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General Secretariat

Brussels, 15 February 2024

Interinstitutional files:
2023/0452 (COD)

WK 2573/2024 INIT

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	ST 16289 2023 INIT
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2021/1232 of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC for the purpose of combating online child sexual abuse - 4-column table including the draft agreement reached at the trilogue meeting on 15 February 2024

Delegations will find in the Annex a four-column table concerning the above legislative proposal, which contains:

- the Commission proposal of 30 November 2023,
- the mandate confirmed by the European Parliament on 7 February 2024,
- the mandate approved by the Permanent Representatives Committee on 20 December 2023, and
- the draft agreement reached at the trilogue meeting on 15 February 2024.

WK 2573/2024 INIT

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**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2021/1232 of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC for the purpose of combating online child sexual abuse
(Text with EEA relevance)**

2023/0452(COD)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0452 (COD)	2023/0452 (COD)	2023/0452 (COD)	2023/0452 (COD) Text Origin: Commission Proposal
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2021/1232 of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC for the purpose of combating online child sexual abuse (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2021/1232 of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC for the purpose of combating online child sexual abuse (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2021/1232 of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC for the purpose of combating online child sexual abuse (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2021/1232 of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC for the purpose of combating online child sexual abuse (Text with EEA relevance) Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
Formula				
3a	Having regard to the proposal from the European Commission, Moved reference text	-1 having regard to the <u>Commission</u> proposal from the European Commission to Parliament and the Council (COM(2023)0777), Moved from row 5 [5 - 3a]		Having regard to the proposal from the European Commission,
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), in conjunction with Article 114(1), thereof,	having regard to <u>Article 294(2), Article 16(2) and Article 114(1) of the Treaty on the Functioning of the European Union, and in particular Article 16(2), in conjunction with Article 114(1), thereof pursuant to which the Commission submitted the proposal to Parliament (C9- 0437/2023),</u>	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), in conjunction with Article 114(1), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), in conjunction with Article 114(1), thereof, Text Origin: Commission Proposal
Citation 3				
4a		<u>having regard to Article 294(3) of the Treaty on the Functioning of the European Union,</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 2				
5	Having regard to the proposal from the European Commission,	Moved to row 3a [5 - 3a]	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. . Text Origin: Commission Proposal
Citation 4a				
7a		<u>having regard to the Report from the European Commission on the implementation of Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>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 (COM(2023) 797 final).</i></u>		
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
9	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal
Formula				
9a		<u><i>(-1) In order to facilitate compliance with providers' reporting obligations, in particular to ensure the machine-readability and easy accessibility of the reports, the publication format for the reports pursuant to Article</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>3(1)(f)(vii) of Regulation 2021/1232 should be harmonised.</u>		
Recital 1				
10	(1) Regulation (EU) 2021/1232 of the European Parliament and of the Council¹ provides for a temporary regime in respect of the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, pending the preparation and adoption of a long-term legal framework. That Regulation applies until 3 August 2024. 1. 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 (OJ L 274, 30.7.2021, p. 41, ELI: http://data.europa.eu/eli/reg/2021/1232/oj).	(1) Regulation (EU) 2021/1232 of the European Parliament and of the Council¹ provides for a temporary regime in respect of the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, pending the preparation and adoption of a long-term legal framework. That Regulation applies until 3 August 2024. 1. 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 (OJ L 274, 30.7.2021, p. 41, ELI: http://data.europa.eu/eli/reg/2021/1232/oj).	(1) Regulation (EU) 2021/1232 of the European Parliament and of the Council¹ provides for a temporary regime in respect of the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, pending the preparation and adoption of a long-term legal framework. That Regulation applies until 3 August 2024. 1. 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 (OJ L 274, 30.7.2021, p. 41, ELI: http://data.europa.eu/eli/reg/2021/1232/oj).	(1) Regulation (EU) 2021/1232 of the European Parliament and of the Council¹ provides for a temporary regime in respect of the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, pending the preparation and adoption of a long-term legal framework. That Regulation applies until 3 August 2024. 1. 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 (OJ L 274, 30.7.2021, p. 41, ELI: http://data.europa.eu/eli/reg/2021/1232/oj). <u>Text Origin: Commission Proposal</u>
Recital 1a				
10a		<u>(1a) In order to ensure an adequate level of transparency and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		<u>accountability, as well as to enable comprehensive and comparable reporting, it is necessary to lay down templates concerning the details of the reports that providers of number-independent interpersonal communications services should publish and submit to the competent supervisory authority and to the Commission on the processing of personal data under Regulation 2021/1232.</u>	PUBLIC		
Recital 1b					
10b		<u>(1b) In order to enable effective scrutiny over processing of personal data, providers of number-independent interpersonal communications services should use the template and the instructions laid out in the Annex to this Regulation when complying with their reporting obligations pursuant to Regulation (EU) 2021/1232.</u>			
Recital 1c					
10c		<u>(1c) In view of the Report from the Commission on the implementation of Regulation (EU) 2021/1232^{1a}, it is necessary to thoroughly improve the reporting mechanism to the European Commission from both the Member States and the</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>providers of number-independent interpersonal communication services. It is also important to stress that the European Commission will be obliged to report on the implementation of the Regulation (EU) 2021/1232 in due time after the conclusion of the new period of application.</u> <u>1a. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of 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</u>	PUBLIC	
