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DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

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**NOTE FOR THE ATTENTION OF THE MEMBERS OF THE
COMMITTEE FOR THE HOME AFFAIRS FUNDS**

Subject: Launch of the call for expression of interest for the ‘Specific Action Support to prevent and combat child sexual abuse - CSA’ under the Internal Security Fund (ISF) – Reference ISF/2022/SA/1.4.1

1. INTRODUCTION

Regulation (EU) No 2021/1149 of the European Parliament and of the Council of 7 July 2021 establishing the Internal Security Fund¹ provides that Member States may receive funding for specific actions in addition to their initial allocation in their respective programmes.

Specific actions aim to fund transnational or national projects that bring high Union added value in accordance with the objectives of the Fund and in line with agreed Union priorities, in particular in order to contribute to preventing and combating child sexual abuse in the EU.

They will be implemented as one of the components of the Thematic Facility in line with Articles 8 and 15 of the above mentioned Regulation.

On 26 November 2021, the Commission adopted the financing decision and the work programme for 2021-2022 Internal Security Fund (ISF) Thematic Facility².

By the present note, the Commission launches a call for expression of interest for the ‘Specific Action Support to prevent and combat child sexual abuse - CSA’, in line with the actions listed in the above mentioned Commission’s financing decision and work programme.

2. GENERAL PRINCIPLES

The actions will be implemented by one or more Member States participating in the Fund via funding received in addition to the allocation under the Member States’ programmes.

¹ [Regulation \(EU\) 2021/1149](#)

² Commission Implementing Decision C(2021) 8460 final of 26/11/2021

Funding for specific actions is added to the Member States' programme allocations at programme adoption or by means of a programme amendment. That additional funding is earmarked for the specific action concerned and shall not be used for other actions in the Member State's programme, except in duly justified circumstances and as approved by the Commission through the amendment of the Member State's programme. This means that, as a rule, in case of under-spending or non-implementation of this specific action, Member States will not be able to use the corresponding amount to support any other action of their programme. In such cases, any unused amount would be reimbursed to the Union budget and/or decommitted, except under the circumstances referred to above.

Whereas the regular EU co-financing rate under the Member States' programmes will not exceed 75% of total eligible expenditure, projects implemented under specific actions may benefit from an increased co-financing rate of 90% of total eligible expenditure.

The specific action must be implemented by the Member States in accordance with the ISF Regulation and the Common Provisions Regulation (EU) No 2021/1060 (CPR)³.

Your attention is in particular drawn to one provision of the CPR. As regards the value added tax ("VAT") eligibility regime, Article 64(1)(c) CPR provides that VAT is not eligible, except:

- (i) "for operations the total cost of which is below EUR 5 000 000 (including VAT);
- (ii) for operations the total cost of which is at least EUR 5 000 000 (including VAT) where it is non-recoverable under national VAT legislation".

3. CALL FOR EXPRESSION OF INTEREST

3.1. Indicative budget available

The 2021-2022 ISF Thematic Facility work programme indicates that for all specific actions under this Fund EUR 22 million are available.

The indicative amount envisaged for this call is **EUR 2 million**.

Requested amounts (i.e. EU contribution to a Member State's ISF programme for this specific action) **must not be lower than EUR 300 000 per application**. The requested amount should ideally range between EUR 300 000 and EUR 1 000 000 per application.

In order to optimise the use of ISF funding, the requested amount per application can be higher than the 'ideal range' if duly justified, yet should ideally not exceed EUR 1 200 000.

Should a great number of applications be received and be successful, the final amount to be allocated to a Member State's programme may be lowered.

³ [Regulation \(EU\) No 2021/1060](#) of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.

3.2. Background for the specific action

In the EU strategy for a more effective fight against child sexual abuse⁴, the Commission committed to propose the necessary legislation to tackle child sexual abuse effectively, online and offline⁵. In particular, the new legislation will clarify the obligations to detect, report and remove child sexual abuse by service providers, and set out a mechanism for handling the reports of CSA submitted by service providers under these obligations.

Reports of child sexual abuse online are both evidence of a crime, as the possession and dissemination of child sexual abuse materials and grooming of children into abuse are in themselves criminal offences, and at the same time often also a lead for uncovering further offences, including at times ongoing child sexual abuse.

The voluntary detection of child sexual abuse material (CSAM) and grooming in certain online communication services such as instant messenger and email lacked a Union-wide legal basis as of 21 December 2020, when changes in the definitions of the European Electronic Communications Code became effective and those services consequently fell under the ePrivacy Directive and its obligations in relation to confidentiality of communications. To address this issue, the Commission proposed a **temporary** derogation from the application of certain rights and obligations under the ePrivacy Directive, for the sole purpose of detecting and reporting CSA and removing CSAM. The **Interim Regulation**⁶, which entered into force on 2 August 2021, enables those services to continue such practices on a voluntary basis, provided those practices are lawful and, in particular, meet a range of conditions. The Regulation ceases to apply **3 years after its entry into force**.

