

Amendments to the draft LIBE Report on the CSA Regulation

Authors: ECLAG Steering Group (Brave, ECPAT, IWF, Missing Children Europe, TDH, Thorn)

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ECLAG, a coalition of child rights and child protection organizations, commends the April 2023 report from MEP Javier Zarzalejos. Their determination to push forward this legislation and ensure children's rights are placed at the heart of the EU's digital policies marks a vital step forward. ECLAG welcomes the report and the Rapporteur's approach as it:

- Ensures the Regulation will apply to tackling child sexual abuse in all its forms (known, unknown CSAM and grooming) and to all spaces in which children are present online;
- Reintroduces the possibility for online service providers to voluntarily detect child sexual abuse material and grooming online;
- Reinforces the measures to allow safety by design of internet services;
- Proposes the creation of a Victims' Forum in the EU Centre, allowing victims and survivors to have their voices heard.

However, ECLAG calls on EU policymakers to include additional amendments to the legislation that will more concretely ensure child safety online. Children and survivors of child sexual abuse need:

- The regulation to allow online service providers to voluntarily detect, report, and remove child sexual abuse material online, with all necessary safeguards but through a rapid procedure;
- Survivors of child sexual violence must be able to take part in decisions made in the EU Centre and have a seat at its Management Board;
- An EU Centre must be fully independent, adopts a victim-centered approach, and offers health and legal support to victims;
- The regulation must remain technology neutral and applicable to all spaces on the internet where children are present.

Our amendments aim at reinforcing the proposed Regulation on the following aspects:

1. Amendments related to Victim/ Survivor Committee to strengthen
2. Ecosystem
3. A strong mandate for the independent EU Centre is key

4. Tech neutrality & future proof
5. Decoupling metadata from E2EE
6. Amendments about non-EU victims
7. Voluntary detection
8. EU Centre role

Please reach out [here](#) for more information.

Commission text	LIBE Report Amendments	ECLAG Amendments	Explanation
<p>Recital 26 Text proposed by the Commission</p> <p>(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to</p>	<p>Amendment 16 (26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to</p>	<p>The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or</p>	<p>This legislation is not supposed to regulate the use of encryption but to protect children against sexual abuse online.</p> <p>Encrypted environments are critical and necessary, including E2EE. But it is also clear that an explicit carve-out of E2EE would incentivize providers to move to E2EE to avoid accountability as designed in this legislation.</p> <p>Tech-neutrality is one of the cornerstones of the Proposal so that efforts to combat CSAM online can evolve with the changing technological landscape. The tech-neutral approach is crucial to ensure the safety of children in the years to come and to not wrongfully anticipate the evolution of this crime. The regulation should not create precedents that ultimately cannot be</p>

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<p>the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation.</p> <p>That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.</p>	<p>comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.</p>	<p>disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.</p>	<p>undone although the technological and criminal environment has changed.</p>
<p>Article 2 – paragraph 1 – point q a (new)</p> <p>Text proposed by the Commission</p>	<p>Amendment 54</p> <p>(q a) ‘victim’ means: Person residing in the European Union who being under 18 suffered</p>	<p>(q a) ‘victim’ means: Person residing in the European Union who being under 18 suffered child sexual abuse offences or any person under 18 whose material has been hosted or</p>	<p>The Regulation must also acknowledge that non-EU victims have their abuse spread and hosted by online service providers operating</p>

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	child sexual abuse offences. For the purpose of exercising the victim's rights recognised in this Regulation, parents and guardians are to be considered victims.	<i>disseminated in the European Union.</i> For the purpose of exercising the victim's rights recognised in this Regulation, parents and guardians, <i>as well as any person who was under 18 at the time the material was made whose material has been hosted or disseminated in the European Union,</i> are to be considered victims.	in the EU. The Regulation should be coherent with the Victims' Rights Directive 2012/29/EU, which applies if the crime was committed in the European Union or if the proceeding takes place in the European Union, irrespective of the nationality or the residing status of the victim. Victims not residing in the EU but suffering crimes committed (i.e. including the crime of disseminating CSAM) in the EU should therefore be able to apply for information about their imagery and access support to remove their imagery in the EU.
Article 2 – paragraph 1 – point w a (new) Text proposed by the Commission	Amendment 58 (w a) 'metadata' means data processed for the purposes of transmitting, distributing or exchanging content data; including data used to trace and identify the source and destination of a communication, data on the location and the date, time, duration and the type of communication;	Delete	Tech-neutrality is one of the cornerstones of the Proposal so that efforts to combat CSAM online can evolve with the changing technological landscape.
Article 4 1.Providers of hosting services and providers of interpersonal	1.Providers of hosting services and providers of interpersonal communications services shall put in	1.Providers of hosting services and providers of interpersonal communications services shall take	

