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NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse - Outcome of the political trilogue on 26 February 2026 and request for comments

1. State of play of the negotiations

The second trilogue on the above referred file took place on 26 February 2026 at the Council premises. The discussion focused on the outstanding political issues concerning the EU Centre (Chapter IV, Articles 45, 46, 48, 49, 53, 54a, 55-57, 61-63, 65 and 66b)¹, the right to information and assistance (Chapter II, Section 6, Articles 20 and 21) and supervision, enforcement and cooperation (Chapter III, Articles 26, 32 and 36). A consolidated table showing the state of play of negotiations will be issued together with this note as WK 3494/26.

¹ Article 42 (seat of the EU Centre) is excluded from the negotiations and Article 43 is going to be redrafted to avoid the duplication of references.

2. Outcome of the trilogue on 26 February 2026

a) Endorsement of identical and provisionally agreed lines

– *Identical lines*

407, 408, 413, 414, 417, 418-421, 427, 429, 430, 436, 437, 443-448, 450, 455, 456, 461, 526, 531, 536-539, 546, 553, 554, 556, 558, 560, 561, 569, 573, 579, 581, 582, 589, 590, 593-596, 631-635, 638, 642, 644, 645, 647-649, 651, 652, 653, 662-666, 668, 669, 675-678, 680, 681, 683, 686, 688, 694, 699-702, 704-715, 717, 718, 720-724, 726, 727, 731, 734, 735-737, 739, 740, 741, 742, 750, 752, 754, 755, 758, 759, 760, 762, 763-766, 769, 770, 773, 774, 806-808, 810-816, 820-827, 829, 830, 832, 839, 841, 845, 850, 864, 872, 875, 881-883, 886, 887, 889-892, 895-897, 899-901, 903-910, 912-921, 923, 924, 926.

– *Provisionally agreed lines*

410, 411a, 412, 415, 416, 417a-d, 421a-421g, 422, 425, 426, 428, 431, 449, 451-454, 458, 460, 462, 463, 464, 465, 468-471, 472, 472a, 473, 474, 481, 482, 483, 484, 485, 486-490, 492-499, 500-525, 527-530, 532, 540, 541, 542b, 543, 544a, 545, 545a, 545b-545i, 547, 549-552, 555, 557, 559, 570-572, 574-578, 580, 582a-582h, 583, 586, 587, 587a, 588, 591, 592, 630, 637, 640, 641, 641a, 651a, 656, 659, 660, 661, 667, 673, 679, 682, 691, 692, 693, 695, 695b, 696, 696a-696d, 697, 698, 716, 719, 725, 729, 730, 730a-730c, 733, 733a-733j, 740a, 740c, 744a, 745, 746, 747, 748, 749, 751, 751a-751n, 753, 756, 756a, 758a-758l, 758o-758x, 761, 762a, 767, 768, 771, 772, 809, 817, 819, 827a, 828, 828a, 831, 834, 835, 837, 838, 848c-848p, 848r, 848af- 848ar, 849, 850a-850h, 851-863a, 865, 866, 866a, 867, 867a-867e, 868, 869, 870, 870a-870o, 871, 872a, 873, 874, 874a, 876, 877, 878, 879, 880, 880a-880c, 884, 885, 888, 902, 911, 925, 927, 928, 929.

b) The EU Centre

The Presidency and the European Parliament reached a provisional agreement on the following aspects:

- (i) the wording ‘manifestly unfounded’ is retained in Articles 45 (line 646), 46 (line 657), and 48 (lines 670, 671, 672), following the Council position;
- (ii) an independent expert designated by the European Parliament will be part of the Management Board as a non-voting member (Article 56, lines 743 and 744);
- (iii) the assessment of the Executive Director will be conducted by the Management Board with the support of the Commission, following the Council position. The dismissal of the Executive Director can be requested either by the Management Board, if that request is supported by one third of its voting members, or by the Commission (Article 65, lines 833 and 836);
- (iv) the function of Fundamental Rights Officer will be established with tasks aligned with those of the Fundamental Rights Officer of Europol (Article 66b (lines 848s-848ae), as well as Articles 55 (line 740b) and 57 (line 756b));
- (v) the Regulation will not establish an Executive Board but only a Management Board for the EU Centre (deletion of Articles 61 to 63 (lines 775 to 805) and modification of lines 738 (Article 55), as well as lines 808a, 818, 847, 893-894, 898, 922). A new provision (similar to the one in the Frontex Regulation) will be included to allow for an Executive Board to be established by the Management Board in case it considers that necessary;
- (vi) as regards cooperation with Europol, access to personal data will be granted based on justified requests on a case-by-case basis (Article 53, line 728);
- (vii) as regards cooperation with third countries and international organisations, the Council’s proposed text was accepted together with an accompanying recital proposed by the European Parliament (Article 54a, lines 733e-j, and recital 72a, line 83a).

