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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	16791/24
Subject:	Draft Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material adn replacing Council Framework Decision 2004/68/JHA (recast) - Analysis of the positions expressed in the report of the European Parliament

The Commission submitted its proposal for the Directive mentioned under subject on 7 February 2024[1].

After a thorough examination under the Belgian and Hungarian Presidencies, the Council (Justice and Home Affairs) reached a general approach on the proposal at its meeting on 13 December 2024[2].

The LIBE Committee voted its report on 13 May 2025. The Committee vote and the final decision to enter into interinstitutional negotiations is expected to be confirmed by the plenary meeting of the European Parliament in mid-June.

1 6241/24.
2 16791/24.

The co-legislators have agreed to hold a first kick-off political trilogue regarding this file on 23 June 2025, which will later be followed up by technical meetings under the incoming Danish Presidency of the Council. With a view to prepare the upcoming negotiations, the Presidency would like to organise a preliminary exchange of views with Member States on the amendments proposed by the European Parliament at the meeting of the COPEN Working Party on 3 June 2025.

The Presidency invites delegation to

- examine the new articles proposed by the European Parliament (Articles 2(2a, 2d, 2e), 3(8) and (9), 4(7a), 8a, 8b, 10(5) and (6), 14(3a), 16a, 17(4a), 18(1a), 18(2a), 19(6a), 20(2a), 21(2a), 25a, 28(1a and 5a)(**section I below)**;

- in particular examine Articles 3(8) and (9) in conjunction with Article 10(5) and (6), as the Presidency plans to invite delegations to discuss the issue of consent in one context;

- exchange views on proposed amendments by the European Parliament concerning articles already included in the Commission's proposal, in the light of the mandate set out in the General approach (**section II below**); Member States are thereby invited to indicate their views as regards the amendments proposed by the European Parliament for each of the Articles;

- highlight any other issue of importance for the first phase of trilogue negotiations.

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ANNEX

I. NEW OR MAINLY NEW ARTICLES PROPOSED BY THE EP

Article 2

Definitions

…

(2a) "consent" means any indication of agreement to a sexual activity given voluntarily and clearly, and in an informed and unambiguous manner, by a child above the age of sexual consent, as a result of that child's free will, assessed in the context of the surrounding circumstances;

(2d) ***any*** realistic images, ***pseudophotographs,*** reproductions or representations of a child engaged in sexually explicit conduct or realistic images of the ***intimate parts*** of a child, for primarily sexual purposes***, regardless of the method of creation or manipulation, including by using artificial intelligence, deepfake technologies, or augmented, extended, or virtual reality settings ;***

(2e) any material, regardless of its form, intended to provide advice, guidance or instructions on how to commit ***any of the offences referred to in Articles 3 to 8b, including any instruction for Artificial Intelligence systems***;

Article 3

Offences concerning child sexual abuse

…

8. *T*he conduc***t*s** referred to in paragraph 7 shall be punishable by a maximum term of imprisonment of at least ***16*** years ***where the child is above the age of sexual consent and does not consent.***

9. For the purpose of paragraph*s 2, 3, 4 and* 8, Member States shall ensure that:

(a) a non-consensual act is understood as an act which is performed without the child's consent *given voluntarily, as a result of the child's free will assessed in the context of the surrounding circumstances,* or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, or due to other circumstances, including the child's physical or mental condition such as a state of unconsciousness, *sleep,* intoxication, *surprise,* freezing, illness or bodily injury;

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

(c) the absence of consent cannot be refuted *exclusively* by the child's silence, verbal or physical non-resistance or past *or present* sexual conduct *or by anypast or present relationship with an offender.*

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Article 4

Offences concerning child sexual exploitation

…

7a. Coercing or forcing a child to share material representing that child's intimate parts beyond that child's consent in order to obtain money, child sexual abuse material or any other benefit shall be punishable by a maximum term of imprisonment of at least 8 years.

Article 8a

Travelling for the purpose of sexual abuse and sexual exploitation of children

Member States shall take the necessary measures to ensure that travelling to a country other than that Member State for the purpose of committing, or contributing to the commission of any of the offences referred to in Articles 3 to 8b, is punishable as a criminal act when committed intentionally.