In the 2020 Strategy, the Commission also committed to introduce a long-term legislation aimed at better identifying, protecting and supporting victims of child sexual abuse, ensuring effective prevention, and facilitating investigations. The legislation should tackle problems which are not sufficiently addressed in the current framework, notably:

- Shortcomings of voluntary action to detect online child sexual abuse,
- Inefficiencies in public-private cooperation between online service providers, civil society organisations and public authorities,
- Limitations and lack of coordination of current efforts to prevent child sexual abuse and to assist victims.

The proposal for a Regulation No COM(2022) 209⁷ should replace the Interim Regulation, and use it as a reference to present a long-term framework that maintains some of its elements and covers a wider range of services, including private communications. In particular, the new Regulation would:

1. set out obligations to detect, report and remove child sexual abuse online to bring more clarity and certainty to the work of both law enforcement and relevant actors in the private sector to tackle online abuse; and

⁴ [EU strategy for a more effective fight against child sexual abuse](#), COM(2020) 607, 24 July 2020

⁵ *Ibid*, p. 6.

⁶ [Regulation \(EU\) No 2021/1232](#) of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive No 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse.

⁷ [Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse](#), COM(2022) 209

2. establish an EU Centre to prevent and counter child sexual abuse to provide comprehensive support to Member States in the fight against child sexual abuse, online and offline⁸, to ensure efficient use of resources and avoid duplication.

According to the proposal, one of the roles of the EU Centre would be to support the detection process by working with law enforcement and companies. It would provide online services clear information on what is CSA in the EU through access to a **database of CSA indicators** (e.g. hashes, AI patterns/classifiers) to detect CSA in their services. The Centre would help create and maintain this database of indicators that would reliably enable the detection of what is defined as CSA **according to EU rules** (notably the CSA Directive), as determined by courts or other independent public authorities. The central database would build on existing databases at Europol and at national level. The material would come from multiple sources including previous reports from service providers, concluded investigations by law enforcement, hotlines or direct reports from the public. New material from reports (from service providers, hotlines and/or the public) and completed investigations by law enforcement would, where justified, be added to these databases, to ensure that they remain updated and as relevant as possible. The Centre would become the recipient of the reports of CSA concerning the EU that providers detect in their online services, and it would serve as an intermediary between service providers and other public authorities (notably law enforcement authorities). In this context the Centre would review the reports to ensure that those other public authorities do not need to spend time filtering out reports that are not actionable and can make the most effective use of their resources. It would also facilitate communication between those other public authorities and service providers in case of requests for additional information from public authorities or requests for feedback from service providers (if needed).

Public authorities should be the main suppliers of the material for the database of CSA indicators. For the Centre to become operational in the shortest time possible, a number of preparatory actions on the side of the Member States is needed before the central database is set up.

Independently of the legislative proposal, there is room for improvement in the way CSA material and indicators are being collected, stored, and shared by relevant parties within Member States. Progress in this area can help law enforcement authorities handle incoming reports of child sexual abuse, conduct proactive searches, and cooperate with INHOPE hotlines and internet companies on removing such material.

3.3. Scope and purpose of the specific action

This call targets single or a group of EU Member States participating in the ISF.

The overall purpose of this specific action is to improve cooperation on the fight against child sexual abuse in the EU.

The specific objective is to enable Member States' national authorities to launch preparatory activities in anticipation of the cooperation envisaged in the proposal between these authorities and the EU Centre, in particular on the databases of indicators on the basis of which the service providers would be required to detect CSA online.

Proposals under this call **have to address** practical aspects of the future cooperation between national authorities, service providers and the EU Centre, in the detection, reporting and removal of child sexual abuse online, as described in the legislative proposal. This includes in particular:

⁸ *Ibid*, p. 12.

- Setting up of national databases collecting hashes or other indicators of child sexual abuse online (known CSAM, new CSAM and grooming) or preparatory actions for establishing such databases, including necessary updates of software.
- Research into the conditions necessary for operating such databases, including legal implications, technical specifications, interoperability and data transfers.