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<p>communications services shall take reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:</p> <p>(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decisionmaking processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions;</p> <p>(b) reinforcing the provider's internal processes or the internal supervision of the functioning of the service;</p> <p>(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC].</p>	<p>place reasonable, proportionate, targeted and effective mitigation measures, tailored to their services and the risk identified pursuant to Article 3, with the aim of mitigating that risk. Such measures shall include some or all of the following:</p>	<p>reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall may include some or all of the following:</p> <p>(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions;</p> <p>(b) reinforcing the provider's internal processes or the internal supervision of the functioning of the service;</p> <p>(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital</p>	

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<p>2. The mitigation measures shall be:</p> <p>(a) effective in mitigating the identified risk;</p> <p>(b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk as well as the provider's financial and technological capabilities and the number of users;</p> <p>(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;</p> <p>(d) introduced, reviewed, discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), within three months from the date referred to therein.</p>		<p>Services Act) and amending Directive 2000/31/EC] .</p> <p>2. The mitigation measures shall be:</p> <p>(a) effective in mitigating the identified risk;</p> <p>(b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk as well as the provider's financial and technological capabilities and the number of users;</p> <p>(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;</p> <p>(d) introduced, reviewed, discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), within three months from the date referred to therein.</p>	

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		<p><i>(e) requested by providers to the Coordinating Authority if providers voluntarily propose to use specific technologies for the processing of personal data, metadata and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services and to mitigate the risk of misuse of their services for the purpose of online child sexual abuse. The Coordinating Authority shall have the power to define the terms of authorisation for the provider to take measures specified in Article 10 to detect online child sexual abuse on a specific service.</i></p> <p><i>(f) the Coordinating Authority shall decide whether to authorise a request according to paragraph 2e no later than three months from the provider's request.</i></p>	
Article 6 a (new)	<p>Amendment 106</p> <p>Encrypted services and metadata processing</p> <p>Nothing in this Regulation shall be interpreted as prohibiting or</p>	Delete	<p>The Regulation must stay technology-neutral and future-proof. Therefore, no provisions to specific services should be included in the Regulation.</p> <p>Furthermore, metadata analysis</p>

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	<p>weakening end-to-end encryption. On the basis of the risk assessment submitted and, where applicable, further information, 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 authorise a provider of hosting services or a provider of interpersonal communications services to process metadata to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse.</p> <p>When assessing whether to request the processing of metadata, the Coordinating Authority shall take into account the interference with the rights to privacy and data protection of the users of the service that such a processing entails and determine whether, in that case, the processing of metadata would be effective in mitigating the risk of use of the service for the purpose of child sexual abuse, strictly necessary and proportionate.</p>		<p>provides high level information that is largely insufficient for identifying the dissemination of CSAM. Law enforcement authorities are not able to take any action based on metadata analysis and, in practice, translate in providing a safe haven to offenders to exchange material in E2EE.</p> <p>Privacy preserving tools that can be used in E2EE already exist and could be deployed with minimal to no invasion to privacy. The Regulation must allow for innovation and deployment of privacy preserving detection tools at scale. The Regulation should lay down the specific requirement privacy preserving tools must meet to be used in all existing and future services, including E2EE.</p>

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<p>Article 7 – paragraph 1</p> <p>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 detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.</p>	<p>Article 7 – paragraph 1</p> <p>1. The Coordinating Authority of establishment shall have the power, <i>when the requirements of Articles 3, 4, 5 or 5a have not been met</i>, 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 detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.</p>	<p>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 detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.</p> <p><i>2. Under supervision and in accordance with national constitutional law, the Coordinating Authority of establishment shall have the power to authorise the voluntary use of specific technologies for the processing of personal data, metadata and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services and to mitigate the risk of misuse of their services for the purpose of online child sexual abuse. In doing so, the Coordinating Authority will define the terms of authorisation for the provider to take these voluntary</i></p>	<p>The introduction of detection mandates for the detection of child sexual abuse material (CSAM) marks a significant policy shift from the status quo of the EU's policy, which currently relies entirely on providers' voluntary efforts to curb the dissemination of CSAM. Mandating providers whom are exploited for the dissemination of CSAM to detect and prevent the spread of CSAM will close a crucial gap in the global effort to fight CSAM.</p> <p>However, by not allowing for the voluntary or proactive use of detection technology and replacing it with a system that is solely relying on detection mandates, many new challenges arise: The current system will be disrupted and ultimately result in detection gaps, causing significant harm to the protection of children online. Innovation will face new hurdles, as providers will be more hesitant to develop new tools without knowing whether they will eventually be allowed to use them.</p> <p>The proposal is so designed that detection mandates are intended as the ultima ratio that will only be used if all other measures proved insufficient</p>

