



2022/0155(COD)

9.6.2023

# OPINION

of the Committee on Budgets

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council  
laying down rules to prevent and combat child sexual abuse.  
(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

Rapporteur for opinion: Niclas Herbst

PA\_Legam

## SHORT JUSTIFICATION

At least one in five children falls victim to sexual violence during childhood<sup>1</sup>. A 2021 global study found that more than one in three respondents had been asked to do something sexually explicit online during their childhood, and over half had experienced a form of child sexual abuse online<sup>2</sup>. Despite the fact that the sexual abuse and sexual exploitation of children and child sexual abuse materials are criminalised across the EU by the Child Sexual Abuse Directive<sup>3</sup>, adopted in 2011, the EU is currently still failing to protect children from sexual abuse, and that the online dimension represents a particular challenge.

In this context, the Commission proposal seeks to establish a clear and harmonised legal framework on preventing and combating online child sexual abuse. The Commission suggests establishing a new decentralised agency - the European Centre to prevent and counter child sexual abuse (the “EU Centre”) - to facilitate and support the implementation of its proposal and help remove obstacles to the internal market, especially in connection to the obligations of providers to detect online child sexual abuse, report it and remove child sexual abuse material.

Your Rapporteur welcomes the overarching aims of the proposal and is convinced that the EU Centre can be instrumental in implementation. Nevertheless, in line with his approach to decentralised agency files, he considers that the policy substance of the proposal should be dealt with by the lead committee.

As such, the draft opinion focuses on those areas where the Committee on Budgets can add value, therefore in particular on the financial provisions, governance rules and provisions relating to reporting and evaluation to ensure proper parliamentary scrutiny. Your Rapporteur assesses the proposal notably against the 2019 Schoepflin report<sup>4</sup>, the Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies of 19 July 2012 and the Common Approach<sup>5</sup> and the Framework Financial Regulation governing decentralised agencies<sup>6</sup>.

### **Budgetary impact and financial provisions**

According to the Commission proposal, the start-up phase for the establishment of the EU Centre will start in 2025 and last until 2029, with a total annual budget of EUR 28,5 million for the Centre in 2030 at cruising speed. The EU Centre would then have estimated annual staff of 113. The EU budget contribution is to come from the allocations in the Multi-annual Financial Framework (MFF) 2021-27 under the Internal Security Fund.

Your Rapporteur introduces a set of amendments in chapter IV of the proposal on the EU Centre:

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<sup>1</sup> [One in Five Campaign](#), Council of Europe, 2010-2015.

<sup>2</sup> [Economist Impact survey](#) of more than 5,000 18-20 year olds in 54 countries, published in the [Global Threat Assessment, WeProtect Global Alliance, 2021](#).

<sup>3</sup> 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.

<sup>4</sup> [https://www.europarl.europa.eu/doceo/document/TA-8-2019-0134\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2019-0134_EN.html)

<sup>5</sup> <https://data.consilium.europa.eu/doc/document/ST-11450-2012-INIT/en/pdf>

<sup>6</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0715>

a) to oppose the Commission's intention of financing the additional resources for the agency in heading 5 through a compensatory reduction of the Internal Security Fund envelope.

b) to emphasise the need for the agency to be resourced in a manner commensurate with its tasks and responsibilities and to have the necessary autonomy over contract agent recruitment, learning the lessons from the early staffing challenges of the European Public Prosecutor's Office. This is all the more relevant when looking at the Legislative Financial Statement accompanying the proposal which does not include financial support for infrastructure and operating expenditure such as rental or IT (Title 2), operational expenditure (Title 3) and does not include the impact of the correction coefficient in the Netherlands (110.3 in 2022) on staff expenditure (Title 1).

c) to clarify the costs related to the contact officers which can be covered by the EU Centre.

d) to clarify the content and the adoption procedure of the Single Programming Document, which includes crucial documents for the establishment, implementation and scrutiny of the budget of the EU Centre.