Article 8b

Other offences related to sexual abuse and sexual exploitation of children

Member States shall take the necessary measures to ensure that offences related to sexual abuse and sexual exploitation of children include the following intentional acts:

(a) the dissemination of material advertising the opportunity to commit any of the offences referred to in Articles 3 to 8a; and

(b) extortion with a view to committing one of the offences listed in Articles 3 to 8;

(c) drawing up or using false administrative documents with a view to committing one of the offences referred to in Articles 3 to 8a.

Article 10

Consensual sexual activities

…

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

Consent can be withdrawn at any moment.

The absence of consent cannot be refuted by the child's silence, verbal or physical non-resistance or past ***sexua***l conduct ***or by any past or present relationship with an offender.***

6. Consensual sharing of one's intimate images, videos ***or similar material*** cannot be interpreted as consent to any further sharing or dissemination of that same image, video ***or similar material, including in a manipulated or altered version. Any subsequent sharing or dissemination, whether by the original recipient or any other party, shall require explicit, informed consent from the individual depicted.***

Consent can be withdrawn at any moment.

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Article 14

Penalties for legal persons

…

3a. Member States may establish rules for cases in which it is not possible to determine the amount of the fine on the basis of the total worldwide turnover of the legal person in the business year preceding the year in which the offence was committed or in the business year preceding the decision to impose the fine.

Article 16a

Limitation periods

Member States shall take the necessary measures to ensure that no limitation period applies to enable the prosecution of any of the offences referred to in Article 3 to 9.

Article 17

Reporting suspicion of child sexual abuse or sexual exploitation

…

4 a. Member States shall ensure the existence of accessible, visible, clear, user-friendly and gender-sensitive reporting mechanisms. Member States shall ensure that those reporting mechanisms are adequately resourced, including in terms of funding and staffing.

Article 18

Reporting of child sexual abuse or sexual exploitation

…

1a. Member States shall take the necessary measures to ensure the possibility of third-party reporting, including by making use of the reporting mechanism referred to in paragraph 1.

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2a. Member States shall ensure that age-appropriate multidisciplinary interagency structures are established to address child sexual abuse, including where such abuse is facilitated by means of information and communication technology.

Member States shall encourage and support, including financially, other reporting mechanisms, in particular:

a) the development of dedicated helplines and hotlines, including but not limited to the '116 000' number;

b) the appointment of well-being officers who are specifically trained to receive, assess and report suspicions of child sexual abuse and exploitation.

Member States shall ensure that reporting systems as referred to in the second subparagraph are fully integrated into national child protection systems and that they are adequately resourced, including in terms of funding and staffing.

Such structures shall be without prejudice to any existing systems in Member States.

Article 19

Jurisdiction and coordination of prosecution

…

6a. Member States shall, where appropriate, ensure efficient cooperation with Eurojust and Europol concerning criminal proceedings and investigations related to child sexual abuse offences and concerning the transfer of such proceedings, particularly in cases involving multiple Member States. Such cooperation shall facilitate cross-border information exchange, joint investigations, and assistance in prosecution endeavours.

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Article 20

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

…

2a. Member States shall ensure the provision of easily accessible, free of charge and comprehensive healthcare services for child victims of sexual abuse or exploitation, including sexual and reproductive healthcare

Article 21

Assistance and support to victims

…

2a. The services referred to in paragraphs 1 and 2 shall be available free of charge, and accessible every day of the week, without prejudice to those services that are provided for under the national healthcare system. Member States shall ensure a sufficient geographical distribution and capacity of the services referred to in paragraphs 1 and 2, across the Member State.

Article 25a

International Cooperation

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member State's competent authorities, Europol, Eurojust and the EU center shall, within their respective competences and in the limits of their respective remit, cooperate with competent authorities of third countries in the fight against the criminal offences referred to in Articles 3, 4, 5, 6, 7, 8, 8a and 8b.

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Article 28

Prevention

…

1 a. 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.

…

5 a. Member States shall ensure that the actions listed in the above paragraph are evidence-based and take into account the evolving manifestations of the offences listed in the Directive, including online.

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II. PROPOSED AMENDMENTS BY THE EP CONCERNING ARTICLES ALREADY INCLUDED IN THE COMMISSION'S PROPOSAL

As regards the amendments in the articles already included in the Commission's original proposal, reference is made to the preliminary version of the EP report[3].

The Presidency would specifically invite delegations to consider the following provisions, which the Presidency believes will be of particular relevance in view of the trilogues[4].

