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NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a Directive on combating sexual abuse and sexual exploitation of children and child sexual aubse material (recast) - Debrief from the second political trilogue and the 8th and 9th inter-institutional technical meetings

The Presidency will, at the meeting of JHA Counsellors on 14 November, debrief delegations on the second political trilogue, which was held on 6 November, and on the last inter-institutional technical meetings, which took place on 24 October and 7 November 2025.

1. The political trilogue on 6 November 2025

The second political trilogue on the proposed Child Sexual Abuse Directive (recast) was held on 6 November at the Council premises. The purpose of this intermediary trilogue was to explore the room for flexibility from the European Parliament and the Council to start building possible compromises. The trilogue was held in a pleasant atmosphere, where the European Parliament and the Council engaged in a constructive manner on the agenda items, with valuable and supportive input from the Commission.

The following lines were greenlighted:

1-16, 18, 25, 28, 31, 41, 56, 65, 67, 69, 71, 72-80, 82-85, 86, 96, 97, 125, 126, 139, 140, 141, 150, 152, 155, 159, 167, 170-175, 179, 183, 185-187, 200, 202, 204-208, 210, 211a, 212, 223-230, 288, 294, 297, 311, 313-319, 321, 336, 338, 342, 344, 345, 348-354, 366.

The following items were covered at the political trilogue:

a. *Discussion on Articles 3(2) and 3(3), and 6 (personal scope)*

The first item on the agenda refers to the coverage of the offences in articles 3(2) and 3(3), and 6 in terms of children below and above the age of sexual consent (i.e. the personal scope). As stated above, the purpose was to explore how much room for flexibility the co-legislators could afford. Against this backdrop, the Presidency clearly exposed the importance for the Council to keep the distinction across the Directive, highlighting that the Council supports the fact that some offences need to cover both categories of children. However, for the offences under this agenda item (i.e. articles 3(2) and 3(3), and 6)), the Presidency explained the reasons why the scope should be limited to children below the age of sexual consent. The Parliament reiterated their position, indicating that children must always be protected against sexual abuse – regardless of their age -, and regardless their capacity to consent.

Following these exchanges, the Presidency tabled some compromise proposals to the European Parliament. The Presidency proposed to keep article 3(2) limited to children below the age of sexual consent, while enlarging the scope of article 3(3) and article 6(2) to children above the age of sexual consent, but only for the most severe cases. In addition, the Presidency proposed including a new article 6(3) on sextortion (or a completely new article) covering children below and above the age of sexual consent, accommodating the Parliament's amendment in line 124a (article 4(7a)). The Presidency also expressed willingness to accept the idea of introducing a new provision on self-rape, as proposed by the Parliament in line 111a (article 3(7)(ba)), and adding the reference "with themselves" where relevant, for children below the age of sexual consent. As part of this compromise, the structure of articles 3(2) and 6(1) would follow the one proposed by the Council, and the scope would be limited to only children below the age of sexual consent.

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The Parliament expressed some openness to these proposals, in particular to article 3(2) and article 3(3), highlighting that "severe cases" as for article 3(3) must be carefully defined. However, the Parliament insisted on the extension of scope of article 6(1) to children above the age of sexual consent. The Council declined an expansion of Article 6 and mentioned, as an example, the consensual relationship between a 23-year-old and a 17-year-old The Parliament saw the example as regarding peers which are not covered, according to article 10. The Parliament showed willingness to work on the exemptions provided under article 10 (especially regarding peers) as a way forward to resolve the concerns of the Council. No final compromise was reached as for article 6.

b. Penalty distinction based on the age of sexual consent in the following provisions (article 3(2), 3(3), 3(4), 3(5), 3(6), 3(7) – lines 101, 102-112, and article 4(2), 4(3), 4(4), 4(5), 4(6), 4(7) – lines 119-124).

Under this agenda item, the co-legislators exchanged views on the distinction based on the age of sexual consent. The Presidency insisted on the importance to keep such distinction to allow for a tailored approach when determining the penalty levels, also respecting the legal principle of proportionality and seriousness of the harm. The Parliament, on the other hand, insisted on having the age of the victim as an aggravating circumstance. After these exchanges, the Parliament expressed some openness to accept the distinction with the caveat of having higher penalty levels. The Presidency welcomed the Parliament's flexibility and proposed to mandate the technical levels to assess the flexibility regarding the penalty levels and assess which penalties could be increased, especially for offences relating to children below the age of sexual consent.

