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**Proposal to prevent and combat child sexual abuse:
relations between Coordinating Authorities – EU Centre – Europol**

Member States have requested further information on the vision of the cooperation between the three main public actors in the framework to be established by the proposal to prevent and combat child sexual abuse (CSA), namely the **Coordinating Authorities** (or other national competent authorities) in charge of application and enforcement, the **EU Centre to prevent and combat child sexual abuse**, and **Europol** as the EU's law enforcement agency.

This paper seeks to respond to this request. It sets out first the current situation and the problems that the proposal aims to address, and then explains the roles of and interactions between the EU Centre, Europol and Coordinating Authorities (CAs) when addressing those problems. In line with the request made, this paper focuses on the tasks of and cooperation between the abovementioned public actors, even though the proposal itself primarily focuses on the responsibilities of relevant online services providers covered in relation to preventing and combating CSA involving their services.

1. Current situation

CSA is not adequately addressed in the EU today, which is mainly due to challenges in detection and other actions to combat it encountered by service providers operating on the internal market. However, for the fight against CSA to be effective, prevention and assistance to victims are important as well. The impact assessment describes this in more detail; the main issues of concern for the three public actors involved are:

a) Prevention:

- Prevention efforts are **uncoordinated and unstructured** and therefore often of limited or unclear effectiveness. Information and expertise relating to prevention is scarce, fragmented and not sufficiently accessible and shared. Also, there is nothing to ensure that risks are adequately and structurally assessed and mitigated.

b) Detection and action:

US law requires service providers to report (but not to detect) CSA in their systems to the National Centre for Missing and Exploited Children (NCMEC) once they become aware of it. After determining that the report concerns a Member State (e.g. through the IP addresses), NCMEC makes it available to law enforcement agencies in Member States via US law enforcement (Homeland Security Investigations) either through Europol (19 Member States) or directly for the remaining Member States. The hotlines in the EU cannot detect CSA material (CSAM) proactively. Instead, users report to the hotlines and these notify hosting service providers of the existence of CSAM in their services, as well as the relevant law enforcement agency.

The current system of detection and reporting by providers has the following main issues:

- **Voluntary action** by online service providers to detect online child sexual abuse **has proven insufficient**. Currently, the vast majority of reports of CSA online that reach law enforcement

in the EU come from US-based service providers via NCMEC. In 2020, out of the more than 1600 service providers registered to report to NCMEC, one (Meta) sent 95% of all the reports, and 5 sent 99% of reports. Evidence suggests that **comparable levels of abuse** occur in **similar services** from other service providers, and the difference in detection levels is due to the **different intensity** of detection efforts. This means that there is a **substantial amount** of CSA online that **remains undetected**.

- Varying **quality of reports**. While reports from service providers via NCMEC have led to many cases of children being rescued from ongoing abuse, and of offenders being arrested, law enforcement authorities estimate that only around **75%** of reports they receive from service providers are actionable. The most common reason is that the report contains material that **does not constitute CSA** under the Member State’s law. US-based service providers report to NCMEC material that may constitute CSA under **US law**, which may **include** content that is **not illegal in the EU** and **omit** reporting content that is **illegal in the EU**. Also, there is a **lack of unified reporting requirements**. In particular, a **lack of sufficient information** in the report is one of the most common reasons cited by the law enforcement authorities of the Member States for a report not to be actionable.
- **Partial view of Europol** of the CSA reports concerning the EU. Europol only receives today about **one third** of all the reports concerning the EU. Europol cross-checks the reports against Europol’s criminal databases and forwards them to the relevant national law enforcement authorities. At a second stage, Europol sends a follow-up report with detailed analysis and further enrichment with criminal intelligence. Due to resources limitations, prioritisation of reports is needed, meaning that some data cannot be immediately analysed in detail.

Removal and blocking occur today on a voluntary basis as there is no EU law requiring it. Some Member States have put in place removal and blocking obligations at national level.

c) Assistance to victims:

- Assistance to victims efforts are **limited, uncoordinated and of unclear effectiveness**. Victims of CSA do not always receive the **tailored and comprehensive assistance** required, in particular support in trying to stop the sharing and distribution online of the images and videos depicting their abuse, which perpetuates the harm.

2. Future situation as intended in the proposal

The table below summarises the current and future situation as intended in the proposal:

		Current	Future
Prevention		Uncoordinated and unstructured	Coordinated: improved sharing of information and expertise Structured: mandatory risk assessment and mitigation, reported to CAs
Detection and action	Detection efforts	Voluntary	Mandatory
	Quality of reports	Varied	Uniform and high
	Europol’s view	Partial	Full
	Removal and blocking	Voluntary	Mandatory
Assistance to victims		Uncoordinated: gaps and duplication	Coordinated: improved support for removal and provision of information

The proposal moves from the current system, mostly reactive rather than preventative, and dependent on the voluntary detection by the service providers to act, to a system where, if necessary and proportionate in view of the risks first assessed and then mitigated as much as possible, detection can be made mandatory for service providers.

To execute the above vision, the proposal makes use of three main actors:

- Coordinating Authorities (CAs): they **apply and enforce** the Regulation by initiating and supervising the imposition of detection, blocking and removal processes, cooperating with CAs across the EU and coordinating at national level all efforts related to CSA.
- EU Centre: it is a **facilitator** of efforts, notably by service providers, to detect, report, block and remove CSA. As such, in some respects, it takes on a role in the EU resembling that of NCMEC in the US. It does not have enforcement powers.
- Europol: it **facilitates law enforcement** efforts, mainly in respect of reported CSA. It does not have enforcement powers. The proposed Regulation does not change its competences.

