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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 6th trilogue on 29 September 2026 and way forward

Delegations will find attached the outcome of the 6th trilogue on 29 September 2026 on the above-mentioned Regulation.

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Proposal for a Regulation laying down rules to prevent and combat child sexual abuse
– outcome of the 6th trilogue on 29 September 2026 and way forward

1. State of play of the negotiations

The sixth trilogue on the CSA Regulation took place on 29 September 2026 at the premises of the Council. The Presidency had provided delegations with the documents prepared for that trilogue, reflecting the state of play of the interinstitutional negotiations including the draft agenda; the four-column document; and draft texts on detection and own-initiative searches prepared at technical level¹.

At the sixth trilogue, provisional agreement was reached on own-initiative searches by the EU Centre in public content which can pave the way for launching the procedure for the establishment of the agency's seat. In principle, agreement was also reached on detection orders and own-initiative searches by providers in public content, and on the provisions on redress, technologies and safeguards. However, all elements are considered part of a possible package deal, pending agreement on own-initiative searches and detection orders in non-public content. The trilogue did not bring a breakthrough on own-initiative searches and detection in non-public content. The European Parliament and the Presidency set out their principles and priorities and mandated the technical teams for further work on a mutually acceptable compromise. The main open issues remain the targeting of detection/searches and their scope. Work at technical level will continue to prepare a next trilogue later this year.

2. Outcome of the trilogue on 29 September 2026

a) Endorsement of provisionally agreed lines

Provisional agreement was reached on lines 16a, 29, 30, 85, 106a, 563, 564, 565, 651a, 840, 840a and 840c.

¹ WK 14760/2026.

b) Own-initiative searches by the EU Centre in public content (Article 49, lines 682 to 687)

Provisional agreement was reached on the text prepared at technical level and that the scope of the own-initiative searches by the EU Centre in public content should cover known and new CSAM. The provisional agreement on the tasks of the EU Centre can pave the way for launching the parallel interinstitutional procedure to establish its seat.

c) Own-initiative searches by providers in public content (Addition to Art. 4, deletion of Article W)

Provisional agreement was reached in principle, subject to agreement on the entire detection package, that no specific rules for own-initiative searches by providers in public content are required and that those searches could be considered a mitigation measure carried out by providers.

d) Detection orders in public content (Articles X and X+1)

Provisional agreement was reached in principle, subject to agreement on the entire detection package, on the text prepared at technical level and to limit the scope of detection orders in public content to known CSAM to avoid a general monitoring obligation.

e) Additional provisions regarding detection/searches (Art. 9-11, Art. 50(1))

Provisional agreement was reached in principle, subject to agreement on the entire detection package, on the text prepared at technical level.

f) Own-initiative searches in non-public content (Article Z)

The Presidency stressed the importance of own-initiative searches in non-public content for the Council as confirmed by the Permanent Representatives Committee on 23 September 2026. While Member States could accept some conditions as required by the Parliament such as a search plan, ex-post review and searches targeted to specific parts of the service and, where possible, to individual users, the Presidency referred to the red lines for the Council: any solution must not discourage providers from carrying out voluntary searches, must not lead to delays in starting the searches and should include known and new CSAM and grooming in the scope. The Presidency clarified that end-to-end encrypted content would be excluded from the scope of searches.

The European Parliament showed openness to further work on the conditions and requested the following clarifications and adaptations:

- The possibility for a search plan to be reviewed by independent administrative authorities instead of judicial authorities should only apply to Member States that communicate such a derogation to the Commission for justified reasons.
- Searches by the providers should only start once the Coordinating Authority of establishment has transferred the complete search plan to the relevant judicial or independent administrative authority for review.
- Own-initiative searches should be targeted more narrowly than in the current draft text and should be limited to known CSAM using the EU Centre indicators.
- A review clause for grooming considering the development of technologies could be explored mirroring the Parliament's position on detection orders.
- Transitional rules should enable providers that are currently voluntarily detecting to continue to do so until the provisions of this regulation will apply.

g) Detection orders in non-public content

The European Parliament considers detection orders in non-public content targeted to specific users and limited to known CSAM to be a key element for the detection package. According to the rapporteur, detection orders should be a measure of last resort to impose obligations on providers rather than duplicate criminal investigations. The Presidency recalled that it did not have a mandate to agree with detection orders in private content and explained the reason why some Member States were opposed to detection orders targeted to specific users (no added value, overlapping with criminal procedures) while some Member States were opposed to detection orders resulting in indiscriminate scanning. It was agreed to further engage in technical discussions to identify a possible way forward.

3. Invitation to delegations

Delegations are invited to examine the outcome of the sixth trilogue, the four-column table and the draft texts on detection and own-initiative searches prepared at technical level and provide their views at the meeting of JHA counsellors on 5 October 2026.

Delegations are invited to respond to the following questions:

1. Can you endorse the provisional agreement reached at the trilogue as set out in point 2, letters a-e?
2. How do you assess the currently proposed draft text of Article Z and can you agree to accommodate the clarifications and adaptations requested by the European Parliament as set out in point 2, letter f?
3. How do you assess the currently proposed draft text of Articles Y and Y+1 and can you agree with detection orders in non-public content targeted to specific users and limited to known CSAM as a measure of last resort as set out in point 2, letter g?

4. Way forward

The Presidency is continuing work at technical level on implementing the outcome of the sixth trilogue, and considering possible compromise solutions on own-initiative searches and detection in non-public content.

The next interinstitutional technical meeting (ITM) is planned on 12 October 2026 in preparation of the seventh trilogue tentatively scheduled for December 2026 at the European Parliament.

The next meeting of JHA counsellors on the CSA Regulation is planned on 20 October 2026.