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c. Instruction to commit child sexual abuse (article 2(1)(3)(e) – line 91, and article 5a – line 139b-139h).

The co-legislators presented their positions regarding the instructions to commit child sexual abuse. The Presidency pointed out that the mandates of the co-legislators are not that far apart, since both want these instructions to be covered by the directive. While the Council proposes to have a stand-alone provision (article 5a) due to the preparatory nature of the instructions, the Parliament proposes to include them as part of the CSAM definition in article 2. The underlying reasoning of the Parliament's position is to ensure that the future CSA Regulation also covers the instruction manuals. The Presidency acknowledged the relevance for the CSA Regulation to cover the instruction manuals, indicating, however, that there is no mandate (yet) to do so. In addition, the Parliament insisted that the manuals are not only providing information on how to commit an abuse, but how to generate CSAM with AI (including what types of AI prompts to use), and how to adapt AI models for such purpose. Following this exchange, the Parliament showed openness to having a stand-alone provision on instructions to commit child sexual abuse, provided that 1) the link to the CSA Regulation is ensured and 2) the AI dimension is covered.

d. Initial discussion on limitation periods (article 16a – lines 211b-211f).

The co-legislators discussed as the last item of the agenda limitation periods. The Presidency explained the legal and technical reasons why a full abolishment of the limitation periods, as proposed by the Parliament, is not acceptable for the Council. The Parliament, on the other hand, reiterated the importance of allowing ample time for victims to report the crime. The Commission acknowledged the position of a large majority of the Council on this point, while pointing out the need for an ambitious text. The Commission proposed to introduce an obligation of results, such as providing a possibility to a victim to report a crime until a certain age (e.g. 50 years old), or alternatively to introduce a suspension clause (for instance triggering the limitation period only when the victim reaches a certain age (e.g. 30 years old)). The co-legislators did not reach a specific agreement on this last point of the agenda, since the purpose was to set political guidance. The Presidency concluded that the propositions suggested by the Commission could be an interesting way forward, worth exploring at technical level.

The inter-institutional technical meetings on 24 October and 7 November 2025

Delegations will find below the key takeaways of the discussions held at technical level with the Parliament on 24 October and on 7 November 2025.

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Article 16 – Investigation and prosecution

Line 203: the Presidency explained that the cross-reference in the General Approach does not include articles 7 and 8 because these offences have no victims. The Commission, however, disagreed, indicating that this very lack of victims makes it especially relevant to cover these articles through the cross-reference.

Line 204-208: same mandates for both co-legislators, endorsed at political level.

Line 209: the co-legislators proposed the same amendment (i.e. "Where appropriate, those tools shall include special investigative tools, such as those which are used in combatting organised crime or other serious crime cases"). The Parliament's amendment further precises what types of tools could be used in investigations. Following the Presidency's explanation on why the choice of means cannot be included in the Directive, the Parliament indicated the possibility to move such wording to a recital.

Would delegations consider a recital to accommodate the Parliament's amendment in line 209 concerning the tools that could be used in investigations?

Could delegations provide arguments for the deletion of articles 7 and 8 in the cross-references in this line?

Line 210: same mandates for both co-legislators, endorsed at political level.

Line 211: delegations are referred to the explanations provided under line 203.

Article 16a – Limitation periods

Article 16a was discussed at technical level and the same arguments were exchanged at the second trilogue. Delegations are therefore referred to the key takeaways summarised above.

Article 17 – Reporting suspicion of child sexual abuse or sexual exploitation

Line 213: the Parliament expressed some flexibility to accept the Council's amendments in the spirit of compromise, except for the cross-references which will be handled at a later stage.

Line 214: the Presidency considers the amendment of the Parliament to bring added value since it is the standard language used in legal drafting.

Line 215 (connected with recital 34 in line 46): the Presidency explained the Council's position on this line, arguing that the Parliament's amendment is overly far-reaching and cannot be fully implemented by the Member States in practice. The Presidency illustrated potential issues, such as the lack of trust for a child to report an offence.

The Parliament has also had long and deep internal discussions about this provision. The Parliament considers this provision of critical importance, citing data from one Member State, where 60% of the cases where a child comes forward to a health professional, the offence is not reported. The Parliament sees this as a loophole where the crimes are not reported and can be repeated. Unaware of the practical problems raised by the Presidency, the Parliament has a strong preference to keep its amendment, also highlighting the importance of a training element to ensure effective reporting.