- Articles 3-8, concerning the levels of penalty for natural persons proposed by the EP as well as concerning the proposed obligation to provide a legal framework of organisations acting in the public interest in the relevant field (Article 5(8));
- Article 10 (5) and (6) concerning aspects of consent;
- Article 16: the EP proposes significantly longer limitation periods (provision to be read in conjunction with the proposed new Article 16a)
- Article 21(1) and (2), concerning aspects of assistance and support to victims.

The respective positions of the co-legislators on those key provisions are set out here below.

[3] https://www.europarl.europa.eu/meetdocs/2024_2029/plmrep/COMMITTEES/LIBE/DV/2025/05-12/CSArecast-EPconsolidatedtext_EN.pdf

[4] The four column table is not yet available.

Article 3

General approach	EP's report
Article 3 *Offences concerning sexual abuse*	Article 3 *Offences concerning sexual abuse*
1. Member States shall take the necessary measures to ensure that the intentional conduct referred to in paragraphs 2 to 6a is punishable.	1. Member States shall take the necessary measures to ensure that the ***intentional*** conduct referred to in paragraphs 2 to ~~6~~ 8 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.	2. Causing, for sexual purposes, a child who has not reached the age of sexual consent, ***or a child who is above the age of sexual consent and does not consent,*** to witness sexual activities, ***including by exposing that child to pornographic content,*** even without having to participate, 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.	3. Causing, for sexual purposes, a child who has not reached the age of sexual consent***, or a child who is above the age of sexual consent and does not consent,*** to witness sexual abuse, even without having to participate, shall be punishable by a maximum term of imprisonment of at least 2 years.
4. Engaging in sexual activities, other than those set out in paragraph 6, with a child who has not reached the age of sexual consent or causing […] that child to engage in sexual activities with […] a third person ï shall be punishable by a maximum term of imprisonment of at least […] 5 years.	4. Engaging in sexual activities with a child who has not reached the age of sexual consent ϒor causing the child to engage in sexual activities with another person ***or with themselves*** ⎪shall be punishable by a maximum term of imprisonment of at least ~~5~~ ***10*** years.
4a. Engaging in sexual activities, other than those set out in paragraphs 6a, with a child	***The conducts referred to in the first subparagraph shall be punishable by a***

who has reached the age of sexual consent and does not consent to sexual activities, or causing that child to engage in non-consensual sexual activities with a third person, shall be punishable by a maximum term of imprisonment of at least 2 years.	***maximum term of imprisonment of at least 10 years where the child is above the age of sexual consent and does not consent.***
5. Engaging in sexual activities with a child or causing that child to engage in sexual activities with a third person, as provided for in paragraph 4 and 4a, where:	5. Engaging in sexual activities with a child, 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 ~~8~~ ⇨ 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	(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 ~~8~~ ***12*** years ***~~if the child has not reached the age of sexual consent, and of at least 3 6 years of imprisonment, if the child is over that age~~***;
(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 ~~8~~ ⇨ 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 mental, ***intellectual, sensory*** or physical disability or a situation of dependence, shall be punishable by a maximum term of imprisonment of at least ~~8~~ ***12*** years ***~~if the child has not reached the age of sexual consent, and of at least 3 6 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.	(c) use is made of coercion, force, ***physical or psychological violence, blackmail*** or ***other*** threats shall be punishable by a maximum term of imprisonment of at least ~~10~~ ***14 (***years ***~~if the child has not reached the age of sexual consent, and of at least 5 7 years of imprisonment if the child is over that age.~~***
[…]	
6. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least […] 10 years:	6. Coercing, forcing or threatening a child into sexual activities with a third party ***or with themselves (***shall be punishable by a maximum term of imprisonment of at least ~~10~~ ***14 y***ears ***~~if the child has not~~***
(a) engaging with a child […] who has not reached the age of sexual	