More specifically, the role of and relations between each of these actors are the following (please note that since the proposal does not change Europol's competences set out in the Europol Regulation the below explanations concerning Europol's role are included solely to describe in a complete way the roles and relations of the three main public actors mentioned above):

a) Prevention:

The proposal helps strengthen prevention, in particular through the obligation to conduct and report on risk assessment and mitigation measures. The proposal also covers the prevention of child sexual abuse through the 'knowledge hub' function of the EU Centre.

- CAs:
 - evaluate the providers' risk assessment and mitigation measures on an individual basis;
 - cooperate with the EU Centre to facilitate the exchange across the EU of best practices and lessons learned.
- EU Centre:
 - support service providers conducting risk assessments by helping them assess that risk using relevant data sets;
 - support CAs in their evaluation of the risk assessment and mitigation measures, notably on the technology aspects;
 - act as a hub of expertise of prevention: collect and disseminate research, facilitate exchange of best practices in the EU and globally;
 - conduct/support activities aimed at improving awareness;
 - support the development of evidence-based policy on prevention.
- Europol:
 - contribute to the hub of expertise on prevention at the EU Centre.

b) Detection and action:

Detection and action (i.e. reporting, removal and blocking) has also preventative functions. The detection of CSA online frequently leads to **stopping ongoing or future physical sexual abuse**. This is clearly the case for new CSAM and grooming, which often reveals ongoing and/or imminent physical sexual abuse. But it is also the case for known CSAM, as viewing it often leads to hands-on abuse (see box 1 of the impact assessment).

The roles and relations of the CAs, EU Centre and Europol under detection and action are:

Detection

- CAs:
 - assess the necessity and proportionality of detection orders;
 - request the issuance of a detection order from a court or independent administrative authority;
 - oversee the implementation of the orders, including requesting adjustments or issuing penalties when needed;
 - facilitate the confirmation by national authorities of new CSAM and grooming and the inclusion in the database of indicators of the EU Centre;
 - conduct proactive searches necessary for verification purposes and use the notice and action mechanisms of service providers to notify them.
- EU Centre:
 - issue opinions on draft detection orders;
 - maintain a database of CSA indicators and update it with input received from the national authorities via the CAs;
 - make CSA indicators available to service providers that receive detection orders and that are therefore required to use those indicators;
 - make detection technology available to service provider that have received a detection order for their possible use, if they so wish;
 - verify the implementation of detection orders by conducting searches.
- Europol:
 - N/A

Reporting

- CAs:
 - report to the EU Centre confirmed CSA to be added to its databases of indicators.
- EU Centre:
 - receive reports from service providers and filter out manifestly unfounded reports;
 - forward the remaining reports to competent national law enforcement authorities and Europol for further assessment and action where needed.
- Europol:
 - receive reports from the EU Centre concerning **all** Member States (instead of receiving reports from NCMEC for only 19 Member States - around 1/3 of the total of reports concerning the EU – as it is in the current system);
 - enrich reports with data from previous investigations and share with relevant law enforcement authorities;
 - store the content of the reports in its database for future review, including for victim identification purposes;
 - support Member States in cross-border investigations of CSA;
 - facilitates access to its database of reports to the EU Centre, and have access to the EU Centre's databases of reports and indicators.

Removal

- CAs:

- assess the necessity and proportionality of removal orders;
- request the issuance of removal orders from a court or independent administrative authority;
- oversee the implementation of removal orders, including requesting adjustments or issuing penalties when needed.
- EU Centre:
 - notify the service provider in case the EU Centre finds CSAM through searches and request removal on a voluntarily basis;
 - verify through searches if the provider has removed CSAM following a removal order, or following a notification of the EU Centre to assist the victim, and inform the CA for possible follow-up;
 - verify whether reporting CSAM has been removed and inform the CA where necessary.
- Europol:
 - facilitate the exchange of information in investigations, which may lead to the discovery of material to be removed.

Blocking

- CAs:
 - assess the necessity and proportionality of blocking orders;
 - request the issuance of a blocking order from a court or independent national authority;
 - oversee the implementation of the orders, including requests adjustments or issuing penalties when needed.
- EU Centre:
 - create and maintain a list of uniform resource locators (URLs), in cooperation with CAs;
 - provide CAs with information, in particular on the accuracy of the URLs, the quantity and nature of the CSAM concerned and verifications conducted.
- Europol:
 - facilitate the exchange of information in investigations, which may lead to the discovery of material to be blocked.

c) Assistance to victims:

Assistance to victims helps mitigate the harm and severe consequences for children's physical and mental health caused by child sexual abuse. The proposal supports the exchange of information and best practices on assistance to victims, which could include measures to avoid re-victimisation during criminal proceedings. The proposal also includes measures to support victims in removing their images and videos and notify them when material depicting them is found, if they so wish.

- CAs:
 - process and answer requests from victims to receive information when known CSAM depicting them is reported to the EU Centre;
 - receive requests for assistance and support from victims in having material depicting them removed by providers;
 - transmit requests to the EU Centre, and transmit received results (material found/blocked) to the victim;
 - exchange information on best practices with the EU Centre.
- EU Centre:

- support victims regarding removal of known CSAM depicting them, as follows:
 - support victims in requesting the service providers' assistance;
 - verify through searches whether the CSAM is removed;
 - notify the provider of the CSAM, requesting removal;
 - inform CAs of the CSAM for the possible issuance of a removal order;
 - act as a hub of expertise on victims' assistance: collect and disseminate research, facilitate exchange of best practices in the EU and globally;
 - support the development of evidence-based policy on victims' assistance.
- Europol:
 - N/A.

Relations Coordinating Authorities - EU Centre – Europol (main points)