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		<i>measures, including minimum standards for transparency reporting as part of oversight of mitigation measures. (new)</i>	<p>in mitigating risks of CSAM-related crimes. This treats all detection mandates as a punishment for supposedly unsuccessful preventive efforts of providers.</p> <p>Instead, providers should be entitled to ensure that their platforms are CSAM-free and therefore voluntarily use the tools that are most efficient in fighting CSAM online: detection technologies for known and unknown content, as well as anti-grooming. We agree voluntary detection must be integrated into the governance structure of the Commission proposal, ensuring that the voluntary efforts by providers are subject to proportionate checks and balances.</p> <p>In light of the investigatory and enforcement powers allocated to the Coordinating Authorities in the proposed Regulation, it is coherent to grant Coordinating Authorities the power to authorise providers to take voluntary measures of detection.</p> <p>Indeed, when carrying out their tasks and exercising their powers, Coordinating Authorities will at all times be subject to supervision and to act in accordance with national</p>

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			constitutional law. They will ensure they always perform their tasks in an objective, impartial, transparent and timely manner, while fully respecting the fundamental rights of all parties affected (as stated in article 26 of the EC proposal).
<p>Article 7 – paragraph 4</p> <p>The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority or independent administrative authority shall issue the detection order where it considers that the following conditions are met:</p> <p>(a)there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;</p> <p>(b)the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance</p>	<p>Article 7 – paragraph 4 – subparagraph 1</p> <p>Deleted</p>	<p>4.The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority or independent administrative authority shall issue the detection order where it considers that the following conditions are met:</p> <p>(a)there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse and sexual exploitation, within the meaning of paragraphs 5, 6 and 7, as applicable;</p> <p>(b)the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties. The tools and methods deployed for detection</p>	<p>Two-thirds of children who received sexually explicit material online did so through private messaging, mostly on their personal mobile. Therefore, tools targeting private messaging are key.</p> <p>It is technically feasible to ensure detection and protection in E2EE without 'breaking' or 'bypassing' end to end encryption. It is however important for the language of the Regulation to be clear that only technology that meets high privacy standards can it be used for detection of child sexual abuse and exploitation in end to end encrypted messaging services.</p> <p>The focus of the Regulation should be to ensure that detection minimises privacy invasion while ensuring</p>

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<p>between the fundamental rights of those parties.</p>		<p><i>minimise privacy invasion while ensuring effective detection of online child sexual abuse and exploitation, taking into account a fair balance between the fundamental rights of all parties.</i></p>	<p>effective detection of CSAM. The use of wording such as 'negative consequences' is subjective and detection can be done in a privacy-preserving manner through data minimisation and proportionality, and transparency.</p>
<p>Article 10</p> <p>1.Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.</p> <p>3. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order. The provider shall not be required to use any specific technology, including those made available by the EU</p>	<p>1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating available technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.</p>	<p>1.Providers of hosting services and providers of interpersonal communication services that are using voluntary measures according to Article 5a or have received a detection order may execute it by installing and operating technologies that process personal data, metadata and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services and to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46. As applicable, these technologies use the corresponding indicators provided by the EU Centre in accordance with Article 46.</p> <p>3. The provider shall be entitled to acquire, install and operate, free of</p>	

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<p>Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.</p> <p>4. The provider shall:</p> <p>(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, insofar as strictly necessary to execute the detection orders addressed to them;</p> <p>(b) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including unauthorised access to, and unauthorised transfers of, such personal data and other data;</p>		<p>charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of using voluntary measures according to Article 5a or executing a the detection order. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.</p> <p>4. The provider shall:</p> <p>(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, insofar as strictly necessary to use voluntary measures according to Article 5a or execute a the detection orders addressed to them;</p>	

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<p>(c) ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors and potential solicitation of children are detected, human intervention;</p> <p>(d) establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;</p> <p>(e) inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the</p>		<p>(b) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including unauthorised access to, and unauthorised transfers of, such personal data and other data;</p> <p>(c) ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors and potential solicitation of children are detected, human intervention;</p> <p>(d) establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;</p>	

