

Basic information

2024/0035(COD)

COD - Ordinary legislative procedure (ex-codecision procedure)
Directive

Combating the sexual abuse and sexual exploitation of children and child sexual abuse material. Recast

Subject

3.30.25 International information networks and society, internet
4.10.03 Child protection, children's rights
7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling
7.40.04 Judicial cooperation in criminal matters

Awaiting Parliament's position in 1st reading

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	LENAERS Jeroen (EPP)	24/09/2024
	Shadow rapporteur KALJURAND Marina (S&D) VARAUT Alexandre (P/E) KANKO Assita (ECR) VAUTMANS Hilde (Renew) BRICMONT Saskia (Greens /EFA) SERRA SÁNCHEZ Isabel (The Left)	
Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	LENAERS Jeroen (EPP)	15/03/2024
Committee for opinion	Rapporteur for opinion	Appointed
CULT Culture and Education	TOMAŠIČ Zala (EPP)	31/10/2024
FEMM Women's Rights and Gender Equality	FRITZON Helène (S&D)	21/11/2024
	Former rapporteur for	

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Council of the European Union										
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Key events			
Date	Event	Reference	Summary
06/02/2024	Legislative proposal published	COM(2024)0060 	Summary
25/04/2024	Committee referral announced in Parliament, 1st reading		
25/04/2024	Referral to associated committees announced in Parliament		
13/11/2024	Committee referral announced in Parliament, 1st reading		
13/05/2025	Vote in committee, 1st reading		
26/05/2025	Committee report tabled for plenary, 1st reading	A10-0097/2025	
17/06/2025	Decision by Parliament, 1st reading	T10-0116/2025	Summary
17/06/2025	Results of vote in Parliament		
17/06/2025	Debate in Parliament		
17/06/2025	Matter referred back to the committee responsible for interinstitutional negotiations		

Technical information	
Procedure reference	2024/0035(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 57_o Rules of Procedure EP 113 Treaty on the Functioning of the European Union TFEU 083-p1-a1 Treaty on the Functioning of the European Union TFEU 082-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	LIBE/10/00339

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE761.022	16/04/2024	
Amendments tabled in committee		PE766.593	14/11/2024	
Amendments tabled in committee		PE766.594	14/11/2024	
Specific opinion	JURI	PE766.640	27/11/2024	
Specific opinion	CULT	PE765.311	04/02/2025	
Committee opinion	FEMM	PE766.976	05/03/2025	
Committee report tabled for plenary, 1st reading/single reading		A10-0097/2025	26/05/2025	
Text adopted by Parliament, partial vote at 1st reading /single reading		T10-0116/2025	17/06/2025	Summary
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2024)0060 	06/02/2024	Summary	
Document attached to the procedure	SEC(2024)0057	07/02/2024		
Document attached to the procedure	SWD(2024)0032 	07/02/2024		
Document attached to the procedure	SWD(2024)0033 	07/02/2024		
Document attached to the procedure	SWD(2024)0034 	07/02/2024		

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	FR_SENATE	COM(2024)0060	28/05/2024	
Contribution	IT_CHAMBER	COM(2024)0060	30/05/2024	
Contribution	PT_PARLIAMENT	COM(2024)0060	02/06/2024	
Contribution	RO_SENATE	COM(2024)0060	06/06/2024	
Contribution	RO_CHAMBER	COM(2024)0060	13/06/2024	
Contribution	DE_BUNDES RAT	COM(2024)0060	20/06/2024	
Reasoned opinion	FR_SENATE	PE761.180	10/07/2024	
Contribution	ES_PARLIAMENT	COM(2024)0060	03/09/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0873/2024	10/07/2024	

Additional information

Source	Document	Date
EP Research Service	Briefing	23/07/2024
European Commission	EUR-Lex	

Combating the sexual abuse and sexual exploitation of children and child sexual abuse material. Recast

2024/0035(COD) - 06/02/2024 - Legislative proposal

PURPOSE: to revise the current directive on child sexual abuse and sexual exploitation.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in 2020, the Commission presented an EU Strategy for a more effective fight against child sexual abuse. This Strategy set out eight initiatives aiming to ensure full implementation and, where needed, further development of the legal framework to combat child sexual abuse and exploitation.

The Strategy recognised the need to assess whether the current EU criminal law framework, namely Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, is fit for purpose considering the societal and technological changes over the past decade.

In 2022, the Commission conducted an evaluation to assess the implementation of the Directive, assessing possible legislative gaps, best practices and priority actions at EU level. The study raised concerns related to the exponential growth of online sharing of child sexual abuse material and to the

increased possibilities for perpetrators to hide their identity (and conceal their illegal activities), most notably online, thereby escaping investigation and prosecution.

The Commission concluded that a renewed legislative framework is needed at EU level to address the latest developments and to strengthen the prevention and protection of victims.

CONTENT: the proposed directive **improves the clarity of the legal landscape** for fighting child sexual abuse across Member States.

Overall, the targeted amendments to the Directive are aimed at improving Member State capacity to fight the crime efficiently, in relation to threats and trends that have emerged and evolved in recent years and with **new technological developments**. New rules applicable to Member States are expected to **improve cross-border cooperation**, both in terms of **investigations and prosecutions**, and for **victim assistance and support**.