### **Governance, parliamentary scrutiny and evaluation**

Your Rapporteur also introduces a number of amendments to ensure that all the provisions comply fully with the principles in the Common Approach and the Framework Financial Regulation.

This includes reallocating a number of tasks from the Executive Board to the Management Board and de facto removing the Commission's veto right over administrative and budgetary decisions. Autonomy in budgetary and administrative decision-making is key for the Agency's effectiveness.

## **AMENDMENTS**

The Committee on Budgets calls on the Committee on Economic and Monetary Affairs and the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

### **Amendment 1**

#### **Proposal for a regulation**

##### **Recital 4**

*Text proposed by the Commission*

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned.

*Amendment*

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat **online** child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties

In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation.

concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation.

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 36**

##### *Text proposed by the Commission*

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

##### *Amendment*

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question ***in a timely manner***. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities. .

## **Amendment 3**

### **Proposal for a regulation**

#### **Recital 59**

*Text proposed by the Commission*

(59) To support the implementation of this Regulation and contribute to the achievement of its objectives, the EU Centre should serve as a central facilitator, carrying out a range of specific tasks. The performance of those tasks requires strong guarantees of independence, in particular from law enforcement authorities, **as well as** a governance structure ensuring the effective, efficient and coherent performance of its different tasks, **and** legal personality to be able to interact effectively with all relevant stakeholders. Therefore, it should be established as a decentralised Union agency.

*Amendment*

(59) To support the implementation of this Regulation and contribute to the achievement of its objectives, the EU Centre should serve as a central facilitator, carrying out a range of specific tasks. The performance of those tasks requires strong guarantees of independence, in particular from law enforcement authorities, a governance structure ensuring the effective, efficient and coherent performance of its different tasks, legal personality to be able to interact effectively with all relevant stakeholders **and an autonomous budget**. Therefore, it should be established as a decentralised Union agency **and provided with the necessary human and financial resources to fulfil the objectives, tasks and responsibilities assigned to it under this Regulation, including expenditure related to the making available of technologies and the costs related to the analysis of data samples undertaken for micro, small and medium enterprises. It should be mainly financed by a contribution from the general budget of the Union, with the necessary appropriations drawn exclusively from unallocated margins under the relevant heading of the Multiannual Financial Framework and/or through the mobilisation of the relevant special instruments. In order to ensure that the Agency can respond flexibly to human resource needs, it is in particular appropriate that it has autonomy regarding the recruitment of contract agents.**

## Amendment 4

### Proposal for a regulation Recital 59 a (new)

*Text proposed by the Commission*

*Amendment*

***Taking into consideration the central role of the EU Centre in the implementation of the Regulation and in view of the date of expiry of the interim Regulation on 3 August 2024, the EU Centre activities should start as soon as possible. The Commission should allocate an adequate level of resources for the quick establishment and initial operation of the EU Centre and provide commensurate assistance, including by seconding staff, to help the EU Centre reaching cruising speed in due time and no later than three years after the adoption of this Regulation.***

## Amendment 5

### Proposal for a regulation Recital 66

*Text proposed by the Commission*

*Amendment*

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned to remove or disable access to the item or items in question, given that the provider may not be aware of their presence and may be willing to do so on a voluntary basis.

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned to remove or disable access to the item or items in question, ***as soon as possible***, given that the provider may not be aware of their presence and may be willing to do so on a

voluntary basis.

## Amendment 6

### Proposal for a regulation Recital 70 a (new)

*Text proposed by the Commission*

*Amendment*

***(70a) The Union budget should provide complementary funding to ensure a high level of support and protection for child victims of sexual abuse, including through sufficient resources in dedicated funding programmes, and through the promotion of innovative solutions to improve the quality and accessibility of the needed services. The relevant programmes under the next Multiannual Financial Framework should contain sufficient financial and human resources to ensure sufficient funding for an adequate Union contribution to the proper implementation.***

## Amendment 7

### Proposal for a regulation Article 3 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk assessment.

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk assessment ***and compliant with available budgetary resources. The requests shall not impose either administrative or economic burden for those enterprises.***



## Amendment 8

### Proposal for a regulation

#### Article 3 – paragraph 3 – subparagraph 3

##### *Text proposed by the Commission*

The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules on the determination and charging of those costs and the application of the exemption for micro, small and medium-sized enterprises.

