



07/03/2023

AMENDMENTS: 14

Alex Agius Saliba

Laying down rules to prevent and combat child sexual abuse

Proposal for a regulation COM(2022)0209 - C9-0174/2022 – 2022/0155(COD)

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Amendments per language:

EN: 14

Amendments justification with more than 500 chars : 0

Amendments justification number with more than 500 chars :

Amendment 1
Svenja Hahn, Moritz Körner

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) Fundamental rights in the digital sphere have to be guaranteed to the same extent as in the offline world. The right to privacy needs to be ensured, amongst others through end-to-end encryption in private online communication and the protection of private content against any kind of general or targeted surveillance, be it by public or private actors.

Or. en

Amendment 2
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

End-to-End Encryption and Prohibition on General Monitoring

1. End-to-end encryption is essential to guarantee the security, confidentiality of the communications of users, including those of children. Any restrictions of encryption could lead to abuse by malicious actors. Nothing in this Regulation should be interpreted as prohibiting providers of information society services from providing their services applying end-to-end encryption, restricting or undermining such encryption. Member States should not prevent providers of information society services from providing their services applying encryption, considering that

such encryption is essential for trust in and security of the digital services, and effectively prevents unauthorised third party access.

2. Nothing in this Regulation should undermine the prohibition of general monitoring under EU law.

Or. en

Amendment 3

Svenja Hahn, Moritz Körner

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

— functionalities enabling *age verification*;

Amendment

— functionalities enabling *protection of children and preventing online child sexual abuse*;

Or. en

Amendment 4

Svenja Hahn, Moritz Körner

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the mitigation measures.

Amendment

deleted

Or. en

Amendment 5
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

User notification mechanism

1. Without prejudice to Article 16 of Regulation (EU) 2022/2065, relevant information society service providers shall establish mechanisms or use existing mechanisms to allow any individual or entity to notify them of the presence on their service of potential online child sexual abuse, in particular of new child sexual abuse material and solicitation of children for sexual purposes. Those mechanisms shall be easy to access, user- and child-friendly, and allow for the submission of the notification exclusively by electronic means. Providers shall ensure that sufficient human and financial resources are allocated to ensure that the notifications are effectively processed in a timely manner.

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of notifications to flag to the provider of a relevant information society service potential online child sexual abuse on the service, allowing that provider to identify alleged online child sexual abuse without a detailed legal examination and containing a clear indication of the exact electronic location of that information, and, where necessary and possible, additional information enabling the identification of the illegal content adapted to the type of content.

3. Where the notification contains an electronic contact information of the individual or entity that submitted it, the

provider of the relevant information society services shall, without undue delay, send a confirmation of receipt of the notification and inform that individual or entity of its decision and actions taken in relation to the notification.

Or. en

Amendment 6
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Obligations for software application stores

1. Providers of software application stores shall:

(a) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

(c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk

assessment conducted or updated pursuant to Article 3.

3. Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

**Amendment 7
Svenja Hahn**

**Proposal for a regulation
Chapter II – Section 2**

Text proposed by the Commission

Amendment

2 **[...]**

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Or. en

**Amendment 8
Svenja Hahn, Moritz Körner**

**Proposal for a regulation
Article 7**

Text proposed by the Commission

Amendment

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Amendment 9
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 8

Text proposed by the Commission

Amendment

[...]

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Or. en

Amendment 10
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 11
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

[...]

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Or. en

Amendment 12
Svenja Hahn, Moritz Körner

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Guidelines regarding detection obligations

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 13

Svenja Hahn, Moritz Körner

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. *The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1) identified as constituting child sexual abuse material.*

1. *Removal orders shall be issued by judicial authorities in line with Article 9 on Orders to act against illegal content of the Regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC.*

Or. en

Justification

The Digital Services Act (DSA), has only just come into force and not yet been fully implemented. Article 9 of that Regulation already has a strong and well thought-through provision on removal orders, which is more detailed and also carries transparency obligations with it. To ensure legal coherence and certainty, as well as effective, and accountable implementation the CSA Regulation should be fully aligned with the DSA's provisions on this point.

Amendment 14

Svenja Hahn, Moritz Körner

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof.

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Or. en