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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 abuse material (recast) – Presidency's note

ADDENDUM

Further to the informal exchanges that the Presidency had with the Parliament on the 20th of April, and in an effort to reflect further the discussions that took place there, delegations will find below additional questions on articles 27 and 28.

Article 27 – Preventive intervention programmes or measures

Delegations will find below an additional question:

Given that the Parliament is insisting on the anonymity of preventive intervention programmes or measures, would delegations accept to have the wording "anonymous" deleted from the operative part (in line 295), and have instead some exceptions where the anonymity is required on a case-by-case basis (for example, when this disclosure would discourage them from joining the programme due to the possible consequences on the social status).

Compromise proposal

Article 27

Member States shall take the necessary measures to ensure that persons who fear that they might commit any of the offences referred to in Articles 3 to 9 have access to effective and targeted intervention programmes or measures designed to evaluate and prevent the risk of such offences being committed. **Such programmes and measures shall also be available to close family members of a person they fear might commit any of the above offences.**

Access to such programmes shall, as a general rule, be provided on an identified basis. However, Member States shall ensure that anonymous access is made available in duly justified cases.

Accompanying recital:

Member States should ensure that, in cases where it is demonstrated that the disclosure of the identity of persons requiring access to such programmes or measures would discourage them from seeking such access, anonymity should be made available. Such cases could include circumstances where the protection of a persons social or professional status, privacy or safety is concerned.

Article 28 – Prevention

Further to the general question that was addressed in the ST7429/26 in an effort to facilitate the discussion on the 25th of March, the Presidency wishes to address more precise questions.
Delegations are invited to indicate whether:

a) They could accept a reference to national action plan (as in article 39 of Violence against Women Directive).

b) They could agree to a reference on the cooperation with civil society organisations in line 298.

c) They could accept the examples mentioned in line 299 in the EP's mandate to a recital

d) They could agree to accept the wording "**specialist** training" in line 300 (as in Victims' Rights Directive and Violence against Women Directive).

e) Parliament considers the wording "officials" too restrictive, excluding some professionals in close contact with children, and insist on keeping the wording deleted in the General Approach (and also included in article 36(2) in the Violence against Women Directive).

f) They could show some flexibility in article 28(4), line 302, which is one of the most important points for the Parliament, who insists on a mandatory list of the measures.

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