~~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 comprehensive sexuality education and on safe use of the internet and new technologies, where appropriate in cooperation with relevant civil society organisations, hotline, helplines and other stakeholders, aimed at raising awareness and reducing the risk of children, becoming victims of sexual abuse or sexual exploitation. To further minimise that risk, Member States shall ensure that children have access to these hotlines and helplines in order to get relevant information and advice of the offences provided under this Directive

4~~3~~. Without prejudice to the judicial independence and differences in the organisation of the judiciary across the Union, Member States shall take appropriate measures to promote regular and specialist training, including in child friendly justice for professionals, prosecutors, judges and officials likely to come into contact with child victims of sexual abuse or sexual exploitation, , aimed at enabling them to identify and deal with child victims and potential child victims of sexual abuse or sexual exploitation.

5~~4~~. Member States shall take appropriate measures to enhance the prevention of child sexual abuse in community settings, including schools, hospitals, social care services, foster care, sports clubs or religious communities.

Those measures may include:

(a) dedicated training and awareness raising activities for personnel working in 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;

(b) 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;

PUBLIC

(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.

~~(ca)~~

Prevention measures shall devote particular attention to the need to protect children who are particularly vulnerable, including children with disabilities.

~~5.~~

~~(a)~~

~~(b)~~

~~(c)~~

~~(a)~~

~~(b)~~

~~(c)~~

~~(ca)~~

*Article **34**~~29~~*

Intervention programmes or measures on a voluntary basis in the course of or after criminal proceedings

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 targeted 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 prison, in accordance with national law.

PUBLIC

2. The intervention programmes or measures, referred to in paragraph 1 shall meet the specific developmental needs of children who sexually offend.

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:

   (a) persons subject to criminal proceedings for any of the offences referred to in Articles 3 to **13** ~~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

   (b) persons convicted of any of the offences referred to in Articles 3 to **13** ~~9~~.

4. Member States shall take the necessary measures to ensure that the persons referred to in 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 **13** ~~9~~, with the aim of identifying appropriate intervention programmes or measures.

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:

   (a) are fully informed of the reasons for the proposal;

   (b) agree to their participation in the programmes or measures with full knowledge of the facts;

   (c) may refuse and, in the case of convicted persons, are made aware of the possible consequences of such a refusal.

PUBLIC

*Article **35**~~30~~*

Measures against online interfaces containing or disseminating child sexual abuse material

1. Member States shall take the necessary measures to ensure the prompt removal of specific items of child sexual abuse material hosted in their territory and to endeavour to obtain the removal of such items hosted outside of their territory.

2. Member States may take measures to promptly block access to 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.

*Article **36**~~31~~*

Data collection and research

1. Member States shall ensure that a system is in place for the recording, production and provision of anonymised statistical data on the reporting, investigative and judicial stages in relation to the criminal offences referred to in Articles 3 to **13** ~~9~~ in order to monitor the effectiveness of their measures to combat sexual abuse and sexual exploitation of children.

2. The statistics shall, as a minimum, include the following existing data, available at central level, where possible 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

   (a) the annual number of reported offences referred to in Articles 3 to **13** ~~9~~, including the number of victims involved in those offences, obtained from national administrative sources;

   (b) the annual number of persons prosecuted for and convicted of the offences referred to in Articles 3 to **13** ~~9~~, obtained from national administrative sources;

(c) the number of persons subject to criminal proceedings and persons convicted for offences referred in Articles 3 to **13** ~~9~~ having accessed prevention programmes under Article **34**~~29~~;

(ca) the number of persons having accessed prevention programmes under Article **32**~~27~~;

(cb) the number of calls to hotlines or helplines provided by Article **26**~~21~~ and Article **33**~~28~~.

3. Member States shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of, and trends in, all forms of abuse covered by this Directive. Member States shall transmit statistical data resulting from those surveys to the Commission (Eurostat) as soon as they become available.

~~4.~~

~~5.~~

4~~6~~. Member States shall transmit the available statistical data to the Commission and make the collected statistical data available to the public on an annual basis. The statistical data shall not contain personal data.

5~~7~~. Member States shall 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 **13** ~~9~~ of this Directive.

*Article **37**~~32~~*

Reporting

The Commission shall, by [5 years after the 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.

PUBLIC

*Article **38**~~32a~~*

Freedom of the press and freedom of expression in other media

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.

*Article **39**~~33~~*

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with [Article 2, paragraphs (3) (a),(c) and (d), (4), (5), (7), (8), Article 3 paragraphs (1), (4), to (6a); Article 4 paragraphs (4) to (7); Article 5 paragraphs (2) to (10); Articles 5a to 10; Article 11, introductory wording and letters (b), (h), (i); 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); Articles 23 to 28; Article 29 paragraphs (1), (3) and (4); Articles 30 to 32 of this Directive by 3 years after entry into force. They shall immediately communicate the text of those measures to the Commission.

2. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication.

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.

PUBLIC

*Article **40**~~34~~*

Repeal

Directive 2011/93/EU is repealed with effect from [the day after the ~~second~~ date] referred to in Article **39**~~33~~, 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.

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.

*Article **41**~~35~~*

Entry into force and application

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

The obligations referred to in paragraph 1 of Article **39**~~33~~ shall apply from [… day after transposition deadline referred to in Article **39**~~33~~(1)].

*Article **42**~~36~~*

Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg,

For the European Parliament
The President

For the Council
The President

PUBLIC