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<p>envisaged measures set out in the implementation plan referred to in Article 7(3);</p> <p>(f) regularly review the functioning of the measures referred to in points (a), (b), (c) and (d) of this paragraph and adjust them where necessary to ensure that the requirements set out therein are met, as well as document the review process and the outcomes thereof and include that information in the report referred to in Article 9(3).</p>		<p>(e) inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);</p> <p>(f) regularly review the functioning of the measures referred to in points (a), (b), (c) and (d) of this paragraph and adjust them where necessary to ensure that the requirements set out therein are met, as well as document the review process and the outcomes thereof and include that information in the report referred to in Article 9(3).</p>	
<p>Article 20 – paragraph 1 – subparagraph 1</p> <p>Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such information in a</p>	<p>Amendment 160</p> <p>Victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a</p>	<p>1. Any victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information and referral to support regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.</p> <p>That Coordinating Authority shall</p>	<p>The Regulation must be victim centred and ensure that victims and survivors are able to receive on an opt-out basis information about the instances of dissemination of CSAM. They should be informed about the potential consequences of receiving such information, why it can be helpful and the risks to ensure an informed choice is made. They should always be offered support when being informed about instances of dissemination of CSAM.</p>

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<p>manner accessible to them.</p>		<p>transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the person making the request.</p> <p><i>2. Pursuant to paragraph 1, the Coordinating Authority shall ensure that any victim is able to make a free and informed decision on whether to receive the information provided in paragraph 4. Information shall be provided to victims unless they object. Victims may change their decision at any time.</i></p> <p><i>The Coordinating Authority shall ensure that free and informed consent is enabled by providing information in a simple and accessible manner that is understandable to those receiving the information. Such information shall include the benefits and potential consequences of receiving information, any actions they may take when receiving such information and harm mitigation measures.</i></p> <p><i>That Coordinating Authority shall transmit the request to the EU Centre through the system established in</i></p>	

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		<p><i>accordance with Article 39(2) and shall communicate the results received from the EU Centre to the person making the request.</i></p> <p><i>3. The Coordinating Authority shall ensure that victims are referred to victim support services where they receive information, unless they object.</i></p> <p><i>Victim Support Services shall contact victims within a reasonable time after receiving a referral to offer their services.</i></p> <p>5.The information referred to in paragraph 1 shall include:</p> <p>(a)the identification of the provider that submitted the report;</p> <p>(b)the date of the report;</p> <p>(c)whether the EU Centre forwarded the report in accordance with Article 48(3) and, if so, to which authorities;</p> <p>(d)whether the provider reported having removed or disabled access to the material, in accordance with Article 13(1), point (i).</p> <p><i>(e) details regarding relevant victim</i></p>	

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		<i>support services to provide the child, family and adult survivors with adequate emotional and psychosocial support as well as practical and legal assistance.</i>	
<p>Article 21</p> <p>1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.</p> <p>Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.</p>	<p>Amendment 163</p> <p>1. Providers of relevant information society services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.</p> <p>To that end, victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.</p>	<p>1. Providers of relevant information society services shall provide reasonable assistance, on request, to any victims whose material has been hosted or disseminated in the Union, as well as persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.</p> <p>Professionals likely to come into contact with child victims of sexual abuse online should be adequately trained to deal with such victims. Any contact with victims should be trauma and victim informed, ensuring victims are treated in an empathetic, sensitive and non-judgmental manner, minimising risks of victims of harm and meeting their needs.</p> <p>2. Any victims whose material has been hosted or disseminated in the Union, as well as persons residing in the Union shall have the right to</p>	<p>The Regulation must also acknowledge that non-EU victims have their abuse spread and hosted by online service providers operating in the EU. Victims not residing in the EU but suffering crimes committed in the EU should therefore be able to receive support to remove their imagery in the EU.</p> <p>The Regulation must be victim centred and ensure that all victims and survivors are properly referred to relevant support services.</p>

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<p>2. Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.</p>	<p>2. To that end, victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.</p>	<p>receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.</p> <p>4. The EU Centre's support referred to in paragraph 2 shall include, as applicable:</p> <p>(a) support in connection to requesting the provider's assistance referred to in paragraph 1;</p> <p>(b) verifying whether the provider removed or disabled access to that item or those items, including by conducting the searches referred to in Article 49(1);</p> <p>(c) notifying the item or items of known child sexual abuse material depicting the person to the provider and requesting removal or disabling of access, in accordance with Article 49(2);</p> <p>(d) where necessary, informing the</p>	