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consent in sexual activities entailing […] vaginal, or anal […] penetration […] , with any bodily part or object; or oral penetration with a genital bodily part[5]**,** (b) causing a child […] who has not reached the age of sexual consent to engage with a third […] person in sexual activities entailing […] vaginal, or anal […] penetration […] with any bodily part or object**,** or oral penetration with a genital bodily part. 6a. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least 5 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 in sexual activities entailing vaginal or, anal penetration with any bodily part or object, or oral penetration with a genital body part. 6b. Member States may take the necessary measures to ensure that conducts described in paragraph 5 also apply to the offences referred to in paragraphs 6 and 6a, providing for more severe penalties. 7. For the purpose of […]paragraph**s** 4a and 6a, Member States shall ensure that:	***~~reached the age of sexual consent, and of at least 5 7 years of imprisonment if the child is over that age.~~ (*** 7. The following intentional conduct shall be punishable by a maximum term of imprisonment of at least ***~~12~~ 16*** years: (a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object; (b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object***~~.~~*** ***(ba) causing a child below the age of sexual consent to engage themselves, in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;*** 8. ***~~Where the child is above the age of sexual consent and does not consent to the act~~***, ***T***he conduct***s*** referred to in paragraph 7 shall be punishable by a maximum term of imprisonment of at least ***~~10~~ 16*** years ***where the child is above the age of sexual consent and does not consent.*** 9.For the purpose of paragraph***s 2, 3, 4 and*** 8, Member States shall ensure that

[5] Added to address the request to differentiate the penalty on conducts of oral penetration with an object or non-genital part. Wording 'of sexual nature' removed, since we are now referring to 'sexual activities' (instead of 'any act' in the previous formulation'), which make the specification superfluous.

(a) consent shall be deemed to exist only where it is given voluntarily as the result of the child's free will assessed in the context of the surrounding circumstances; (b) the consent can be withdrawn at any moment before or during the act.	(a) consent ~~***given voluntarily, as a result of the child's free will assessed in the context of the surrounding circumstances,***~~ or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, or due to other circumstances, including the child's physical or mental condition such as a state of unconsciousness, ***sleep,*** intoxication, ***surprise, (***freezing, illness or bodily injury; (b) the consent can be withdrawn at any moment before and during the act; (c) the absence of consent cannot be refuted ~~***exclusively***~~ by the child's silence, verbal or physical non-resistance or past ***or present*** sexual conduct ***or by any past or present relationship with an offender***.

Article 4

General approach	**EP's report**
Article 4 *Offences concerning 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 ~~pornographic~~ 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	*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***a*** is punishable. 2. Causing or recruiting a child to participate in ~~pornographic~~ 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***~~ ***6*** years ~~***if the child has not reached the age of sexual consent and of at least 2***~~

imprisonment if the child is over that age.	~~***years of imprisonment if the child is over that age***~~.
3. Coercing or forcing a child to participate in ~~pornographie~~ child sexual abuse performances, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least 8 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.	3. Coercing or forcing a child to participate in ~~pornographie~~ child sexual abuse performances, or threatening a child for such purposes shall be punishable by a maximum term of imprisonme nt of at least ~~***8 9***~~ years ~~***if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age***~~.
4. Knowingly attending ~~pornographie~~ child sexual abuse performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least 2 years if the child has not reached the age of sexual consent, and of at least 1 year of imprisonment if the child is over that age.	4. Knowingly attending ~~pornographie~~ child sexual abuse performances involving the participation of a child shall be punishable by a maximum term of imprisonment of at least ~~***2 3***~~ years ~~***if the child has not reached the age of sexual consent, and of at least 1 year of imprisonment if the child is over that age***~~.
5. Causing or recruiting a child to participate in exploitation in ~~child~~ prostitution, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonment of at least 8 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.	5. Causing or recruiting a child to participate in exploitation in ~~child~~ prostitution, or profiting from or otherwise exploiting a child for such purposes shall be punishable by a maximum term of imprisonme nt of at least ~~***8 12***~~ years ~~***if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age***~~.
6. Coercing or forcing a child into exploitation in ~~child~~ prostitution, or threatening a child for such purposes shall be punishable by a maximum term of imprisonment of at least 10 years if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age.	6. Coercing or forcing a child into exploitation in ~~child~~ prostitution, or threatening a child for such purposes shall be punishable by a maximum term of imprisonme nt of at least ~~***10 14***~~ years ~~***if the child has not reached the age of sexual consent, and of at least 5 years of imprisonment if the child is over that age***~~.
	7. Engaging in sexual activities with a child, where recourse is made

7. Engaging in sexual activities with a child, where recourse is made to exploitation in ~~child~~ prostitution 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.	to exploita tion in ~~child~~ prostitution shall be punishable by a maximum term of imprisonment of at least ~~5~~ ~~8~~ ***12*** ⇦ years ***~~if the child has not reached the age of sexual consent, and of at least 2~~ ⇨ ~~4~~ ⇦ ~~years of imprisonment if the child is over that age~~***. ***7a. Coercing or forcing a child to share material representing that child's intimate parts beyond that child's consent in order to obtain money, child sexual abuse material or any other benefit shall be punishable by a maximum term of imprisonment of at least 8 years.***