Recital 2				
11	(2) The proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse¹ aims to provide that long-term legal framework. However, the inter-institutional negotiations on that proposal have not yet been concluded and it is uncertain whether they will be concluded on time for the long-term legal framework, including any amendments to Regulation (EU)	(2) The proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse¹, <u>which the Commission adopted on 11 May 2022</u>, aims to provide that long-term legal framework. However, the inter-institutional negotiations on that proposal have not yet been concluded and it is uncertain whether they will be concluded on time for the long-term legal framework, including any	(2) The proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse¹ aims to provide that long-term legal framework. However, the inter-institutional negotiations on that proposal have not yet been concluded and it is uncertain whether they will be concluded on time for the long-term legal framework, including any amendments to Regulation (EU)	(2) The proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse¹, <u>which the Commission adopted on 11 May 2022</u>, aims to provide that long-term legal framework. However, the inter-institutional negotiations on that proposal have not yet been concluded<u>started</u> and it is uncertain whether<u>certain that</u> they will <u>not</u> be concluded on time for the long-term legal framework,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2021/1232 that it may contain, to be adopted, to enter into force and to apply before 3 August 2024. 1. Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse, COM/2022/209 final.	amendments to Regulation (EU) 2021/1232 that it may contain, to be adopted, to enter into force and to apply <u>The European Parliament adopted its position and the mandate to enter into inter-institutional negotiations on 22 November 2023 while the Council of the European Union has not reached a general approach yet. Consequently, it is certain that the legislative procedure will be not concluded</u> before 3 August 2024. 1. Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse, COM/2022/209 final.	2021/1232 that it may contain, to be adopted, to enter into force and to apply before 3 August 2024. 1. Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse, (COM/2022/209 final (2022/0155(COD))).	including any amendments to Regulation (EU) 2021/1232 that it may contain, to be adopted, to enter into force and to apply before 3 August 2024. 1. Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse, (COM/2022/209 final (2022/0155(COD))). Text Origin: Council Mandate
Recital 3				
12	(3) It is important that child sexual abuse online can be effectively combated, in accordance with the applicable rules of Union law, including the conditions set out in Regulation (EU) 2021/1232, without interruptions pending the conclusion of those inter-institutional negotiations and the adoption entry into force and application of the long-term legal framework.	(3) It is important that child sexual abuse online can be effectively combated, in accordance with the applicable rules of Union law, including the conditions set out in Regulation (EU) 2021/1232, without interruptions <u>which demonstrates the need for a permanent framework with a focus on preventive measures.</u> Pending the conclusion of those inter-institutional negotiations <u>the legislative procedure</u> and the adoption, entry into force and application of the long-term legal framework, <u>a prolongation of</u>	(3) It is important that child sexual abuse online can be effectively combated, in accordance with the applicable rules of Union law, including the conditions set out in Regulation (EU) 2021/1232, without interruptions pending the conclusion of those inter-institutional negotiations and the adoption, entry into force and application of the long-term legal framework.	(3) It is important that child sexual abuse online can be effectively combated, in accordance with the applicable rules of Union law, including the conditions set out in Regulation (EU) 2021/1232, without interruptions pending the conclusion of those inter-institutional negotiations and the adoption, entry into force and application of the long-term legal framework. <u>The co-legislators express their commitment to reaching an agreement on the long-term legal framework as soon as possible, also with a view to avoiding any further</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Regulation (EU) 2021/1232 is only justified once and for a very limited period.</u>		<u>extension of Regulation (EU) 2021/1232 in the future.</u> Text Origin: Commission Proposal
Recital 4				
13	(4) Therefore, Regulation (EU) 2021/1232 should be amended to extend its period of application for an additional period of time strictly necessary to adopt the long-term legislation.	(4) Therefore, <u>given this extraordinary circumstances and the lack of progress with the permanent solution within the Council of the European Union,</u> Regulation (EU) 2021/1232 should be amended to extend its period of application for an additional <u>a limited</u> period of time strictly necessary to adopt the long-term legislation. <u>It is crucial to note that this extension is exceptional and should not establish a precedent for future extensions. Regulation (EU) 2021/1232 was initially designed as a transitional, temporary instrument serving as a link between the implementation of Directive (EU) 2018/1972, which brought number-independent interpersonal communications services within the scope of Directive 2002/58/EC starting on 21 December 2020, and the establishment of a permanent Regulation addressing the prevention and combatting of child sexual abuse online. Contrary to the co-legislators expectation, the</u>	(4) Therefore, Regulation (EU) 2021/1232 should be amended to extend its period of application for an additional period of time strictly necessary to adopt the long-term legislation.	(4) Therefore, <u>given the particular circumstances,</u> Regulation (EU) 2021/1232 should be amended to extend its period of application for an additional <u>a limited</u> period of time strictly necessary to adopt the long-term legislation. <u>It is crucial to note that this extension is exceptional and should not establish a precedent for future extensions. Regulation (EU) 2021/1232 was initially designed as a transitional, temporary instrument serving as a link between the implementation of Directive (EU) 2018/1972 of the European Parliament and the Council*, which brought number-independent interpersonal communications services within the scope of Directive 2002/58/EC of the European Parliament and the Council** starting on 21 December 2020, and the establishment of a long-term legal framework addressing the prevention and combatting of child sexual abuse online. Contrary to the co-legislators' expectation, the absence of an agreed long-term legal</u>

