Brussels, 08 February 2023

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MEETING DOCUMENT

From: General Secretariat of the Council
To: Law Enforcement Working Party (Police)

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

Delegations will find attached diagrams depicting the functioning of key provisions of the proposal, prepared by the Commission services.
Risk assessment, mitigation and reporting*

The Commission, in cooperation with Coordinating Authorities and the EU Centre, will issue guidelines for companies and authorities on how to assess risk and how to review reports.
Process for CSA detection

**Risk assessment**
Providers submit a risk assessment to the Coordinating Authority.

**Mitigation**
Providers implement measures to limit the risk.

**Check and draft request**
For detection order by the Coordinating Authority.

**Comments**
By the provider and the EU centre (4 weeks).

**Implementation Plan**
By the provider (including data protection impact assessment if for solicitation) + DPA opinion.

**Detection order**
Issued by judicial authority to start in min 3 months*.

**Reporting**
By providers to the EU centre.

**Removal Orders**
If needed, issued by judicial authority on request by Coordinating Authorities, providers to remove within 24 hours*.

**Detection**
By providers using identifiers and classifiers from the EU centre.

**Renewed check**
By competent authority.

**Check reports**
By the EU centre: stop false positives and forward confirmed reports to law enforcement.

* Appeal/redress possibilities
**DETECTION OF CSA**

**Detection order**

**Users**

**Hotlines**

**Other**

**Victims**

**Service provider**

- **Becomes aware of possible CSA**
  - **Notify for removal (A48&49)**
  - **Report (A12&13)**

**EU Centre**

- **Assess reports and submit when needed (A43)**

**Law enforcement**
Removal obligations

Coordinating Authority requests issue of a removal order* (A14(1)) → judicial or independent administrative authority issues a removal order (A14(3)) → Service providers → Removal / disabling content (A14&15)

Inform CA if no removal by service provider after being notified by hotline (R69&71)

Conducts proactive searches to inform CA (A49):
- If removal not done (existing orders)
- If CSAM is hosted and the provider has not removed it after Centre notified it

* The Commission, in cooperation with Coordinating Authorities and the EU Centre, will issue guidelines on assessing the need for a removal order.
Blocking obligations

**Coordinating Authority (CA) preparation** (A16)
- Verifies the list of uniform resource locators.
- Asks SP for information on attempted access, SP policy and SP capabilities, requests information from any other relevant national authorities/experts.

CA informs service provider (SP) of intention to issue blocking order (A16)

SP comments / additional information (A16)

CA requests issuing of blocking order (A16&17)

Judicial / Independent MS authority issues blocking order (A16-18)

EU Centre (A16&43)
- Works with CA to verify the list of uniform resource locators.
- Provides CA with information on accuracy of resource locators, quantity and nature of content, verification by Centre and audits.

CA assesses any changes that could lead to modification / revoking of the order (at least 1/year) (A16&18)
Obligations on software application stores (app stores)

1. Assess risk of grooming for apps\(^1\) (A6(1)(a))
2. Identify child users (age verification)\(^2\) (A6(1)(c))
3. Prevent child users from accessing apps for which significant risk was identified (A6(1)(b))
4. Make information on the measures publicly available (A6(3))

If possible, in cooperation with app providers

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\(^1\)The Commission, in cooperation with Coordinating Authorities and the EU Centre, will issue guidelines for companies and authorities on how to assess risk and how to review reports (A6(4))

\(^2\)See the proposed action under the new European strategy for a better internet for kids (BIK+1 COM(2022) 212) to "encourage and facilitate the design of a comprehensive EU code of conduct on age appropriate design building on the framework provided in the DSA by 2024"
Victims' rights

ARTICLE 20 (VICTIMS’ RIGHT TO INFORMATION)

Victim of CSA residing in the EU

Requests to receive information when the known material depicting them is reported to the EU Centre

Transmits the request to the EU Centre

Shares information when relevant material is reported

Transmits received results to the victim/appointed entity

Coordinating Authority in MS where the victim resides

Coordinating Authority in MS where the victim resides
**Victims’ rights**

**ARTICLE 21 (VICTIMS’ RIGHT OF ASSISTANCE AND SUPPORT FOR REMOVAL)**

Victim of CSA residing in the EU

Requests assistance in having material depicting them removed by providers

EU Centre

- Transmits the request to the EU Centre
- Informs of the presence of relevant material
- Supports in requesting provider’s assistance
- Verifies whether material is removed/disabled (proactive searches)
- Notifies material to the provider, requesting removal/disabling

Service provider

Coordinating Authority in MS where the victim resides

- May request the issuance of a removal order
- Informs of the presence of relevant material
- Transmits received results to the victim/appointed entity

Requests assistance in having material depicting them removed by providers

Coordinating Authority in MS where the victim resides
Coordinating Authorities (CAs):
Role, Requirements and Powers

- **Risk assessment**
  - Requests, reviews and validates (updated) risk assessment reports
  - CA can request additional information related to risk and mitigating measures from the provider (A5)

- **Detection**
  - Detection order: requests issuance/modify/revoke of orders (A6, 7)
  - EU Centre and DPA feedback
  - CA can proactively search for known or new CSA (A31, 32)
  - Submits confirmed* CSA to the EU Centre to update the database of indicators (A36)

- **Reporting**
  - Reports any known or new CSA it finds to the EU Centre

- **Removal/blocking**
  - Orders: requests issuance/modify/revoke (A14)
  - EU Centre and DPA feedback
  - Request to judicial authority
  - Transmits a copy of orders to other CAs and the EU Centre (A14)