Article 5

General approach	**EP's report**
Article 5 *Offences concerning child ~~pornography~~ 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 ~~pornography~~ sexual abuse material shall be punishable by a maximum term of imprisonment of at least 1 year.	*Article 5* *Offences concerning child ~~pornography~~ 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 ~~pornography~~ sexual abuse material, ***including the possession of the material referred to in Article 2(3)(d) for private use,*** shall be punishable by a maximum term of imprisonment of at least ***~~1~~ 2*** years***.*** ***Acquisition or possession of artificial intelligence systems designed or adapted primarily for the purpose to enable the creation of child sexual abuse material shall be punishable by a***

	maximum term of imprisonment of at least 1 year.
3. Knowingly obtaining access, by means of information and communication technology, to child ~~pornography~~ sexual abuse material shall be punishable by a maximum term of imprisonment of at least 1 year.	3. Knowingly obtaining access, by means of information and communication technology, to child ~~pornography~~ sexual abuse material shall be punishable by a maximum term of imprisonment of at least ~~*1*~~ ***2*** years.
4. Distribution, dissemination or transmission of child ~~pornography~~ sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.	4. Distribution, dissemination or transmission of child ~~pornography~~ sexual abuse material shall be punishable by a maximum term of imprisonment of at least ~~*2*~~ ***4*** years. ***Distribution, dissemination or transmission of artificial intelligence systems designed or adapted primarily for the purpose to enable the creation of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.***
5. Offering, supplying or making available child ~~pornography~~ sexual abuse material shall be punishable by a maximum term of imprisonment of at least 2 years.	5. Offering, supplying or making available child ~~pornography~~ sexual abuse material shall be punishable by a maximum term of imprisonment of at least ~~*2*~~ ***4*** years.
6. Production of child ~~pornography~~ sexual abuse material shall be punishable by a maximum term of imprisonment of at least 3 years.	6. Production of child ~~pornography~~ sexual abuse material, ***including the production of the material referred to in Article 2(3)(d) for private use,*** shall be punishable by a maximum term of imprisonment of at least ~~*3*~~ ***8*** years. ***Creation or adaptation of artificial intelligence systems designed or adapted primarily for the purpose to enable the creation of child sexual abuse material shall be punishable by a maximum term of imprisonment of at least 3 years.***

7. 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 established in a Member State acting in the public interest against child sexual abuse, […] for example when it has been authorised by competent authorities of that Member State when such actions were carried out in accordance with the conditions set out in such authorisation. […] Member States are encouraged to ensure that the organisations acting in the public interest against a child sexual abuse referred to in the first subparagrah have the necessary expertise […], that there are appropriate reporting and oversight mechanisms to ensure that […] such 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 […] an authorisation. 8. […]	***7.*** For the purposes of paragraph 1, the conducts referred to in paragraph 2, 3 and transmission as referred to in paragraph 4 shall not be considered to be committed without right in particular where carried out by, or on behalf and under the responsibility of, a organization such as a hotline established in a Member States acting in the public interest against child sexual abuse that has been authorised by competent authorities of that Member State when such actions were carried out in accordance with the conditions set out in such authorization. These conditions shall ~~may~~ include the requirement that the organisations that receive such authorization have the necessary expertise and independence, that there are appropriate reporting and oversight mechanisms to ensure that the organisations act expeditiously, diligently and in the public interest, and that the organisations make use of secure channels of communication to carry out the actions covered by the authorization. ***8.*** Member States shall ~~***ensure that authorisations for an organisation***~~ ***provide a legal framework for the organisations*** acting in the public interest against child sexual abuse referred to in paragraph 7 ***and ensure that the authorisations received by such organisations from the competent authorities of a Member State,*** allow ~~***some or***~~ all of the following activites ~~to:~~