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		Coordinating Authority of establishment of the presence of that item or those items on the service, with a view to the issuance of a removal order pursuant to Article 14. <i>(e)if relevant, referral of the child, family and adult survivors to competent victim support services.</i>	
Article 22 2. Providers shall preserve the information referred to in paragraph 1 for no longer than necessary for the applicable purpose and, in any event, no longer than 12 months from the date of the reporting or of the removal or disabling of access, whichever occurs first.		2. Providers shall preserve the information referred to in paragraph 1 for at least 6 months and, in any event, no longer than 12 months from the date of the reporting or of the removal or disabling of access, whichever occurs first.	By not including a minimum retention period for data that is linked to a CSAM report, providers could immediately delete such material after submitting their report to the Centre. This would prevent law enforcement from assessing crucial data relevant to their investigations.
Article 40 1. A European Union Agency to prevent and combat child sexual abuse, the EU Centre on Child Sexual Abuse, is established. 2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and		1. An independent European Union Agency to prevent and combat child sexual abuse, the EU Centre on Child Sexual Abuse, is established. 2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting,	

Commission text	LIBE Report Amendments	ECLAG Amendments	Explanation
<p>facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.</p>		<p>removal or disabling of access to, and blocking of online child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties as well as partner organisations in connection to the prevention and combating of child sexual abuse, in particular online.</p>	
<p>Article 43</p>	<p><i>No addition from the draft LIBE report</i></p>	<p>(7) provide victim-sensitive services and assistance to victims and survivors of online child sexual abuse committed in the EU who are located inside and outside of the EU, by:</p> <p>(a) Ensuring protection, safeguarding measures and detailed protocols for managing highly sensitive victim-related information;</p> <p>(b) Establishing a centralised Victim Notification System through which the adult victim, parent or guardian of child victims or a legal representative will be notified at an agreed frequency when CSAM depicting the child is distributed</p>	<p>The EU Centre must be empowered to:</p> <ul style="list-style-type: none"> ◦ ensure protection of survivors and victims' data through the establishment of a registry of victims and/or their legal or familial representatives which would respond to a protocol for data protection and management; ◦ establish a centralised Victim Notification System which would ensure notification of adult victims directly or through their legal representative or guardians each time CSAM depicting the child is distributed

Commission text	LIBE Report Amendments	ECLAG Amendments	Explanation
		<p>(c) Facilitating access to care qualified health support services, including mental health and psychological support, and to pro bono legal support to victims and survivors;</p> <p>(8) Establish mechanisms to listen to and incorporate the views of children in its work in consideration, in accordance with the Directive 2012/29/EU and the Charter of Fundamental Rights of the European Union.</p>	<p>- it shouldn't be on the victim or their representative to seek for the information but for the Centre to provide;</p> <ul style="list-style-type: none"> o facilitate access to care and health support by specialised psychologists and expert health care workers; o facilitate access to legal support, particularly for victims who would like to seek redress in Court; o support victims and survivors in their interactions with law enforcement agencies or Europol. <p>All of the above services should be accessible to both victims and survivors within and outside of the EU. Victims outside of the EU must equally benefit from the services of the EU Centre when the perpetrators of the crime of creation and/or dissemination of CSAM are in the EU and when the CSAM depicting them have been hosted in the EU.</p> <p>The child's right to be heard is enshrined in Article 24 of the Charter</p>

Commission text	LIBE Report Amendments	ECLAG Amendments	Explanation
			of Fundamental Rights of the European Union and, in particular to child victims, in the Victim's Rights Directive. The EU Centre should respect this right and establish mechanisms to listen to and incorporate the views of children in their work as directly affecting children's lives.
Article 51 3. The EU Centre shall store the personal data referred to in paragraph 2 only where and for as long as strictly necessary for the applicable purposes listed in paragraph 2.		3. The EU Centre shall store the personal data referred to in paragraph 2 only where and for as long as strictly necessary for the applicable purposes listed in paragraph 2. <i>a) It shall thereby be taken into account that the creation, maintenance and operational use of the databases of indicators referred to in Article 44 require continual access to consistent data sets.</i>	The creation and maintenance of indicators will require different data retention needs than most of the EU Centre's data. Whilst it should all be stored and maintained in compliance with all EU laws this material is different from the EU Centre reports. The indicator hash list will need to be retained permanently and creating other indicators requires data sets to be maintained long term.
Article 53 1. Where necessary for the performance of its tasks under this Regulation, within their respective		1. Where necessary for the performance of its tasks under this Regulation, within their respective mandates, the EU Centre shall cooperate with Europol.	