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		<u><i>absence of an agreed permanent Regulation requires the extension of the application of Regulation (EU) 2021/1232. However, this extension must not be prolonged any further, with a clear stipulation that it should not undergo a second prolongation, emphasising the unique nature of this circumstance.</i></u>		<u><i>framework requires the extension of the application of Regulation (EU) 2021/1232.</i></u> * <u><i>Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).</i></u> ** <u><i>Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).</i></u> Text Origin: EP Mandate
Recital 5				
14	(5) Considering the need to ensure, in a timely manner, legal certainty, as well as the limited nature of the amendment, namely the extension of the period of application of the existing regime, it is appropriate to provide that this Regulation enters into force as soon as possible,	(5) Considering the need to ensure, in a timely manner, legal certainty, as well as the limited nature of the amendment, namely the extension of the period of application of the existing regime, it is appropriate to provide that this Regulation enters into force as soon as possible,	(5) Considering the need to ensure, in a timely manner, legal certainty, as well as the limited nature of the amendment, namely the extension of the period of application of the existing regime, it is appropriate to provide that this Regulation enters into force as soon as possible,	(5) Considering the need to ensure, in a timely manner, legal certainty, as well as the limited nature of the amendment, namely the extension of the period of application of the existing regime, it is appropriate to provide that this Regulation enters into force as soon as possible, Text Origin: Commission Proposal
Recital 5a				
14a				<u><i>(5a) Pursuant to Regulation (EU) 2021/1232, in order for the temporary derogation from certain provisions of Directive 2002/58/EC</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>to apply, the providers of number-independent interpersonal communications services have to publish and submit, to the competent supervisory authority and to the Commission, a report on the processing of personal data under Regulation (EU) 2021/1232.</u>
Recital 5b				
14b				<u>(5b) In view of the Report from the Commission on the implementation of Regulation (EU) 2021/1232^{1a}, it is necessary to improve the reporting to the Commission from both the Member States and the providers of number-independent interpersonal communication services. It is also important to stress that the Commission should report on the implementation of the Regulation (EU) 2021/1232 in due time.</u> <u>1a. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of 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, 19.12.2023,(COM(2023) 797 final)</u>