	a. receiv***ing*** and analys***ing*** 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. promptly notifying the relevant law enforcement authority of the Member State where the reported illegal material is hosted. c. collaborat***ing*** with organizations' acting in the public interest against child sexual abuse and authorized to receive reports of suspected child sexual abuse material abuse material in accordance with point (a) in the Member State or third country where the material is hosted. d. carry***ing*** 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. ***da***. ***cooperating directly with providers of information society services established in the Member State in which the organisations acting in the public interest against child sexual abuse are established, in notice and action mechanism, including removal or disabling of access to content and in notifications of suspicions of criminal offences under Regulation (EU) 2022/2065 of the European Parliament and of the Council, with authorisation from the competent national law enforcement authority.***It shall be within the discretion of Member States to decide whether this Article applies to cases involving child ~~pornography~~ sexual abuse material as referred to in Article 2, point (3)(c) ~~c)(iii)~~,

	where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.
9. It shall be within the discretion of Member States to decide whether this Article applies to cases involving child ~~pornography~~ ⌦ sexual abuse material ⌫ as referred to in Article 2⌦ , point (3)(c) ⌫~~(c)(iii)~~, where the person appearing to be a child was in fact 18 years of age or older at the time of depiction.	9. ~~It shall be within the discretion of Member States to decide whether paragraphs 2 and 6 of this Article apply to cases where it is established that pornographic material as referred to in Article 2 (c)(iv), is produced and possessed by the producer solely for his or her private use in so far as no pornographic~~ material as referred to in Article 2 (c)(i), (ii) ~~or (iii) has been used for the purpose of its production and provided that the act involves no risk of dissemination of the material.~~
10. ~~It shall be within the discretion of Member States to decide whether paragraphs 2 and 6 of this Article apply to cases where it is established that pornographic material as referred to in Article 2 (c)(iv), is produced and possessed by the producer solely for his or her private use in so far as no pornographic material as referred to in Article 2 (c)(i), (ii) or (iii) has been used for the purpose of its production and provided that the act involves no risk of dissemination of the material.~~ It shall be within the discretion of Member States to decide whether paragraphs 2 and 6 of this Article apply to cases where it is established that child sexual abuse material as referred to in Article 2 (3)(d), is produced and possessed by the producer solely for his or her private use in so far as no child sexual abuse material as referred to in Article 2 (3)(a), (b), (c) has been used for the purpose of its production.	
Article 5a *Offences concerning instructions to commit child sexual abuse, sexual exploitation or solicitation of children for sexual purposes* Member States shall take the necessary measures to ensure that the following intentional	

conduct, when committed without right, is punishable by a maximum term of imprisonment of at least 1 years: (a) distribution, dissemination or transmission of; (b) offering, supplying or making available of; (c) producing, (d) possessing any material, regardless of its form, intended to provide advice or instructions on how to commit one of the offences referred to in Articles 3, 4, 5 or 6 in this directive.	

Article 6

General approach	**EP's report**
Article 6 *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) ~~the proposal~~ proposing , by means of information and communication technology, ~~by an adult~~ to meet a child who has not reached the age of sexual consent either online or in person , for the purpose of committing any of the offences referred to in Article 3(4) ⇨, (5), (6) […] and Article 5(6), where that proposal was followed by material acts leading to such a meeting, shall be punishable by a maximum	*Article 6* *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) ~~the proposal~~ proposing, ***including*** by means of information and communication technology, ~~by an adult~~ to meet a child ~~who has not reached the age of sexual consent~~ either online or in person, for the purpose of committing any of the offences referred to in Article 3(4), (5), (6) and (7) ***Article 4*** and Article 5(6), where that proposal was followed by material acts ***that could lead*** to such a

term of imprisonment of at least 1 year;	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.	(b) The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 2 years where use is made of coercion, force or threats.
2. Member States shall take the necessary measures to ensure that […] the conduct, committed by an adult, of soliciting a child ~~who has not reached the age of sexual consent~~, 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 is punishable. […].	2. Member States shall take the necessary measures to ensure that an attempt, ***including*** by means of information and communication technology, to commit the offences provided for in Article 5(2) and (3) by an adult soliciting a child ~~who has not reached the age of sexual consent~~ to provide child ~~pornography~~ sexual abuse material ~~depicting that child~~ is punishable ⇨ by a maximum term of imprisonment of at least ~~***6 months***~~ ***1 year.***
Where the child has reached the age of sexual consent, the conduct referred to in the first subparagraph shall be punishable where use is made of coercion or threats.	
The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least 1 year where use is made of coercion […] or threats.	The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least ~~***1***~~ ***2*** year***s*** ***(***where use is made of coercion, force or threats.
3. […]	3. Member States shall take the necessary measures to ensure that an attempt, including by means of information and communication technology, to commit the offences provided for in Article 4(2) and (5) by an adult causing a child to participate in child sexual abuse performances and ***sexual*** exploitation ~~***in prostitution***~~ is punishcalbe by a maximum term of imprisonment of at least ~~***6 months***~~ ***3 years***.

