



Council of the European Union
General Secretariat

Brussels, 24 July 2026

Interinstitutional files:
2022/0155 (COD)

WK 10939/2026 INIT

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WORKING DOCUMENT

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 – Reflection paper on detection obligations / own-initiative searches

Delegations will find in the Annex a reflection paper on detection obligations / own-initiative searches on the above-mentioned Regulation.

Proposal for a Regulation laying down rules to prevent and combat child sexual abuse

Reflection paper on detection obligations / own-initiative searches

1. Introduction

In May 2026, in the context of the interinstitutional negotiations on the proposal for a Regulation laying down rules to prevent and combat child sexual abuse, the Cyprus Presidency presented a compromise proposal on detection,¹ seeking to find common ground between the positions of the co-legislators. The compromise proposal introduced a distinction between publicly accessible and non-publicly accessible content; was based on core aspects of the mandates of the co-legislators; and included the following elements:

- a) Own-initiative searches by providers in publicly accessible content as a mitigation measure;
- b) Own-initiative searches by the EU Centre on publicly accessible content as proposed by the European Parliament;
- c) Detection orders for publicly accessible content;
- d) Own-initiative searches by providers in non-public content, inspired by the derogation from e-privacy rules provided by the expired Regulation (EU) 2021/1232 (CSA Interim Regulation) but also including hosting services, with additional safeguards such as a notification obligation for providers to the EU Centre and a suspension mechanism for national authorities;
- e) Detection orders for non-public content targeting specific users linked to child sexual abuse, with more technical work needed on how to define those users but moving away from the concept of “suspects” to avoid overlaps with criminal law.

The interaction between those elements remains open, as does the scope of each element, that is, whether each element applies to known child sexual abuse material (CSAM), new CSAM, and solicitation of children (“grooming”). Delegations expressed an openness to explore this model to the Cyprus Presidency, in both JHA Counsellors meetings in June 2026 and at the Permanent Representatives Committee on 26 June 2026.

¹ 9659/26.

The Cyprus Presidency tabled the issue of detection obligations and own-initiative searches at the fifth trilogue on 29 June 2026, following political guidance by the Permanent Representatives Committee on 26 June 2026. At that trilogue, the European Parliament (EP) confirmed its readiness to discuss the building blocks proposed by the Cyprus Presidency, conditional on (i) the protection of end-to-end encrypted communication and (ii) respect for the prohibition of a general monitoring obligation. The EP indicated it would accept the coexistence of detection orders and own-initiative searches, if a targeted approach and necessary safeguards are applied. The EP also acknowledged the difficulties related to discussing the scope of detection (known CSAM, new CSAM and grooming). The technical teams were tasked to work within this framework.

2. Technical discussions during the Irish Presidency

At the outset of its term, and on the basis of the outcome of the trilogue on 29 June, the Presidency immediately launched informal discussions with the Rapporteur's team. To-date, three bilateral meetings and one trilateral meeting including the Commission services have been organised focusing on detection. In parallel, delegations were consulted on 14 July 2026 regarding the EP proposal to introduce own-initiative searches by the EU Centre.

Some key principles tabled by the EP in response to the Cyprus Presidency proposal on detection include:

- Both (i) detection orders in non-public content as a measure of last resort and (ii) own-initiative searches in non-public content by providers should each be targeted to specific users linked to child sexual abuse and subject to judicial authorisation.
- No generalised scanning on non-public content.
- End-to-end encryption in interpersonal communications must be fully protected.
- No detection orders or own-initiative searches for new CSAM or grooming.

3. Questions to delegations

Based on its work to-date, and the mandates of the co-legislators, the Presidency needs to establish a way through on detection orders and own-initiative searches in non-public content, to satisfy the mandate of the Council to the maximum possible extent. Taking into account the clear preference of a majority of delegations in the Council to continue with the practice of own-initiative searches by providers for known and new CSAM and the solicitation of children, in line with the CSA Interim

Regulation, the Presidency invites delegations to reflect on the following questions, and to provide written replies, by **Thursday, 3 September 2026, COB**. A working document² will be issued by the General Secretariat of the Council to facilitate the collection of replies.

The purpose of the reflection questions is to investigate potential paths towards agreement on own-initiative searches and detection orders between co-legislators for the trilogue on 29 September 2026. Accordingly, the Presidency seeks responses from delegations to the following questions:

1. Do own-initiative searches by providers in public content require any further regulation? If the EP insists on regulating such activities, what limitations, if any, in scope could you accept (known and/or new CSAM)? What benefits do you see to using the EU Centre's database of indicators in the own-initiative search process?
2. Should the EU Centre be tasked with own-initiative searches in publicly accessible content? Is the reporting structure as set out in Articles 12 and 13 appropriate for own initiative searches by the EU Centre? If not, what else would you recommend?
3. Should detection orders in public content be established and cover at least known CSAM and possibly new CSAM?
4. How could the concept of detection orders and own-initiative searches in non-public content targeted to specific users linked to child sexual abuse - taking into account the possibilities offered under national criminal law - work in practice? How could those specific users linked to child sexual abuse be defined, and the targeting process be operationalised in your jurisdiction?
5. Should the Presidency explore other options besides detection orders and own-initiative searches in non-public content targeted to specific users linked to child sexual abuse? If so, what possible options would you envisage?

Finally, recalling the Cyprus Presidency compromise proposal on detection, presented in May 2026, where initial observations were received from some Member States, the Irish Presidency invites all Member States who have not done so, to review document 9656/26 and revert with their observations.

4. Next steps

The Presidency seeks to achieve political agreement on detection obligations and own-initiative searches at the sixth trilogue, which will take place at the Council premises on 29 September 2026. In preparation for that trilogue, interinstitutional technical meetings have been scheduled on 10 and

² WK 10940/2026.

18 September 2026. Delegations will be updated in a meeting of JHA Counsellors on 14 September 2026. Political guidance from the Permanent Representatives Committee may be requested on 23 September 2026.