##### *Amendment*

The Commission shall be empowered to adopt delegated acts ***as soon as possible*** in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules on the determination and charging of those costs and the application of the exemption for micro, small and medium-sized enterprises.

## Amendment 9

### Proposal for a regulation

#### Article 21 – paragraph 1

##### *Text proposed by the Commission*

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.

##### *Amendment*

1. Providers of hosting services shall provide reasonable assistance, on request, ***in a timely manner***, 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.

## Amendment 10

### Proposal for a regulation

#### Article 43 – paragraph 1 – point 1 – point a

##### *Text proposed by the Commission*

(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, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

##### *Amendment*

(a) supporting the Commission in the preparation of the guidelines referred to in Article **3(6)**, Article 4(5), Article 6(4) and Article 11, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

## Amendment 11

### Proposal for a regulation Article 52 – paragraph 4

*Text proposed by the Commission*

4. *Where contact officers are seconded to the EU Centre, the EU Centre shall cover the costs of providing them with the necessary premises within the building and adequate support for contact officers to perform their duties. All other costs that arise in connection with the designation of contact officers and the performance of their tasks shall be borne by the Coordinating Authority that designated them.*

*Amendment*

4. Costs that arise in connection with the designation of contact officers and the performance of their tasks shall be borne by the Coordinating Authority that designated them. *Where contact officers are seconded to the EU Centre, the EU Centre shall cover the costs of office space in the building and adequate equipment for them to perform their duties.*

## Amendment 12

### Proposal for a regulation Article 53 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*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.*

*Amendment*

*deleted*

## Amendment 13

### Proposal for a regulation Article 53 – paragraph 3 – subparagraph -1 (new)

*Text proposed by the Commission*

*Amendment*

*Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing support functions with Europol, including*

*financial and human resources  
management and information technology  
(IT) services.*

#### **Amendment 14**

##### **Proposal for a regulation**

##### **Article 56 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Management Board shall also include one independent expert observer designated by the European Parliament, *without* the right to vote.

*Amendment*

The Management Board shall also include one independent expert observer designated by the European Parliament, *with* the right to vote.

#### **Amendment 15**

##### **Proposal for a regulation**

##### **Article 57 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) adopt the draft Single Programming Document referred to in Article 66a before its submission to the Commission for its opinion;*

#### **Amendment 16**

##### **Proposal for a regulation**

##### **Article 57 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

*(ab) adopt, having requested the opinion of the Commission, the Agency's Single Programming Document by a majority of two-thirds of the members entitled to vote in accordance with Article 56;*

## **Amendment 17**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a c (new)**

*Text proposed by the Commission*

*Amendment*

***(ac) adopt, by a majority of two-thirds of the members entitled to vote, the annual budget of the EU Centre and exercise other functions in respect of the EU Centre's budget;***

## **Amendment 18**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a d (new)**

*Text proposed by the Commission*

*Amendment*

***(ad) assess and adopt, by a majority of two-thirds of the members entitled to vote, a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public;***

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a e (new)**

*Text proposed by the Commission*

*Amendment*

***(ae) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy with other Union decentralised agencies and bodies, a strategy for cooperation with third countries and/or international organisations, and a strategy for the***

*organisational management and internal control systems;*

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a f (new)**

*Text proposed by the Commission*

*Amendment*

*(af) exercise, with respect to the staff of the EU Centre, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment<sup>1a</sup> ("the appointing authority powers");*

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*<sup>1a</sup> Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).*

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a g (new)**

*Text proposed by the Commission*

*Amendment*

*(ag) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the Staff Regulations;*