Commission text	LIBE Report Amendments	ECLAG Amendments	Explanation
<p>mandates, the EU Centre shall cooperate with Europol.</p> <p>2. Europol and the EU Centre shall provide each other with the fullest possible access to relevant information and information systems, where necessary for the performance of their respective tasks and in accordance with the acts of Union law regulating such access.</p> <p>Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT) and budget implementation.</p> <p>3. The terms of cooperation and working arrangements shall be laid down in a memorandum of understanding.</p>		<p>2. Europol and the EU Centre shall provide each other with the fullest possible access to relevant information and information systems, where necessary for the performance of their respective tasks and in accordance with the acts of Union law regulating such access.</p> <p>Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT) and budget implementation.</p> <p>3. The EU Centre shall operate independently of Europol and other law enforcement bodies. It shall neither share any administrative functions, personnel, information technology (IT) infrastructure and its budget with other bodies, nor depend on comparable functions of other bodies.</p> <p>3. 4. 4. The terms of cooperation and working arrangements shall be laid down in a memorandum of understanding.</p>	

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<p>Article 54</p> <p>1. Where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.</p> <p>2. The EU Centre may conclude memoranda of understanding with organisations referred to in paragraph 1, laying down the terms of cooperation</p>		<p>1. Where necessary for the performance of its tasks under this Regulation, the EU Centre mayshall cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations acting in the public interest and semi-public organisations.</p> <p><i>In particular, the cooperation with the EU Centre referred to in paragraph 1 may include the following:</i></p> <p><i>(a) supporting the Commission in the preparation of the guidelines referred to in Article 3(8), Article 4(5), Article 6(4) and Article 11;</i></p> <p><i>(b) updating the databases of indicators referred to in Article 44;</i></p> <p><i>(c) accessing the databases of indicators referred to in Article 44 for the purpose of detection or blocking orders, conducting voluntary</i></p>	<p>The establishment of an EU Centre to combat the spread of CSAM online provides the EU with the unique opportunity to develop the structures needed to effectively counter this crime at scale. The EU Centre has the potential to act as a hub that develops and assesses new detection technology and that efficiently centralises and shares detected material with law enforcement agencies globally.</p> <p>For this, the Centre must be equipped with sufficient resources and expertise and build on providers and civil society's existing efforts. To ensure society's trust, the EU Centre must be completely independent from all actors involved, including law enforcement. It should therefore not share any financial, administrative, technological, and human resources with other organisations such as Europol.</p> <p>For the EU Centre to be a responsible pioneer in the innovation and dissemination of detection technology,</p>

Commission text	LIBE Report Amendments	ECLAG Amendments	Explanation
		<p><i>detection efforts and of innovating new and existing detection technologies;</i></p> <p><i>(c) making technologies available to providers for the execution of detection orders issued to them, in accordance with Article 50(1); or</i></p> <p><i>(d) innovation of the detection technologies and education of the service</i></p> <p>2. The EU Centre may conclude memoranda of understanding with organisations referred to in paragraph 1, laying down the terms of cooperation.</p> <p><i>3. The EU Centre shall cooperate with other organisations and bodies exerting similar functions in other jurisdictions, like the National Centre for Missing and Exploited Children ('NCMEC') and the Canadian Centre for Child Protection, the Internet Watch Foundation (IWF) and which contribute to the achievement of the objective of this Regulation. This pertains to the reporting obligations</i></p>	<p>several other recommendations should be considered: Access to the Centre's database of indicators should be extended to partner organisations involved in the fight against CSAM and apply also to providers' voluntary detection efforts. The composition and governance of the Technology Committee should be clarified as to the involvement of civil society organisations, as well as to its scope in the assessment of detection technology. Additionally, by not including a minimum retention period for data that is linked to a CSAM report, providers could immediately delete such material after submitting their report to the Centre. This would prevent law enforcement from assessing crucial data relevant to their investigations.</p>

Commission text	LIBE Report Amendments	ECLAG Amendments	Explanation
		<i>referred to in Article 12 and the potential duplication of reporting obligations for providers, which should be avoided. Where applicable, and those organisations are agreeable, the EU Centre shall work together with these organisations towards mutual access to the databases of indicators.</i>	
<p>Article 56 Composition of the Management Board</p> <p>1.The Management Board shall be composed of one representative from each Member State and two representatives of the Commission, all as members with voting rights.</p>		<p>1.The Management Board shall be composed of one representative from each Member State and two representatives of the Commission, all as members with voting rights. <i>Two delegates designated by the Victims' and Survivors' Forum shall attend the meetings of the Management Board on all matters related to preventing and combating child sexual abuse and exploitation as well as all other forms of childhood sexual violence.</i></p>	<p>Victims and survivors need to have a seat at the Management Board table of the EU Centre. If we want to make sure that the inclusion of victims' and survivors' voices in the work of the EU Centre is not only a tick-the-box exercise, we must give them meaningful access to decision-making spaces and allow them to participate fully to decisions related to preventing and combating child sexual abuse and exploitation and other forms of childhood sexual violence.</p> <p>Knowing the intensity which this engagement would require from victims and survivors, it is important that 2 of them are part of the Management Board, in order to share the load and better represent the</p>