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Recital 5c				
14c				<u>(5c) In order to facilitate the providers' reporting, in particular to ensure the machine-readability and easy accessibility of their reports, a common publication format for those reports should be established.</u>
Recital 5d				
14d				<u>(5d) In order to ensure uniform conditions for the implementation of Regulation (EU) 2021/1232, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.</u> *** <u>Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).</u>
Recital 5e				
14e				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>(5e) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council and delivered its opinion on 24 January 2024.</u>
Recital 5f				
14f				<u>(5f) Regulation (EU) 2021/1232 should therefore be amended accordingly.</u>
Formula				
15	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: Text Origin: Commission Proposal
Article -1				
15a		<u>Article -1</u> <u>In Article 2, the third paragraph is deleted.</u> (32021R1232), Regulation (EU) 2021/1232, Article 2 - point 3		
Article -1a				
15b		<u>Article -1a</u> <u>Template for the reporting</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article -1a, first paragraph				
15c		<u>1. To ensure that the reports are machine-readable, providers shall publish the report in a CSV (comma-separated values) format. The Commission shall make available online the CSV- and XLSX-versions of the template in Annex I.</u>		
Article -1a, second paragraph				
15d		<u>2. For providers of number-independent interpersonal communications services, the first reporting cycle following the full entry into application date of Regulation (EU) 20XX/XX on 04 August 2024 shall cover the period from 1 January 2024 until 31 December 2024. In case the period from 1 January until 04 August 2024 does not follow the template set out in Annex I to this Regulation, it shall be included in a separate section of the next report.</u>		
Article -1b				
15e				<u>Article -1b</u>
Article -1b, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
15f				<u><i>In Article 3(1)(g) of Regulation (EU) 2021/1232, a new subparagraph (viii) is inserted as follows:</i></u>
Article -1b, second paragraph				
15g				<u><i>The data referred to in paragraph (1)(g)(vii) of this Article shall be provided in writing by means of a standard form. By 3 December 2024 at the latest, the Commission shall determine the content and presentation of that form by means of implementing acts. The Commission may decide to divide the data categories referred to in paragraph (1)(g)(vii) of this Article into subcategories. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9a.</i></u>
Article -1c				
15h				<u><i>Article -1c</i></u>
Article -1c, first paragraph				
15i				<u><i>In Article 9 of Regulation (EU) 2021/1232, the first paragraph is replaced by the following:</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article -1c, second paragraph				
15j				<u>On the basis of the reports submitted pursuant to Article 3(1), point (g)(vii), and the statistics provided pursuant to Article 8, the Commission shall, by 4 September 2025, prepare a report on the implementation of this Regulation and submit and present it to the European Parliament and to the Council.</u>
Article -1d				
15k				<u>Article -1d</u>
Article -1d, first paragraph				
15l				<u>After Article 9 of Regulation (EU) 2021/1232, a new Article is inserted as follows:</u>
Article -1d, second paragraph				
15m				<u>Article 9a</u> <u>Committee Procedure</u>
Article -1d, third paragraph				
15n				<u>1. The Commission shall be assisted by a committee. That Committee shall be a Committee</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>within the meaning of Regulation (EU) 182/2011.</u>
Article -1d, fourth paragraph				
15o				<u>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) 182/2011 shall apply.</u>
Article 1				
16	Article 1	Article 1	Article 1	Article 1 Text Origin: Commission Proposal
Article 1, first paragraph				
17	In Article 10 of Regulation (EU) 2021/1232, the second subparagraph is replaced by the following:	In Article 10 of Regulation (EU) 2021/1232, the second subparagraph is replaced by the following:	In Article 10 of Regulation (EU) 2021/1232, the second subparagraph paragraph is replaced by the following:	In Article 10 of Regulation (EU) 2021/1232, the second subparagraph <u>paragraph</u> is replaced by the following: Text Origin: Council Mandate