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a h (new)**

*Text proposed by the Commission*

*Amendment*

***(ah) appoint the Executive Director and remove him/her from office, in accordance with Article 65;***

## **Amendment 23**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a i (new)**

*Text proposed by the Commission*

*Amendment*

***(ai) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties;***

## **Amendment 24**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a j (new)**

*Text proposed by the Commission*

*Amendment*

***(aj) adopt the financial rules applicable to the EU Centre;***

## **Amendment 25**

### **Proposal for a regulation**

#### **Article 57 – paragraph 1 – point a k (new)**

*Text proposed by the Commission*

*Amendment*

***(ak) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their***

*modification;*

#### **Amendment 26**

##### **Proposal for a regulation**

##### **Article 57 – paragraph 1 – point a l (new)**

*Text proposed by the Commission*

*Amendment*

**(al) appoint a Data Protection Officer;**

#### **Amendment 27**

##### **Proposal for a regulation**

##### **Article 57 – paragraph 1 – point a m (new)**

*Text proposed by the Commission*

*Amendment*

**(am) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51, after consulting the European Data Protection Supervisor;**

#### **Amendment 28**

##### **Proposal for a regulation**

##### **Article 57 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. With respect to the powers referred to in paragraph 1, points (g) and (h), of this Article, the Management Board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment, delegating relevant appointing authority powers to the Executive Director. The Executive Director shall be authorised to sub-delegate those powers.**

## Amendment 29

### Proposal for a regulation

#### Article 57 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

**1b. In exceptional circumstances, the Management Board may decide to temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.**

## Amendment 30

### Proposal for a regulation

#### Article 60 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Each member shall have one vote. In the absence of a member, his/her alternate shall be entitled to exercise his/her right to vote.

2. Each member shall have one vote. In the absence of a member, his/her alternate shall be entitled to exercise his/her right to vote. **The Chairperson and Deputy Chairperson shall take part in the voting.**

## Amendment 31

### Proposal for a regulation

#### Article 61 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members **with the right to vote and two representatives** of the Commission to the Management Board. The Chairperson of the Management Board shall also be the

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members **and one representative** of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the



Chairperson of the Executive Board.

Executive Board.

## Amendment 32

### Proposal for a regulation

#### Article 61 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

The Executive Director shall participate in meetings of the Executive Board without the right to vote.

##### *Amendment*

The Executive Director shall participate in meetings of the Executive Board without the right to vote. ***The Executive Board may invite other observers to attend its meetings.***

## Amendment 33

### Proposal for a regulation

#### Article 61 – paragraph 2

##### *Text proposed by the Commission*

2. The term of office of members of the Executive Board shall be four years. ***In the course of the 12 months preceding the end of the four-year term of office of the Chairperson and five members of the Executive Board, the Management Board or a smaller committee selected among Management Board members including a Commission representative shall carry out an assessment of performance of the Executive Board. The assessment shall take into account an evaluation of the Executive Board members' performance and the EU Centre's future tasks and challenges. Based on the assessment, the Management Board may extend their term of office once.***

##### *Amendment*

2. The term of office of members of the Executive Board shall be four years.

## Amendment 34

### Proposal for a regulation

#### Article 62 – paragraph 1

*Text proposed by the Commission*

1. The Executive Board shall ***be responsible for the overall planning and the execution of the tasks conferred on the EU Centre pursuant to Article 43. The Executive Board shall adopt all the decisions of the EU Centre with the exception of the decisions that shall be taken by the Management Board in accordance with Article 57.***

*Amendment*

1. The Executive Board shall:

#### **Amendment 35**

**Proposal for a regulation  
Article 62 – paragraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***(a) decide on the matters provided for in the financial rules adopted pursuant to Article 68 that are not reserved to the Management Board by this Regulation;***