Regarding the European Parliament’s request of tasking the EU Centre to conduct proactive searches of known CSAM in public content on its own initiative (Article 49, line 684a), the Presidency and the European Parliament agreed that this would be discussed at a later stage, in the context of detection.

c) Right to information and assistance

The Presidency agreed to (i) verify with Member States whether the European Parliament's compromise proposal to extend the right to information and assistance to EU citizens residing outside the Union in addition to all persons residing in the EU would be acceptable, and to (ii) explore a mutually acceptable compromise wording for the possibility to request periodic provision of information, building on the compromise proposal of the Commission (Articles 20 (lines 411, 412a, 416a) and 21 (lines 423, 424)).

d) Supervision, enforcement and cooperation

As regards the *notification of known child sexual abuse material*, the Commission presented a new compromise proposal for Article 32 and the accompanying recital 50, which has been aligned with the Digital Services Act and is to be further discussed at technical level (Article 32, lines 533-535, and recital 50, line 61).

As regards the *requirements for authorities of the Member States* (Article 26, lines 475, 475a, 476-480) and the *identification and submission of online child sexual abuse material to the EU Centre* (Article 36, lines 562 to 568), the European Parliament showed openness to the Council position as regards competent authorities and adequate judicial oversight, on the condition that the Coordinating Authorities would submit the material to the EU Centre and that there would be additional safeguards on the 'requirements for authorities' under Article 26. The Presidency and the European Parliament agreed that the technical teams would continue discussions with a view to identifying appropriate compromise texts on Articles 26 and 36².

² Discussions on this point are ongoing, so the Presidency is not yet in a position to request feedback from delegations.

3. Lines requiring feedback from delegations

Based on the outcome of the trilogue on 26 February 2026, the Presidency invites delegations to examine the amendments suggested below and to reply to the following questions:

a) The EU Centre

Article 45 – Manifestly unfounded

- Line 646: Can you support that **manifestly unfounded reports are kept by the EU Centre if all personal data is anonymised?**

Article 66b – Fundamental Rights Officer

- Lines 848s-848ae: The Presidency has reviewed and amended as appropriate the text proposed by the European Parliament to align the tasks with those of the Fundamental Rights Officer of Europol. **Can you agree to the compromise text proposed?**

Article 57 – Executive Board

- Line 758n (new): A new provision (similar to the one in the Frontex Regulation) is proposed to be included to allow for an Executive Board to be established by the Management Board in case it considers that necessary. **Can you agree to the compromise text proposed?**

Article 65 – Executive Director

- Line 836: Can you support that the **dismissal of the Executive Director can be requested either by the Management Board, if that request is supported by one third of its voting members, or by the Commission?**

b) Right to information and assistance

Articles 20 and 21

- Lines 411, 412a and 416a: Can you support that the right of information covers **citizens of the Union in addition to other persons residing in the Union** and that they will have the right to receive this information from **the Coordinating Authority of the Member State where they reside or the Member State of their citizenship**?

As regards requests for periodic information, can you support that in such cases the Coordinating Authority will provide **information annually or twice a year**, whenever possible in an automated manner?

- Lines 423 and 424: Can you support that the right of assistance covers **citizens of the Union in addition to other persons residing in the Union** and that the request for support can be **made via the Coordinating Authority of the Member State where they reside or of the Member State of their citizenship**?

c) Notification of known child sexual abuse material

Article 32

- Lines 61 and 533 to 535: Can you support the **text proposed by the Commission for Article 32**, which has been aligned with the Digital Services Act **and the accompanying amended recital 50**?

d) Adjustments derived from the agreements reached at the trilogue on 26 February 2026

Article 34

- Lines 542, 542a (deleted) and 544: Article 34 was adjusted to align with the text and/or the practice under the Digital Services Act. **Would you agree with the adjustments in these provisions**?

Articles 36, 45 and 48

- Line 646a: As mentioned to delegations orally during the meeting of JHA Counsellors on 24 February, the European Parliament has requested that the EU Centre should delete material from its reports that are found not to be CSAM. This seems to be a logical extension of the provision under Article 36(4) that obliges the Coordinating Authority to inform the EU Centre of such instances. **Would you agree to such a provision, along the lines of the text drafted in line 646a?**
- Line 672a: Similarly, the European Parliament has requested that the EU Centre should inform Europol of such unfounded reports. **Would you agree to such a provision, along the lines of the text drafted in line 672a?**
- Line 568: The European Parliament has agreed to delete its amendment in line 568 (the European Parliament will propose a recital that the Presidency will share with delegations in due course).

Article 39

- Line 584b: The text has been revised to improve clarity and readability. **Can you support the revised text?**

Article 54b

- Line 83a: A new recital has been added to clarify the scope of Article 54b (cooperation with third countries and international organisations). **Can you support the text of the new recital?**

Article 57

- Line 758m: A reference to the European Public Prosecutor's Office (EPPO) has been added to the text of the Council mandate. **Can you support the revised text?**

4. Questions to delegations

Member States are invited to examine the compromise suggestions under point 3. They are invited to make comments and observations and request clarifications during the meeting of JHA Counsellors on 10 March 2026. The Presidency invites delegations to provide **written feedback on these points by 12 March 2026, at 12.00.**

5. Next steps

The Presidency is continuing work on finalising the outcome of the second trilogue, including the re-drafting or addition of recitals. Delegations will be consulted on these at a later stage.

The seventh and eighth interinstitutional meetings (ITMs) are scheduled to take place on 13 and 19 March 2026. Delegations will be informed about the outcome of these ITMs at the meeting of JHA Counsellors on 24 March 2026. The third trilogue is scheduled for 11 May 2026 at the European Parliament.