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			Forum's views.
<p>Article 57 – paragraph 1 – point f</p> <p>(f) appoint the members of the Technology Committee, and of any other advisory group it may establish;</p>	<p>Amendment 238</p> <p>(f) appoint the members of the Technology Committee, the Victims' Consultative Forum and of any other advisory group it may establish;</p>	<p>(f) appoint the members of the Technology Committee, the <i>Victims' and Survivors' Forum</i> and any other advisory group it may establish;</p> <p><i>2. The Management Board shall consult with the Victims' and Survivors' Forum on all matters related to preventing and combating childhood sexual violence.</i></p>	<p>The Forum should not only be composed of victims but also of survivors. Not all of those who lived the terrible experience of childhood sexual violence have been recognised legally as victims. This is particularly true when they have been subject to traumatic memory and were able to take action against their perpetrator at an older age when the statute of limitation already applies.</p> <p>In addition, the Forum should not only have a consultative role. It should be fully embedded into the work of the EU Centre and its members must be able to participate in the decisions taken by its Management Board.</p>
<p>Article 59 – paragraph 4 a (new) Text proposed by the Commission</p>	<p>Amendment 241</p> <p>4 a. The Management Board may invite the members of the Victims' Consultative Forum as observers on matters related to a specific item on the Management Board's agenda.</p>	<p><i>Deleted amendment 241</i></p>	<p>Representatives of the Victims' and Survivors' Forum must have a seat at the Management Board table and not be called in and consulted only on a case by case basis. Victims and survivors must contribute to decisions taken by the EU Centre and bring along their views and perspective as those with the lived experience of childhood sexual violence.</p>

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<p>Article 66</p> <p>1. The Technology Committee should consist of technical experts with expertise in online child sexual abuse, like representatives from child rights' organisations working on technologies to counter CSAM. In view of the important role the Technology Committee will play in accreditation of technologies to detect CSAM, it will be crucial that experts with a child's rights' perspective are first and foremost part of this Committee.</p> <p>2. Procedures concerning the appointment of the members of the Technology Committee and its operation shall be specified in the rules of procedure of the Management Board and shall be made public.</p> <p>3. The members of the Committee shall be independent and shall act in the public interest. The list of members of the Committee shall be made public and shall be updated by the EU Centre on its website.</p>		<p>1. The Technology Committee shall consist of technical experts, online child sexual abuse and sexual exploitation experts, as well as law enforcement experts, appointed by the Management Board in view of their excellence and their ability to serve independently independently, following the publication of a call for expressions of interest in the Official Journal of the European Union. The Committee shall also include civil society representatives and experts who are independently appointed by their respective organisations. The Management Board shall compile a comprehensive list of non-profit organisations and review this list annually.</p> <p>2. Procedures concerning the appointment of the members of the Technology Committee and its operation shall be specified in the rules of procedure of the Management Board and shall be made public.</p> <p>3. The members of the Committee shall be independent and shall act in the public interest. The list of members of</p>	<p>The proposed Technology Committee should consist of technical experts with expertise in online child sexual abuse, like representatives from child rights' organisations working on technologies to counter CSAM. In view of the important role the Technology Committee will play in accreditation of technologies to detect CSAM, it will be crucial that experts with a child's rights' perspective are first and foremost part of this Committee.</p>

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<p>4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure for ordinary members.</p> <p>5. The mandates of members of the Technology Committee shall be four years. Those mandates shall be renewable once.</p> <p>6. The Technology Committee shall</p> <p>(a) contribute to the EU Centre's opinions referred to in Article 7(3), first subparagraph, point (d);</p> <p>(b) contribute to the EU Centre's assistance to the Coordinating Authorities, the Management Board, the Executive Board and the</p>		<p>the Committee shall be made public and shall be updated by the EU Centre on its website.</p> <p>4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure for ordinary members.</p> <p>5. The mandates of members of the Technology Committee shall be four years. Those mandates shall be renewable once.</p> <p>6. The Technology Committee shall</p> <p>(a) contribute to the EU Centre's opinions referred to in Article 7(3), first subparagraph, point (d);</p> <p>(b) contribute to the EU Centre's assistance to the Coordinating</p>	