#### **Amendment 36**

**Proposal for a regulation  
Article 62 – paragraph 1 – point b (new)**

*Text proposed by the Commission*

*Amendment*

***(b) ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of OLAF and of EPPO;***

#### **Amendment 37**

**Proposal for a regulation  
Article 62 – paragraph 1 – point c (new)**

*Text proposed by the Commission*

*Amendment*

**(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 64, monitor and supervise the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management;**

#### **Amendment 38**

**Proposal for a regulation**

**Article 62 – paragraph 1 – point d (new)**

*Text proposed by the Commission*

*Amendment*

**(d) adopt rules for the prevention and management of conflicts of interest in respect of its members;**

#### **Amendment 39**

**Proposal for a regulation**

**Article 62 – paragraph 1 – point e (new)**

*Text proposed by the Commission*

*Amendment*

**(e) adopt its rules of procedure.**

#### **Amendment 40**

**Proposal for a regulation**

**Article 62 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**[...]**

**deleted**

#### **Amendment 41**

**Proposal for a regulation**

**Article 62 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3.** *With respect to the powers mentioned in paragraph 2 point (g) and (h), the Executive Board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment, delegating relevant appointing authority powers to the Executive Director. The Executive Director shall be authorised to sub-delegate those powers.* **deleted**

#### **Amendment 42**

##### **Proposal for a regulation Article 62 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4.** *In exceptional circumstances, the Executive Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.* **deleted**

#### **Amendment 43**

##### **Proposal for a regulation Article 63 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*The representatives of the Commission shall have a right to vote whenever matters pertaining to Article 62(2), points (a) to (l) and (p) are discussed and decided upon. For the purposes of taking the decisions referred to in Article 62(2), points (f) and (g), the representatives of* **deleted**

*the Commission shall have one vote each. The decisions referred to in Article 62(2), points (b) to (e), (h) to (l) and (p), may only be taken if the representatives of the Commission casts a positive vote. For the purposes of taking the decisions referred to in Article 62(2), point (a), the consent of the representatives of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working programme of the EU Centre.*

#### **Amendment 44**

##### **Proposal for a regulation**

##### **Article 64 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a.** *Without prejudice to the powers of the Commission, of the Management Board and of the Executive Board, the Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.*

#### **Amendment 45**

##### **Proposal for a regulation**

##### **Article 64 – paragraph 4 – point d**

*Text proposed by the Commission*

*Amendment*

(d) preparing the Single Programming Document and submitting it to the **Executive** Board after consulting the Commission;

(d) preparing the Single Programming Document and submitting it to the **Management** Board after consulting the Commission;

#### **Amendment 46**

##### **Proposal for a regulation**

##### **Article 64 – paragraph 4 – point e**

*Text proposed by the Commission*

(e) implementing the Single Programming Document and reporting to the **Executive** Board on its implementation;

*Amendment*

(e) implementing the Single Programming Document and reporting to the **Management** Board on its implementation;

**Amendment 47**

**Proposal for a regulation**

**Article 64 – paragraph 4 – point f**

*Text proposed by the Commission*

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre's activities and presenting it to the **Executive** Board for assessment and adoption;

*Amendment*

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre's activities and presenting it to the **Management** Board for assessment and adoption;

**Amendment 48**

**Proposal for a regulation**

**Article 64 – paragraph 4 – point i**

*Text proposed by the Commission*

(i) preparing an anti-fraud strategy, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations and a strategy for the organisational management and internal control systems for the EU Centre and presenting them to the **Executive** Board for approval;

*Amendment*

(i) preparing an anti-fraud strategy, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations and a strategy for the organisational management and internal control systems for the EU Centre and presenting them to the **Management** Board for approval;

**Amendment 49**

**Proposal for a regulation**

**Article 64 – paragraph 4 – point m**

*Text proposed by the Commission*

(m) implementing the annual work programme of the EU Centre under the

*Amendment*

(m) implementing the annual work programme of the EU Centre under the

control of the *Executive* Board;

control of the *Management* Board;

