

COMPROMISE 8 – Article 21 Removal and prevention - AGREED

Proposal for a directive Article 21

Text proposed by the Commission

Article 21

Blocking access to websites containing child pornography

1. Member States shall take the necessary measures to obtain the **blocking of access by Internet users in their territory to** Internet pages containing or disseminating child pornography. The blocking of access shall be subject to adequate safeguards, in particular to ensure that the blocking is limited to what is necessary, that users are informed of the reason for the blocking and that content providers, as far as possible, are informed of the possibility of challenging it.

2. **Without prejudice to the above, Member States shall take the necessary measures to obtain the removal of internet pages containing or disseminating child pornography.**

Amendment

Article 21

Measures addressing websites containing **or disseminating** child pornography **or child abuse material**

1. Member States shall take the necessary **legislative** measures to obtain the **removal at source of** Internet pages containing or disseminating child pornography **or child abuse material. Internet pages containing such material shall be removed, especially when originating from an EU Member State. In addition, the EU shall cooperate with third countries in securing the prompt removal of such content from servers in their territory.**

2. **When removal at source of Internet pages containing or disseminating child pornography or child abuse material is impossible to achieve, Member States may take the necessary measures in accordance with national legislation to prevent access to such content in their territory. These measures must be set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate, and that users are informed of the reason for the restriction. Content providers and users shall be informed of the possibility to whom to appeal under a judicial redress procedure.**

2a. **Any measure under paragraphs 1 and 2 shall respect fundamental rights and freedoms of natural persons, as**

guaranteed by the European Convention of the Protection of Human Rights and Fundamental Freedoms, the EU Charter of Fundamental Rights and general principles of Union law. Those measures shall provide for prior authorisation and the right to an effective and timely judicial redress.

2b. The European Commission shall submit to the European Parliament an annual report on the activities undertaken by Member States to remove child sexual abuse material from Internet pages.