The main aspects of the proposal are as follows:

Expanding the definition of criminal offences related to child sexual abuse across Member States: these new offences include livestreaming of child sexual abuse and the possession and exchange of paedophile handbooks. The new rules also update the definitions of the crime to include child sexual abuse material in **deep fakes** or AI-generated material.

Strengthening prosecution, prevention and support: underreporting of child sexual abuse still constitutes a major challenge in the efforts to stop child sexual abuse and prevent further sexual abuse from taking place. The proposal will set a longer time period during which victims can report the sexual abuse they suffered and seek action against the offender. The new rules will also grant victims a right to **financial compensation**, to address the long-term harms that child sexual abuse causes. In addition, Member States are required to put in place a coordination mechanism to make best use of available programmes on prevention and assistance to victims.

Stepping up prevention: Member States are also asked to step up investment in awareness raising especially for online risks to ensure that the internet is safer and better for children and young people.

In addition, new requirements will ensure recruiters for activities involving close contact with children and for organisations working against child sexual abuse must request the criminal records of the candidates.

There will also be **mandatory reporting** of an offence at least by professionals working in close contact with children to address a major challenge in the efforts to stop child sexual abuse.

Combating the sexual abuse and sexual exploitation of children and child sexual abuse material. Recast

2024/0035(COD) - 17/06/2025 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted, by 599 votes to 2, with 62 abstentions, **amendments** to the proposal for a directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children, and child sexual abuse material, and replacing Council Framework Decision 2004/68/JHA (recast).

The matter was referred back to the relevant committee for interinstitutional negotiations.

The main amendments adopted in plenary are as follows:

Subject matter

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child sexual abuse material and solicitation of children for sexual purposes, including if committed by means of information and communication technology.

Consent and exemption for peers

Given that lack of consent is one of the constituent elements of some of the offences set out in the directive, Members proposed introducing a definition of consent.

It is clarified that a child above the age of sexual consent will not be considered to have consented where the child was unable to form free will or due to other circumstances, including the child's physical or mental condition, such as a state of unconsciousness, sleep, intoxication, surprise, freezing, illness or bodily injury.

An **exemption from criminalisation** should be provided for consensual sexual activities between peers (i.e., people of close age who have reached a similar level of psychological and physical development and maturity), provided that there is no abuse of trust or dependency between the peers. The fact that the perpetrator pretended to be a minor or a peer would be an aggravating circumstance.

Adapting to technological developments

The definition of child sexual abuse material should include any depiction, by any means, of a child's **intimate parts** for a primarily sexual purpose, as well as any realistic images, pseudophotographs, reproductions or representations of a child engaged in sexually explicit conduct or of the intimate parts of a child, for primarily sexual purposes, regardless of the method of creation or manipulation, including by using artificial intelligence, deepfake technologies.

Penalties for sexual abuse offences

Members proposed increasing the maximum penalties for several child sexual abuse offences, including sexual activity involving a minor who has reached **the age of consent but has not yet given consent**. These offences would carry a maximum penalty of at least 10 years' imprisonment.

Coercing or forcing a child to share material representing that child's intimate parts without that child's consent in order to obtain money, child sexual abuse material or any other benefit would be punishable by a maximum term of imprisonment of **at least 8 years**.

Acquiring or possessing child sexual abuse material for private use would be punishable by a maximum penalty of at least **two years** ' imprisonment. Distributing, disseminating, or transmitting child sexual abuse material would be punishable by a maximum penalty of at least **four years** ' imprisonment.

Removal of limitation periods

Members proposed that limitation periods be removed, as children may not fully understand that what happened constituted abuse, particularly if the perpetrator was a trusted adult. Surviving children may need to reach adulthood to acquire the emotional maturity to recognise the abuse for what it was. No limitation period should apply to victims' right to compensation.

Solicitation to commit sexual abuse

It would be punishable by a maximum penalty of at least **five years** ' imprisonment to intentionally promise or offer money or any other form of remuneration or consideration to anyone in order to induce them to commit offences relating to sexual abuse, including live streaming.

Each Member State should take the necessary measures to ensure that travelling to a country other than that Member States for the purpose of committing, or contributing to the commission of, any of the offences is punishable as a criminal act when committed intentionally.

Investigations and prosecutions

Effective investigative tools, such as those used in cases of organised crime, should be made available to persons, units or services responsible for investigating or prosecuting offences related to sexual abuse. Where appropriate, these tools should include special investigative tools such as the possibility of conducting **undercover investigations**, interception of communications, electronic or bank account surveillance, in accordance with national law.

Reporting

Member States should:

- ensure that at least all **professionals and volunteers** who work in close contact with children, including in the child protection, education, sport, childcare and health care sectors, as well as legal professionals, teachers and educators, family court judges and front-line police officers are informed and trained to recognise child sexual abuse;
- ensure the existence of accessible, visible, clear, user-friendly and gender-sensitive **reporting mechanisms** and that these reporting mechanisms are adequately resourced, including in terms of funding and staffing;
- take the necessary measures to ensure the possibility of third-party reporting.

Member States should ensure, where appropriate, efficient cooperation with Eurojust and Europol in criminal proceedings and investigations relating to child sexual abuse offences.

Lastly, Member States should ensure the provision of easily accessible, free of charge and comprehensive **healthcare services** for child victims of sexual abuse or exploitation, including sexual and reproductive healthcare.