## Amendment 50

### Proposal for a regulation

#### Article 64 – paragraph 4 – point p a (new)

*Text proposed by the Commission*

*Amendment*

**(pa) signing the memoranda of understanding referred to in Article 53(3) and Article 54(2) after having informed the Management Board.**

## Amendment 51

### Proposal for a regulation

#### Article 64 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. Where exceptional circumstances so require, the Executive Director may decide to locate one or more staff in another Member State for the purpose of carrying out the EU Centre's tasks in an a more efficient, effective and coherent manner. Before deciding to establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State concerned. The decision shall be based on an appropriate cost-benefit analysis that demonstrates in particular the added value of such decision and specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the EU Centre. A headquarters agreement with the Member State(s) concerned may be concluded.

5. Where exceptional circumstances so require, the Executive Director may decide to locate one or more staff in another Member State for the purpose of carrying out the EU Centre's tasks in an a more efficient, effective and coherent manner **according to principles of good governance**. Before deciding to establish a local office, the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State concerned. The decision shall be based on an appropriate cost-benefit analysis that demonstrates in particular the added value of such decision and specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the EU Centre. A headquarters agreement with the Member State(s) concerned may be concluded.

## Amendment 52

**Proposal for a regulation**  
**Article 65 – paragraph 2**

*Text proposed by the Commission*

2. The Executive Director shall be appointed by the **Executive** Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

*Amendment*

2. The Executive Director shall be appointed by the **Management** Board, from a list of candidates proposed by the Commission **and having obtained the consent of the European Parliament**, following an open and transparent selection procedure. **The Commission shall ensure gender balance when drawing up the list of candidates.**

**Amendment 53**

**Proposal for a regulation**  
**Article 65 – paragraph 3**

*Text proposed by the Commission*

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Executive** Board.

*Amendment*

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Management** Board.

**Amendment 54**

**Proposal for a regulation**  
**Article 65 – paragraph 5**

*Text proposed by the Commission*

5. The **Executive** Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.

*Amendment*

5. The **Management** Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once, for no more than five years.

**Amendment 55**

**Proposal for a regulation**  
**Article 65 – paragraph 7**



*Text proposed by the Commission*

7. The Executive Director may be dismissed only upon a decision of the **Executive** Board acting on a proposal from the Commission.

*Amendment*

7. The Executive Director may be dismissed only upon a decision of the **Management** Board acting on a proposal from the Commission.

**Amendment 56**

**Proposal for a regulation  
Article 66 – paragraph 2**

*Text proposed by the Commission*

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.

*Amendment*

2. Procedures concerning the appointment of the members of the Technology Committee and its operation shall be **further** specified in the rules of procedure of the Management Board and shall be made public. ***Before appointing members of the Technology Committee, the Management Board shall first consult the European Parliament.***

**Amendment 57**

**Proposal for a regulation  
Article 66 – paragraph 4**

*Text proposed by the Commission*

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.

*Amendment*

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 ***appointment of 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.

**Amendment 58**

**Proposal for a regulation**  
**Article 66 – paragraph 6 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) provide an annual activity report to the Executive Director as part of the Consolidated Annual Activity Report;**

**Amendment 59**

**Proposal for a regulation**  
**Article 66 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 66a**

**Single Programming Document**

**1. By 30 November of each year, the Management Board shall adopt a draft single programming document containing multi-annual and annual programming as well as all the documents listed in Article 32 of Commission Delegated Regulation (EU) 2019/715, based on a draft put forward by the Executive Director, after consulting the Technology Committee, taking into account the opinion of the Commission, and in relation to multiannual programming after consulting the European Parliament. If the Management Board decides not to take into account elements of the opinion of the Commission or of the Technology Committee, it shall provide a thorough justification therefor. The obligation to provide a thorough justification shall also apply to the elements raised by the European Parliament when it is consulted. The Management Board shall forward the Single Programming Document to the European Parliament, the Council and the Commission by 31 January of the following year. The Single Programming Document shall become definitive after final adoption of the general budget and if**

