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**NOTE**

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From: Presidency  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse  
- Progress report

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**I. INTRODUCTION**

1. On 11 May 2022, the Commission submitted to the Council and the European Parliament a proposal for a Regulation laying down rules to prevent and combat child sexual abuse<sup>1</sup>, which aims to oblige online service providers, such as providers of hosting services and interpersonal communications services, to prevent the dissemination of, to detect, report and remove child sexual abuse material ('CSAM'), to prevent, detect and report the solicitation of children ('grooming'), and to set up a new decentralised EU agency (the EU Centre to prevent

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<sup>1</sup> 9068/22.

and combat child sexual abuse)<sup>2</sup> to support the implementation of the proposed Regulation, together with a network of national Coordinating Authorities and other competent authorities.

2. The draft Regulation is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
3. The Law Enforcement Working Party - Police (LEWP-P) has examined the proposal at 35 meetings so far with a view to preparing a mandate for negotiations with the European Parliament.
4. The Council Legal Service issued a written opinion on 26 April 2023<sup>3</sup>.
5. The Permanent Representatives Committee had policy debates on the above proposal on 31 May 2023, 13 October 2023 and 4 September 2024, and received a progress report in December 2023.
6. The Council received progress reports in December 2022 and June 2024 and held a discussion with a view to a partial general approach at the meeting in December 2024.
7. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) has the lead responsibility for the negotiations on the proposal. It appointed MEP Javier Zarzalejos (EPP, ES) as rapporteur in October 2022. The LIBE Committee adopted its report on 14 November 2023, and the decision to enter interinstitutional negotiations was confirmed on 22 November 2023.
8. Regulation (EU) 2021/1232 providing a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers for the purpose of combating online child sexual abuse applies until 3 April 2026.<sup>4</sup>

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<sup>2</sup> The selection of the seat of the EU Centre is planned to be subject to an inter-institutional agreement on the selection procedure applicable to new EU agencies following the example of the selection of the seat of the Anti-Money Laundering Authority.

<sup>3</sup> 8787/23.

<sup>4</sup> Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse, amended by Regulation (EU) 2024/1307 of the European Parliament and of the Council of 29 April 2024.

## II. PROGRESS OF THE WORK DURING THE POLISH PRESIDENCY

9. Under the Polish Presidency, the LEWP-P has devoted considerable time and efforts to develop a new approach to the proposed Regulation and to draft compromise texts at the meetings on 5 February<sup>5</sup>, 11 March<sup>6</sup>, 8 April<sup>7</sup> and 23 May 2025<sup>8</sup>. In addition, a meeting of Justice and Home Affairs counsellors was convened on 29 April 2025.
10. The Presidency concentrated its efforts on developing an innovative solution for a compromise that would provide efficient tools to limit the spread of child sexual abuse online while ensuring full compliance with fundamental rights and addressing concerns related to the protection of cyber resilience and cyber security:
- The Presidency suggested (1) continuing with targeted voluntary detection by providers following the scope of Regulation (EU) 1232/2021 instead of establishing the possibility for detection orders and (2) protecting cyber security including encryption, while keeping services using end-to-end encryption within the scope of the Regulation.
  - A review clause has been proposed with the invitation to the Commission to assess within three years after entry into force of this Regulation the legal and technological possibilities of mandatory detection in the future.
  - The strengthening of aspects of prevention was introduced, including the preparation of dedicated national strategies by the Member States and a comprehensive communication and outreach strategy by the EU Centre.
  - More emphasis was put on measures to protect children in the digital environment. It was proposed that collaboration between service providers, Member States, other relevant stakeholders and the EU Centre should support efforts to prevent online child sexual abuse and contribute to the broader child protection framework.

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<sup>5</sup> 5352/25.

<sup>6</sup> 6475/25.

<sup>7</sup> 7080/25.

<sup>8</sup> 8621/25.

- Subsequently, the Presidency worked with delegations on simplifications to reduce complexities and administrative burden. This includes the deletion of the risk categorisation and of the sign of reduced risk, and the alignment of the procedure for ordering the providers to conduct additional or adjusted risk assessment or risk mitigation measures with the already existing provisions on the enforcement powers of competent authorities. Providing support to micro, small or medium sized enterprises in identifying and assessing technical aspects of specific risk mitigation measures has also been a matter of priority for the Presidency.
11. The Presidency noted at the LEWP-P meeting on 23 May 2025 that following the examination of an initial compromise text and of two subsequently revised compromise texts and an exchange of views based on a discussion paper prepared by the Presidency, there was no need to continue the examination at technical level, as all technical questions had been addressed in a comprehensive way

### **III. CONCLUSION**

12. Despite all the efforts of the Presidency to gather support for a compromise proposal, more work is needed to reach an agreement for a mandate for negotiations with the European Parliament.
13. It has become unlikely that an interinstitutional agreement on the proposed Regulation can be reached on time so that it can enter into force before the extended Regulation (EU) 2021/1232 expires. To avoid a legal gap, the Presidency invites the Commission to consider proposing a further extension of the period of application of Regulation (EU) 2021/1232.
14. The Permanent Representatives Committee/Council is invited to take note of the progress of the work of the Presidency on the Regulation laying down rules to prevent and combat child sexual abuse.