Article 1, first paragraph, amending provision, first paragraph				
18	“ It shall apply until 3 August 2026. ”	“ It shall apply until 3 August 2026 <u>May 2025, after which it shall elapse permanently.</u> ”	“ It shall apply until 3 August 2026 2027 . ”	“ It shall apply until 3 August <u>April</u> 2026. ” Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2				
19	Article 2	Article 2	Article 2	Article 2 Text Origin: Commission Proposal
Article 2, first paragraph				
20	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 2, second paragraph				
21	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States. Text Origin: Commission Proposal
Formula				
22	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
23	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
Formula				
24	The President	The President	The President	The President Text Origin: Commission Proposal
Formula				
25	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
Formula				
26	The President	The President	The President	The President Text Origin: Commission Proposal
Annex 1				
26a		<u>Annex 1 Template for providers of number-independent interpersonal communications services</u>		
Annex 1, Part I				
26b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Part I GENERAL REMARKS</u>		
Annex 1, first paragraph				
26c		<u>Pursuant to Article 3(1), point f, subparagraph (vii) of Regulation 2021/1232, providers of number-independent interpersonal communications services shall fill in the templates in this Annex.</u>		
Annex 1, second paragraph				
26d		<u>These are the categories of data under this Regulation:</u>		
Annex 1, point (1)				
26e		<u>(1) the type and volumes of data processed;</u>		
Annex 1, point 2.				
26f		<u>(2) the specific ground relied on for the processing pursuant to Regulation (EU) 2016/679;</u>		
Annex 1, point (3)				
26g		<u>(3) the ground relied on for transfers of personal data outside the Union pursuant to Chapter V of Regulation (EU) 2016/679, where</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>applicable;</u>		
Annex 1, point (4)				
26h		<u>(4) the number of cases of online child sexual abuse identified, differentiating between online child sexual abuse material;</u>		
Annex 1, point (5)				
26i		<u>(5) the number of cases in which a user has lodged a complaint with the internal redress mechanism or with a judicial authority and the outcome of such complaints;</u>		
Annex 1, point (6)				
26j		<u>(6) the numbers and ratios of errors (false positives) of the different technologies used;</u>		
Annex 1, point (7)				
26k		<u>(7) the measures applied to limit the error rate and the error rate achieved;</u>		
Annex 1, point (8)				
26l		<u>(8) the retention policy and the data protection safeguards applied</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>pursuant to Regulation (EU) 2016/679;</u>		
Annex 1, point (9)				
26m		<u>(9) the names of the organisations acting in the public interest against child sexual abuse with which data has been shared pursuant to this Regulation;</u>		
Annex 1, Table 1, Column 1, Row 1				
26n		<u>Category according to Article 3(f)(1)(vii)</u>		
Annex 1, Table 1, Column 1, Row 2				
26o		<u>1) the type and volumes of data processed</u>		
Annex 1, Table 1, Column 1, Row 12				
26p		<u>2) the specific ground relied on for the processing pursuant to Regulation (EU) 2016/679</u>		
Annex 1, Table 1, Column 1, Row 13				
26q		<u>3) the ground relied on for transfers of personal data outside the Union pursuant to Chapter V of Regulation (EU) 2016/679, where</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>applicable</u>		
Annex 1, point (4)				
26r		<u>4) the number of cases of online child sexual abuse identified</u>		
Annex 1, Table 1, Column 1, Row 22				
26s		<u>5) the number of cases in which a user has lodged a complaint with the internal redress mechanism or with a judicial authority and the outcome of such complaints;</u>		
Annex 1, Table 1, Column 1, Row 28				
26t		<u>6) the numbers and ratios of errors (false positives) of the different technologies used;</u>		
Annex 1, Table 1, Column 1, Row 29				
26u		<u>7) the measures applied to limit the error rate and the error rate achieved;</u>		
Annex 1, Table 1, Column 1, Row 41				
26v		<u>8) the retention policy and the data protection safeguards applied pursuant to Regulation (EU) 2016/679;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex 1, Table 1, Column 1, Row 45				