The activities should take into account and build on previous research, including the Commission study “Support to increase cooperation among industry, NGOs, and Member States’ authorities for the swift removal of child sexual abuse material online”.⁹

The specific action **should include one or more of** the following activities:

- Development of databases collecting hashes or other indicators of child sexual abuse online at national level.
- Review of indicators available in a given Member State and their legal classification as a specific type of child sexual abuse material under the national and EU law.
- Research into the legal conditions for including material in national/EU database, including information security and data protection frameworks. This may include:
 - o Material confirmed by competent authority such as law enforcement to constitute CSAM under Directive No 2011/93 (‘child pornography’ as defined in that Directive)
 - o Material confirmed by competent authority such as law enforcement to have a provable link to manifestly illegal content under Directive No 2011/93 (‘child pornography’ as defined in that Directive), for example as part of a series of images where not all images are illegal viewed individually, but they all relate to the same criminal case.
- Research into compatibility/interoperability between existing national databases and the envisaged database maintained by the EU Centre, including to avoid duplicate reporting and ensure ease of cooperation.
- Identification of the infrastructure and resources needed, architecture and technology to be applied for the cooperation between national authorities and the EU Centre, including costing information on design, development and deployment.
- Recommendation, based on analysis, as to best working methods to allow smooth cooperation between national authorities and the EU centre, and where relevant private entities, including the need to set up new structures at national level.
- Actions to prepare relevant national authorities to cooperate with the EU centre with each other, and where relevant with private entities, in areas other than detection, namely prevention of CSA and support to victims.
- Drawing on comparable models from other sectors, the development of a skills and competency framework to identify the necessary skills sets and to inform national and EU-level role profiles.
- Conducting studies and surveys, seminars, workshops and study visits to support the development of relevant technical infrastructure, as well as to identify practices relevant to the cooperation aspects listed above.

⁹ See published summary reports: ‘[Mapping existing CSAM data sets](#)’ and ‘[Recommendations](#)’. Full reports available upon request from the European Commission, Directorate-General for Communications Networks, Content and Technology (CNECT-G3@ec.europa.eu)

- Purchase of hardware (e.g. secure server, storage etc.) and software strictly necessary for setting up/upgrading databases of CSA hashes/indicators and related secure data transfer systems¹⁰ (within the limit of the 35% threshold stipulated in Article 13(7) of the ISF Regulation¹¹).

The specific action **should not include** activities related to:

- Training activities related to day-to-day law enforcement operation in the area of combating CSA.
- Supporting the establishment of Coordinating Authorities for child sexual abuse issues as defined in the proposal for Regulation No COM(2022) 209 of the European Parliament and of the Council on preventing and combatting the sexual abuse and sexual exploitation of children.
- Purchase of equipment (hardware or software)/transport means/buildings and security-related facilities not related to establishing databases of CSA hashes, including hardware and software.

3.4. Expected results following the call

The expected result would be enabling a swift start of cooperation between the national authorities and the future EU Centre, thus shortening the time needed for the Centre to be fully operational and improving the overall cooperation on the fight against CSA in the EU.

In particular, the expected outcomes would be:

- A dataset of indicators of verified child sexual abuse material to be included in the EU database of child sexual abuse indicators;
- The development of structures and mechanisms necessary at national level to cooperate with the EU Centre in all its functions, including facilitating detection, reporting and removal of CSA online, as well as facilitating Member States' efforts on prevention and assistance to victims.

The outputs and results of the projects selected should contribute to the indicators from Annex VIII of the ISF Regulation listed in Annex 3.

¹⁰ Member States are reminded that, for projects that envisage the development, design, set-up and upgrade of IT systems and software, with the support of ISF, detailed knowledge about how the systems work is to be made available to the contracting authority and in particular, that the source codes of software developed are part of the deliverables and ownership thereof is that of the contracting authority. This way, the contracting authorities avoid creating a captive market and restricting future developments, e.g. updates to such systems to be exclusively done by the original contractor. Please see also <https://ec.europa.eu/digital-single-market/en/news/against-lock-building-open-ict-systems-making-better-use-standards-public>.

¹¹ This ceiling may be exceeded only in duly justified cases.

4. PROCEDURE FOR APPLICATION

4.1. Admissibility and assessment aspects

All EU Member States participating in the ISF are eligible.

The specific action proposed should:

- not start before 1 June 2022 and
- be completed by 31 December 2024.

The proposals submitted by the Member States will be assessed by DG HOME.

To be considered admissible a proposal

1. has to be submitted within the deadline (see below) to the ISF specific actions functional mailbox HOME-ISF-SPECIFIC-ACTIONS@ec.europa.eu in the ISF/2022/SA/1.4.1 Application Form attached to this Note, together with its annexes, and readable and complete (all fields necessary for assessment are filled in),
2. has to be submitted by the Managing Authority on behalf of the entity in the Member State that will be responsible for the implementation of the specific action,
3. has to identify a project beneficiary (an entity) that will be responsible for the implementation of the action in the Member State (in the lead for the action),
4. has to include partnership declaration forms of all participating Member States, involved in the project proposal.

Other entities can be involved in the implementation of the action as co-beneficiaries.