	The conduct referred to in the first subparagraph shall be punishable by a maximum term of imprisonment of at least ~~*1 year*~~ ***6 years*** where use is made of coercion, force or threats.

Article 7

General approach	**EP's report**
Article 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 […] money, or other form of remuneration or consideration, […] in order to gain access to a livestream of activities described in any of the offences listed in Article 3(4), (4a), (5),(6), […] (6a) Article 4(2) and (3) and Article 5(6)[6] is punishable by a maximum term of imprisonment of at least […] 1 year.	Article 7 *Solicitation* ~~*of*~~ ***to commit*** *sexual abuse* ***or exploitation, including live streaming*** Member States shall take the necessary measures to ensure that intentionally promising or giving any person money, or other form of remuneration or consideration, to cause them to commit any of the offences listed in Article 3(4), (5),(6), (7), and (8), Article 4(2) and (3) and Article 5(6)***, including live streaming,*** is punishable by a maximum term of imprisonment of at least ~~*3*~~ ***5*** years

[6] The references here will be revisited when the text is close to finalisation.

Article 8

General approach	EP's report
Article 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 the commission of any of the offences referred to in Articles 3 to 7 is punishable by a maximum term of imprisonment of at least 1 year.	*Article 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 conceived to facilitate or encourage the commission of any of the offences referred to in Articles 3 to 7 is punishable by a maximum term of imprisonment of at ~~l~~ 10 years.

Article 10(5) and (6)

General approach	EP's report
Article 10 *Consensual sexual activities* *[…]* 5.[…] 6. […] .	*Article 10* *Consensual sexual activities* *[…]* 5. For the purpose of paragraphs 1 to 4 ***of this Article***, a child above the age of sexual consent can be considered as having consented to an activity only where the consent was given voluntarily ***and clearly and in an informed and unambiguous manner***, as ***the*** result of ***the free will of the*** child ~~***'s free will***~~ assessed in the context of the surrounding circumstances, ***as defined in Article 2 (2a). A child above the age of sexual consent shall not be considered to have consented where the child was unable to form free will due to the presence of the circumstances referred to Article 3(5) or due to other circumstances, including the child's physical or mental condition, such as a state of unconsciousness, sleep, intoxication, surprise, freesing, illness or bodily injury.***

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

Article 16

General approach	**EP's report**
Article 16 *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) ~~and~~, of any serious offences referred to in Article 5(6) when child ~~pornography~~ sexual abuse material as referred to in Article 2, points (3)(a) and (b) ~~(c)(i) and (ii)~~ 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.	*Article 16* *Investigation and prosecution **~~and limitation periods~~*** 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 7 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. […] The period […] referred to in paragraph 1 […] shall be: (a) at least 10 […] years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 5 […] years of imprisonment; (b) […] […] (b) at least 20 […] years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 10 […] years of imprisonment. 3. By way of derogation from paragraph 2, Member States may establish a period that is shorter than 10 years, with regard to point (a), or 20 years, with regard to point (b), but not shorter than, respectively five years and 10 years provided that such period may be interrupted or suspended in the event of specified acts.	~~*2 Member States shall take the necessary measures to enable the prosecution of any of the offences referred to in Article 3, Article 4(2), (3), (5), (6) and (7) and ⇨ , ⇦ of any serious offences referred to in Article 5(6) when child pornography ⇨ sexual abuse material ⇦ as referred to in Article 2 ⇨ , points (3)(a) and (b) ⇦ (c)(i) and*~~ ~~*(ii) has been used, ⇨ and of any of the offences referred to in Articles 7 and 8 ⇦, for a sufficient period of time after the victim has reached the age of majority and which is commensurate with the gravity of the offence concerned.*~~ ~~*This period of time referred to in the first subparagraph shall be:*~~ ~~*(a) at least 20 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 3 years of imprisonment;*~~ ~~*(b) at least 25 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 5 years of imprisonment;*~~ ~~*(c) at least 30 years from the date the victim has reached the age of majority for the offences punishable under this Directive by a maximum penalty of at least 8 years of imprisonment.*~~