*necessary shall be adjusted accordingly.*

**2.        *The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 4 of this Article. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual or multi-annual programming shall include the information about the Agency's planned research, surveys and studies referred to in Article 50(3).***

**3.        *The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.***

**4.        *The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 85.***

**5.        *The multi-annual and annual work programmes shall be prepared in compliance with Article 32 of Delegated***

*Article 66 a (new) is inserted in Section 6.*

**Amendment 60**

**Proposal for a regulation  
Article 66 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 66b**

**Budget**

- 1. Estimates of all revenue and expenditure for the EU Centre shall be prepared each financial year, which shall correspond to the calendar year, and shall be shown in the EU Centre's budget, which shall be balanced in terms of revenue and of expenditure.**
- 2. Without prejudice to other resources, the EU Centre's revenue shall comprise a contribution from the Union entered in the general budget of the Union.**
- 3. The EU Centre may benefit from Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 68 and with the provisions of the relevant instruments supporting the policies of the Union.**
- 4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs while following the appropriate EU budgetary rules.**
- 5. Budgetary commitments for actions relating to large-scale projects extending over more than one financial year may be broken down into several annual instalments.**

*Article 66 b (new) is inserted in Section 6.*

## Amendment 61

### Proposal for a regulation Chapter IV – Section 6 – title

*Text proposed by the Commission*

*Amendment*

***Establishment and Structure of the  
Budget***

***Financial provisions***

## Amendment 62

### Proposal for a regulation Chapter IV – Section 6 – subsection 1 – title

*Text proposed by the Commission*

*Amendment*

***Subsection 1***

***deleted***

***Single Programming Document***

## Amendment 63

### Proposal for a regulation Article 67 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Each year the Executive Director shall draw up a draft statement of estimates of the EU Centre's revenue and expenditure for the following financial year, including an establishment plan, and shall send it to the ***Executive*** Board.

1. Each year the Executive Director shall draw up a draft statement of estimates of the EU Centre's revenue and expenditure for the following financial year, including an establishment plan, and shall send it to the ***Management*** Board.

## Amendment 64

### Proposal for a regulation Article 67 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The ***Executive*** Board shall, on the basis of the draft statement of estimates, adopt a provisional draft estimate of the

2. The ***Management*** Board shall, on the basis of the draft statement of estimates, adopt a provisional draft

EU Centre's revenue and expenditure for the following financial year and shall send it to the Commission by 31 January each year.

estimate of the EU Centre's revenue and expenditure for the following financial year and shall send it to the Commission by 31 January each year.

## Amendment 65

### Proposal for a regulation Article 67 – paragraph 3

#### *Text proposed by the Commission*

3. The **Executive** Board shall send the final draft estimate of the EU Centre's revenue and expenditure, which shall include a draft establishment plan, to the European Parliament, the Council and the Commission by 31 March each year.

#### *Amendment*

3. The **Management** Board shall send the final draft estimate of the EU Centre's revenue and expenditure, which shall include a draft establishment plan, to the European Parliament, the Council and the Commission by 31 March each year.

## Amendment 66

### Proposal for a regulation Article 67 – paragraph 8

#### *Text proposed by the Commission*

8. The EU Centre's budget shall be adopted by the **Executive** Board. It shall become final following the final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.

#### *Amendment*

8. The EU Centre's budget shall be adopted by the **Management** Board **by a majority of two-thirds of members entitled to vote**. It shall become final following the final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.

## Amendment 67

### Proposal for a regulation Article 68 – paragraph 1

#### *Text proposed by the Commission*

The financial rules applicable to the EU Centre shall be adopted by the **Executive** Board after consultation with the Commission. They shall not depart from Delegated Regulation (EU) 2019/715<sup>52</sup>

#### *Amendment*

The financial rules applicable to the EU Centre shall be adopted by the **Management** Board after consultation with the Commission. They shall not depart from Delegated Regulation (EU)

unless such a departure is specifically required for the operation of the EU Centre and the Commission has given its prior consent.

