



Committee on Legal Affairs
The Chair

27.11.2024

Mr Javier Zarzalejos
Chair
Committee on Civil Liberties, Justice and Home Affairs
BRUSSELS

Subject: Opinion on a 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) (COM(2024)0060 – C9-0028/2024 – 2024/0035(COD))

Dear Mr Chair,

The Committee on Legal Affairs examined the proposal referred to above pursuant to Rule 113 of Parliament's Rules of Procedure, on recasting.

Paragraph 3 of that Rule reads as follows:

“If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible for the subject matter thereof.

In such a case, over and above the conditions laid down in Rules 187 and 188, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

However, amendments to parts of the proposal which remain unchanged may, by way of exception and on a case-by-case basis, be accepted by the Chair of the committee responsible for the subject matter if he or she considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.”

Following the here attached opinion of the Consultative Working Party of the Legal Services of the Parliament, the Council and the Commission, which has examined the recast proposal, and in keeping with the recommendations of the Rapporteur, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified

as such and that, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, the proposal contains a straightforward codification of the existing text, without any change in its substance.

In conclusion, at its meeting of 18 November 2024, the Committee on Legal Affairs unanimously¹ decided to recommend that the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, continue with the examination of the above proposal in accordance with Rule 113.

Yours sincerely,

Ilhan Kyuchyuk

Encl.: Opinion of the Consultative Working Party

¹ The following were present for the final vote: Ilhan Kyuchyuk (Chair), Marion Walsmann (Vice-Chair), Mario Mantovani (Vice-Chair), César Luena (for José Cepeda, pursuant to Rule 216(7)), Ton Diepeveen, Mario Furore, Petras Gražulis, Kira Marie Peter-Hansen, Pascale Piera, Thijs Reuten (for Lara Wolters, pursuant to Rule 216(7)), Krzysztof Śmiszek, Adrián Vázquez Lázara, Axel Voss, Michał Wawrykiewicz, Dainius Žalimas.



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 26 April 2024

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**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)
COM(2024)60 final of 6.2.2024 – 2024/0035(COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 23 February 2024 for the purpose of examining the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Directive of the European Parliament and of the Council recasting Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive amendments:

- in recitals 2, 4, 5, 7, 10, 15, 17, 18, 20, 21, 39, 54, 56, 58 and 59, in Article 1 and in Articles 2(3), 5(2) to (6) and (9), 6(2), 16(2) and (5) and 30(1) and (2), the replacement of the word '*pornography*' with the term '*sexual abuse material*';
- in recitals 3 and 28, the deletion of the word '*pornography*';
- in recital 9 and in Articles 2(5), and 4(2), (3) and (4), the replacement of the word '*pornographic*' with the term '*child sexual abuse*';
- in recital 20, the adding of the words '*not be considered to be committed*';
- in recital 20 and in Article 10(2), the deletion of the word '*pornographic*';
- in recital 43, the deletion of the word '*Particular*' preceding the word '*care*' in the third sentence of recital 34 of Directive 2011/93/EU;

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in Article 10(1) and (2), the deletion of the words ‘*who are close in age and degree of psychological and physical development or maturity*’;
- in Article 14(1), introductory wording, the replacement of the reference made to ‘*Article 12(1)*’ in Article 13(1), introductory wording, of Directive 2011/93/EU with a new reference to ‘*Article 13*’.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER
Jurisconsult

E. FINNEGAN
Jurisconsult

D. CALLEJA CRESPO
Director-General