DG HOME will assess admissible proposals on the basis of the following award criteria:

A. Relevance (35 points):

1. **Clarity and consistency** of the objectives and scope of the proposal seen against the objectives and expected impact/outcomes as identified in this call for expression of interest. The Member States should demonstrate that extra support and participation in the specific action may effectively contribute to the overall objective of improving the cooperation in the fight against CSA through the cooperation between national authorities and the EU Centre.
2. **Complementarity of the project with the Member State's programme and other EU funding instruments:** The Member State should demonstrate the complementarity of the project with the Member State's programme and/or other EU funding instruments.

B. Quality and content (35 points):

1. **Maturity** of the proposal and **the appropriateness of the design and planned implementation**, taking into account the envisaged implementation methodology (including operational and financial management), the organisation of work and strategy for project management, monitoring and evaluation, as well as the measures undertaken to mitigate the identified risks.
2. **Level of involvement and cooperation of relevant stakeholders within a given Member State and, if needed, from other EU Member States:** law enforcement prosecutors and judges, public and private entities involved in the tackling of the identified issues, etc.

3. **Level of involvement of relevant EU entities** (Institutions, Bodies and Agencies): e.g. Europol, with a commitment to introducing (operational) information into Europol systems and involving the relevant Europol Analysis Projects.
4. The proposal should indicate how the proposed activities will ensure the **protection of personal data, in compliance with the General data Protection Regulation**.¹²

C. Impact of the project (30 points):

1. **The impact or effect** of the proposed specific action in relation to the objective of the call for expression of **interest for the EU (Union added value)**.
2. **The impact on the collaboration with relevant stakeholders at national level, other Member States as well as the future EU Centre.**

4.2. Application procedure

Deadline for the application: Member States are invited to submit their proposals **by 16 September 2022** at the latest, using the ISF/2022/SA/1.4.1 Application Form attached to this Note, together with its annexes.

The proposals should be submitted to the ISF specific actions functional mailbox HOME-ISF-SPECIFIC-ACTIONS@ec.europa.eu. Member States may submit additional documentation if necessary.

Deadline for any clarification requests: Member States can send requests **by 31 August 2022** at the latest to the functional mailbox HOME-AFFAIRS-FUNDS-COMMITTEE@ec.europa.eu.

The Commission may also contact the lead Member State to request further specific information. A reply should be provided by the Member State within 3 working days.

In order to ensure equal and fair treatment of the proposals and allow the Commission to allocate at the same date all the available funding, DG HOME will assess all proposals simultaneously. Therefore, proposals submitted after the deadline will not be admissible.

The Members of the Committee for the Home Affairs Funds will be informed at the latest 10 working days before the deadline for the submission of the proposals in case the deadline for the submission of proposals is extended.

Member States will receive information on the successful proposals towards December 2022, while the respective revisions of the ISF Programme(s) will be carried out immediately after.

Amendment of the ISF programmes and eligibility of expenditure

After information on the outcome of the call for expression of interest is provided by the Commission to the Member States, DG HOME will invite successful Member States to submit a reasoned request for an amendment of their ISF programme, together with amended programme, setting out the expected impact of that amendment on the achievement of the programme's objectives pursuant to Article 24 CPR. They should amend the output and result indicators as well as include the costs linked to this "Specific

¹² [Regulation \(EU\) No 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive No 95/46/EC (General Data Protection Regulation)

Action CSA” breaking down the costs by type of intervention (respectively under tables 2.1 and 2.1.3 of each relevant specific objective of their ISF programme in SFC).

If the Specific Action is included in the programme after its initial approval by the Commission: The Monitoring committee should approve any proposal by the managing authority for the amendment of the programme (Article 40(2)(d) of Regulation (EU) No 2021/1060).

When amending an ISF programme of a Member States, two situations may arise regarding the eligibility of expenditure:

1. For Member States that have included types of interventions (listed in Annex VI table 2 of the ISF regulation) relevant to this “Specific Action CSA” in the tables 2.1.3 of each relevant specific objective in their initially adopted ISF programme, expenditure for the “Specific Action CSA” would be eligible as of 1 June 2022.
2. For Member States that have not included types of interventions (listed in Annex VI table 2 of the ISF regulation) relevant to the “Specific Action CSA” in the tables 2.1.3 of each relevant specific objective in their initially adopted ISF programme, expenditure for the “Specific Action CSA” will be eligible from the date of the submission by the Member State of its request for the amendment of the ISF programme.

Chiara GARIAZZO
Chair of the Committee for the
Home Affairs Funds

Annexes: Annex 1: Budget Form SA CSA

Annex 2: Partnership Declaration Form SA CSA

Annex 3: Indicators SA CSA

Annex 4: Application Form SA CSA