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<sup>52</sup> OJ L 122, 10.5.2019, p. 1.

2019/715<sup>52</sup> unless such a departure is specifically required for the operation of the EU Centre and the Commission has given its prior consent.

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<sup>52</sup> OJ L 122, 10.5.2019, p. 1.

## **Amendment 68**

### **Proposal for a regulation Chapter IV – Section 6 – subsection 2 – title**

*Text proposed by the Commission*

*Amendment*

#### ***Subsection 2***

***deleted***

***Presentation, implementation and control  
of the budget***

## **Amendment 69**

### **Proposal for a regulation Article 69**

*Text proposed by the Commission*

*Amendment*

#### ***Article 69***

***deleted***

#### ***Budget***

***1. Estimates of all revenue and expenditure for the EU Centre shall be prepared each financial year, which shall correspond to the calendar year, and shall be shown in the EU Centre's budget, which shall be balanced in terms of revenue and of expenditure.***

***2. Without prejudice to other resources, the EU Centre's revenue shall comprise a contribution from the Union entered in the general budget of the Union.***

***3. The EU Centre may benefit from Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 68 and with the***

*provisions of the relevant instruments supporting the policies of the Union.*

*4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs.*

*5. Budgetary commitments for actions relating to large-scale projects extending over more than one financial year may be broken down into several annual instalments.*



## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Laying down rules to prevent and combat child sexual abuse						
<b>References</b>	COM(2022)0209 – C9-0174/2022 – 2022/0155(COD)						
<b>Committee responsible</b> Date announced in plenary	LIBE 12.9.2022						
<b>Opinion by</b> Date announced in plenary	BUDG 12.9.2022						
<b>Rapporteur for the opinion</b> Date appointed	Niclas Herbst 21.6.2022						
<b>Discussed in committee</b>	2.3.2023						
<b>Date adopted</b>	8.6.2023						
<b>Result of final vote</b>	<table> <tr> <td>+: </td><td>28</td></tr> <tr> <td>–: </td><td>0</td></tr> <tr> <td>0: </td><td>1</td></tr> </table>	+:	28	–:	0	0:	1
+:	28						
–:	0						
0:	1						
<b>Members present for the final vote</b>	Olivier Chastel, Katalin Cseh, Andor Deli, Pascal Durand, José Manuel Fernandes, Vlad Gheorghe, Valérie Hayer, Eero Heinäluoma, Niclas Herbst, Adam Jarubas, Moritz Körner, Zbigniew Kuźmiuk, Camilla Laureti, Janusz Lewandowski, Siegfried Mureșan, Dimitrios Papadimoulis, Bogdan Rzońca, Eleni Stavrou, Nicolae Ștefănuță, Nils Ušakovs, Rainer Wieland						
<b>Substitutes present for the final vote</b>	Jonás Fernández, Jens Geier, Fabienne Keller, Petri Sarvamaa						
<b>Substitutes under Rule 209(7) present for the final vote</b>	Asim Ademov, Markus Ferber, Inma Rodríguez-Piñero, Massimiliano Smeriglio						

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

28	+
ECR	Zbigniew Kuźmiuk, Bogdan Rzońca
NI	Andor Deli
PPE	Asim Ademov, Markus Ferber, José Manuel Fernandes, Niclas Herbst, Adam Jarubas, Janusz Lewandowski, Siegfried Mureşan, Petri Sarvamaa, Eleni Stavrou, Rainer Wieland
Renew	Olivier Chastel, Katalin Cseh, Vlad Gheorghe, Valérie Hayer, Fabienne Keller
S&D	Pascal Durand, Jonás Fernández, Jens Geier, Eero Heinäluoma, Camilla Laureti, Inma Rodríguez-Piñero, Massimiliano Smeriglio, Nils Ušakovs
The Left	Dimitrios Papadimoulis
Verts/ALE	Nicolae Ştefănuţă

0	-

1	0
Renew	Moritz Körner

Key to symbols:

+ : in favour

- : against

0 : abstention