- **Compliance with orders**
  - CA can use its investigative powers to verify if a provider complies with a detection/removal/blocking order (A31, 32)
  - Can impose penalties on providers that do not comply with received orders (fines, periodic penalty payment, restriction of access to a service) (A28, 29)

*specific items of material and transcripts of conversations that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material or the solicitation of children, or exact uniform resource locators indicating such specific items of material.*
Coordinating Authorities (CAs): role, requirements and powers

Requirements for the CA (A26)

- Independence
  - free from any external influence, whether direct or indirect
  - neither seek nor take instructions from any other public authority or any private party

- Qualifications, experience and technical skills

- Duty of professional secrecy
  - legally and functionally independent from any other public authority
  - status enabling them to objectively and impartially carry out their tasks
  - not charged with tasks relating to the prevention or combating of child sexual abuse, other than their tasks under the Regulation
## TASKS OF THE EU center

### Risk Assessment

**SERVICE PROVIDERS (SPs)**  
- analysis of anonymised data samples, upon request (A43)

**EU COMMISSION**  
- support the Commission in preparation of the guidelines (A43)

### Detection

**COORDINATING AUTHORITIES (CAs)**  
- provide the opinions on intended detection orders (A43)

**SERVICE PROVIDERS (SPs)**  
- operate the databases of indicators, give providers that received a detection order access to the databases of indicators (44, 46), make detection technologies available to providers A10, 50)

### Reporting

**SERVICE PROVIDERS (SPs)**  
- maintain and operate the database of reports (A43)

**LAW ENFORCEMENT**  
- assess and, if necessary, forward reports and provide feedback on their quality, maintain the database of reports (A43)

**EUROPOL**  
- Forward reports for enrichment (A48), give Europol access to database of reports (A46)

### Removal / Blocking

**COORDINATING AUTHORITIES (CAs)**  
- respond to requests of CAs on intended blocking orders, verify that removal orders have been executed (proactive searches) (A43, 49)

**VICTIMS**  
- provide information and support to victims regarding removal or blocking of content that depicts them (A21)

### Cooperation and communication

**COORDINATING AUTHORITIES (CAS)**  
- maintain an online register listing CAs’ contacts (A43) operate the system(s) for communication between relevant actors
- provide assistance to the CAs on cooperation with other relevant bodies
- maintain up-to-date records of contact points and legal representatives of relevant SPs

**SERVICE PROVIDERS (SPs)**  
- operate the system(s) for communication between relevant actors
- assist in tasks related to the cooperation mechanism among CAs
- assist in the preparation of legal acts and guidelines (A43)

**EUROPOL**  
- Establish channels of cooperation, conclude memorandum of understanding (A53), operate the system(s) for communication between relevant actors, provide each other with the fullest possible access to relevant information (A46)

**VICTIMS**  
- provide information to victims if content that depicts them is detected (A20)

**EU COMMISSION**  
- assist in tasks related to the cooperation mechanism among CAs
- assist in the preparation of legal acts and guidelines (A43)

**PROFESSIONALS AND PRACTITIONARS (E.G. SOCIAL/HEALTH SERVICES)**  
- Establish channels of cooperation, if relevant conclude memoranda of understanding, exchange best practices and lessons learned (A54)

**NGOS (HOTLINES), CENTRES/SIMILAR BODIES GLOBALLY (NCMEC ETC)**  
- Establish channels of cooperation, if relevant conclude memoranda of understanding and lessons learned (A54)

### Knowledge sharing

**LAW ENFORCEMENT**  
- collect information based on anonymised and non-personal data, provide expertise on prevention and combating of online CSA (A43)

**EUROPOL**  
- Collect provide information based on anonymised and non-personal data, provide expertise on prevention and combating of online CSA (A43)

**VICTIMS**  
- support research and expertise on assistance to victims, support evidence-based policy (A43)

**PROFESSIONALS AND PRACTITIONARS (E.G. SOCIAL/HEALTH SERVICES)**  
- Collect and provide information based on anonymised and non-personal data, provide expertise on prevention and combating of online CSA support research and expertise, support evidence-based policy (A43)

**NGOS (HOTLINES), CENTRES/SIMILAR BODIES GLOBALLY (NCMEC ETC)**  
- provide expertise on prevention and combating of online CSA, support research and expertise, support evidence-based policy (A43)
Relations EU Centre – Europol – Coordinating Authorities
flow of CSA reports and information

Service providers (SP)
- Reports of suspected CSA (A12&13)
- Provide Indicators (A44,46)
- Feedback on quality of reports (A48)
- Removal request on behalf of victim (A21)

EU Centre
- Filtered Reports of suspected CSA (A43, 48)
- Risk assessment report (A3-6)
- Detection order (A7,8)
- Removal (A14)/ blocking orders (A16-18)
- Opinion on risk assessment reports, proposed orders
- Technical expertise (A43)
- Report non-compliance with removal order by SPs
- Report content from proactive search (A49)

Europol
- Enriched Reports of suspected CSA (A48)
- Input for indicators (A36)
- Inform about plans to issue detection/removal order
- Share final orders (A6,7)
- Report CSA content identified resulting from searches (A31)

EU law enforcement agencies
- Report outcome of the referrals (A43)

MS Coordinating Authority
- Opinion on risk assessment reports, proposed orders
- Technical expertise (A43)
- Report non-compliance with removal order by SPs
- Report content from proactive search (A49)

Other information flows
- Reports flow