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|  | Brussels, 13 November 2019 |
| Mr Wesley Hall  Email: ask+request-7407-a4b955ff@asktheeu.org | |
| Ref. 19/2248 + 19/2250 - rh/jg  Requests made on: 24.10.2019  Registered on: 25.10.2019 | |
| Dear Mr Hall*,* | |

Thank you for your requests for access to documents of the Council of the European Union[[1]](#footnote-1) and of the European Council[[2]](#footnote-2).

Following a careful examination of your requests, let us inform you that there is not a specific competence given to the European Union to combat the phenomena of the child abuse.

What the Treaty on the Functioning of the European Union foresees in its Article 83 is that between the areas of crime where the European Union can establish minimum rules concerning the definition of criminal offences and sanctions is the one on the criminal sexual exploitation of children. On that basis, it was agreed the Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA:

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32011L0093>

It may be also interesting to note that Article 24 of the EU Charter of Fundamental Rights includes the protection of the Rights of the Child. Those provisions have to be respected by Member States when applying EU law:

<https://fra.europa.eu/en/charterpedia/article/24-rights-child>

Please do not hesitate to contact us again if you need any further information.

Yours sincerely,

Fernando FLORINDO

1. The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35). [↑](#footnote-ref-1)
2. The General Secretariat of the Council - acting as secretariat for the European Council pursuant to Article 235(4) of the Treaty on the Functioning of the European Union - has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions of the European Council's Rules of Procedure (European Council Decision No 2009/882/EU, OJ L 315, 2.12.2009, p. 51) set out in Article 10(2) which makes Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35) applicable mutatis mutandis. [↑](#footnote-ref-2)