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<p>Executive Director, in respect of matters related to the use of technology;</p> <p>(c) provide internally, upon request, expertise on matters related to the use of technology</p>		<p>Authorities, the Management Board, the Executive Board and the Executive Director, in respect of matters related to the use of technology;</p> <p>(c) provide internally, upon request, expertise on matters related to the use of technology</p> <p>(d) create standardisation practices for the testing and maintenance of detection technologies needed to comply with detection orders and the monitoring of detection technology used voluntarily.</p> <p>(e) evaluate the effectiveness of new and existing detection technology through unknown datasets of verified indicators.</p> <p>(f) establish best practices on safety by design and the voluntary use of technologies, including detection technologies, as</p>	

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		<p><i>part of providers' mitigation measures.</i></p> <p><i>(g) introduce a regular reviewing and reporting process to assess and share expertise on the most recent technological innovations and developments related to detection technology.</i></p>	
<p>Proposal for a regulation Article 66 a (new)</p> <p>Text proposed by the Commission</p>	<p>Amendment 273</p> <p>Article 66 a Establishment and tasks of the Victims' Consultative Forum</p> <ol style="list-style-type: none"> 1. The EU Centre shall establish a Consultative Forum to assist it by providing it with independent advice on victims related matters. The Consultative Forum will act upon request of the Management Board or the Executive Director. 2. The Consultative Forum shall consist of a maximum of fifteen members. Members of the 	<p>Article 66 a Establishment and tasks of the Victims' <i>and Survivors' Forum</i></p> <ol style="list-style-type: none"> 1. The EU Centre shall establish a Victims' <i>and Survivors' Forum</i> to assist it by providing it with independent advice on victims related matters. <i>The Executive Director and the Management Board must consult the Victim's and Survivors' Forum on any matter related to children's interests and rights of children, adolescents or adults who experienced childhood sexual violence.</i> 2. The Forum shall consist of a maximum of fifteen members. 	<p>The Forum should not only be composed of victims but also of survivors. Not all of those who lived the terrible experience of childhood sexual violence have been recognised legally as victims. This is particularly true when they have been subject to traumatic memory and were able to take action against their perpetrator at an older age when the statute of limitation already applies.</p> <p>Consultation of the Forum must be mandatory on all issues related to children's interests and rights of children, adolescents and adults who experience childhood sexual violence.</p> <p>The mandate of the members of the Forum can not exceed 2 years as the</p>

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	<p>Consultative Forum shall be appointed from victims of child sexual abuse and exploitation both online and offline, as well as representatives of organizations acting in the public interest against child sexual abuse and promoting victims' rights. They shall be appointed by the Management Board following the publication of a call for expression of interest in the Official Journal of the European Union.</p> <p>3. The mandates of members of the Consultative Forum shall be four years. Those mandates shall be renewable once.</p> <p>4. The Consultative Forum shall: a) provide the Management Board and the Executive Director with advice on matters related to victims; b) contribute to the EU Centre communication strategy referred to in Article 50(5); c) provide its opinion on the technologies used to detect online child sexual abuse regarding their</p>	<p>Members of the Forum shall be appointed from victims, survivors and adults with lived experience of child sexual abuse and exploitation both online and offline, as well as representatives of organizations acting in the public interest against child sexual abuse and promoting victims' rights. They shall be appointed by the Management Board following the publication of a call for expression of interest in the Official Journal of the European Union.</p> <p>3. The mandates of members of the Consultative Forum shall be two years. Those mandates shall be renewable once.</p> <p>4. The Forum shall: a) provide the Management Board and the Executive Director with advice on matters related to victims; b) contribute to the EU Centre communication strategy referred to in Article 50(5); c) provide its opinion on the technologies used to detect online child sexual abuse regarding their relevance to the conditions in which child sexual abuse is committed; d) maintain an open dialogue with the</p>	<p>commitment for victims and survivors might be highly intensive. Victims and survivors will very likely have another professional life which would probably not allow them for a long term commitment. A longer mandate might have the negative effect of preventing victims and survivors from applying and participating in the work of the EU Centre.</p> <p>We very much welcome the tasks allocated to the Forum and would like to see the addition of the important role which victims and survivors could play in channelling children and adolescents views into the work of the EU Centre.</p>

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	<p>relevance to the conditions in which child sexual abuse is committed;</p> <p>d) maintain an open dialogue with the Management Board and the Executive Director on all matters related to victims, particularly on the protection of victims' rights.</p>	<p>Management Board and the Executive Director on all matters related to victims, particularly on the protection of victims' rights;</p> <p><i>e) gather and bring to the front views of children and adolescents, according to high standards of child safeguarding.</i></p>	