The Commission acknowledged that reporting is a delicate and complex issue that requires guidelines at EU level. While it recognised the trust issue explained by the Presidency, the Commission also pointed to the problem where an adult is informed of an offence but fails to act.

The Presidency invites the delegations to provide guidance on how to approach the next steps for this provision in the negotiations. Would delegations be open to show flexibility and consider reintroducing a provision on reporting obligations?

Line 216: the Presidency explained why the line was deleted from the General Approach.

Line 216a: the co-legislators agreed that this line should be bundled with the victims' rights related provisions.

Line 217: the Presidency explained why the line was deleted from the General Approach.

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Articles 18, and Articles 20–23 – Victims' rights

Based on the advice from the legal services, co-legislators agreed to identify the *lex generalis* and *lex specialis* provisions to keep the latter only in the CSAD (recast). This legislative technique will ensure legal certainty and coherence across legal instruments. The Commission was mandated with the mapping of these provisions to prepare the subsequent discussions between the co-legislators on this matter.

Article 19 – Jurisdiction

Line 230: the Presidency explained that the title in the General Approach was amended for alignment with other directives.

Line 231 and 232: the Presidency explained the arguments for the cross-references proposed in the General Approach. In relation to the deletion of Article 8 and also Article 7 in line 232, the Commission noted that it is common practice in directives to refer to the provisions of the directive itself when regulating matters of jurisdiction. The Commission recommended keeping these cross-references, in particular since there is a strong case for mandatory jurisdiction and an exception to the requirement of double criminality, to avoid impunity and ensure effective enforcement.

Line 233: the Parliament has proposed to introduce a new reference to national authorities to give a political incentive to Member States to share information and facilitate cross-border cooperation. The Presidency challenges the addition, and the Commission indicated that it is not an essential addition, since it already followed from other existing regulations. The Parliament is not ready yet to withdraw this amendment.

Line 233a: the same arguments as listed under line 233 were shared from the Parliament in relation to this line. The Presidency declined the addition since such an addition is better regulated in the respective regulations for Eurojust and Europol. The Parliament is not ready yet to withdraw this amendment.

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Article 24 – Competent authorities or equivalent entities

Line 281: the Presidency explained the arguments to replace “competent” by “national” authorities (also in line 287). The Parliament, supported by the Commission, showed some reluctance to the changes proposed by the Council. The Parliament will revert on whether keeping “national” in the title is necessary.

Line 282: the Presidency explained the argument for the changes proposed in this line. The Commission confirmed the added value that the Council’s amendment to clarify the intention of the article (that the idea with the article was not to create a new national authority, but the creation of new functions that could be attributed to existing authorities). Having listened to the Commission, the Parliament showed some openness to the Councils amendments.

Line 283 to 286: the Parliament indicated flexibility to accept the linguistic changes proposed by the Council.

Line 287: the Parliament proposes a specific mention to the EU Centre regulated in the CSA-regulation. Since such centre is mentioned across different provisions, the co-legislators agreed to address this horizontal issue at a later stage.

Article 25 – Multi-agency and multi-stakeholder coordination and cooperation

Line 289: the Presidency indicated flexibility to accept the word “combat” instead of “tackle” proposed by the Parliament, since it would be in line with the title of the directive. The Parliament highlighted the importance of the amendment introducing a specific reference to operating hotlines and helplines, which the Presidency challenged since it would imply an unnecessary overspecification and proposed a recital instead as a possible venue of compromise. The Parliament, however, insisted (at first) on keeping this wording in the operative part. The Parliament explained that the last amendments (the mention to the Member States and other Union agencies and bodies) were included for the sake of completeness. The Presidency and Commission, however, raised their concerns concerning the latter (the reference to other Union agencies and bodies) since it could interfere with existing legislation. The Parliament will discuss internally and revert on both amendments.

Would delegations consider a recital to accommodate the Parliament’s amendment in line 289 concerning the operating hotlines and helplines?

Article 25a – International Cooperation

Line 289a: the Parliament sees this amendment as a natural addition to the Directive recast, given the importance of international cooperation when fighting child sexual abuse. The Presidency acknowledged the relevance and importance of international cooperation, but questioned, supported by the Commission, whether this is the right place for this type of provision. The Presidency clearly stated that the Council could only go as far as exploring a possible recital. The Parliament will revert on this proposal.

Would delegations consider a recital to accommodate this new provision from Parliament in line 289a?

Article 26 – Measures against advertising abuse opportunities etc.