26w		<u>9) the names of the organisations acting in the public interest against child sexual abuse with which data has been shared pursuant to this Regulation;</u>		
Annex 1, Table 1, Column 1, Row 46				
26x		<u>10) Not captured by any other category's keyword.</u>		
Annex 1, Table 1, Column 2, Row 1				
26y		<u>Subcategory</u>		
Annex 1, Table 1, Column 2, Row 3				
26z		<u>Images originating from the EU</u>		
Annex 1, Table 1, Column 2, Row 4				
26aa		<u>Images originating Globally</u>		
Annex 1, Table 1, Column 2, Row 5				
26ab		<u>Videos originating from the EU</u>		
Annex 1, Table 1, Column 2, Row 6				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
26ac		<u>Videos originating Globally</u>		
Annex 1, Table 1, Column 2, Row 7				
26ad		<u>Traffic Data relating to User/reportee/account related data</u>		
Annex 1, Table 1, Column 2, Row 8				
26ae		<u>Traffic Data relating to Metadata related to content/transactional data</u>		
Annex 1, Table 1, Column 2, Row 9				
26af		<u>Traffic Data relating to Data related to a potential victim</u>		
Annex 1, Table 1, Column 2, Row 10				
26ag		<u>Traffic Data relating to abuse operations data</u>		
Annex 1, Table 1, Column 2, Row 11				
26ah		<u>Other indicators</u>		
Annex 1, Table 1, Column 2, Row 15				
26ai		<u>Images originating from the EU</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex 1, Table 1, Column 2, Row 16				
26aj		<u>Images originating Globally</u>		
Annex 1, Table 1, Column 2, Row 17				
26ak		<u>Videos originating from the EU</u>		
Annex 1, Table 1, Column 2, Row 18				
26al		<u>Videos originating Globally</u>		
Annex 1, Table 1, Column 2, Row 19				
26am		<u>EU User Account involved</u>		
Annex 1, Table 1, Column 2, Row 20				
26an		<u>User Accounts globally</u>		
Annex 1, Table 1, Column 2, Row 21				
26ao		<u>Content Items reported to NCMEC</u>		
Annex 1, Table 1, Column 2, Row 23				
26ap		<u>EU Accounts that have been restricted for sharing CSAM</u>		
Annex 1, Table 1, Column 2, Row 24				
26aq				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>EU Accounts that have appealed against the restrictions/removal</u>		
Annex 1, Table 1, Column 2, Row 25				
26ar		<u>EU Accounts that have lodged a complaint with the internal mechanism</u>		
Annex 1, Table 1, Column 2, Row 26				
26as		<u>EU Accounts that have lodged a complaint with the judicial authority</u>		
Annex 1, Table 1, Column 2, Row 27				
26at		<u>EU Accounts that were reinstated after review</u>		
Annex 1, Table 1, Column 2, Row 30				
26au		<u>hash-matching technologies</u>		
Annex 1, Table 1, Column 2, Row 31				
26av		<u>monitoring and quality assessment of the performance of CSA detection tools</u>		
Annex 1, Table 1, Column 2, Row 32				
26aw				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>human review and oversight: samples of media detected as CSAM by hash-matching technologies are audited by human reviewers/trained analysts</u>		
Annex 1, Table 1, Column 2, Row 33				
26ax		<u>flagging and review of high-volume clusters (Meta);</u>		
Annex 1, Table 1, Column 2, Row 34				
26ay		<u>deployment of further manual review processes as ongoing hash quality checks</u>		
Annex 1, Table 1, Column 2, Row 35				
26az		<u>human reviewers undergoing specialised robust trainings under guidance of counsel on how to recognise CSAM content to ensure accuracy of human review</u>		
Annex 1, Table 1, Column 2, Row 36				
26ba		<u>periodic quality control assessments of human reviewers and the verdicts that are applied</u>		
Annex 1, Table 1, Column 2, Row 37				
26bb				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>other quality control processes to reduce errors and immediate remedy, such as independent hash verification (Google, LinkedIn), human review of each instance of never-before-seen CSAM prior to reporting</i></u>		
Annex 1, Table 1, Column 2, Row 38				
26bc		<u><i>development and regular review of policies and enforcement strategies by trained subject matter experts on online CSA</i></u>		
Annex 1, Table 1, Column 2, Row 39				
26bd		<u><i>engagement with NCMEC CyberTipline</i></u>		
Annex 1, Table 1, Column 2, Row 40				
26be		<u><i>Other indicators</i></u>		
Annex 1, Table 1, Column 2, Row 42				
26bf		<u><i>The retention period per data category and purpose</i></u>		
Annex 1, Table 1, Column 2, Row 43				
26bg		<u><i>Measures to ensure data minimisation</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex 1, Table 1, Column 2, Row 44				
26bh		<u>Personal data protection safeguards</u>		
Annex 1, Table 1, Column 3, Row 1				
26bi		<u>Description</u>		