	3. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting offences referred to in Articles 3 to ~~7~~ ⇨ 9 ⇦. ***Where appropriate, these tools shall include special investigative tools, such as those which are used in countering organised crime or other serious crime cases, like the possibility to conduct undercover investigations, the use of so called 'honeypots', the interception of communications, covert surveillance including electronic surveillance and the monitoring of bank account or other financial investigations in accordance with national law.***
	. 4. Member States shall ensure that persons, units or services investigating and prosecuting the offences referred to in Articles 3 to ***9 have*** sufficient staff ***and,*** expertise ~~***and effective investigative tools***~~ to effectively investigate and prosecute such crimes, including those committed through the use of information and communication technology, in accordance with the applicable rules of Union and national law. ~~***Where appropriate, these tools shall include special investigative tools, such as those which are used in***~~

	~~***countering organised crime or other serious crime cases, like the possibility to conduct undercover investigations.***~~ 5. Member States shall take the necessary measures to enable investigative units or services to attempt to identify the victims of the offences referred to in Articles 3 to ~~7~~ ⇨ 9 ⇦, in particular by analysing child ~~pornography~~ ⌦ sexual abuse material ⌫ , such as photographs and audiovisual recordings transmitted or made available by means of information and communication technology.

Article 21

General approach	**EP's report**
Article 21 *Assistance and support to victims* 1. Member States shall take the necessary measures to ensure that assistance and specialised and appropriate support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in ~~Framework Decision 2001/220/JHA~~ Directive 2012/29/EU Directive (EU) …/… [*proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes*] ⇦ and in this Directive.Member States shall notably ensure that victims of offences referred to in Articles 3 to 7 and 9 have access to targeted and integrated support services for children in accordance with Article	*Article 21* *Assistance and support to victims* ***1.*** Member States shall take the necessary measures to ensure that assistance and specialised and appropriate support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in ~~Framework Decision 2001/220/JHA~~ Directive 2012/29/EU, Directive (EU) …/… [*proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes*] and in this Directive. Member States shall notably ~~***ensure that***~~ ***provide*** victims of offences referred to in Articles 3 to 9 ~~***have access to targeted and integrated***~~

9a of Directive (EU) …/… [*proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes*]. ⇦ Member States shall, in particular, take the necessary steps to ensure protection for children who report cases of abuse within their family.	~~***support services for children with***~~ ***easily accessible referral centres, that may form part of the national healthcare system, to ensure effective support to child victims of sexual abuse or exploitation and to ensure the clinical management of sexual violence, including assisting in the safekeeping and documentation of evidence,*** in accordance with Article 9a of Directive (EU) …/… [proposed Directive amending Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crimes]. ***These centres shall provide trauma-sensitive support and, where necessary, referral to specialised trauma support and counselling for child victims. Member States shall ensure that child victims of sexual abuse or exploitation have access to medical and forensic examinations that may be provided in these centres or by referral to specialised centres or units. Member States shall ensure coordination between the referral centres and competent medical and forensic centres. All services referred to in this Article shall be provided in a child-friendly manner. Member States may provide that these centres are attached to the centres established under Article 28 of Directive (EU) 2024/1385 on combating violence against women and domestic violence.*** Member States shall, in particular, take the necessary steps to ensure protection for children who report cases of abuse within their family***, in line with the best interest of the child***.
2. Victims shall be provided with coordinated, age-appropriate medical care, emotional, psychosocial, psychological, […] educational support and legal counsel in accordance with national law, as well as any other appropriate support tailored in particular to situations of sexual abuse.	***2. Member States*** ~~***Victims***~~ shall
[…]	

	ensure that ~~be provided **with**~~ ***accessible, child-friendly comprehensive, specialised,*** coordinated, ***need and*** age-appropriate ***gender- and trauma sensitive,*** medical care, ***including access to sexual and reproductive healthcare services,*** emotional, psychosocial, psychological, ***legal*** and educational ***and administrative*** support ***is provided to victims and their families,*** as well as any other appropriate support tailored in particular to situations of sexual abuse, ***with special attention to the long-term recovery of the victims. Such support shall be available in one place, based on the "Barnahus" model.*** ***2a. The services referred to in paragraphs 1 and 2 shall be available free of charge, and accessible every day of the week, without prejudice to those services that are provided for under the national healthcare system. Member States shall ensure a sufficient geographical distribution and capacity of the services referred to in paragraphs 1 and 2, across the Member State.***