Line 290 to 293: reference is made to the previous briefing on the proposed Article 8a and 8b.

Article 27 – Preventive intervention programmes or measures

Line 295: the Presidency explained the reasons for the Council to include "where appropriate" in the General Approach, which was challenged by the Commission. The Parliament's amendments entail details on the access to these programmes (or measures), which needs to be easy and anonymous through accessible, easy-to-use, safe and readily available channels, as well as on the resources and support groups that should be available for family members. The Commission welcomed the mentioning of family members and sees its added value from the prevention side. The Presidency took note of the Parliament's position but flagged that the wording is too detailed, over-specific and an expansion of the scope and suggested an amendment to the recital instead, as a possible venue of compromise. In this case, however, it should be clear that the intervention programmes should focus on the sex offenders, and not the family members as such. The Parliament will revisit the wording in this line and revert.

Would delegations consider a recital to accommodate the Parliament's amendment in line 295?

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Presentation on Artificial Intelligence by the Internet Watch Foundation (IWF)

During the ITM on the 7th November 2025, the Commission had arranged a presentation from the Internet Watch Foundation (IWF) upon request of the co-legislators. The purpose of the presentation was to discuss the latest data and trends on AI generated CSAM, and how AI models are being used to generate this content.

IWF reported some alarming data points and trends regarding AI generated CSAM:

AI CSAM is widespread: it is no longer circulated on the dark web only, but also on the open web. In 2024, 245 reports displayed illegal AI-generated child sexual abuse imagery, which equates to 7 644 images and a small number of videos. The generation pace is escalating: IWF reported a 400 % increase in confirmed reports of AI-generated CSAM imagery in the first six months of 2025 (January 1 – June 30), compared to the same period in 2024.[1]

IWF explained that the quality of AI-generated imagery and the duration of videos and audio are all increasing rapidly. Previously, there were clear signs of AI manipulation, such as the presence of extra hands or additional fingers. However, the technology behind AI-produced material has radically improved. AI tools are also now being used to create CSAM from harmless, real photos of children (like a child walking to school). Due to these advancements, there are no longer clear markers nor effective means for detecting AI-generated material, resulting in an enormous workload and challenge for law enforcement agencies.

IWF has identified additional concerning trends: the content created is highly gendered, with 98% of the material depicting girls. Furthermore, the AI-generated material is often more severe. In 2025, 39% of all detected AI-generated CSAM fell under the most severe category according to UK law. IWF also stressed that AI CSAM is not victimless. Harm is caused to real victims when their content (or even harmless photos, as mentioned above) is used to generate new, and often more severe, material. This exploitation, particularly when using original victim content, constitutes a second victimisation of the child. Moreover, AI can support an offender materialising and visualising their fantasies. IWF also indicated that 40% of the offenders said they would seek offline contact with a child after viewing any form of CSAM (based on data from Finland's Project Children).

[1] IWF urges for 'loophole' to be closed in proposed EU laws criminalising AI child sexual abuse as synthetic videos make 'huge leaps' in sophistication

IWF subsequently exposed more technical details on AI models and LoRA.[2] Custom AI tools are designed and trained specifically for CSAM. By setting up a LoRA (small functioning model, which could contain only a small number of images), an offender can easily generate new images in bulk. As an example, IWF mentioned an offender that created 800 AI videos in a year.

AI generated CSAM is a challenge for law enforcement authorities, since synthetic material floods the internet, and diverges law enforcement attention and resources from existing child abuses that needs to be stopped. Since AI systems have become much better at creating realistic CSAM, without the classic markers (extra fingers etc.), it is not possible for law enforcement authorities to assess when material is real or AI-generated, and hence to identify when a real child is at risk. IWF explained that there are no exiting tools that can allow to differentiate between real material and AI-generated material.

IWF also explained that AI-tools exist in the open web that can generate child sexual abuse material – even though it was not designed for this purpose initially, and it has not been trained for it. AI tools can rather easily understand the concept of a "child" and the concept of "sexual activities", which in combination can lead to the production of CSAM on open web. The IWF explained that there have been reactions from the tech community, but there is a need to put in place real safeguards in this area.

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[2] LoRA (Low-Rank Adaptation) is used in AI to fine-tune large models by freezing the original set of pre-trained wights in the model and adding small, trainable "low-rank" matrices. This technique allows to adapt models for specific tasks, such as generating images in particular styles (e.g. CSAM) in cheap and swift way (since it only requires updating a small fraction of the parameters).